
Part VII

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

Contents

	<i>Page</i>
Introductory note	489
I. Determination of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter	491
Note	491
A. Decisions of the Security Council relating to Article 39	491
B. Discussions relating to Article 39	496
C. References to Article 39 in communications addressed to the Security Council	499
II. Provisional measures to prevent an aggravation of the situation in accordance with Article 40 of the Charter	499
Note	500
III. Measures not involving the use of armed force in accordance with Article 41 of the Charter	500
Note	500
A. Decisions relating to Article 41	501
B. Discussions relating to Article 41	517
IV. Measures to maintain or restore international peace and security in accordance with Article 42 of the Charter	526
Note	527
A. Decisions relating to Article 42	527
B. Discussions relating to Article 42	529
V. Consideration of Articles 43 to 45 of the Charter	532
Note	533
A. Need for Member States to contribute, support and provide assistance, including military air assets, to peacekeeping operations	534
B. Recognition of the need to consult troop- and police-contributing countries	536
VI. Role and composition of the Military Staff Committee in accordance with Articles 46 and 47 of the Charter	537
Note	538
VII. Action required of Member States under Article 48 of the Charter	538
Note	538
A. Decisions in which the Security Council required Member States to carry out action in relation to measures under Article 41 of the Charter	539
B. Decisions in which the Security Council required Member States to carry out action in relation to measures under Article 42 of the Charter	542

VIII.	Mutual assistance pursuant to Article 49 of the Charter	543
	Note	543
	A. Decisions in which the Security Council requested mutual assistance in the implementation of measures under Article 41 of the Charter	544
	B. Decisions in which the Security Council requested mutual assistance in the implementation of measures under Article 42 of the Charter	544
IX.	Special economic problems of the nature described in Article 50 of the Charter.	545
	Note	545
X.	Right of individual or collective self-defence in accordance with Article 51 of the Charter.	550
	Note	550
	A. Discussions relating to Article 51.	550
	B. References to Article 51 and the right of self-defence in communications addressed to the Security Council	559

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. The part is divided into 10 sections, each focusing on selected material to highlight the interpretation and application of the provisions of Chapter VII by the Council in its deliberations and decisions.

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

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

During the period under review, and similar to previous periods, the Council adopted 52 per cent of its resolutions (28 out of 54 resolutions) explicitly under Chapter VII of the Charter. Most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

As discussed in section I, in 2022, while the Council did not determine the existence of any new threats to international peace and security, it reaffirmed that the situations in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Haiti, Lebanon, Libya, Mali, Somalia, South Sudan and the Sudan (including Abyei), Yemen and the former Yugoslavia constituted threats to regional and/or international peace and security.

With respect to specific countries and regions, the Council in its decisions recalled past determinations of threats to international peace and security of significance in those situations. For example, in relation to Afghanistan, the Council expressed concern over the cultivation, production, trade and trafficking of illicit drugs and acknowledged that illicit proceeds of the drug trafficking in Afghanistan were a source of financing for terrorist groups and non-State actors that threatened regional and international security. In connection with the situation in the Syrian Arab Republic, the Council determined that the devastating humanitarian situation in the country continued to constitute a threat to peace and security in the region. With regard to the situation in Somalia, the Council expressed grave concern that Al-Shabaab and its terrorist and other activities continued to pose a serious threat to the peace, security and stability of Somalia and the region.

Under thematic items, in 2022, concerning non-proliferation in the Democratic People's Republic of Korea, the Council determined that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continued to constitute a threat to international peace and security. With regard to the non-proliferation of weapons of mass destruction more broadly, the Council determined that the threat posed by the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, together with the threat posed by the illicit trafficking of such weapons and their means of delivery, and related materials, equipment and technology, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery, added a new dimension to the issue of proliferation of such weapons and also posed a threat to international peace and security. The Council also recalled that Islamic State in Iraq and the Levant (ISIL/Da'esh) constituted a global threat to international peace and security.

As described in section II, in 2022, the Council adopted no decisions calling for compliance with provisional measures that might have been of relevance to the interpretation and application of Article 40 of the Charter, nor were there any discussions of relevance to the interpretation and application of Article 40.

As covered in section III, in the period under review, the Council established a new sanctions regime concerning Haiti and renamed the sanctions regime concerning Somalia to the sanctions regime concerning Al-Shabaab, underscoring the focus of the sanctions measures imposed on Al-Shabaab. In addition, by its resolution 2664 (2022), the Council introduced a standing humanitarian exemption on all asset freezes imposed by it or by its sanctions committees, with the exception of the ISIL/Da'esh and Al-Qaida sanctions regime, for which the exemption would apply for an initial period of two years, and the Taliban sanctions regime, for which the humanitarian exemption established in resolution 2615 (2021) would remain in effect. The Council renewed the existing measures concerning the Central African Republic, Libya, Mali, South Sudan, the Sudan and Yemen, as well as those concerning Al-Shabaab. It also renewed the existing measures concerning the Taliban and associated individuals and entities and ISIL/Da'esh and Al-Qaida and associates. In addition to renewing the existing measures concerning the Democratic Republic of the Congo, the Council expanded the listing criteria to include individuals and entities involved in the production, manufacture or use of improvised explosive devices and lifted the notification requirements for shipments of arms and related materiel for the Democratic Republic of the Congo. No changes were made to the measures concerning Guinea-Bissau. As far as judicial measures were concerned, no action was taken in 2022.

As described in section IV, the Council reiterated authorizations granted prior to 2022 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, South Sudan and the Sudan (including Abyei). In that regard, the Council renewed the authorization to use force to discharge the protection of civilians mandate of the United Nations Interim Security Force for Abyei, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Interim Force in Lebanon, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the African Union Transition Mission in Somalia and the United Nations Mission in South Sudan. In relation to the situation in Libya, the Council reiterated its authorization granted to Member States to use “all measures commensurate to the specific circumstances” when confronting migrant smugglers as well as in carrying out the inspection of vessels in the implementation of the arms embargo. With regard to the situation in Bosnia and Herzegovina, the Council renewed its authorization granted to Member States, under the European Union military operation in Bosnia and Herzegovina (EUFOR-Althea) and the North Atlantic Treaty Organization (NATO) presence, to take “all necessary measures” to effect the implementation of and to ensure compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina and the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic and, at the request of either EUFOR-Althea or NATO, to take “all necessary measures” in their defence.

As described in sections V to VIII, in the context of peacekeeping, the Council called upon Member States to contribute troops and other assets, including aerial force enablers. Member States also called for the Council to deepen its interaction and consultation with troop- and police-contributing countries. In addition, the Council frequently requested compliance with its decisions adopted under Chapter VII of the Charter by States and non-State actors alike, as well as by regional and subregional organizations. As featured in section IX, Council members discussed the impact of counter-terrorism measures and sanctions on the provision of humanitarian assistance. As covered in section X, Article 51 of the Charter and the principle of individual and/or collective self-defence were cited abundantly in communications addressed to the Council, as well as in its discussions concerning the conflict in Ukraine and the situation in the Syrian Arab Republic. In 2022, there was a fourfold increase in the number of references to Article 51 compared with 2021.

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 of the United Nations. 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 and the adoption of some of the resolutions mentioned in subsection A. Subsection C outlines the references to Article 39 found in communications addressed to the Council in 2022.

A. Decisions of the Security Council relating to Article 39

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

Continuing threats

In 2022, the Council continued to monitor the evolution of existing and emerging conflicts and situations and to determine, reaffirm and recognize the existence of continuing threats. The relevant provisions of decisions in which the Council referred to continuing threats to peace and security concerning country- or region-specific and thematic items during the period under review are set out in tables 1 and 2, respectively.

In that regard, the Council determined that, in and of themselves, the situations in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Haiti,¹ Lebanon, Libya, Mali, Somalia, South Sudan and the Sudan, including the Abyei Area and along the border between South Sudan and the Sudan, Yemen and the region of the former Yugoslavia continued to pose threats to international peace and security and/or threats to international peace and security in the respective regions.²

¹ The last time the Council determined that the situation in Haiti continued to pose a threat to international peace and security in the region was in 2011. See *Repertoire, Supplement 2010–2011*, part VII, sect. I.

² Resolutions 2630 (2022), last preambular paragraph, and 2660 (2022), last preambular paragraph (Abyei); 2665 (2022), penultimate preambular paragraph (Afghanistan); 2648 (2022), penultimate preambular paragraph, and 2659 (2022), penultimate preambular paragraph (Central African Republic); 2641 (2022), penultimate preambular paragraph, 2666 (2022), penultimate preambular paragraph, and 2667 (2022), second preambular paragraph (Democratic Republic of the Congo); 2653 (2022), penultimate preambular paragraph (Haiti); 2650 (2022), last preambular paragraph (Lebanon); 2619 (2022), last preambular paragraph, 2629 (2022), last preambular paragraph, 2644 (2022), penultimate preambular paragraph, 2647 (2022), last preambular paragraph, and 2656 (2022), last preambular paragraph (Libya); 2640 (2022), penultimate preambular paragraph, and 2649 (2022), penultimate preambular paragraph (Mali); 2628 (2022), penultimate preambular paragraph, and 2662 (2022), penultimate preambular paragraph (Somalia); 2625 (2022), penultimate preambular paragraph, and 2633 (2022), penultimate preambular paragraph (South Sudan); 2620 (2022), penultimate preambular paragraph (Sudan); 2624 (2022), penultimate preambular paragraph (Yemen); and 2658 (2022), first preambular paragraph (former Yugoslavia).

In relation to Asia, and in particular the situation in Afghanistan, the Council expressed concern over the cultivation, production, trade and trafficking of illicit drugs in Afghanistan, which continued to pose a threat to peace and stability in the region and beyond.³ The Council further acknowledged that illicit proceeds of the drug trafficking in Afghanistan were a source of financing for terrorist groups and non-State actors that threatened regional and international security, and recognized the threats that terrorist groups and non-State actors involved in narcotics trade and the illicit exploitation of natural resources continued to pose to the security and stability of Afghanistan.⁴ In connection with the Middle East, and specifically concerning the situation in the Syrian Arab Republic, the Council determined that the devastating humanitarian situation in the country continued to constitute a threat to peace and security in the region.⁵

In addition, in relation to Africa, and specifically the situation in Somalia, the Council expressed grave concern that Al-Shabaab and its terrorist and other activities continued to pose a serious threat to the peace, security and stability of Somalia and the region.⁶ The Council also condemned in the strongest terms the attacks by Al-Shabaab targeting security forces, and its terrorist attacks against government officials, civilians and civilian infrastructure in Somalia and the wider region, as well as incidents of hostage-taking and kidnapping of civilians, and its recruitment, training and use of foreign terrorist fighters, and noted with concern that those activities constituted a threat to peace and security in Somalia, regional stability, integration and development, and exacerbated humanitarian suffering.⁷

In 2022, 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 the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continued to constitute a threat to international peace and security.⁸

Concerning the item entitled “Non-proliferation of weapons of mass destruction”, the Council reaffirmed that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security, and determined that, in addition to that threat, the threat posed by the illicit trafficking of such weapons and their means of delivery, and related materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery, added a new dimension to the issue of proliferation of such weapons and also posed a threat to international peace and security.⁹

With respect to the item entitled “Threats to international peace and security”, the Council recalled that Islamic State in Iraq and the Levant (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, in particular 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.¹⁰

³ Resolution 2626 (2022), last preambular paragraph.

⁴ Resolution 2665 (2022), fifth preambular paragraph.

⁵ Resolution 2642 (2022), fourth preambular paragraph.

⁶ Resolutions 2628 (2022), eighth preambular paragraph; 2657 (2022), eighth preambular paragraph; and 2662 (2022), sixth preambular paragraph and para. 22.

⁷ Resolution 2628 (2022), para. 18.

⁸ Resolution 2627 (2022), penultimate preambular paragraph.

⁹ Resolution 2663 (2022), second and fourth preambular paragraphs.

¹⁰ Resolution 2651 (2022), third preambular paragraph.

Table 1
Decisions in which the Security Council referred to continuing threats to the peace, by region and country, 2022

<i>Decision and date</i>	<i>Provision</i>
Americas	
The question concerning Haiti	
Resolution 2653 (2022) 21 October	Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
Africa	
The situation in the Central African Republic	
Resolution 2648 (2022) 29 July	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 resolution 2659 (2022) (penultimate preambular paragraph)</i>	
The situation concerning the Democratic Republic of the Congo	
Resolution 2641 (2022) 30 June	Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
<i>See also resolutions 2666 (2022) (penultimate preambular paragraph) and 2667 (2022) (second preambular paragraph)</i>	
The situation in Libya	
Resolution 2619 (2022) 31 January	Recalling its determination in its resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security (last preambular paragraph)
<i>See also resolutions 2629 (2022), 2647 (2022) and 2656 (2022) (last preambular paragraph)</i>	
Resolution 2644 (2022) 13 July	Determining that the situation in Libya continues to constitute a threat to international peace and security (penultimate preambular paragraph)
The situation in Mali	
Resolution 2640 (2022) 29 June	Determining that the situation in Mali continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Resolution 2649 (2022) 30 August	Determining that the situation in Mali continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
Reports of the Secretary-General on the Sudan and South Sudan	
Resolution 2620 (2022) 15 February	Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
Resolution 2625 (2022) 15 March	Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
<i>See also resolution 2633 (2022) (penultimate preambular paragraph)</i>	

<i>Decision and date</i>	<i>Provision</i>
Resolution 2630 (2022) 12 May	Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a threat to international peace and security (last preambular paragraph) <i>See also resolution 2660 (2022) (last preambular paragraph)</i>

The situation in Somalia

Resolution 2628 (2022) 31 March	Expressing grave concern that Al-Shabaab continues to pose a serious threat to the peace, security and stability of Somalia and the region, and noting its increased use of improvised explosive devices and exploitation of the licit financial system (eighth preambular paragraph) Determining that the situation in Somalia continues to constitute a threat to regional and international peace and security (penultimate preambular paragraph) Condemns in the strongest terms the attacks by Al-Shabaab targeting security forces, and its terrorist attacks against government officials, civilians and civilian infrastructure in Somalia and the wider region, as well as incidents of hostage-taking and kidnapping of civilians, and its recruitment, training and use of foreign terrorist fighters, and notes with concern that these activities constitute a threat to peace and security in Somalia, regional stability, integration and development, and exacerbate humanitarian suffering (para. 18)
Resolution 2657 (2022) 31 October	Expressing grave concern that the terrorist group Al-Shabaab continues to pose a serious threat to the peace, security and stability of Somalia and the region, and further expressing concern at the continued presence in Somalia of affiliates linked to ISIL/Da'esh (eighth preambular paragraph) <i>See also resolution 2662 (2022) (sixth preambular paragraph)</i>
Resolution 2662 (2022) 17 November	Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) Reiterates that Al-Shabaab poses a threat to peace and security in Somalia, and that its terrorist and other activities pose a security threat to the region, and underscores the need to degrade Al-Shabaab through targeted sanctions and disrupting its finances, by reducing the threat posed by improvised explosive devices and by improving maritime domain awareness (para. 22)

Asia

The situation in Afghanistan

Resolution 2626 (2022) 17 March	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 (last preambular paragraph)
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Europe

The situation in Bosnia and Herzegovina

Resolution 2658 (2022) 2 November	Determining that the situation in the region of the former Yugoslavia continues to constitute a threat to international peace and security (first preambular paragraph)
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Middle East

The situation in the Middle East

Resolution 2624 (2022) 28 February	Determining that the situation in Yemen continues to constitute a threat to international peace and security (penultimate preambular paragraph)
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Part VII. Actions with respect to threats to the peace, breaches of the peace, and acts of aggression (Chapter VII of the Charter)

<i>Decision and date</i>	<i>Provision</i>
Resolution 2642 (2022) 12 July	Determining that the devastating humanitarian situation in the Syrian Arab Republic continues to constitute a threat to peace and security in the region (fourth preambular paragraph)
Resolution 2650 (2022) 31 August	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 Security Council referred to continuing threats to the peace, by thematic issue, 2022

<i>Decision and date</i>	<i>Provision</i>
Non-proliferation/Democratic People's Republic of Korea	
Resolution 2627 (2022) 25 March	Determining that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continue to constitute a threat to international peace and security (penultimate preambular paragraph)
Non-proliferation of weapons of mass destruction	
Resolution 2663 (2022) 30 November	Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph)
	Gravely concerned by the threat of illicit trafficking in nuclear, chemical or biological weapons and their means of delivery, and related materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery, which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security (fourth preambular paragraph)
Threats to international peace and security	
Resolution 2651 (2022) 15 September	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)
Threats to international peace and security caused by terrorist acts	
Resolution 2665 (2022) 16 December	Reiterating its support for the fight against the illicit production and trafficking of drugs from, and chemical precursors to, Afghanistan, acknowledging that illicit proceeds of the drug trafficking in Afghanistan are a source of financing for terrorist groups and non-State actors that threatens regional and international security, and recognizing the threats that terrorist groups and non-State actors involved in narcotics trade and the illicit exploitation of natural resources continue to pose to the security and stability of Afghanistan (fifth preambular paragraph)
	Determining that the situation in Afghanistan continues to constitute a threat to international peace and security, and reaffirming the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role that the United Nations plays in this effort (penultimate preambular paragraph)

B. Discussions relating to Article 39

During the period under review, four explicit references to Article 39 of the Charter were made during three meetings of the Council. First, at a meeting held on 19 January under the item entitled “The situation in the Middle East, including the Palestinian question”, the co-founder and Israel Director of EcoPeace Middle East called upon the Council to recognize globally that climate change was a threat to peace within the meaning of Article 39.¹¹ Two further explicit references to Article 39 were made at a meeting held on 31 January under the item entitled “Threats to international peace and security”, focused on the conflict in Ukraine, by the representatives of the United States and Mexico, as elaborated upon in case 1 below. Finally, at a meeting held on 21 February under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, the representative of Ukraine, underlining the Council’s mandate pursuant to Article 39 to make recommendations or decide on measures to be taken to maintain or restore international peace and security, called upon Council members to exercise that duty.¹²

In addition, Council members and other participants at Council meetings discussed various new and continuing threats to international peace and security in connection with both thematic and country- and region-specific items, as elaborated upon below.

Thematic items

In 2022, many of the discussions among Council members focused on the conflict in Ukraine and its potential to threaten regional and international peace and security, including during meetings held under the item entitled “Threats to international peace and security” (case 1). Under the same item, the Council also addressed climate change and its potential to pose a threat to international peace and security (case 2). In addition, on 19 May, at a high-level open debate held under the item entitled “Maintenance of international peace and security”,¹³ focused on conflict and food security, Council members and other Member States deliberated on whether food insecurity could pose a threat to regional or international peace and security. In that regard, the Cabinet Secretary for Foreign Affairs of Kenya underscored that the recent rise in food insecurity might lead to heightened threats to international peace and security.¹⁴ The Minister for Foreign Affairs of Luxembourg emphasized that food insecurity, exacerbated by the negative effects of climate change, was a major threat to peace.¹⁵ The Minister for Foreign Affairs of Guatemala pointed out that conflict and food security was an issue that could constitute a threat to international peace and security if it was not addressed in a timely manner. The representatives of Slovenia and Belgium stated that a sharp increase in global food insecurity threatened to destabilize fragile societies and further exacerbate armed conflicts and regional and global instability.

In 2022, the Council also continued to address threats to international peace and security considered by the Council in the past, including those posed by terrorism and the activities of terrorist groups,¹⁶ the misuse of information and communications technology,¹⁷ the proliferation of weapons of

¹¹ See S/PV.8950.

¹² See S/PV.8970.

¹³ See S/PV.9036 and S/PV.9036 (Resumption 1).

¹⁴ See S/PV.9036.

¹⁵ See S/PV.9036 (Resumption 1).

¹⁶ See, for example, in connection with the item entitled “Threats to international peace and security caused by terrorist acts”, S/PV.8963 (Ghana, India and Brazil), S/PV.9108 (Under-Secretary-General of the Office of Counter-Terrorism, United Arab Emirates, United Kingdom, Ireland and India) and S/PV.9221 (India, Ireland, United Arab Emirates, Kenya and Ghana); in connection with the item entitled “Threats to international peace and security”, S/PV.9188 (Deputy Secretary-General, United Arab Emirates, Kenya, Mexico, India and Albania); and in connection with the item entitled “Briefings by Chairs of subsidiary bodies of the Security Council”, S/PV.9201 (United States, Kenya, India, United Kingdom and Ireland).

¹⁷ See, for example, in connection with the item entitled “Maintenance of international peace and security”, S/PV.9039 (France, India and Norway).

mass destruction, including nuclear weapons,¹⁸ as well as the acquisition of those weapons by terrorist groups.¹⁹

Country- or region-specific items

In 2022, the Council continued to discuss threats to regional or international peace and security stemming from specific conflicts and situations. For example, Council members and other Member States discussed the threats to regional and international peace and security in relation to the conflict in Ukraine;²⁰ the threat posed by the proliferation and use of weapons of mass destruction, including chemical weapons, in the Syrian Arab Republic;²¹ the proliferation and use of nuclear weapons by the Democratic People's Republic of Korea;²² and threats to international peace and security posed by the Palestinian-Israeli conflict.²³

Case 1

Threats to international peace and security

On 31 January, at the request of the United States, the Security Council held a meeting under the item entitled "Threats to international peace and security", focused on the situation in Ukraine.²⁴ Council members heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs, and in accordance with rule 37 of the Council's provisional rules of procedure, the representatives of Belarus, Lithuania, Poland and Ukraine were invited to participate in the meeting.

Prior to the adoption of the agenda, the representative of the Russian Federation requested a procedural vote on the proposal to hold the meeting. He argued that the United States, in explaining its proposal to convene the meeting, had considered the deployment of Russian troops on Russian territory to be a threat to international peace and security, which was not only tantamount to unacceptable interference in the domestic affairs of the Russian Federation but also an attempt to mislead the international community on the actual situation in the region. The provisional agenda was put to a vote and was adopted.²⁵ After the vote, echoing the position of the Russian Federation, the representative of China also expressed opposition to the Council's holding of the meeting, stating that his country could not align itself with the point of view of the United States that the deployment of troops by the Russian Federation along the Ukrainian border posed a threat to international peace and security.

Following the adoption of the agenda, the Under-Secretary-General for Political and Peacebuilding Affairs informed the Council that reportedly more than 100,000 troops and heavy weaponry from the Russian Federation were positioned along the border with Ukraine and that unspecified numbers of Russian troops and weaponry were being deployed to Belarus ahead of large-scale joint military exercises on the borders with Ukraine, Poland and the Baltic States. During the ensuing discussion, two Council members explicitly referred to Article 39 of the Charter of the United Nations in expressing concerns regarding the escalating tensions. The representative of the United States said that the actions of the

¹⁸ See, for example, in connection with the item entitled "Non-proliferation", [S/PV.9085](#) (United Kingdom, France and United Arab Emirates).

¹⁹ See, for example, in connection with the item entitled "Non-proliferation of weapons of mass destruction", [S/PV.8993](#) (Mexico, India, Ireland, Brazil, Gabon, United States and United Arab Emirates).

²⁰ See, for example, in connection with the item entitled "Maintenance of peace and security of Ukraine", [S/PV.9126](#) (Ghana, Russian Federation and Kenya).

²¹ See, for example, in connection with the item entitled "The situation in the Middle East", [S/PV.8943](#) (High Representative for Disarmament Affairs, Brazil, Gabon and United Arab Emirates) and [S/PV.9141](#) (High Representative for Disarmament Affairs, Brazil and Islamic Republic of Iran).

²² See, for example, in connection with the item entitled "Non-proliferation/Democratic People's Republic of Korea", [S/PV.9004](#) (Ireland, France, Norway, United Kingdom and Japan) and [S/PV.9030](#) (Ireland, United Kingdom, France, Russian Federation, Gabon, Norway, United States and Japan).

²³ See, for example, in connection with the item entitled "The situation in the Middle East, including the Palestinian question", [S/PV.9021](#) (State of Palestine and Algeria) and [S/PV.9021 \(Resumption 1\)](#) (Islamic Republic of Iran).

²⁴ See [S/PV.8960](#).

²⁵ The provisional agenda received 10 votes in favour (Albania, Brazil, France, Ghana, Ireland, Mexico, Norway, United Arab Emirates, United Kingdom and United States), 2 against (China and Russian Federation) and 3 abstentions (Gabon, India and Kenya).

Russian Federation were a clear and consequential threat to peace and security. Recalling the provisions of Article 39, she emphasized the Council's responsibility to not only address conflicts after they occurred but also prevent them from happening. Underscoring that the aggression of the Russian Federation threatened not only Ukraine but also Europe, as well as the international order that the Council was charged with upholding, she stressed that it was crucial that the Council address the risk that the destabilizing behaviour of the Russian Federation posed across the globe. In addition, the representative of Mexico underscored that the mere escalation of tensions in Eastern Europe was a potential threat to international peace and security, and that, according to Article 39, it was therefore within the purview of the Council.

Other Member States expressed concerns regarding the potential threat to international peace and security related to the military build-up by the Russian Federation at the border with Ukraine and in occupied Crimea without referring explicitly to Article 39 of the Charter. The representatives of Norway and Poland stated that the military build-up at the border with Ukraine was a clear and serious threat to international peace and security. The representative of Ukraine, underlining the Council's duty to be fully informed in the case of grave threats to international peace and security, emphasized that what was happening along the border with Ukraine – where the Russian Federation continued its military build-up – fell under that qualification. The representative of Lithuania, reaffirming his country's full commitment to the core principles of international security enshrined in the Charter, notably the sovereign equality and territorial integrity of States, the inviolability of frontiers and refraining from the use of force, underscored that the violation of such principles by the Russian Federation was an obstacle to a common and indivisible security space in Europe and threatened peace and stability on the continent.

Case 2

Threats to international peace and security

On 12 October, at the initiative of Gabon, which held the presidency for the month,²⁶ the Security Council held a high-level open debate under the item entitled "Threats to international peace and security", focused on climate and security in Africa.²⁷ During the meeting, Council members and Member States and other participants deliberated on whether and how climate change could threaten international and regional peace and security, in particular on the African continent.

Some speakers determined that climate change in itself posed a threat to international peace and security. In that regard, the representative of Germany underscored that climate change was a global threat to peace. In a similar vein, the representative of Morocco recalled that climate change was not only an environmental and economic policy issue but also a major challenge for international security and an existential threat to humankind. He further emphasized that the international community must act where climate change threatened peace and security before conflicts broke out or escalated. The Minister for Foreign Affairs of Gabon stressed the need to respond to the climate imperative as a threat to international security. The representative of Namibia said that climate change and its threat to peace and security were no longer a far-fetched tale of a fictional dystopian world, and called upon the Council to maintain the momentum regarding discussions related to climate and security, as that nexus posed the next frontier of emerging threats for the world.

Other participants discussed the ways in which climate change and its effects exacerbated other threats to international peace and security, in particular in Africa. In that regard, the representative of Ghana, underlining the link between climate change and security crises, especially on the African continent, pointed to the threat-multiplier effect of climate change in the context of peace and security, including in terms of food and water insecurity, loss of livelihoods, climate-induced displacement and the exacerbation of vulnerabilities, tensions and conflict. The representative of Egypt similarly recalled that climate change was widely recognized as a threat multiplier and driver of conflict that was affecting the peace and stability of several regions globally, in particular Africa, which was why it was important to address the increasing connection between climate change and security. Stressing that the two-way interaction between climate and security could not be ignored, the representative of Italy stated that the adverse effects of climate change, coupled with other destabilizing factors, such as extreme poverty, food

²⁶ A concept note was circulated by a letter dated 3 October (S/2022/737).

²⁷ See S/PV.9150.

insecurity, institutional fragility and terrorism, were posing a serious threat to international peace and security. He added that African States and their most vulnerable populations were often among the world's most affected by the disruptions caused by climate change, which acted as a threat multiplier for violence and instability. The representative of Mexico similarly said that the adverse effects of climate change were having a substantial impact on conflicts in Africa and underlined the need for the Council to systematically consider how the effects of climate change were undermining efforts to prevent and address threats to international peace and security. She added that the debate had made it clear how climate change could increase threats to international peace and security and called upon the Council to listen to the voices of African countries in conflict situations, which were in agreement that the adverse effects of climate change were a catalyst for threats to international peace and security. The representative of Kenya emphasized that the Council could not remain on the sidelines when major threats to regional and international peace and security were made much worse by climate crises.

In contrast, other Member States expressed the view that climate change did not threaten international peace and security. While recognizing the adverse effects of climate change as a matter of great concern and one to remain among the priorities of the international community, the representative of Brazil said that climate change was not in itself a direct cause of armed conflicts, nor did it constitute a direct threat to peace and security in the sense underscored in the Charter of the United Nations. The representative of South Africa asserted that the "ticking time bomb" that was the climate crisis was one of the most serious threats to collective security. He acknowledged that there was some evidence suggesting that, in Africa, extreme weather events, drought, water scarcity, food insecurity and desertification linked with climate change had the potential to increase the risk of violent conflict, adding that in some specific instances, climate change was a threat or risk multiplier, escalating existing tensions and conflict by placing strain on already scarce resources. He underscored, however, that while it might be intuitive to assume that climate pressures generally contributed to increasing the risk of conflict elsewhere, scientific evidence to support a more generalized conclusion of a direct causality between climate change and threats to international peace and security was still minimal.

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

During the period under review, a letter from the representative of Pakistan addressed to the President of the Council contained an explicit reference to Article 39 of the Charter.

In a letter dated 6 April,²⁸ the representative of Pakistan transmitted a resolution of the Council of Foreign Ministers of the Organization of Islamic Cooperation on peace and security in South Asia, concerning the violation of the airspace of Pakistan by a supersonic missile of Indian origin on 9 March 2022, which threatened peace, security and strategic stability in South Asia. In the resolution, the Council of Foreign Ministers recalled the responsibility of the Security Council under Article 39 of the Charter concerning any threat to or breach of the peace and called upon relevant international bodies, including the Security Council, to pursue, in line with their mandated duties, the matter with India to accurately establish the facts and to ensure that no such occurrence took place in the future.

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.

²⁸ S/2022/294.

Note

Section II covers the practice of the Council in relation to Article 40 of the Charter of the United Nations, 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.

In 2022, the Council did not impose any measures pursuant to Article 40 of the Charter. There was also no explicit reference to Article 40 made in the decisions of the Council or during its deliberations, nor was there any discussion of constitutional significance on its interpretation. Similarly, there was no explicit reference to Article 40 in any of the communications of the Council.

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

Article 41

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

Note

Section III covers the decisions and deliberations of the Council related to the imposition of measures not involving the use of force, pursuant to Article 41 of the Charter of the United Nations. During the period under review, the Council imposed new such measures under Chapter VII of the Charter in connection with the question concerning Haiti, adding to the 14 existing sanctions regimes. The Council imposed no judicial measures under Article 41.²⁹ In 2022, the Council explicitly referred to Article 41 in the preamble of resolution [2627 \(2022\)](#) in connection with the Democratic People's Republic of Korea. Article 41 was also referenced explicitly in two communications of the Council, namely, in a letter dated 7 February from the representative of the Islamic Republic of Iran addressed to the President of the Council in connection with the debate held under the item entitled "General issues relating to sanctions"³⁰ and in the draft resolution submitted by the United States under the item entitled "Non-proliferation/Democratic People's Republic of Korea", which was not adopted owing to the negative vote of two permanent members of the Council.³¹

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 thematic and country- or region-specific nature. Subsection B covers the deliberations of the Council during 2022 and is also organized under two headings, each highlighting the salient issues that were raised in connection with Article 41, with respect to thematic and country-specific items.

²⁹ For information on the activity of the Council regarding issues pertaining to the International Residual Mechanism for Criminal Tribunals, see part IX, sect. IV.

³⁰ See [S/2022/98](#), annex.

³¹ See [S/2022/431](#), last preambular paragraph. See also [S/PV.9048](#). For more information about decision-making and voting, see part II, sect. VIII.

A. Decisions relating to Article 41

Decisions on thematic issues relating to Article 41

In 2022, the Council adopted two decisions on issues of a thematic nature concerning sanctions measures and their implementation, under the items entitled “General issues relating to sanctions”³² and “Threats to international peace and security caused by terrorist acts”.³³

In its resolution 2664 (2022), adopted under the item entitled “General issues relating to sanctions”, the Council emphasized that its sanctions were an important tool under the Charter in the maintenance and restoration of international peace and security, including in support of peace processes, countering terrorism and promoting non-proliferation. In that regard, by the resolution, the Council decided that, without prejudice to the obligations imposed on Member States to freeze the funds and other financial assets or economic resources of individuals, groups, undertakings and entities designated by the Council or its sanctions committees, the provision, processing or payment of funds, other financial assets or economic resources, or the provision of goods and services, necessary to ensure the timely delivery of humanitarian assistance or to support other activities that supported basic human needs undertaken by a range of humanitarian actors were permitted and were not a violation of the asset freezes imposed by the Council or its sanctions committees.³⁴ The Council further decided that the provisions introduced in paragraph 1 of resolution 2664 (2022) would apply to the Islamic State in Iraq and the Levant (ISIL/Da’esh) and Al-Qaida sanctions regime for a period of two years from the date of adoption of the resolution, and expressed its intent to make a decision on the extension of their application to that regime prior to the date on which the application would otherwise expire.³⁵ In addition, it requested that providers relying on paragraph 1 of the resolution use reasonable efforts to minimize the accrual of any benefits prohibited by sanctions, including by strengthening risk management and due diligence strategies and processes.³⁶ The Council also emphasized that where paragraph 1 of resolution 2664 (2022) conflicted with its previous resolutions, paragraph 1 would supersede the previous resolutions to the extent of such conflict, clarified in that regard that paragraph 1 would supersede and replace paragraph 37 of its resolution 2607 (2021) concerning Somalia and paragraph 10 of its resolution 2653 (2022) concerning Haiti, but that paragraph 1 of its resolution 2615 (2021) concerning the Taliban would remain in effect, and further decided that paragraph 1 of resolution 2664 (2022) would apply with respect to all future asset freezes imposed or renewed by the Council in the absence of an explicit decision by the Council to the contrary.³⁷ The Council requested the Emergency Relief Coordinator to brief or arrange a briefing for each relevant committee within its mandate, 11 months from the date of adoption of resolution 2664 (2022) and every 12 months afterwards, on the delivery of humanitarian assistance and other activities that supported basic human needs consistent with the resolution.³⁸ It also directed the committees established by the Council with respect to sanctions implementation to assist Member States in properly understanding and fully implementing paragraph 1 of the resolution by issuing implementation assistance notices to provide further guidance to give full effect to paragraph 1 and taking into account the unique context of the sanctions falling under their respective mandates, and further directed those committees, assisted by their respective panels of experts, to monitor the implementation of paragraph 1 of the resolution, including any risk of diversion.³⁹ Finally, it requested the Secretary-General to issue a written report on unintended adverse humanitarian consequences of Council sanctions measures, including travel ban and arms embargo measures, as well as those measures that were *sui generis* to particular sanctions regimes, within nine months of the adoption of the resolution, and requested that the report contain recommendations on ways to minimize and mitigate such unintended adverse consequences.⁴⁰

³² For more information on the item, see part I, sect. 28.

³³ For more information on the item, see part I, sect. 30.

³⁴ Resolution 2664 (2022), third preambular paragraph and para. 1.

³⁵ *Ibid.*, para. 2.

³⁶ *Ibid.*, para. 3.

³⁷ *Ibid.*, para. 4.

³⁸ *Ibid.*, para. 5.

³⁹ *Ibid.*, para. 6.

⁴⁰ *Ibid.*, para. 7. See also sect. IX below.

In its resolution 2665 (2022), adopted under the item entitled “Threats to international peace and security caused by terrorist acts”, the Council reiterated the need to ensure that the sanctions regime pursuant to resolution 1988 (2011) contributed effectively to ongoing efforts to bring about sustainable and inclusive peace, stability and security in Afghanistan, and noted the importance of sanctions review when and if appropriate, while taking into account the situation on the ground, in a manner that was consistent with the overall objective of promoting peace and stability in Afghanistan.⁴¹

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

During the period under review, as set out in table 3 below, the Council established a new sanctions regime concerning Haiti. The Council also renamed the sanctions regime concerning Somalia to the sanctions regime concerning Al-Shabaab and expanded its listing criteria to individuals who threatened the peace, security and stability of Somalia or who were associated with Al-Shabaab. The Council renewed the existing measures concerning the Central African Republic, Libya, Mali, South Sudan, the Sudan and Yemen, as well as those concerning Al-Shabaab. It also renewed the existing measures concerning the Taliban and associated individuals and entities. In addition to renewing the existing measures concerning the Democratic Republic of the Congo, the Council expanded the listing criteria to individuals and entities involved in the production, manufacturing or use of improvised explosive devices and lifted the notification requirements for shipments of arms and related materiel for the Democratic Republic of the Congo. Concerning the ISIL/Da'esh and Al-Qaida sanctions regime, the Council decided that the standing humanitarian exemption to the asset freeze introduced in resolution 2664 (2022) would initially apply for a period of two years, while for other regimes comprising an asset freeze, the Council did not specify an expiry date for the exemption. No changes were made to the measures concerning Guinea-Bissau.

In addition, in a presidential statement adopted on 31 August under the item entitled “Peace and security in Africa”, while underlining the need for the effective implementation of its sanctions measures as a tool for achieving peace and stability in Africa, the Council expressed its readiness to review, adjust and terminate, when appropriate, its sanctions regimes, taking into account the evolution of the situation on the ground and the need to minimize unintended adverse humanitarian effects.⁴²

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

The categories of sanctions measures used in the present subsection, such as arms embargo, asset freeze or travel ban, are for clarification purposes only and are not intended to serve as legal definitions of the measures. In addition, developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following main actions taken by the Council: “establishment”,⁴³ “modification”,⁴⁴ “extension”,⁴⁵ “limited extension”⁴⁶ or “termination”.⁴⁷

The sanctions regimes are discussed below in the order of their establishment.⁴⁸ Each of the following subsections consists of a narrative section describing the most significant developments in

⁴¹ Resolution 2665 (2022), ninth preambular paragraph.

⁴² S/PRST/2022/6, eighth paragraph.

⁴³ An action by the Council is categorized as an “establishment” when a sanctions measure is initially imposed by the Council.

⁴⁴ When a change is introduced to the measure, it is categorized as a “modification”. A measure is modified when: (a) elements of the measure are terminated or newly introduced; (b) information on designated individuals or entities is modified; (c) exemptions to the measure are introduced, modified or terminated; and (d) elements of the measure are otherwise modified.

⁴⁵ 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.

⁴⁶ 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.

⁴⁷ 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.

⁴⁸ For background and past practice, see previous supplements.

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

2022 and a table presenting all relevant provisions of Council decisions concerning changes to a sanctions regime, according to the categories outlined above. Tables 3 and 4 provide an overview of relevant decisions adopted in 2022 by which the Council established sanctions measures or modified ones that it had previously imposed.

**Table 3
Overview of country- and region-specific decisions on measures pursuant to Article 41 of the Charter, in place or imposed in 2022**

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2022</i>
Al-Shabaab	733 (1992)	2060 (2012)	2661 (2022)
	1356 (2001)	2093 (2013)	2662 (2022)
	1425 (2002)	2111 (2013)	2664 (2022)
	1725 (2006)	2125 (2013)	
	1744 (2007)	2142 (2014)	
	1772 (2007)	2182 (2014)	
	1816 (2008)	2184 (2014)	
	1844 (2008)	2244 (2015)	
	1846 (2008)	2246 (2015)	
	1851 (2008)	2316 (2016)	
	1872 (2009)	2317 (2016)	
	1897 (2009)	2383 (2017)	
	1907 (2009)	2385 (2017)	
	1916 (2010)	2444 (2018)	
	1950 (2010)	2498 (2019)	
	1964 (2010)	2551 (2020)	
	1972 (2011)	2554 (2020)	
2002 (2011)	2607 (2021)		
2023 (2011)	2608 (2021)		
2036 (2012)			
ISIL/Da'esh and Al-Qaida and associated individuals and entities	1267 (1999)	2161 (2014)	2664 (2022)
	1333 (2000)	2170 (2014)	
	1388 (2002)	2178 (2014)	
	1390 (2002)	2199 (2015)	
	1452 (2002)	2253 (2015)	
	1735 (2006)	2347 (2017)	
	1904 (2009)	2349 (2017)	
	1989 (2011)	2368 (2017)	
	2083 (2012)	2610 (2021)	
Taliban and associated individuals and entities	1988 (2011)	2501 (2019)	2665 (2022)
	2082 (2012)	2557 (2020)	
	2160 (2014)	2611 (2021)	
	2255 (2015)	2615 (2021)	
Iraq	661 (1990)	1723 (2006)	2664 (2022)
	687 (1991)	1790 (2007)	
	707 (1991)	1859 (2008)	
	1483 (2003)	1905 (2009)	
	1546 (2004)	1956 (2010)	
	1637 (2005)	1957 (2010)	
Democratic Republic of the Congo	1493 (2003)	1896 (2009)	2641 (2022)
	1552 (2004)	1952 (2010)	2664 (2022)
	1596 (2005)	2136 (2014)	2667 (2022)
	1616 (2005)	2147 (2014)	
	1649 (2005)	2198 (2015)	
	1671 (2006)	2211 (2015)	
	1698 (2006)	2293 (2016)	
1768 (2007)	2360 (2017)		

Repertoire of the Practice of the Security Council, 2022

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2022</i>
	1771 (2007)	2424 (2018)	
	1799 (2008)	2478 (2019)	
	1807 (2008)	2528 (2020)	
	1857 (2008)	2582 (2021)	
Sudan	1556 (2004)	2265 (2016)	2620 (2022)
	1591 (2005)	2340 (2017)	2664 (2022)
	1672 (2006)	2400 (2018)	
	1945 (2010)	2455 (2019)	
	2035 (2012)	2508 (2020)	
	2138 (2014)	2562 (2021)	
	2200 (2015)		
Lebanon	1636 (2005)		2664 (2022)
Democratic People's Republic of Korea	1718 (2006)	2321 (2016)	2664 (2022)
	1874 (2009)	2356 (2017)	
	2087 (2013)	2371 (2017)	
	2094 (2013)	2375 (2017)	
	2270 (2016)	2397 (2017)	
Libya	1970 (2011)	2259 (2015)	2635 (2022)
	1973 (2011)	2278 (2016)	2644 (2022)
	2009 (2011)	2292 (2016)	2664 (2022)
	2016 (2011)	2362 (2017)	
	2040 (2012)	2441 (2018)	
	2095 (2013)	2509 (2020)	
	2146 (2014)	2510 (2020)	
	2174 (2014)	2526 (2020)	
	2208 (2015)	2542 (2020)	
	2213 (2015)	2571 (2021)	
	2238 (2015)	2578 (2021)	
Guinea-Bissau	2048 (2012)	2203 (2015)	None
	2157 (2014)		
Central African Republic	2127 (2013)	2399 (2018)	2648 (2022)
	2134 (2014)	2488 (2019)	2664 (2022)
	2196 (2015)	2507 (2020)	
	2217 (2015)	2536 (2020)	
	2262 (2016)	2588 (2021)	
	2339 (2017)		
Yemen	2140 (2014)	2511 (2020)	2624 (2022)
	2204 (2015)	2564 (2021)	2664 (2022)
	2216 (2015)		
South Sudan	2206 (2015)	2353 (2017)	2633 (2022)
	2241 (2015)	2418 (2018)	2664 (2022)
	2252 (2015)	2428 (2018)	
	2271 (2016)	2521 (2020)	
	2280 (2016)	2577 (2021)	
	2290 (2016)		
Mali	2374 (2017)	2541 (2020)	2649 (2022)
	2432 (2018)	2590 (2021)	2664 (2022)
	2484 (2019)		
Haiti	2653 (2022)		2653 (2022)
			2664 (2022)

Table 4
Overview of measures pursuant to Article 41 of the Charter, in place or imposed in 2022

Sanctions regime	Type of measure																						
	Arms embargo	Asset freeze	Travel ban or restrictions	Ban on arms exports by target State	Ban/restrictions on workers abroad	Ban on improvised explosive devices components	Business restrictions	Charcoal ban	Diplomatic/overseas representation restrictions	Embargo on natural resources	Financial restrictions	Luxury goods embargo	Natural gas embargo/restrictions	Non-proliferation measures	Oil/petroleum and petroleum products embargo/restrictions	Prohibition on bunkering services/port entry	Public financial support for trade restrictions	Restrictions on ballistic missiles	Sectoral ban	Specialized teaching and technical cooperation restrictions	Transport and aviation sanctions	Trade ban on cultural goods	
Al-Shabaab	X	X	X			X		X															
Taliban	X	X	X																				
ISIL/Da'esh and Al-Qaida	X	X	X																				
Iraq	X	X																					
Democratic Republic of the Congo	X	X	X																				X
Sudan	X	X	X																				
Lebanon ^a		X	X																				
Democratic People's Republic of Korea	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	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																				
Haiti	X	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 2021, by its resolution 2591 (2021), the Council recalled paragraph 15 of resolution 1701 (2006) and requested the Secretary-General to continue to report to the Council on the implementation of resolution 1701 (2006) and to include in his reporting an enhanced annex on the implementation of the arms embargo.

Al-Shabaab

In 2022, the Council adopted resolution [2661 \(2022\)](#), by which it extended resolution [2607 \(2021\)](#) until 17 November 2022, thereby reaffirming and recalling the existing sanctions measures imposed on Somalia.⁴⁹

By its resolution [2662 \(2022\)](#), the Council decided that from the date of adoption of the resolution, the name of the Committee pursuant to resolution [751 \(1992\)](#) concerning Somalia was to be henceforth known as the Committee pursuant to resolution [751 \(1992\)](#) concerning Al-Shabaab.⁵⁰

By its resolution [2662 \(2022\)](#), the Council also reaffirmed the partial arms embargo and the exemptions for deliveries of weapons and military equipment or the provision of technical advice, financial and other assistance and training related to military activities intended solely for the support of or use by the Somali security and police institutions or those listed in paragraph 21.⁵¹ It confirmed its commitment to working with Somalia to ensure that the notification procedures were lifted progressively, in the light of the progress made against the benchmarks set out in the technical assessment of the country's weapons and ammunition management capability.⁵² The Council also outlined the procedures for requests for exemptions or notifications to the Committee pursuant to resolution [751 \(1992\)](#).⁵³ It 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 \(2014\)](#).⁵⁴ The Council further decided to renew until 15 November 2023 the provisions set out in paragraphs 15 and 17 of resolution [2182 \(2014\)](#) concerning the maritime interdiction of charcoal and weapons or military equipment and expanded in paragraph 5 of resolution [2607 \(2021\)](#) to include the components of improvised explosive devices.⁵⁵

Recalling its decisions in resolution [1844 \(2008\)](#), by which it imposed targeted sanctions, and its resolutions [2002 \(2011\)](#) and [2093 \(2013\)](#), by which it expanded the listing criteria, the Council decided that the arms embargo, asset freeze and travel ban measures would also apply to individuals and that the arms embargo and asset freeze measures would also apply to entities designated as: (a) having engaged in, or provided support for, acts that threatened the peace, security or stability of Somalia, including acts that threatened the peace and reconciliation process in Somalia, or threatened the Federal Government of Somalia or the African Union Transition Mission in Somalia by force; and (b) being associated with Al-Shabaab.⁵⁶ The Council further reaffirmed, in the same terms used in paragraph 37 of resolution [2607 \(2021\)](#), that the asset freeze measure would not be applied to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of humanitarian assistance.⁵⁷ Thereafter, by its resolution [2664 \(2022\)](#) concerning the standing humanitarian exemption to asset freeze measures, the Council clarified that paragraph 1 of resolution [2664 \(2022\)](#) would supersede and replace paragraph 37 of resolution [2607 \(2021\)](#).⁵⁸

The Council further reaffirmed that all States were to prevent the direct or indirect sale, supply or transfer of the items listed in part I of annex C to resolution [2662 \(2022\)](#) 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 that they might be used, in

⁴⁹ Resolution [2661 \(2022\)](#), para. 1.

⁵⁰ Resolution [2662 \(2022\)](#), para. 24. In accordance with the change of the name of the Committee, the related sanctions regime is henceforth referred to as the "Al-Shabaab sanctions regime". For more information about the Committee and its Panel of Experts, see part IX, sect. I.B.

⁵¹ Resolution [2662 \(2022\)](#), paras. 10, 11 and 21 (a). The Council reaffirmed that weapons and military equipment sold or supplied in accordance with the exemption in paragraph 11 of the resolution were not to be resold to, transferred to, or made available for use by any individual or entity not in the service of the recipient to which it had been originally sold or supplied, or the selling or supplying State or international, regional or subregional organization (*ibid.*, para. 12).

⁵² *Ibid.*, para. 13. See also [S/2022/698](#).

⁵³ Resolution [2662 \(2022\)](#), paras. 14–20.

⁵⁴ *Ibid.*, para. 34.

⁵⁵ *Ibid.*, para. 41.

⁵⁶ *Ibid.*, para. 26.

⁵⁷ *Ibid.*, para. 28.

⁵⁸ Resolution [2664 \(2022\)](#), para. 4.

the manufacture in Somalia of improvised explosive devices.⁵⁹ The items in annex C to the resolution included explosive materials, explosives precursors, explosive-related equipment and related technology. The Council also decided to renew the implementation measures related to the ban on components of improvised explosive devices.⁶⁰ While noting that the security situation in Somalia continued to necessitate the measures contained in resolution 2662 (2022), 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, including any modification, suspension or lifting thereof.⁶¹ The Council also requested the Secretary-General to provide an update on progress made against each indicator set out in the benchmarks contained in the technical assessment by 15 September 2023.⁶² Table 5 provides an overview of the changes to the measures authorized by the Council in 2022.

Table 5
Changes to the measures imposed pursuant to Article 41 of the Charter concerning Al-Shabaab in 2022

Provision relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the review period (paragraph)		
		2661 (2022)	2662 (2022)	2664 (2022)
Arms embargo	733 (1992), para. 5, 1425 (2002), paras. 1 and 2, 1844 (2008), para. 7	Limited extension (1) Exemption (1)	Extension (10, 26) Exemption (11, 21)	
Asset freeze	1844 (2008), para. 3	Limited extension (1) Exemption (1)	Extension (26) Exemption (28)	Exemption (1, 4)
Ban on components of improvised explosive devices	2498 (2019), para. 26	Limited extension (1)	Extension (37)	
Charcoal ban	2036 (2012), para. 22	Limited extension (1)	Extension (34)	
Travel ban	1844 (2008), para. 1	Limited extension (1)	Extension (26)	

Taliban and associated individuals and entities

In 2022, the Council adopted resolution 2665 (2022), by which it reaffirmed the asset freeze, travel ban and arms embargo measures with respect to individuals and entities designated prior to the date of adoption of resolution 1988 (2011) as the Taliban, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established pursuant to resolution 1988 (2011).⁶³ The Council also decided to actively review the implementation of the measures outlined in the resolution

⁵⁹ Resolution 2662 (2022), para. 37.

⁶⁰ The Council reaffirmed that where an item in part I of annex C to the resolution was directly or indirectly sold, supplied or transferred to Somalia, the State was to notify the Committee no more than 15 working days after the sale, supply or transfer had taken place, and stressed the importance that notifications contain all relevant information (ibid., para. 38). 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 were involved in the sale, supply or transfer of explosive precursors and materials to Somalia that might be used in the manufacture of improvised explosive devices, to keep records of transactions and share information with Somalia, the Committee and the Panel of Experts regarding suspicious purchases of or enquiries into those chemicals by individuals in Somalia and to ensure that Somalia was provided with adequate financial and technical assistance to establish appropriate safeguards for the storage and distribution of materials (ibid., para. 39).

⁶¹ Ibid., fifth preambular paragraph.

⁶² Ibid., para. 47 (b).

⁶³ Resolution 2665 (2022), 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.

and to consider adjustments, as necessary, to support peace and stability in Afghanistan.⁶⁴ The Council further recalled its decision in resolution 2615 (2021) that humanitarian assistance and other activities that supported basic human needs in Afghanistan were not a violation of paragraph 1 (a) of resolution 2255 (2015), encouraged Member States and humanitarian assistance providers to make full use of that decision and urged States, when designing and applying sanctions measures, to take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, that were carried out by impartial humanitarian actors in a manner consistent with international humanitarian law in accordance with resolution 2462 (2019).⁶⁵

In addition, in its resolution 2664 (2022), the Council clarified that the standing humanitarian exemption to asset freeze measures established in that resolution would not apply to the sanctions regime pursuant to resolution 1988 (2011) and that instead paragraph 1 of resolution 2615 (2021) concerning the Taliban would remain in effect.⁶⁶ Table 6 provides an overview of the changes made to the measures during the period under review.

Table 6
Changes to the measures imposed pursuant to Article 41 of the Charter concerning the Taliban and associated individuals and entities in 2022

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2665 (2022)</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 year under review, the Council adopted one resolution concerning the sanctions measures imposed on ISIL/Da'esh, Al-Qaida and associated individuals, groups, undertakings and entities. By its resolution 2664 (2022), the Council decided that the standing humanitarian exemption to asset freeze measures, introduced in paragraph 1 of that resolution, would apply to the ISIL/Da'esh and Al-Qaida sanctions regime for a period of two years from the date of adoption of the resolution, and expressed its intent to make a decision on the extension of its application to that regime prior to the date on which the application would otherwise expire.⁶⁷ Table 7 provides an overview of the changes made to the measures during the period under review.

Table 7
Changes to the measures imposed pursuant to Article 41 of the Charter concerning ISIL/Da'esh and Al-Qaida and associates in 2022

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2664 (2022)</i>
Arms embargo	1333 (2000), para. 5	
Asset freeze	1267 (1999), para. 4 (b)	Exemption (2)
Travel ban or restrictions	1390 (2002), para. 2 (b)	

⁶⁴ Ibid., para. 4.

⁶⁵ Ibid., seventh preambular paragraph.

⁶⁶ Resolution 2664 (2022), para. 4.

⁶⁷ Resolution 2664 (2022), para. 2.

Iraq

In 2022, the Council adopted no new resolutions concerning the remaining sanctions measures imposed 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.⁶⁸

Democratic Republic of the Congo

In 2022, the Council adopted resolution 2641 (2022), by which it renewed the sanctions measures concerning 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 2023.⁶⁹ The Council further decided that the sanctions measures renewed in resolution 2641 (2022) would also apply to individuals and entities as designated by the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo for involvement in the production, manufacture or use in the country of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the country with improvised explosive devices.⁷⁰ The Council also decided that the notification requirements set out in paragraph 5 of resolution 1807 (2008) would no longer apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, and to shipments of arms and related materiel for the Democratic Republic of the Congo, except in relation to items listed in annex A to the resolution, which remained subject to the applicable notification procedures.⁷¹

In addition, in its resolution 2667 (2022), the Council reiterated that the arms embargo measures continued to apply to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo and decided that the notification requirements set out in paragraph 5 of resolution 1807 (2008) would no longer apply.⁷² Table 8 provides an overview of the changes made to the measures during the period under review.

Table 8
Changes to the measures imposed pursuant to Article 41 of the Charter concerning the Democratic Republic of the Congo in 2022

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)		
		2641 (2022)	2664 (2022)	2667 (2022)
Arms embargo	1493 (2003), para. 20	Limited extension (1) Exemption (1)		Extension (1)
Asset freeze	1596 (2005), para. 15	Limited extension (1) Exemption (1)	Exemption (1)	
Travel ban or restrictions	1596 (2005), para. 13	Limited extension (1) Exemption (1)		
Transportation and aviation sanctions measures	1807 (2008), paras. 6 and 8	Limited extension (1)		

⁶⁸ For information on the Committee established pursuant to resolution 1518 (2003), see part IX, sect. I.B.

⁶⁹ Resolution 2641 (2022), para. 1. See also resolution 2664 (2022), para. 1

⁷⁰ Resolution 2641 (2022), para. 3.

⁷¹ Ibid., para. 5.

⁷² Resolution 2667 (2022), paras. 1 and 2.

Sudan

During the period under review, the Council adopted no new resolutions modifying the sanctions measures imposed on the Sudan. However, by its resolution [2620 \(2022\)](#), the Council extended the mandate of the Panel of Experts on the Sudan until 12 March 2023, recalled the arms embargo, asset freeze and travel ban measures and the designation criteria established by previous resolutions and reaffirmed the related exemptions.⁷³ The Council further expressed its intention to regularly review the measures on Darfur, in the light of the reports submitted by the Panel of Experts.⁷⁴ In that regard, it took note of the report of the Secretary-General,⁷⁵ providing a review of the situation in Darfur and recommending benchmarks to assess the measures on Darfur, and expressed its intention to consider by 31 August 2022 establishing clear, well-identified and realistic key benchmarks, and its readiness to consider adjusting measures renewed in paragraph 1 to respond to the situation in Darfur in the light of the evolving situation on the ground.⁷⁶

Lebanon

In 2022, the Council made no modifications to the sanctions measures established pursuant to resolution [1636 \(2005\)](#), consisting of an asset freeze and a travel ban imposed on individuals designated by the International Independent Investigation Commission or the Government of Lebanon as being suspected of involvement in the 14 February 2005 terrorist bombing in Beirut that killed the former Prime Minister of Lebanon, Rafiq Hariri, and 22 others.⁷⁷

Democratic People's Republic of Korea

During the period under review, the Council made no modifications to the sanctions measures concerning the Democratic People's Republic of Korea. The Committee established pursuant to resolution [1718 \(2006\)](#) continued to oversee the implementation of the asset freeze, arms embargo, travel ban and other restrictions previously imposed by the Council in resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#). By its resolution [2627 \(2022\)](#), acting under Article 41 of Chapter VII of the Charter, the Council extended until 30 April 2023 the mandate of the Panel of Experts established pursuant to resolution [1874 \(2009\)](#) to support the Committee.⁷⁸

Libya

In 2022, the Council adopted six resolutions relating to the sanctions measures concerning Libya, namely, resolutions [2629 \(2022\)](#), [2635 \(2022\)](#), [2644 \(2022\)](#), [2647 \(2022\)](#), [2656 \(2022\)](#) and [2664 \(2022\)](#).⁷⁹

In its resolutions [2629 \(2022\)](#), [2647 \(2022\)](#) and [2656 \(2022\)](#) concerning the mandate of the United Nations Support Mission in Libya, the Council demanded full compliance by all Member States with the arms embargo imposed under resolution [1970 \(2011\)](#), as modified in subsequent resolutions.⁸⁰ It also recalled that the measures set out in resolution [1970 \(2011\)](#), as modified in subsequent resolutions, would apply to individuals and entities determined to be engaging in or providing support for acts that threatened the peace, stability or security of Libya or obstructed or undermined the successful completion of its

⁷³ Resolution [2620 \(2022\)](#), paras. 1 and 2. See also resolution [2664 \(2022\)](#), para. 1.

⁷⁴ Resolution [2620 \(2022\)](#), para. 4. For information on the Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan and the Panel of Experts on the Sudan, see part IX, sect. I.B.

⁷⁵ [S/2021/696](#).

⁷⁶ Resolution [2620 \(2022\)](#), para. 5. For more information on the deliberations among Council members concerning the proposed benchmarks to assess the measures on Darfur, see part II, sect. VIII.

⁷⁷ 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.

⁷⁸ Resolution [2627 \(2022\)](#), para. 1. See also resolution [2664 \(2022\)](#), 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.

⁷⁹ For information on the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya and the Panel of Experts on Libya, see part IX, sect. I.B.

⁸⁰ Resolutions [2629 \(2022\)](#), para. 5; [2647 \(2022\)](#), para. 6; and [2656 \(2022\)](#), para. 8.

political transition, including by obstructing or undermining the elections.⁸¹ In its resolutions 2644 (2022), 2647 (2022) and 2656 (2022), the Council reaffirmed its intention to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) would at a later stage be made available to and for the benefit of the Libyan people.⁸²

In addition, in its resolution 2635 (2022), the Council extended the authorizations concerning the implementation of the arms embargo on the high seas off the coast of Libya for a period of 12 months and requested the Secretary-General to report within 11 months on the implementation of the resolution.⁸³

By its resolution 2644 (2022), the Council extended until 30 October 2023 the authorizations and measures contained in resolution 2146 (2014), as amended in paragraph 2 of resolutions 2441 (2018) and 2509 (2020), to prevent the illicit export of petroleum, including crude oil and refined petroleum products, from Libya.⁸⁴ In addition, the Council renewed the arms embargo and travel ban.⁸⁵ The Council also affirmed its readiness to, inter alia, review the appropriateness of the measures contained in the resolution, including the strengthening, modification, suspension or lifting of the measures, as might be needed at any time in the light of developments in Libya.⁸⁶ Table 9 provides an overview of the changes made to the measures during the period under review.

In addition, in its resolution 2635 (2022), the Council extended the authorizations concerning the implementation of the arms embargo on the high seas off the coast of Libya for a period of 12 months and requested the Secretary-General to report within 11 months on the implementation of the resolution.

By its resolution 2644 (2022), the Council extended until 30 October 2023 the authorizations and measures contained in resolution 2146 (2014), as amended in paragraph 2 of resolutions 2441 (2018) and 2509 (2020), to prevent the illicit export of petroleum, including crude oil and refined petroleum products, from Libya. In addition, the Council renewed the arms embargo and travel ban. The Council also affirmed its readiness to, inter alia, review the appropriateness of the measures contained in the resolution, including the strengthening, modification, suspension or lifting of the measures, as might be needed at any time in the light of developments in Libya. Table 9 provides an overview of the changes made to the measures during the period under review.

Table 9
Changes to the measures imposed pursuant to Article 41 of the Charter concerning Libya in 2022

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)				
		2629 (2022)	2644 (2022)	2647 (2022)	2656 (2022)	2664 (2022)
Arms embargo	1970 (2011), para. 9	Extension (5)	Extension (5)	Extension (6)	Extension (8)	
Asset freeze	1970 (2011), para. 17					Exemption (1)
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)			

⁸¹ Resolutions 2629 (2022), para. 4; 2647 (2022), para. 5; and 2656 (2022), para. 8.

⁸² Resolutions 2644 (2022), para. 10; 2647 (2022), eighth preambular paragraph; and 2656 (2022), eleventh preambular paragraph.

⁸³ Resolution 2635 (2022), paras. 1 and 2.

⁸⁴ Resolution 2644 (2022), para. 2.

⁸⁵ Ibid., paras. 5 and 9.

⁸⁶ Ibid., para. 16.

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)				
		2629 (2022)	2644 (2022)	2647 (2022)	2656 (2022)	2664 (2022)
Oil/petroleum embargo/restrictions	2146 (2014), para. 10 (a), (c) and (d)		Limited extension (2)			
Prohibition on bunkering services	2146 (2014), para. 10 (c)		Limited extension (2)			
Travel ban or restrictions	1970 (2011), para. 15		Extension (9)			

Guinea-Bissau

During the period under review, the sanctions regime for Guinea-Bissau, consisting of a travel ban, continued to remain in force, without undergoing any modifications.⁸⁷

Central African Republic

In 2022, the Council adopted resolution 2648 (2022), by which it extended until 31 July 2023 the arms embargo, asset freeze and travel ban measures concerning the Central African Republic⁸⁸ and renewed the related exemptions to those measures.⁸⁹ The Council further eased the arms embargo measures for the Central African Republic, requiring only a notification process for supplies of weapons and ammunition, military vehicles and equipment and the provision of related assistance to the Central African Republic security forces, including State civilian law enforcement institutions.⁹⁰

The Council further requested the Secretary-General, in close consultation with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), including the Mine Action Service, and the Panel of Experts on the Central African Republic, to report, no later than 15 May 2023, 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 2019.⁹¹ The Council also affirmed that it would keep the situation in the Central African Republic under continuous review and be prepared to review the appropriateness of the measures contained in the resolution, at any time as might be necessary, in the light of the evolution of the security situation in the country, the progress achieved in relation to the security sector reform process, the disarmament, demobilization, reintegration and repatriation process and the management of weapons and ammunition.⁹²

Further to the request of the Council in paragraph 13 of resolution 2588 (2021), the Secretary-General, in a letter dated 14 June addressed to the President of the Council,⁹³ provided a further update on the progress achieved by the authorities of the Central African Republic on the key benchmarks established in the presidential statement of 9 April 2019.

In addition, in the context of the renewal of the mandate of MINUSCA, in its resolution 2659 (2022), 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 2648 (2022).⁹⁴ It also

⁸⁷ For more information on the Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau, see part IX, sect. I.B.

⁸⁸ Resolution 2648 (2022), paras. 1, 3 and 4. For information on the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and the Panel of Experts on the Central African Republic, see part IX, sect. I.B.

⁸⁹ Resolution 2648 (2022), paras. 1 (a)–(h), 3 and 4. See also resolution 2664 (2022), para. 1.

⁹⁰ Resolution 2648 (2022), para. 1 (g).

⁹¹ Ibid., para. 14. See also S/PRST/2019/3.

⁹² Resolution 2648 (2022), para. 15.

⁹³ S/2022/489.

⁹⁴ Resolution 2659 (2022), para. 4.

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 2648 (2022).⁹⁵ Table 10 provides an overview of the changes made to the measures during the period under review.

Table 10
Changes to the measures imposed pursuant to Article 41 of the Charter concerning the Central African Republic in 2022

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2648 (2022)	2664 (2022)
Arms embargo	2127 (2013), para. 54	Limited extension (1, 3) Exemption (1 (a)–(h), 3)	
Asset freeze	2134 (2014), paras. 32 and 34	Limited extension (4) Exemption (4)	Exemption (1)
Travel ban or restrictions	2134 (2014), para. 30	Limited extension (4) Exemption (4)	

Yemen

In 2022, the Council adopted resolution 2624 (2022), by which it extended the asset freeze and travel ban established pursuant to resolution 2140 (2014) concerning Yemen, as well as the relevant exemptions to those measures, until 28 February 2023, and reaffirmed the arms embargo as set out in resolution 2216 (2015).⁹⁶ The Council also reaffirmed the designation criteria set out in prior resolutions⁹⁷ and decided that the entity listed in the annex to the resolution would be subject to the arms embargo as set out in resolution 2216 (2015).⁹⁸ The Council further affirmed that the designation criteria could include launches from Yemen using ballistic and cruise missile technology and attacks on merchant vessels in the Red Sea or Gulf of Aden by parties to the conflict.⁹⁹

The Council also emphasized the importance of facilitating humanitarian assistance and facilitating commercial imports, noted that the measures imposed in resolutions 2140 (2014) and 2216 (2015) were not intended to have adverse humanitarian consequences for the civilian population of Yemen or for civilian access to humanitarian assistance, commercial imports or remittances, and reaffirmed its decision that the Committee established pursuant to resolution 2140 (2014) could, on a case-by-case basis, exempt any activity from the sanctions measures imposed by the Council in resolutions 2140 (2014) and 2216 (2015) if the Committee determined that such an exemption was necessary to facilitate the work of the United Nations and other humanitarian organizations in Yemen or for any other purpose consistent with the objectives of those resolutions.¹⁰⁰ The Council also reaffirmed its intention to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the sanctions measures in the light of developments in the country.¹⁰¹ Table 11 provides an overview of the changes made to the measures during the period under review.

⁹⁵ Ibid., para. 22.

⁹⁶ Resolution 2624 (2022), paras. 4 and 21. See also resolution 2664 (2022), para. 1.

⁹⁷ Resolution 2624 (2022), paras. 10–12.

⁹⁸ Ibid., para. 5.

⁹⁹ Ibid., paras. 13 and 14.

¹⁰⁰ Ibid., para. 6.

¹⁰¹ Ibid., para. 23.

Table 11
Changes to the measures imposed pursuant to Article 41 of the Charter concerning Yemen in 2022

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2624 (2022)	2664 (2022)
Arms embargo	2216 (2015), paras. 14–16	Extension (4, 21)	
Asset freeze	2140 (2014), paras. 11 and 13	Limited extension (4) Exemption (4)	Exemption (1)
Travel ban or restrictions	2140 (2014), para. 15	Limited extension (4)	

South Sudan

In 2022, the Council adopted resolution 2633 (2022), 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 2023.¹⁰² The Council further decided that the measures on arms imposed in paragraph 4 of resolution 2428 (2018) would not apply to the supply, sale or transfer of non-lethal military equipment, solely in support of the implementation of the terms of the peace agreement, as notified in advance to the Committee established pursuant to resolution 2206 (2015) concerning South Sudan.¹⁰³ By the same resolution, the Council also reaffirmed the designation criteria set out in resolution 2206 (2015) and underscored that individuals engaged in actions or policies that had the purpose or effect of expanding or extending the conflict in South Sudan could be listed for travel and financial measures.¹⁰⁴

The Council also requested the Secretary-General, in close consultation with the United Nations Mission in South Sudan (UNMISS) and the Panel of Experts on South Sudan, to conduct, no later than 15 April 2023, an assessment of progress achieved on the key benchmarks established in paragraph 2 of resolution 2577 (2021).¹⁰⁵ The Council further reiterated its readiness to review the arms embargo measures in the light of progress achieved on the key benchmarks and decided to keep the measures concerning the asset freeze and travel ban under continuous review in the light of progress achieved in implementing all provisions of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and developments related to human rights violations and abuses, including conflict-related sexual violence.¹⁰⁶

In addition, in the context of the renewal of the mandate of UNMISS, in its resolution 2625 (2022), 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 for or complicit in attacks against UNMISS personnel and premises and any humanitarian personnel could meet the designation criteria. The Council further demanded that all Member States comply with their obligations to prevent the direct or indirect supply, sale or transfer of arms and related materiel of all types to the territory of South Sudan, as set out in relevant Council resolutions.¹⁰⁷ Table 12 provides an overview of the changes made to the measures during the period under review.

¹⁰² Resolution 2633 (2022), paras. 1 and 12. See also resolution 2664 (2022), para. 1.

¹⁰³ Resolution 2633 (2022), para. 2.

¹⁰⁴ Ibid., paras. 15 and 16.

¹⁰⁵ Ibid., para. 5.

¹⁰⁶ Ibid., paras. 3 and 13.

¹⁰⁷ Resolution 2625 (2022), para. 18.

Table 12
Changes to the measures imposed pursuant to Article 41 of the Charter concerning South Sudan in 2022

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2633 (2022)	2664 (2022)
Arms embargo	2428 (2018), para. 4	Limited extension (1) Exemption (1, 2)	
Asset freeze	2206 (2015), paras. 12 and 14	Limited extension (12) Exemption (12)	Exemption (1)
Travel ban or restrictions	2206 (2015), para. 9	Limited extension (12) Exemption (12)	

Mali

In 2022, the Council adopted resolution 2649 (2022), by which it renewed the asset freeze and travel ban established pursuant to resolution 2374 (2017), as well as the relevant exemptions to those measures, until 31 August 2023.¹⁰⁸ By the same resolution, the Council reaffirmed that those measures would apply to individuals and entities as designated by the Committee established pursuant to resolution 2374 (2017) concerning Mali, as set forth in paragraphs 8 and 9 of resolution 2374 (2017), including for involvement in planning, directing or committing acts in Mali that violated international humanitarian law, which could include attacks against medical personnel or humanitarian personnel.¹⁰⁹

In the context of the renewal of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali, in its resolution 2640 (2022), the Council stressed that individuals or entities placed on the Mali sanctions list would 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 out in paragraphs 2, 5, 6 and 7 of resolution 2374 (2017). The Council further expressed its intent, should the responsibility for actions or policies referred to in paragraph 8 of resolution 2374 (2017) be established, to respond with measures pursuant to that same resolution.¹¹⁰ Table 13 provides an overview of the changes made to the measures during the period under review.

Table 13
Changes to the measures imposed pursuant to Article 41 of the Charter concerning Mali in 2022

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2649 (2022)	2664 (2022)
Asset freeze	2374 (2017), para. 4	Limited extension (1) Exemption (1)	Exemption (1)
Travel ban or restrictions	2374 (2017), para. 1	Limited extension (1) Exemption (1)	

Haiti

In 2022, the Council established a new sanctions regime consisting of a travel ban, an asset freeze and a targeted arms embargo in connection with the question concerning Haiti.¹¹¹

¹⁰⁸ Resolution 2649 (2022), para. 1. See also resolution 2664 (2022), para. 1.

¹⁰⁹ Resolution 2649 (2022), para. 2.

¹¹⁰ Resolution 2640 (2022), para. 4.

¹¹¹ For more information about the item entitled “The question concerning Haiti”, see part I, sect. 12.

On 15 July, in its resolution [2645 \(2022\)](#), by which it extended the mandate of the United Nations Integrated Office in Haiti, the Council demanded an immediate cessation of gang violence and criminal activities and in that regard expressed its readiness to take appropriate measures, as necessary, that could include asset freeze or travel ban measures against those engaged in or supporting gang violence, criminal activities or human rights abuses or who otherwise took action that undermined the peace, stability and security of Haiti and the region, within 90 days from the adoption of the resolution.¹¹²

On 21 October, by its resolution [2653 \(2022\)](#), acting under Chapter VII of the Charter, the Council decided to establish, for an initial period of one year, an asset freeze, a travel ban and a targeted arms embargo against individuals and entities designated as being responsible for or complicit in, or having engaged in, directly or indirectly, actions that threatened the peace, security or stability of Haiti.¹¹³ The Council also established a Committee to monitor the implementation of the measures and, for an initial period of 13 months, a Panel of Experts to support the work of the Committee.¹¹⁴

In the resolution, the Council decided that the actions that threatened the peace, security or stability of Haiti included engaging in or supporting criminal activities and violence involving armed groups and criminal networks that promoted violence, including the forcible recruitment of children by such groups and networks, kidnappings, trafficking in persons and the smuggling of migrants, and homicides and sexual and gender-based violence; supporting the illicit trafficking and diversion of arms; planning, directing or committing acts that violated international human rights law or constituted human rights abuses and acts involving sexual and gender-based violence, including rape and sexual slavery; obstructing the delivery of humanitarian assistance to Haiti or access to, or the distribution of, humanitarian assistance in Haiti; and attacking personnel or premises of United Nations missions and operations in Haiti.¹¹⁵

The Council also elaborated on the exemptions to the measures. Regarding the travel ban, the Council decided that entry into or transit through the territories of Member States would be exempted from the travel ban where such travel was justified on the grounds of humanitarian need, including religious obligation, or necessary for the fulfilment of a judicial process, or where the Committee determined that an exemption would further the objectives of peace and stability in Haiti.¹¹⁶ With regard to the asset freeze, the Council decided that the measure would not apply to funds, other financial assets or economic resources that had been determined by relevant Member States to be necessary for, *inter alia*, basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges.¹¹⁷ Thereafter, by its resolution [2664 \(2022\)](#) concerning the standing humanitarian exemption, the Council decided that paragraph 1 of that resolution would supersede and replace paragraph 10 of resolution [2653 \(2022\)](#).¹¹⁸ Table 14 provides an overview of the measures introduced in the period under review.

¹¹² Resolution [2645 \(2022\)](#), paras. 1 and 5.

¹¹³ Resolution [2653 \(2022\)](#), paras. 3, 6, 11 and 15.

¹¹⁴ *Ibid.*, paras. 19 and 21. For information about the Committee established pursuant to resolution [2653 \(2022\)](#) concerning Haiti and the Panel of Experts, see part IX, sect. I.B.

¹¹⁵ Resolution [2653 \(2022\)](#), para. 16.

¹¹⁶ *Ibid.*, para. 5.

¹¹⁷ *Ibid.*, para. 7. See also paras. 8–10.

¹¹⁸ Resolution [2664 \(2022\)](#), para. 4.

Table 14
Measures imposed pursuant to Article 41 of the Charter concerning Haiti in 2022

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2653 (2022)	2664 (2022)
Arms embargo	2653 (2022), para. 11	Establishment (11)	
Asset freeze	2653 (2022), para. 6	Establishment (6) Exemption (7–10)	Exemption (1, 4)
Travel ban or restrictions	2653 (2022), para. 3	Establishment (3) Exemption (5)	

B. Discussions relating to Article 41

The present subsection covers the discussions in the Council regarding the use of sanctions and other measures pursuant to Article 41 of the Charter. In 2022, speakers made four explicit references to Article 41 in two Council meetings, both held under the item entitled “General issues relating to sanctions”.¹¹⁹

During the reporting period, the use of sanctions was discussed by Council members and other speakers during deliberations held in relation to both thematic and country- or region-specific items. As outlined below, in connection with thematic items, the most salient discussions on the use of sanctions took place during the meetings held under the items entitled “General issues relating to sanctions” (case 3) and “Women and peace and security” (case 4), while the most pertinent deliberations about the measures imposed pursuant to Article 41 of the Charter in connection with country-specific items occurred during meetings focusing on South Sudan (case 5), the Democratic Republic of the Congo (case 6) and Haiti (case 7).

Case 3

General issues relating to sanctions

On 7 February, at the initiative of the Russian Federation, which held the presidency of the Security Council for the month,¹²⁰ the Council held a debate under the item entitled “General issues relating to sanctions” and the sub-item entitled “Preventing their humanitarian and unintended consequences”.¹²¹ Council members heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. In addition, the representatives of Iraq, Mali, South Sudan, the Sudan and Venezuela (Bolivarian Republic of) participated in the meeting under rule 37 of the provisional rules of procedure. During the discussion, three speakers made explicit reference to Article 41 of the Charter of the United Nations, while many others implicitly discussed the use of measures imposed pursuant to Article 41.

In her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs noted that sanctions remained a vital Charter-based tool available to the Council to ensure the maintenance of international peace and security and added that, in order to be effective, sanctions should be a part of a comprehensive political strategy, working in tandem with political dialogue, mediation, peacekeeping and special political missions. She highlighted that almost all the sanctions regimes supporting conflict resolution included designation or listing criteria intended to uphold international humanitarian law and international human rights law and had served as leverage to bring about positive outcomes for people at risk. She noted that the evolution from comprehensive to targeted sanctions had marked a sea change in that area of the work of the Council, while also acknowledging that some concerns remained about the

¹¹⁹ See [S/PV.8962](#) (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Gabon and Ghana); and [S/PV.9214](#) (India).

¹²⁰ A concept note was circulated by a letter dated 2 February ([S/2022/86](#)).

¹²¹ See [S/PV.8962](#).

unintended consequences and adverse effects of Council sanctions and that more could be done to reduce them.¹²² The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator similarly elaborated on the need to mitigate the humanitarian impact of sanctions while also noting that it was the Council's vital prerogative to devise measures under Article 41 of the Charter in the pursuit of international peace and security.

During the ensuing discussion, Council members deliberated on the use of sanctions as a tool in the maintenance of international peace and security. The representative of the Russian Federation said that Council sanctions, as one of the strongest forms of response to threats to peace, must be applied with extreme care and be irreproachably substantiated and nuanced. He added that leveraging sanctions as a punitive weapon was unacceptable, noting that international sanctions should reflect the situation on the ground and serve to further political processes and that sanctions regimes should be subject to regular review and modification, up to and including their full lifting, where applicable. The representative of the Russian Federation also called for the targeted and flexible nature of Council restrictions to become standard practice. It was necessary, he added, to listen more attentively to, and heed the views of, the authorities of sanctioned States, as well as to more realistically formulate so-called benchmarks to prevent their morphing into deliberately unattainable objectives. He also viewed the practice of applying unilateral coercive measures as an encroachment upon the prerogatives of the Council and thereby as hindering the maintenance of peace.

The representative of the United Kingdom affirmed that, given its unique responsibility for the maintenance of international peace and security, it was right for the Council to make full and judicious use of every tool at its disposal in the pursuit of that goal, citing targeted sanctions as one such tool, as set out in the Charter. He noted that the value of sanctions had been proven in, *inter alia*, helping to end conflict and supporting the transition to peace and democracy, enabling the seizure of ammunition, anti-tank guided missiles and sniper rifles, countering the threat of transnational terrorism and preventing the proliferation of weapons of mass destruction. He concluded that sanctions were an important tool of the Council to help to change the behaviour of regimes or individuals responsible for conflicts and to help the Council to fulfil its collective responsibility to maintain international peace and security.

The representative of China presented the view that sanctions were meant to create conditions conducive to a political solution and were not a substitute for diplomatic efforts. He also indicated that the Council should keep in check the impulse to resort too readily to sanctions or the threat of sanctions and should give precedence to non-compulsory measures, such as good offices, mediation and negotiation. The representative of China added that, as a basic principle, Council sanctions should not be open-ended. Instead, he suggested that all new sanctions mechanisms include a sunset clause and that, for existing sanctions, clear and actionable exit benchmarks be established.

According to the representative of Ireland, sanctions had a critical role to play in furthering accountability and deterring unacceptable behaviour, including violent repression and violations of human rights and international humanitarian law. She expressed the view that sanctions could also support peaceful transitions and deter non-constitutional changes. Underscoring that sanctions did not and should not operate in a vacuum, the representative of Ireland added that, each time the Council had taken the decision to impose sanctions, they had been applied as part of a comprehensive strategy of political dialogue, peacekeeping or peacebuilding.

The representative of the United Arab Emirates asserted that, in certain situations, sanctions could be effective at achieving the Council's objectives, such as supporting peace processes, resolving disputes, countering terrorism and promoting non-proliferation, without the Council having to resort to force. He noted that Council members had a duty to ensure that sanctions measures continued to be an effective and useful tool for the Council and that Council members must be ready to constantly readjust, suspend or terminate the measures to keep them fit for purpose and legitimate.

The representative of India stated that the sanctions regimes had served well in the fight against terrorism, preventive diplomacy, assisting Member States in implementing peace agreements and against

¹²² During the meeting, many speakers expressed their concerns about the unintended consequences of sanctions imposed by the Council and how to mitigate them. For more on that discussion, see sect. IX below.

the proliferation of weapons of mass destruction. He noted that sanctions should always be used as an instrument of last resort after having exhausted all other options and in accordance with the provisions of the Charter and should not violate principles of international law. He added that the Council should remain respectful of the regional approach adopted by countries and, in collaboration with regional organizations, address challenges related to peace and security before considering the issuance of such sanctions. He also emphasized that sanctions should have a clear end goal and that a clear timeline and criteria for their phased withdrawal should be spelled out from their inception.

The representative of Norway emphasized the importance of targeted sanctions as a tool to address threats to international peace and security, adding that they could act as a deterrent against further violations of international law. She further noted that targeted and well-designed sanctions could also help to protect civilians and prevent and curb sexual violence, as well as the recruitment and use of children in armed conflict.

The representative of Gabon presented the view that, in convening the Council to discuss the topic of sanctions, the presidency was guiding Council members in making the needed self-criticism on the effectiveness of the mechanisms provided for in Article 41 of the Charter in the maintenance or restoration of peace and security. He further stated that the imposition of sanctions had proven to be a relatively inexpensive policy mechanism in comparison to armed conflicts, although it was virtually impossible to determine the exact level of action required for a sanctions regime to have an impact on the policy of the State under sanction. The representative of Gabon also noted that, nonetheless, sanctions had become a commonly used instrument and were meted out automatically and systematically in their implementation and that there was a clear tendency to apply the same tools to dissimilar situations. He concluded that regardless of the true purpose of sanctions, the result remained the same: the effectiveness of sanctions was lacking or far below expectations.

The representative of Brazil said that, when the situation on the ground called for enforcement action by the Council, sanctions were alternatives to the use of armed force and could be legitimate and effective when multilaterally created and strategically targeted. As a measure of last resort, they should follow the exhaustion of diplomatic solutions and be part of a comprehensive strategy to overcome the crisis. He underlined that sanctions should be limited in their scope and temporal elements, preferably with the inclusion of sunset clauses in their mandates, and stated that sanctions regimes that lasted for years were warning signs of either their limited effectiveness for that particular situation or the lack of additional tools to address it. He further noted that both the listing criteria and the conditions for lifting sanctions should be clearly established. Clear and well-defined benchmarks for easing sanctions were also ways to measure progress and signal the temporary nature of the restrictions.

The representative of the United States stated that sanctions were a potent tool that could, *inter alia*, deter and address threats to international peace and security and constrain the resources of those who would spoil peace processes, threaten United Nations peacekeepers, commit atrocities and obstruct humanitarian assistance. Outlining ways to ensure that sanctions were effective and as targeted as possible, the representative of the United States noted that the Council should continue to use sanctions, when appropriate, to improve the lives of people in conflict zones, protect civilians and promote the peaceful resolution of disputes. She added that when Member States wilfully ignored sanctions, ignored sanctions evasion activity or failed themselves to live up to the commitments made to enforce those measures, they undermined the utility of those tools and the work of the Council itself.

The representative of Albania underscored that the Charter was very clear on the necessity of using sanctions to prevent further violence and address threats to peace, breaches of peace or any act of aggression. As such, targeted sanctions represented a tool that needed to be used with the utmost care and precision as a deterrent and a means of accountability when human rights violations and gross atrocities were committed. He also noted that the strength of sanctions rested in their compatibility with international law, international humanitarian law and international human rights law as part of a comprehensive strategy and actions to preserve peace and security. In his statement, the representative of Kenya proposed, *inter alia*, building into sanctions regimes the automatic requirement for periodic reviews to ascertain that, at all stages, they still met their purpose.

Explicitly citing Article 41 of the Charter, the representative of Ghana stated that sanctions were not intended for extraneous objectives but were required as a tool to modify the behaviour of any State whose actions were in breach of its Charter obligations, where those actions constituted a threat to

international peace and security, without resorting to the use of force. He emphasized that sanctions must be imposed only as a last resort when a threat to international peace and security existed, and that, before sanctions were imposed, serious efforts must be made to exhaust all measures of pacific settlement contained in Chapter VI of the Charter. The representative of France noted that Council sanctions regimes were an essential instrument to help to maintain international peace and security and added that sanctions were part of a political strategy aimed at preventing and resolving conflicts, combating the proliferation of nuclear weapons, countering terrorism and combating violations of international humanitarian law and human rights.

Other Member States also shared their views on the role of sanctions in addressing matters of international peace and security. The representative of the Sudan stated that peaceful avenues set out in the Charter should be preferred to sanctions and added that the conditions demanded of targeted countries or parties should be realistic and clearly defined. He added that sanctions should be reviewed periodically and should never be imposed indefinitely. The representative of South Sudan reiterated that his delegation did not support sanctions in any shape or form, especially when they did not achieve their desired or intended goal. He noted that the Council should seek a peaceful world through means other than sanctions. The representative of Iraq stressed the importance of being cautious when implementing sanctions regimes, while taking into account the achievement of the Sustainable Development Goals. Speaking on behalf of the Group of Friends in Defence of the Charter of the United Nations, the representative of the Bolivarian Republic of Venezuela stated that the measures provided for in Chapter VII of the Charter must be taken only as a last resort and in accordance with the purposes and principles enshrined in the Charter. He called for a comprehensive and exhaustive review of measures imposed by the Council to ensure that they comply with the letter and spirit of the principles enshrined in the Charter.

Case 4 **Women and peace and security**

On 13 April, at the initiative of the United Kingdom, which held the presidency of the Security Council for the month,¹²³ the Council held an open debate under the item entitled “Women and peace and security” and the sub-items entitled “Accountability as prevention” and “Ending cycles of sexual violence in conflict”,¹²⁴ during which Council members and other participants discussed the role of sanctions in curtailing sexual violence in conflict situations.

In her briefing, the Special Representative of the Secretary-General on Sexual Violence in Conflict underscored that it was critical to have coherence in the practice of listing suspected perpetrators of sexual violence and the practice of imposing targeted and graduated measures by sanctions committees to improve compliance.¹²⁵ She expressed the view that leveraging the credible threat of sanctions could change the calculation of parties to conflict that operated on the assumption that rape was cost free, or even profitable, in the political economy of war, in which women and girls were trafficked, traded and sold, and recalled that eight sanctions regimes included sexual violence as part of their designation criteria.

During the discussion, several Council members reflected on the use of sanctions as a tool to address conflict-related sexual violence. The representative of the United Arab Emirates noted that a strong tool for the Council to achieve accountability for conflict-related sexual violence was to include conflict-related sexual violence as a stand-alone designation criterion for sanctions on terrorists, individuals and entities, whenever they were responsible for the commission of such acts. The representative of Albania held a similar view and stated that the Council should incorporate sexual violence as a stand-alone designation criterion for targeted sanctions. The representative of India asserted that sanctions regimes and other targeted measures by the Council needed to be strengthened in order to utilize their full potential to deter the perpetrators of sexual violence in armed conflict. According to the representative of Ireland, the use of targeted sanctions on grounds of conflict-related sexual violence was another important – but underutilized – tool at the Council’s disposal. The representative of France said that, in parallel with the fight against impunity, the Council must also use all the tools at its disposal, in

¹²³ A concept note was circulated by a letter dated 5 April (S/2022/293).

¹²⁴ See S/PV.9016 and S/PV.9016 (Resumption 1).

¹²⁵ See S/PV.9016.

particular sanctions, which represented a deterrent measure that had not been sufficiently applied to date. The representative of Ghana reaffirmed his country's support for the Council in ensuring that conflict-related sexual violence was treated as a basis for targeted sanctions against culpable actors and that sanctions committees had the requisite expertise on conflict-related sexual violence. He added that periodic briefings to the committees by the Special Representative would be useful in sustaining their focus and reviewing progress on the implementation of such sanctions, as well as the existing challenges. The representative of Kenya urged the Council to take steps to list and sanction administrators of prisons and their chains of command if their facilities were party to systemic and systematic sexual violence against prisoners. The representative of Kenya noted that, beyond listings and the incorporation of sexual and gender-based violence as a separate listing criterion in the relevant sanctions regimes, the Council should take specific steps and deterrent measures to also increase the costs of acts of conflict-related sexual violence.

Speaking on behalf of 64 States members of the Group of Friends of Women, Peace and Security, the representative of Canada strongly encouraged the Council to incorporate and apply sexual violence as a designation criterion in United Nations sanctions regimes. Similarly, in their statements, many other speakers expressed support for the introduction of conflict-related sexual violence as a stand-alone designation criterion in sanctions regimes imposed by the Council.¹²⁶

Case 5 Reports of the Secretary-General on the Sudan and South Sudan

At a meeting held on 26 May under the item entitled "Reports of the Secretary-General on the Sudan and South Sudan",¹²⁷ the Security Council adopted, with five abstentions, resolution 2633 (2022), concerning the sanctions measures imposed on South Sudan.¹²⁸ By the resolution, the Council renewed the sanctions measures imposed on South Sudan for one year and decided that the arms embargo would not apply to the supply, sale or transfer of non-lethal military equipment, solely in support of the implementation of the terms of the peace agreement.¹²⁹ Following the vote, several Council members and the representative of South Sudan took the floor and expressed divergent views on whether the decision by the Council to renew the sanctions regime on South Sudan would promote peace in the country.

The representative of Kenya explained that his country had abstained in the voting because the text fell short of the call by the Intergovernmental Authority on Development and the African Union to lift the arms embargo and targeted sanctions on South Sudan.¹³⁰ He added that the resolution also fell short of the Council's own commitment to progressively lift the arms embargo and targeted measures against South Sudan, which had not been effective tools in support of the South Sudan peace process. Nonetheless, he affirmed that the new resolution reflected a positive step in its attempt to exempt non-lethal military equipment from the arms embargo, but stated that more progress could have been made, including by suspending the individual targeted sanctions. He also said that more could have been done to ease restrictions on the provision of capacity-building, technical assistance and regional training programmes. According to the representative of Kenya, in essence, the Council had continued to unintentionally suppress the country's capacity to develop its security sector, thereby limiting its ability to respond effectively to security incidents such as the reported intercommunal violence and other crimes. He urged the Government and all the parties in South Sudan to redouble their efforts to expeditiously implement the pending aspects of the Revitalized Agreement on the Resolution of the Conflict in the

¹²⁶ See S/PV.9016 (Resumption 1) (Luxembourg, Estonia, Switzerland, European Union (also on behalf of Albania, Andorra, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, the Republic of Moldova, San Marino and Ukraine), Türkiye, Croatia, Portugal, Belgium, Bulgaria, Liechtenstein, Denmark (on behalf of the Nordic countries), Spain and Austria).

¹²⁷ See S/PV.9045.

¹²⁸ The draft resolution received 10 votes in favour (Albania, Brazil, France, Ghana, Ireland, Mexico, Norway, United Arab Emirates, United Kingdom and United States) and 5 abstentions (China, Gabon, India, Kenya and Russian Federation). For more information, see part I, sect. 7.

¹²⁹ Resolution 2633 (2022), paras. 1, 2 and 12.

¹³⁰ See S/PV.9045.

Republic of South Sudan and all the remaining benchmarks so that it would no longer be necessary to extend the arms embargo and targeted sanctions when the resolution next came up for review.

In explaining his abstention, the representative of India stressed that the international community, including the Council, must spare no effort in addressing the concerns that South Sudan had repeatedly raised regarding the sanctions, including the arms embargo and targeted measures. Echoing a view similar to that of the representative of Kenya, he added that the resolution fell short of expectations and continued to maintain the sanctions measures without giving due consideration to the positive strides made by South Sudan.

The representative of Ghana, explaining his delegation's vote in favour of the resolution, welcomed the Council's decision to exempt the supply, sale or transfer of non-lethal military equipment from the arms embargo inspections regime and expressed hope that the progressive fulfilment of the benchmarks by the Government of South Sudan would lead to a more positive consideration of the embargo in subsequent reviews.

Asserting that his country's abstention reflected the position of the African Union, the representative of Gabon expressed the view that sanctions were counterproductive with regard to the efforts made in the past few years by the Government and the people of South Sudan. While noting the progress made with regard to the sanctions regime, he also stated that the efforts of the international community must be more firmly directed towards capacity-building, post-conflict reconstruction and peacebuilding.

While asserting that Council sanctions constituted a powerful response to threats to peace, the representative of the Russian Federation, who had also abstained in the vote, expressed a firm belief that sanctions must be applied with the utmost care and be totally justified and nuanced. She noted that their use as a punitive measure was unacceptable and that the restrictions applied by the Council should reflect the situation on the ground and serve the political process. Accordingly, she added, they should also be subject to regular review and modification until they were fully lifted. In the view of the Russian Federation, many of the current Council sanctions regimes no longer corresponded to the situations on the ground and thereby hindered the plans of Governments in their State-building efforts and formation of effective security forces. The representative of the Russian Federation underlined that the situation concerning the South Sudanese sanctions regime was no exception. She further noted that while preparing the document, the penholder for the South Sudan file, the United States, had once again ignored not only Juba's calls but also the agreed position of the countries of the African continent and the views of other Council members regarding the importance of demonstrating respect for the country's opinion and willingness to ease the sanctions in order to help the country achieve even greater results in its State-building process.

According to the representative of China, who had abstained in the vote, the sanctions regime on South Sudan was the most controversial of all the Council's sanctions regimes because South Sudan needed constructive support, not sanctions pressure, from the international community, and because the African Union and the Intergovernmental Authority on Development had always taken a clear stand against Council sanctions on South Sudan. The representative of China expressed the view that sanctions pressure was not only frequently ineffective but also restricted the ability of the Government of South Sudan to build up its security capacity for the protection of civilians. Recalling that in 2021 the Council had established benchmarks for adjusting sanctions on South Sudan and that according to the report of the Secretary-General,¹³¹ South Sudan had made progress in implementing the benchmarks, the representative of China stressed that his country and other Council members believed that the Council should take measures to gradually ease the sanctions regime on South Sudan.

The representative of South Sudan said that it was common knowledge that his country did not agree with the sanctions and the arms embargo imposed on it, because South Sudan had viewed those sanctions as ill-intended from the beginning and counterproductive since they had been imposed. He further noted that punitive measures were not effective tools in the case of South Sudan.

¹³¹ S/2022/156.

Case 6
The situation concerning the Democratic Republic of the Congo

At a meeting held on 30 June under the item entitled “The situation concerning the Democratic Republic of the Congo”,¹³² the Security Council adopted, with five abstentions, resolution 2641 (2022), concerning the sanctions measures imposed on the Democratic Republic of the Congo.¹³³ By the resolution, the Council renewed the existing sanctions measures concerning the Democratic Republic of the Congo for one year and decided that they would also apply to individuals and entities as designated by the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo for involvement in the production, manufacture or use in the country of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the country with improvised explosive devices.¹³⁴ The Council also decided that the notification requirements set out in paragraph 5 of resolution 1807 (2008) would no longer apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, and to shipments of arms and related materiel for the Democratic Republic of the Congo, except in relation to items listed in annex A to the resolution, which remained subject to the applicable notification procedures.¹³⁵

Following the vote, the representative of France welcomed the adoption of the resolution and noted that the Council should be prepared to sanction those responsible for instability in the eastern part of the country.¹³⁶ He stated that the sanctions regime would now include a new designation criterion to combat the growing use of improvised explosive devices and added that France had heard the calls by the Democratic Republic of the Congo with regard to the notification procedure for providing military materials and assistance. He added that for that reason and in order to support efforts to step up the capacity and reform of the Congolese armed forces, the resolution eased that procedure significantly. The representative of France noted, however, that the resolution did not relax the embargo on weapons destined for active armed groups in the country. While expressing regret for the lack of unanimity in the Council, he expressed hope that the measures still in place would in future be adapted to national efforts to combat trafficking and the spread of weapons.

In explaining her abstention from the vote, the representative of Ghana said that the ability of armed groups in the Democratic Republic of the Congo to acquire even the most sophisticated and state-of-the-art weapons and ammunition, despite the existence of an arms embargo in the country, was a testament to the need for the Government to be better equipped to respond to the internal security threats it was facing. She added that the current notification requirement continued to impede the capacity of the country to limit armed groups and to improve its ability to safeguard its internal security. Similarly, the representative of Gabon presented the view that the current notification requirement continued to hamper the country’s ability to quickly and effectively counter the activities of armed groups, which were heavily equipped and not subject to the embargo or the notification requirement. She indicated that Gabon remained in favour of a complete lifting of the notification requirement to allow the Armed Forces of the Democratic Republic of the Congo to more effectively carry out their constitutional mandate of defending the territorial integrity of their country. The representative of Kenya noted that some of the proposals made by the three African countries that were members of the Council had been taken on board, citing a modest positive step in the lifting of the notification requirement on supplies of non-lethal military equipment intended solely for humanitarian and protective use, and related technical assistance and training. However, he stated that Kenya had abstained in the voting on the resolution because the resolution fell short of the appeal made by the Democratic Republic of the Congo for a full lifting of the notification requirement on arms and the provision of assistance and training related to military activities. The representative of Kenya presented the view that the notification requirement was unnecessary, as it had not been an effective tool in addressing the illicit proliferation and supply of weapons to armed

¹³² See [S/PV.9084](#).

¹³³ The draft resolution received 10 votes in favour (Albania, Brazil, France, India, Ireland, Mexico, Norway, United Arab Emirates, United Kingdom and United States) and 5 abstentions (China, Gabon, Ghana, Kenya and Russian Federation).

¹³⁴ Resolution 2641 (2022), paras. 1 and 3.

¹³⁵ *Ibid.*, para. 5.

¹³⁶ See [S/PV.9084](#).

groups. If anything, he added, it served only to make information available that should otherwise remain privileged for a sovereign State. He further noted that the Council had continued to unintentionally suppress the capacity of the Democratic Republic of the Congo to develop its security sector, thereby limiting its ability to respond effectively to security threats. The representative of Kenya expressed hope that the notification requirement would not be necessary when resolution 2641 (2022) next came up for review.

The representative of the Russian Federation stated that Council sanctions should reflect the situation on the ground, facilitate the political process and account for the views of the host country and countries in the region. She added that restrictions needed to be regularly reviewed and modified up to the full lifting thereof. According to the assessment of the Russian Federation, many of the sanctions regimes of the Council currently in effect failed to reflect the situation on the ground and instead impeded Governments' plans in the area of State-building and the establishment of effective armed forces and security structures. The representative of the Russian Federation expressed regret that many of those sanctions regimes merely persisted for the purpose of exerting pressure.

The representative of China indicated that the Council's sanctions regime imposed on the Democratic Republic of the Congo had been designed to curb the violent activities of armed groups but that, regrettably, 18 years after its initial implementation, armed groups in the eastern part of the country remained rampant while the security capacity of the country had been constrained. The representative of China stated that during the consultations on resolution 2641 (2022), China and the African members of the Council had expressly supported the removal of the notification requirement for the Government of the Democratic Republic of the Congo, adding that France, as penholder, had tried as much, but that the Council had been unable to reach consensus owing to the opposition of some Council members. The representative of China expressed the view that the resolution would artificially complicate the process, create difficulties and affect the security-related cooperation of international partners with the Democratic Republic of the Congo and would be detrimental to the improvement of the Congolese security capacity and to efforts to find a fundamental solution to the situation in the eastern part of the country.

The representative of Brazil stressed that neither the multilateral sanctions nor the activities of the Committee and its experts were measures against the Democratic Republic of the Congo or the Congolese people. He presented the view that the measures that the Council had just renewed either targeted individuals and entities that destabilized the already dire security situation in the eastern part of the country or addressed the concerning and illicit flow of weapons and equipment to armed groups that had escalated the violence in Ituri, North Kivu and South Kivu. He noted that Brazil had supported a broader clause on the humanitarian consequences of sanctions, explaining that the International Committee of the Red Cross and other humanitarian agencies had reported and argued that instances of overcompliance with Council measures on the part of banks and financial institutions in general had made donations to humanitarian agencies and humanitarian assistance itself more difficult in the Democratic Republic of the Congo. The excerpt that Brazil had proposed had been intended to address that unintended and damaging consequence. The representative of Brazil expressed hope that Council members would address that concern in future negotiations and find constructive ways to reach a productive consensus.

The representative of the United Arab Emirates stated that his delegation had hoped to be able to achieve consensus on the text and to give greater consideration to the concerns expressed by a number of Council members, including African members, regarding notifications and the arms embargo. He further noted that the United Arab Emirates had voted in favour of the resolution as a whole and was in agreement with the general objectives contained therein.

Case 7 **The question concerning Haiti**

In 2022, the Security Council held several meetings under the item entitled "The question concerning Haiti", during which it discussed the imposition of sanctions in response to the persistence of violence, criminal activities and human rights abuses in Haiti,¹³⁷ culminating in the unanimous adoption of resolution 2653 (2022) on 21 October, by which the Council introduced an asset freeze, a travel ban and a targeted arms embargo against individuals and entities designated as being responsible for or

¹³⁷ For more information on the item, see part I, sect. 12.

complicit in, or having engaged in, directly or indirectly, actions that threatened the peace, security or stability of Haiti.¹³⁸

At a meeting held on 17 October,¹³⁹ Council members and other participants discussed the Council's intention to establish a sanctions regime to address the situation in Haiti. The representative of the United States noted that her delegation had worked with Mexico to draft a resolution that would impose financial sanctions on the criminal actors who were inflicting suffering on the Haitian people and that would target those responsible for committing gang violence, trafficking arms, attacking United Nations personnel, kidnapping innocent citizens, perpetrating human rights abuses and sexual and gender-based violence, as well as the individuals blocking the country's ports and the delivery of humanitarian assistance. She added that the United Nations sanctions regime would aim to stop those criminal actors from having access to reputable financial institutions and that it would work to freeze their assets and prohibit their international travel. In addition, its arms embargo provisions would prevent the direct or indirect supply, sale or transfer of arms to criminal gangs and their leaders, as designated by the Council. Similarly, the representative of Mexico asserted that the draft resolution would seek to establish a sanctions regime focused on the actors responsible for the violence and instability and would impose an arms embargo to prevent gangs from obtaining weapons so easily and using them with such impunity. The representative of Brazil noted that developing appropriate listing criteria, conditions and mechanisms for lifting the sanctions and humanitarian exemptions and carve-outs were essential for the effectiveness of the new sanctions regime. Speaking on behalf of the African members of the Council, the representative of Kenya expressed support for the proposed sanctions resolution as an important step to cut off the flow of weapons and financing to gangs and to ensure accountability for human rights violations. The representative of Norway presented the view that sanctions, as proposed by the United States and Mexico, could be an important tool to address violence committed by armed groups and criminal networks. She added that for the sanctions regime to be efficient, it must include safeguards for due process. She noted that the Council should have a clear view on how to deal with that issue going forward, adding that one option would be to look to existing processes, such as those of the Office of the Ombudsperson. The representative of China expressed appreciation for the draft resolution and stated that he supported targeted sanctions on gang members and their supporters, adding that he hoped that those measures would be robust and effective. He noted that it was important to prevent gang members from using potential loopholes to evade sanctions on the one hand and, on the other, to avert a situation where implementation was only superficial and became a mere formality with no real impact. The representative of the Russian Federation expressed the view that his country did not share the desire of the co-penholders to mix the issue of unblocking the country's port infrastructure with the issue of introducing a sanctions regime in the country. He recalled that Council members had agreed to discuss restrictive measures on the condition that their future effectiveness, targeted nature and humanitarian consequences be carefully considered and added that Council sanctions were a serious and long-term instrument that required in-depth analysis and detailed negotiations, especially given that the last time the Council had introduced a sanctions regime had been five years before. Several other speakers also expressed support for the proposed sanctions measures,¹⁴⁰ with some also highlighting the importance of safeguards against any unintended consequences.¹⁴¹

At a meeting held on 21 October,¹⁴² the Council adopted resolution [2653 \(2022\)](#), by which it imposed sanctions measures concerning Haiti consisting of a targeted arms embargo, an asset freeze and a travel ban. Following the vote, the representative of the United States underscored that sanctions were at their most effective when they were targeted specifically towards bad actors and allowed humanitarian aid to reach civilian populations, adding that the adopted resolution accomplished both of those objectives. She noted the work undertaken by the penholders to incorporate clear, measurable and well-defined methods to periodically review the efficacy of those sanctions. The representative of Mexico highlighted the importance of an embargo on any transfer of arms to non-State actors who were

¹³⁸ Resolution [2653 \(2022\)](#), paras. 3, 6, 11 and 15.

¹³⁹ See [S/PV.9153](#).

¹⁴⁰ Ireland, United Kingdom, France, Haiti, Dominican Republic and International Organization of la Francophonie.

¹⁴¹ Brazil, United Arab Emirates and Russian Federation.

¹⁴² See [S/PV.9159](#).

terrorizing the civilian population and destabilizing the country, adding that the resolution sent a clear signal that the Council would not stand idly by and would take action. The representative of China asserted that his country had always called for caution on the use or threat of use of sanctions in international relations, regardless of the circumstances. However, considering the urgency of the situation in Haiti and the call of its people, China had been the first in the Council to propose targeted sanctions against Haitian criminal gangs, and its proposal had been quickly echoed by other Council members and countries of the region. The representative of Norway noted that the focus had been on creating a robust and well-designed regime that would act as a constraint on and deterrence against sexual and gender-based violence, the recruitment of children to armed groups and criminal networks and human rights abuses that threatened the peace and security of Haiti and the region. The representative of the Russian Federation noted that, despite its support for the resolution, the Russian Federation was not convinced that international restrictive measures would provide an adequate response to the range of problems that were plaguing Haiti. He added that the problems of illegal arms flows and organized crime in the Caribbean were not confined to Port-au-Prince and that other actors must not be overlooked by the sanctions committee that was being established and its panel of experts. The representative of the Russian Federation further asserted that Council sanctions were not a punitive tool, but rather one of the strongest means in the Council's toolkit to respond to emerging threats, adding that international restrictions should be regularly reviewed to assess their appropriateness and be eased or completely lifted, as required. The representative of Kenya welcomed the specific and measurable benchmarks for the review of the sanctions and noted that the implementation of the sanctions would rely heavily on the cooperation and support of the international community, particularly States of the region. Welcoming the strengthened sanctions designation criteria to address the horrifying reports of sexual and gender-based violence by armed gangs, the representative of the United Arab Emirates stated that her delegation looked forward to future discussions to establish clear, well-defined and achievable benchmarks for the eventual lifting of sanctions when the time was right. Recalling that the Charter of the United Nations provided the Council with a set of instruments to maintain international peace and security, which included sanctions, the representative of Brazil affirmed that sanctions could be legitimate and effective when they were multilaterally created, strategically targeted and designed to have minimal impact on the civilian population. He added that Brazil considered monitoring mechanisms, listing criteria, humanitarian exemptions and carve-outs and conditions for lifting sanctions to be essential for applying sanctions measures in a responsible and effective manner. The representative of Ghana also welcomed the strengthened benchmarks in the resolution, which would enable the Council to make an overall assessment of the effectiveness and appropriateness of the measures contained therein. Some Council members also noted the potential role of the Ombudsperson in ensuring due process in the application of the sanctions measures concerning Haiti.¹⁴³ The representative of Haiti welcomed the unanimous adoption of resolution 2653 (2022), establishing a sanctions regime that targeted the leaders of armed gangs operating in Haiti and all who supported them, and underlined that the measures sent a powerfully deterrent political message that was likely to change the behaviour of actors operating on the ground.

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.

¹⁴³ Norway, Ireland and Brazil. See also resolution 2653 (2022), nineteenth preambular paragraph.

Note

Section IV covers the practice of the Council in relation to Article 42 of the Charter of the United Nations, regarding the authorization of the use of force by peacekeeping operations and multinational forces, as well as interventions by regional organizations.¹⁴⁴

During the year under review, the Council authorized the use of force under Chapter VII of the Charter with respect to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, South Sudan and the Sudan (including Abyei).¹⁴⁵ In 2022, there were no communications of the Council containing explicit references to Article 42.

The present section is divided into two subsections. Subsection A outlines decisions in which the Council authorized the use of force under Chapter VII of the Charter. Subsection B covers discussions of the Council of relevance 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. That notwithstanding, the Council adopted several resolutions under Chapter VII of the Charter by which it authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures” or “all necessary means”, or to take “all necessary action(s)” for the maintenance or restoration of international peace and security.

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

In 2022, the Council reiterated its authorization to use force in relation to various situations and disputes. In Africa, in connection with the situation in Abyei, the Council extended the tasks of the United Nations Interim Security Force for Abyei as set out in paragraph 3 of resolution 1990 (2011), which included the authorization to take “necessary actions”.¹⁴⁶

In relation to the situation in the Central African Republic, the Council renewed the authorization granted 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.¹⁴⁷

Consistent with past practice in connection with the situation in the Democratic Republic of the Congo, the Council authorized the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to take “all necessary measures” to carry out its mandate.¹⁴⁸

With regard to the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, the Council extended the authorizations first granted in paragraphs 4 and 8 of resolution 2292 (2016) to Member States, acting nationally or through regional organizations, to use “all measures commensurate to the specific circumstances” when conducting inspections of vessels and seizing of items in the course of such inspections, emphasizing that the inspections were to 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”.¹⁴⁹ Furthermore, in connection with the smuggling of migrants into, through and from Libyan territory, the Council

¹⁴⁴ The Council’s authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X in the context of the mandates of peacekeeping operations.

¹⁴⁵ For more information on the mandates of peacekeeping operations, see part X, sect. I.

¹⁴⁶ Resolutions 2630 (2022) and 2660 (2022), para. 1.

¹⁴⁷ Resolution 2659 (2022), para. 34.

¹⁴⁸ Resolution 2666 (2022), para. 22.

¹⁴⁹ Resolution 2635 (2022), para. 1.

renewed the authorizations granted in paragraphs 7 to 10 of resolution 2240 (2015) to Member States, acting nationally or through regional organizations, engaged in the fight against migrant smuggling and human trafficking, to use “all measures commensurate to the specific circumstances” in confronting migrant smugglers or human traffickers when carrying out inspections of vessels on the high seas off the coast of Libya that they had reasonable grounds to suspect were being used for migrant smuggling or human trafficking and to seize such vessels that were confirmed as being used for such activities. The Council also reaffirmed paragraph 11 of resolution 2240 (2015), in which it had clarified that the authorization to use force applied only when confronting migrant smugglers and human traffickers on the high seas off the Libyan coast and would not affect the rights or obligations of Member States under international law.¹⁵⁰

Regarding the situation in Mali, the Council, consistent with its practice in previous years, authorized the United Nations Multidimensional Integrated Stabilization Mission in Mali to take “all necessary means” to carry out its mandate and requested it to continue to carry out its mandate with a “proactive, robust, flexible and agile posture”.¹⁵¹

In connection with the situation in Somalia, the Council authorized the States members of the African Union to take “all necessary measures”, in full compliance with participating States’ obligations under international law, including international humanitarian and human rights law, and in full respect for the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out the mandate of the African Union Transition Mission in Somalia.¹⁵²

With regard to the situation in South Sudan, the Council reiterated the authorizations granted to the United Nations Mission in South Sudan to use “all necessary means” to perform its mandated tasks.¹⁵³

In Europe, with regard to the situation in Bosnia and Herzegovina, the Council renewed its authorization granted 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.¹⁵⁴ The Council also authorized Member States, at the request of either EUFOR-Althea or NATO, to take “all necessary measures” in the defence of EUFOR-Althea or the NATO presence, respectively, and recognized the right of both EUFOR-Althea and the NATO presence to take “all necessary measures” to defend themselves from attack or threat of attack.¹⁵⁵ The Council further authorized Member States, acting in accordance with annex 1-A of the Agreement for Peace, to take “all necessary measures” to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.¹⁵⁶

In the Middle East, in connection with the situation in Lebanon, the Council underlined the necessity that the United Nations Interim Force in Lebanon (UNIFIL) had at its disposal “all necessary means” and equipment to carry out its mandate.¹⁵⁷ It also recalled its authorization granted to UNIFIL to take “all necessary action” in areas of deployment of its forces, to ensure that its area of operations was not utilized for hostile activities, to resist attempts by forceful means to prevent it from discharging its duties, to protect United Nations personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations personnel and humanitarian workers and to protect civilians under imminent threat of physical violence.¹⁵⁸

¹⁵⁰ Resolution 2652 (2022), para. 2.

¹⁵¹ Resolution 2640 (2022), paras. 17 and 19.

¹⁵² Resolution 2628 (2022), para. 22.

¹⁵³ Resolution 2625 (2022), para. 3.

¹⁵⁴ Resolution 2658 (2022), para. 3.

¹⁵⁵ *Ibid.*, para. 4.

¹⁵⁶ *Ibid.*, para. 5.

¹⁵⁷ Resolution 2650 (2022), twenty-fourth preambular paragraph.

¹⁵⁸ *Ibid.*, para. 23. See also twenty-sixth preambular paragraph.

B. Discussions relating to Article 42

During the period under review, speakers made no explicit reference to Article 42 of the Charter at the meetings of the Council. The Council did, however, continue to discuss matters relating to the authorization of the use of force by United Nations peacekeeping operations and other multinational missions operating under Chapter VII of the Charter.

For example, at a meeting held on 12 July under the item entitled “United Nations peacekeeping operations”, the representative of India referred to misplaced expectations among local communities about peacekeepers and the mandate to protect civilians, adding that such misunderstandings were further aggravated by the use of ambiguous terminology such as “robust mandate”, “robust posture” or even “offensive posture” in the peacekeeping mandate resolutions of the Council, creating room for speculative and arbitrary interpretations of those mandates.¹⁵⁹ At a meeting held on 6 September under the same item, the representative of Ghana expressed concern about the insufficient emphasis on the primacy of politics in some peacekeeping missions, adding that, despite the fact that the mandates of some missions included the creation of rapid intervention brigades, the structure and focus of current peacekeeping arrangements made them inappropriate for counter-terrorism.¹⁶⁰ The representative of the Russian Federation presented the view that clear and realistic mission mandates that took into account the views of host States, the specific causes of each conflict and the current situation on the ground helped to improve the effectiveness of peacekeeping activities. He expressed the belief that it was essential to reduce peacekeepers’ secondary and non-core tasks, especially those on the human rights, social and gender fronts, which distracted peacekeepers from their primary functions and required considerable funding. He also noted that one imperative was to comply with the basic principles of peacekeeping, including refraining from the use of force except in self-defence and to protect the mandate. He added that obsessing over force mandates and involving peacekeepers in offensive and counter-terrorist operations could undermine the neutral status of the blue helmets. The representative of Brazil also recalled that efficient peacekeeping must abide by the basic principles of peacekeeping, including the non-use of force except in self-defence and in defence of the mandate.

In another instance, at a meeting held on 3 November under the item entitled “Peacebuilding and sustaining peace”, the Commissioner for Political Affairs, Peace and Security of the African Union asserted that one way that the Council could ensure that peace operations in Africa helped to provide a pathway to addressing the underlying causes of conflict was to adopt a whole-of-organization approach in implementing mandates.¹⁶¹ He added that, since current peace support operations were multidimensional and multifunctional, with mandates that went beyond military pacification of the conflict theatre, it was imperative to ensure that the relevant United Nations and other stakeholders supported deployed missions as early as possible. The Minister for Foreign Affairs and Regional Integration of Ghana pointed to an overwhelming and urgent need for United Nations peace operations to be reconfigured to ensure a situationally determined balance between military actions aimed at restoring peace, including by defeating terrorism, and non-military measures to address the underlying causes of conflicts. The representative of India presented the view that the military component of peacekeeping could play only an enabling role but could not bring about peacebuilding on its own. According to the representative of Kenya, United Nations peacekeeping under Chapter VII of the Charter was necessary, but insufficient. It must be combined with other measures in a coordinated and sufficiently resourced manner for peace and security to be achieved in a reasonable period of time.

In addition, at a meeting held on 16 November under the item entitled “Peace and security in Africa”, Zakaria Ousman Ramadan, an independent expert, noted that one weakness of the Joint Force of the Group of Five for the Sahel was that it did not have an extremely robust mandate from the Council under Chapter VII of the Charter, which would have provided guidance, more focus and much more resonance.¹⁶²

¹⁵⁹ See S/PV.9090.

¹⁶⁰ See S/PV.9123.

¹⁶¹ See S/PV.9181.

¹⁶² See S/PV.9194.

In addition to the above, the most salient deliberations on the question of the use of force by peacekeeping operations took place under the items entitled “Protection of civilians in armed conflict” (case 8) and “The question concerning Haiti” (case 9).

Case 8
Protection of civilians in armed conflict

On 25 May, the Security Council held an open debate under the item entitled “Protection of civilians in armed conflict”,¹⁶³ during which it heard briefings by the Director of Coordination in the Office for the Coordination of Humanitarian Affairs, the Director-General of the International Committee of the Red Cross, the President and Chief Executive Officer of the International Rescue Committee and the Country Director for the Democratic Republic of the Congo of Women for Women International. During the debate, several speakers discussed the mandates of United Nations peacekeeping operations in the context of the protection of civilians, including with respect to the use of force.

During the discussion, Council members focused on the core nature of the protection of civilians mandate and on the challenges faced in peacekeeping operations. The representative of Brazil stated that peacekeeping operations continued to play a role in promoting strategies for the protection of civilians, as more than 95 per cent of United Nations peacekeepers were mandated to protect civilians.¹⁶⁴ The representative of India emphasized that the role of United Nations peacekeeping operations was to supplement national efforts to advance peace and security, adding that peacekeepers could not and should not be a substitute for the primary responsibility of protecting civilians, which rested primarily with host Governments. He also noted that it was necessary to ensure that peacekeepers were adequately equipped and trained to take up the tasks involved in protecting civilians. He expressed concern about the fact that, with the increasingly multidimensional nature of peacekeeping missions, there was a risk of diluting the focus on protection of civilians mandates, adding that, in that regard, it was necessary to simplify peacekeeping mandates.

According to the representative of Ghana, the protection of civilians should remain a critical and integral component of all parts of peacekeeping operations and in a manner that provided for missions not only the authorization but also the capabilities to use all necessary means, including force, as required to prevent or respond to threats of physical violence against civilians, without prejudice to the responsibility of host Governments.

Regarding the challenge posed by terrorism in many States in Africa, the representative of Kenya presented the view that the piecemeal approaches by the Council would yield only failure. He also referred to the need for the Council to take bold action against terrorist groups and noted that none of the efforts of concerned Governments would come close to succeeding if there was no robust, sustained military and police pressure on those groups. He noted that the Council was in a position to act on that knowledge and referred to the need to deploy capable regional forces with access to predictable and adequate funding and to appropriate intelligence and force multipliers. The representative of Kenya further stated that it was necessary to ensure that peacekeeping mandates were fit for purpose to challenge terrorist groups, protect civilians and strengthen national military and police competencies. He also pointed to the need for peacekeeping missions to have robust public messaging and counter-narrative capabilities against terrorist groups operating in the same territory. Similarly, the representative of Norway said that the Council should adopt strong protection mandates for peacekeeping operations and political missions, including during transition phases, and should ensure adequate resourcing, including for child protection.

The representative of China said that the civilian protection mandate of United Nations peacekeeping operations should be realistic and feasible. It was important to cooperate closely with the countries concerned in the implementation process, to fully guarantee their resources and capacity, to make full use of good offices and mediation as a means of implementation and to only use force as a last resort.

¹⁶³ See [S/PV.9042](#) and [S/PV.9042 \(Resumption 1\)](#). For more information about the item, see part I, sect. 27.

¹⁶⁴ See [S/PV.9042](#).

The representative of the United Arab Emirates suggested that, in designing the mandates of peace operations, the Council should consider whether and how the mandates could foster a secure environment to enable humanitarian assistance. She also pointed to the need for the Council to give appropriate consideration to unarmed approaches to complement the fundamental physical protection provided by peacekeepers.

Other speakers also focused on the central role of the protection of civilians mandate, as well as on the means of delivering such mandate. The representative of Slovenia noted that effective and comprehensive peacebuilding and peacekeeping, with robust mandates that were flexible enough to provide protection and assistance to the civilian population, were critical.¹⁶⁵ The representative of Australia stated that peace operations played an important role in protecting civilians by creating more stable conditions for physical protection, intercommunal dialogue and the protection of human rights, as well as by contributing to processes of accountability within judicial systems. He expressed the view that the credibility and legitimacy of United Nations peace operations largely depended on the willingness and capability of peacekeepers to act when civilians were under threat and added that peacekeepers must be empowered and supported by both the United Nations and troop-contributing countries to protect civilians.

According to the representative of Bangladesh, peacekeeping missions should be adequately resourced and equipped to fulfil their protection of civilians mandates, including through community engagement and intelligence gathering and analysis. She added that the Council should factor in those issues when setting the mandates of peacekeeping missions.

The representative of Argentina asserted that it was necessary to continue to include and strengthen protection of civilians activities on the ground in the mandates of United Nations peacekeeping missions. In that regard, he expressed the view that the protection of civilians was an integrated mission-wide effort, requiring as an essential first step close cooperation among military, police and civilian components, in coordination with Governments, local communities and humanitarian organizations on the ground. The use of force to respond to threats of physical violence against civilians must be authorized in accordance with applicable legal obligations, the mandate established by the Council and mission-specific rules of engagement.

The representative of Malaysia pointed to the need to strengthen the capacity and mandate of peacekeepers, adding that the provision by the Council of civilian protection mandates in peacekeeping operations was vital in curbing violence against civilians. Peacekeepers must be trained appropriately and adequately to protect civilians, and operational plans and strategies to protect civilians that were used by peacekeeping missions must be informed by an analysis of the various impacts of conflict on all populations, especially vulnerable groups.

Case 9 The question concerning Haiti

At a meeting held on 17 October under the item entitled “The question concerning Haiti”,¹⁶⁶ the Security Council heard a briefing by the Special Representative of the Secretary-General for Haiti and Head of the United Nations Integrated Office in Haiti, during which she reported that, against the backdrop of insecurity and a humanitarian crisis, on 7 October, the Council of Ministers of Haiti had authorized the Prime Minister to request the support of a specialized international armed force to help to secure the free movement of water, fuel and medical supplies to prevent the situation from deteriorating further. The Special Representative also reiterated the call of the Secretary-General upon the country’s partners to consider the request as a matter of urgency for the immediate relief of those already most vulnerable.

During the discussion, the representative of the United States emphasized that the situation in Haiti required robust international cooperation and urgent action by the Council. As mandated by the Charter of the United Nations, it was necessary to mobilize the resources and power of the Council and the

¹⁶⁵ See [S/PV.9042 \(Resumption 1\)](#).

¹⁶⁶ See [S/PV.9153](#). For more information about the item, see part I, sect. 12.

broader United Nations. In that context, she explained that the United States had worked with Mexico to propose a draft resolution that would authorize a non-United Nations international security assistance mission to help to improve the security situation and enable the flow of desperately needed humanitarian aid. She added that the draft resolution reflected one of the options that the Secretary-General had recommended that the Council consider and was also a direct response to the request of the Prime Minister and the Council of Ministers of Haiti for international assistance to help to restore security and alleviate the humanitarian crisis. The draft resolution would propose a limited, carefully scoped, non-United Nations mission led by a partner country with the deep, necessary experience required for such an effort to be effective. The representative of the United States further noted that the non-United Nations international security assistance mission would operate under Chapter VII of the Charter and would facilitate international support to the Haitian National Police and Coast Guard. She added that such a mission would rely on support from Member States and that the draft resolution would contain an explicit request for contributions of personnel, equipment and other resources. She also expressed awareness of the concerns about the Council's authorization of a response that could lead to an open-ended peacekeeping role and noted that the Council and the international community must look at its role differently from the way they had in the past. It was necessary to seek a different course, one that could better respond to the humanitarian and security crisis in Haiti and be able to address the needs of the Haitian people directly.

Several Council members took note of the request of the Haitian authorities to deploy an international specialized armed force and the recommendations of the Secretary-General for improving the security situation in Haiti.¹⁶⁷ Expressing support for the draft resolutions proposed by Mexico and the United States, the representative of Albania also expressed full support for a strong and robust security mandate in order to provide authorities and law enforcement bodies with the means necessary to guarantee safe and adequate conditions of life. The representative of the United Kingdom welcomed further Council discussion on the authorization of an international security assistance mission, as proposed by the Secretary-General, adding that the international community, led by Haitian needs, should help to restore effective governance and combat endemic gang violence.

The representative of China posed the question of whether sending a rapid reaction force to Haiti, at a time when the Government lacked legitimacy and was unable to govern, would be met with the understanding, support and cooperation of the parties in Haiti, or whether it would face resistance from or even trigger violent confrontation among the population. He asserted that the United Nations had deployed several missions to Haiti since the 1990s, none of which had achieved their objectives. He added that a rapid solution brought from the outside would yield only temporary results, with no lasting impact. The representative of the Russian Federation noted the varying opinions within Haitian society on the matter of an international response to the request made by the Prime Minister of Haiti, adding that many opposition groups had called for not allowing foreign intervention. He called for taking into account such opinions and carefully considering all possible implications of bringing foreign international and regional contingents to the island.

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.*

¹⁶⁷ India, Brazil, Kenya (also on behalf of Gabon and Ghana), Norway, United Kingdom, United Arab Emirates, China, Russian Federation and France.

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 of the United Nations, 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 of the Charter 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, and peacekeeping operations led by regional arrangements are featured in part VIII of the present Supplement.

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

During the period under review, in its decisions, the Council called for the provision of troops and other military assistance, including air assets, to the African Union Transition Mission in Somalia (ATMIS), 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 Council meetings addressed the need to provide additional troops and military equipment to peacekeeping operations to ensure effective mandate implementation. Throughout 2022, the Council also adopted decisions in which it emphasized, and held meetings 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 2022 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 2022, the Council made no explicit reference to Articles 43 or 45 of the Charter in its decisions or discussions, but it did call upon Member States to contribute, support and provide assistance to peacekeeping operations.

In its resolution [2628 \(2022\)](#), adopted on 31 March, the Council urged Member States, including new donors, to consider providing predictable, sustainable and multi-year support for ATMIS, including through the provision of additional funding for police and troop stipends, equipment and technical assistance.¹⁶⁸ The Council also urged Member States to support the African Union in mobilizing the required resources and equipment for ATMIS, including through financial contributions to address identified gaps in resource requirements and specific requests for resources and equipment.¹⁶⁹ Furthermore, the Council requested the African Union to ensure that structures were in place to provide command, control and accountability of mission enabling units, including air assets.¹⁷⁰

In its resolution [2640 \(2022\)](#), adopted on 29 June, expressing its full support for the continuation of the implementation of the MINUSMA adaptation plan, the Council encouraged Member States to contribute to the plan by providing the capabilities needed for its success, particularly air assets, and urged Member States to provide to MINUSMA troops and police with adequate capabilities and equipment, including enablers, specific to the operating environment.¹⁷¹ The Council also noted the potential adverse effects on mandate implementation of national caveats that had not been declared and accepted by the Secretary-General prior to deployment and called upon Member States to declare all national caveats, provide troops and police with the minimum of declared caveats and fully and effectively implement the provisions of the memorandums of understanding signed with the United Nations.¹⁷²

By its resolution [2659 \(2022\)](#), adopted on 14 November, the Council reiterated its concern at the continuing lack of key capabilities for MINUSCA and the need to fill gaps, as well as the importance of current and future troop- and police-contributing countries providing troops and police with adequate capabilities, equipment and predeployment training to enhance, inter alia, the ability of MINUSCA to operate effectively in an increasingly complex security environment.¹⁷³ Recognizing that the effective implementation of peacekeeping mandates was the responsibility of all stakeholders and contingent upon several critical factors, including adequate resources and training and equipment, the Council urged Member States to provide troops and police that had adequate capabilities and mindset, predeployment and, where appropriate, in situ training, and equipment, including enablers, specific to the operating environment, and called upon Member States to declare all national caveats, prior to the contingent's deployment, provide troops and police with the minimum of declared caveats and fully and effectively implement the provisions of the memorandums of understanding signed with the United Nations.¹⁷⁴

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, in meetings held under country- and region-specific items. For example, at meetings held under the item entitled "The situation in Mali", speakers raised repeatedly the need for stronger support for MINUSMA, including air assets. At a meeting held on 11 January, the representative of Gabon, speaking also on behalf of Ghana and Kenya, took note of the lack of sufficient and adequate airlift capability of MINUSMA, in particular with regard to medium utility and armed helicopters, which continued to hamper the Mission's

¹⁶⁸ Resolution [2628 \(2022\)](#), para. 45.

¹⁶⁹ *Ibid.*, para. 46.

¹⁷⁰ *Ibid.*, para. 29 (d).

¹⁷¹ Resolution [2640 \(2022\)](#), paras. 21 and 40.

¹⁷² *Ibid.*, para. 40.

¹⁷³ Resolution [2659 \(2022\)](#), para. 40.

¹⁷⁴ *Ibid.*, para. 41.

performance, and therefore urged the Council to source the Mission with outstanding air assets, which were critical enablers for MINUSMA to continue to implement its mandates across its area of operation.¹⁷⁵ At the same meeting, the representative of the United States noted that MINUSMA needed, following the proposal of the Secretary-General, an increase to its troop ceiling, which would help to protect civilians in central Mali with more quick-reaction forces and air assets and enhance the safety and security of peacekeepers through explosive ordnance removal teams. At a meeting held on 13 June, the Special Representative of the Secretary-General for Mali and Head of MINUSMA, honouring the memory of all the peacekeepers who had lost their lives since the inception of MINUSMA, stated that their ultimate sacrifice underscored the need to ensure that the Mission had the requisite capabilities, including armed and utility helicopters.¹⁷⁶ The representative of Ghana, speaking also on behalf of Gabon and Kenya, expressed the view that MINUSMA would benefit from stronger support for troop contributions, capacity-building on counter-terrorism measures and the provision of adequate logistics, including airlift assets. He urged that peacekeepers be supported to ensure that they be robust enough in their training, operational posture, force multipliers and intelligence assets in order to be able to protect civilians and fully implement the mandate. According to the representative of China, the priority was to make full use of existing resources in an effort to improve the effectiveness of peacekeeping operations, as the challenges facing the Mission in performing its duties could not be solved by raising the troop ceiling alone.

With respect to the reconfiguration of the United Nations Interim Security Force for Abyei (UNISFA), during meetings held under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, Council members also noted the importance of troop and equipment contributions. For example, at a meeting held on 21 April, the representative of Ireland echoed the Secretary-General’s appreciation for the support and collaboration of the Sudan, South Sudan and the new troop-contributing countries in the reconfiguration of UNISFA and urged all involved to continue to work towards the deployment of additional enablers in the coming months.¹⁷⁷ The representative of the Russian Federation noted that the replacement of the Ethiopian troops in UNISFA with new peacekeepers from other countries was proceeding smoothly and underscored the importance of ensuring that the new configuration was deployed in proper succession with the work of the Ethiopian peacekeepers. The representative of China also noted the orderly manner in which the reconfiguration of the military component of UNISFA was progressing and commended the Ethiopian peacekeepers for actively fulfilling their mandates under extremely difficult conditions. He also pointed out that, as a new troop-contributing country to UNISFA, China had deployed a helicopter unit in Abyei and would deploy a rapid reaction force as soon as possible. Furthermore, at a meeting held on 27 October, the Assistant Secretary-General for Africa stated that the new force must be better equipped to cover a wider area, adding that force mobility in the context of the reduced helicopter capacity was a further challenge.¹⁷⁸ At the same meeting, the representative of China noted that its peacekeeping helicopter contingent had, since its deployment, actively met the needs of the peacekeeping mandate and had spared no effort to complete a range of flights and ground-support tasks.

In connection with the situation concerning the Democratic Republic of the Congo, at a meeting held on 29 June, the representative of the Democratic Republic of the Congo requested the Council to allocate sufficient resources to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to update its weaponry and helicopters and improve the quality of its equipment in general.¹⁷⁹

The need to provide peacekeeping operations with adequate troops and equipment, including digital technologies, was also discussed in meetings under thematic items. For example, at a meeting held on 23 May under the item entitled “Maintenance of international peace and security”, Dirk Druet, an adjunct professor at the McGill University Centre for International Peace and Security Studies, noted that monitoring and surveillance technologies, such as unarmed unmanned aerial systems, were being used with increasingly effective integration into mission-wide qualitative and quantitative data-gathering tools

¹⁷⁵ See [S/PV.8945](#).

¹⁷⁶ See [S/PV.9061](#).

¹⁷⁷ See [S/PV.9020](#).

¹⁷⁸ See [S/PV.9170](#).

¹⁷⁹ See [S/PV.9081](#).

and analysis systems to generate higher quality peacekeeping intelligence.¹⁸⁰ That translated into better-informed detection of threats and more rapid action to protect civilians. The representative of Gabon presented the view that the use of unmanned aerial vehicles and point analysis systems were increasingly becoming the preferred means of observing and anticipating movements in hard-to-reach areas, such as battlefields, in order to obtain reliable information for more timely and efficient responses. According to the representative of Ireland, technology could act as a force multiplier in peacekeeping missions, offering peacekeepers greater situational awareness and improved data analysis capabilities. He added that those critically important enablers improved safety, security and operational efficiency, thereby enhancing mandate implementation, which was why implementing the Strategy for the Digital Transformation of United Nations Peacekeeping was so important.

In addition, at a meeting held on 6 September under the item entitled “United Nations peacekeeping operations”, the Under-Secretary-General for Peace Operations called for the support of Council members to fill the critical gaps faced by peace operations in the area of capacities, especially with regard to utility and armed helicopters.¹⁸¹ The representative of China expressed the view that Member States and the Secretariat should work together to enhance the emergency response and early warning capabilities of missions, strengthen rescue and medical support systems and properly use new technologies to improve equipment and security. In that context, China was sending a unit of unmanned aerial vehicles to MINUSMA. Similarly, the representative of Mexico noted that his country had made progress in the contribution of equipment to operate unmanned aerial vehicles as part of its commitment to the women and peace and security agenda. Several other Council members also pointed to the need to provide peacekeepers with the necessary training and equipment.¹⁸²

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

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

On 27 June and 22 December, respectively, the Council adopted resolutions [2639 \(2022\)](#) and [2671 \(2022\)](#) on 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.¹⁸³ The Council also urged prompt reporting by the Secretary-General to the Council and troop-contributing countries of any actions that impeded the ability of UNDOF to fulfil its mandate.¹⁸⁴

On 29 June, the Council adopted resolution [2640 \(2022\)](#) on the situation in Mali, in which it requested the Secretary-General to ensure that troop-contributing countries received sufficient information relevant to up-to-date tactics, techniques and procedures for reducing troop casualties in an asymmetric environment before deploying to Mali.¹⁸⁵

In a presidential statement adopted on 12 July, the Council recognized the need to continue to improve the strategic communications capabilities of peacekeeping operations and encouraged the Secretariat and Member States, including troop- and police-contributing countries, to work together in that regard.¹⁸⁶

On 31 August, the Council adopted resolution [2650 \(2022\)](#) on the situation in the Middle East, in which it welcomed the report of the Secretary-General on the assessment of the continued relevance of the resources and options of the United Nations Interim Force in Lebanon (UNIFIL) for improving the

¹⁸⁰ See [S/PV.9039](#).

¹⁸¹ See [S/PV.9123](#).

¹⁸² Norway, United Kingdom, United States and Albania.

¹⁸³ Resolutions [2639 \(2022\)](#) and [2671 \(2022\)](#), thirteenth preambular paragraph.

¹⁸⁴ *Ibid.*, para. 6.

¹⁸⁵ Resolution [2640 \(2022\)](#), para. 42.

¹⁸⁶ [S/PRST/2022/5](#), fourteenth paragraph.

efficiency and effectiveness between UNIFIL and the Office of the United Nations Special Coordinator for Lebanon, requested the Secretary-General to continue the implementation of his detailed plan, with timelines and specific modalities, in full and close consultation with the parties, including Lebanon, the troop-contributing countries and the members of the Council, to implement recommendations, and further requested him to periodically update the Council on that process.¹⁸⁷

During 2022, no explicit references to Article 44 of the Charter were made during discussions of the Council. Nonetheless, consistent with recent practice, during the annual open debate on the working methods of the Council, held on 28 June under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”, several participants highlighted the importance of cooperation and consultation by the Council with troop- and police-contributing countries, including on matters pertaining to the formulation and implementation of mandates.¹⁸⁸

The importance of consulting troop- and police-contributing countries on matters relating to the mandates of peacekeeping operations continued to be discussed at meetings held under the item entitled “United Nations peacekeeping operations”. For example, at a meeting held on 6 September, the representative of the Russian Federation stated that triangular cooperation between the Council, troop-contributing countries and the Secretariat was important in strengthening a spirit of partnership, collaboration and mutual trust.¹⁸⁹ The representative of the United Arab Emirates expressed the view that designing better mandates required strengthened triangular cooperation between the Council, troop-contributing countries and the Secretariat on the one hand, and improved cooperation between missions and host communities on the other, in addition to enhanced cooperation between those actors and regional organizations, especially in Africa.

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 subcommittees.*

¹⁸⁷ Resolution 2650 (2022), para. 8.

¹⁸⁸ See S/PV.9079 (Guatemala, Morocco and Indonesia); and S/PV.9079 (Resumption 1) (Argentina, Slovakia and Egypt).

¹⁸⁹ See S/PV.9123.

Note

Section VI covers the practice of the Council under Articles 46 and 47 of the Charter of the United Nations regarding the Military Staff Committee, including instances in which the Council considered the role of the 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 of the Charter in any of its decisions. Articles 46 and 47 were also not explicitly referred to in any of the Council's discussions. Nonetheless, at an open debate held on 25 May under the item entitled "Protection of civilians in armed conflict", the representative of Costa Rica emphasized that it was more urgent than ever that the Council, with the assistance of the Military Staff Committee, propose plans for a system for regulating arms, including a more robust effort to monitor and enforce Council arms embargoes at the national and regional levels.¹⁹⁰

In 2022, the Military Staff Committee introduced a new practice by issuing its first annual report in the form of a communication addressed to the Council. By a letter dated 16 December addressed to the President of the Council,¹⁹¹ the Chair of the Military Staff Committee conveyed its annual report, which contained two explicit references to Article 47 of the Charter. In the report, the Committee recalled that it had been established in accordance with Article 47 and Council resolution 1 (1946) and stated that it remained prepared to carry out the functions assigned to it under the terms of Article 47.

As customary, the annual report of the Council to the General Assembly covering the reporting period also referred to the activities of the Military Staff Committee.¹⁹²

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 of the United Nations, 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 of the Charter relates to requests to Member States to carry out action decided upon by the Council, during 2022, 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

¹⁹⁰ See S/PV.9042 (Resumption 1).

¹⁹¹ S/2022/1036.

¹⁹² See A/77/2, part IV.

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 year under review, the Council did not explicitly invoke Article 48 of the Charter in any of its decisions. The Council, however, adopted resolutions in which it underlined the obligation of Member States and other entities concerned to comply with the measures imposed under Chapter VII of the Charter pursuant to Article 48. The present section is divided into two subsections: subsection A, covering decisions of the Council requiring Member States to carry out actions in relation to measures under Article 41; and subsection B, covering decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During 2022, no explicit references to Article 48 were made in communications to the Council, nor was there any discussion held in relation to the interpretation or application of that Article.

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

In 2022, the Council adopted no decisions concerning judicial measures taken under Article 41 of the Charter. The Council, however, adopted a number of decisions under Article 41 concerning sanctions, in which it frequently requested or stressed the importance of specific measures being implemented by all Member States or all States, as well as regional organizations. The Council requested the countries specifically targeted by the measures to carry out the actions required.

In relation to the Central African Republic, the Council urged all parties and all Member States, as well as international, regional and subregional organizations, to ensure cooperation with the Panel of Experts on the Central African Republic and the safety of its members.¹⁹³ It further urged all Member States and all relevant United Nations bodies to ensure unhindered access, in particular to persons, documents and sites in order for the Panel to execute its mandate, and recalled the value of information-sharing between the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the Panel.¹⁹⁴ The Council also requested the Central African Republic authorities to report, by 15 May 2023, to the Committee established pursuant to resolution [2127 \(2013\)](#) concerning the Central African Republic on the progress achieved regarding security sector reform; the implementation of the disarmament, demobilization, reintegration and repatriation process in line with the Political Agreement for Peace and Reconciliation in the Central African Republic via the road map adopted by the International Conference on the Great Lakes Region; and the management of weapons and ammunition.¹⁹⁵ In addition, the Council decided that all Member States were to continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic of arms and related materiel of all types.¹⁹⁶

Concerning the Democratic People's Republic of Korea, the Council urged all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee established pursuant to resolution [1718 \(2006\)](#) and the Panel of Experts established pursuant to resolution [1874 \(2009\)](#), in particular by supplying any information at their disposal on the implementation of the measures imposed by the Council in its relevant resolutions.¹⁹⁷

With respect to the Democratic Republic of the Congo, the Council called for enhanced cooperation between all States, particularly those in the region, and the Group of Experts on the Democratic Republic of the Congo.¹⁹⁸

In connection with 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

¹⁹³ Resolution [2648 \(2022\)](#), para. 10.

¹⁹⁴ *Ibid.*, para. 11.

¹⁹⁵ *Ibid.*, para. 13.

¹⁹⁶ *Ibid.*, para. 1.

¹⁹⁷ Resolution [2627 \(2022\)](#), para. 6.

¹⁹⁸ Resolution [2641 \(2022\)](#), para. 9.

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).¹⁹⁹

With regard to Libya, the Council demanded full compliance by all Member States with the arms embargo imposed under resolution 1970 (2011), as modified by the Council in subsequent resolutions.²⁰⁰ Concerning the other sanctions measures, the Council called upon Member States, particularly those in which designated individuals and entities were based, as well as those in which their assets frozen under the measures were suspected to be present, to report to the Committee established pursuant to resolution 1970 (2011) concerning Libya on the actions taken to implement effectively the travel ban and asset freeze measures in relation to all individuals on the sanctions list.²⁰¹ It also reiterated that all States were to take the necessary measures to prevent entry into or transit through their territories of all persons designated by the Committee and called upon the Government of Libya to enhance cooperation and information-sharing with other States in that regard.²⁰² Furthermore, the Council urged all States, relevant United Nations bodies, including the United Nations Support Mission in Libya (UNSMIL), and other interested parties to cooperate fully with the Committee and the Panel of Experts on Libya, in particular by supplying any information at their disposal on the implementation of the measures decided by the Council in its relevant resolutions, in particular on incidents of non-compliance, and called upon UNSMIL and the Government of Libya to support the Panel's investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities.²⁰³ The Council also called upon all parties and all States to ensure the safety of the Panel's members and further called upon all parties and all States, including Libya and countries of the 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.²⁰⁴

Concerning Somalia, the Council decided that all States were to take the necessary measures to prevent all deliveries of weapons and military equipment to Somalia, including prohibiting the financing of all acquisitions and deliveries of weapons and military equipment and the direct or indirect supply of technical advice, financial and other assistance, and training related to military activities, except where the beneficiaries were the country's security and police institutions at the national and local level or where the recipient was exempt pursuant to paragraph 21 of resolution 2662 (2022).²⁰⁵ The Council reiterated its request for Member States to assist the Panel of Experts on Somalia in its investigations, and for Somali Government authorities, the African Union Transition Mission in Somalia (ATMIS) and partners to share information with the Panel regarding conduct or activities, in particular by Al-Shabaab and other actors intent on undermining peace and security in Somalia, where covered by listing criteria.²⁰⁶

The Council also called upon the Federal Government of Somalia to continue working with Somali financial authorities, private sector financial institutions and the international community to: (a) identify, assess and mitigate money-laundering and terrorist financing risks; (b) improve compliance; (c) strengthen supervision and enforcement; (d) prioritize the continued development of a secure national identification system to improve financial access and compliance and counter the financing of terrorism; (e) improve monitoring, reporting and investigations into money-laundering and terrorist financing; and (f) develop a plan to mitigate the risks posed by Al-Shabaab to personnel working in anti-money-laundering and counter-terrorist financing roles within national competent authorities and the private sector.²⁰⁷ The Council requested the Federal Government of Somalia, the United Nations Office on Drugs and Crime and the Panel of Experts to continue exchanging information about Al-Shabaab's operations and to continue working with stakeholders to develop a plan to disrupt Al-Shabaab's operations and exploitation

¹⁹⁹ Resolution 2650 (2022), para. 22.

²⁰⁰ Resolution 2629 (2022), para. 5.

²⁰¹ Resolution 2644 (2022), para. 8.

²⁰² *Ibid.*, para. 9.

²⁰³ *Ibid.*, para. 14.

²⁰⁴ *Ibid.*, para. 15.

²⁰⁵ Resolution 2662 (2022), para. 10.

²⁰⁶ *Ibid.*, para. 27.

²⁰⁷ *Ibid.*, para. 30.

of the licit financial system.²⁰⁸ The Council also requested the Federal Government of Somalia to strengthen cooperation and coordination with other States, particularly those in the region, and with international partners to prevent and counter the financing of terrorism.²⁰⁹ The Council reaffirmed that all States were to prevent the direct or indirect sale, supply or transfer of the items specified in part I of annex C to resolution 2662 (2022) 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.²¹⁰ In addition, the Council called upon Member States to undertake appropriate measures to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that were involved in the sale, supply or transfer of explosive precursors and materials to Somalia that might be used in the manufacture of improvised explosive devices.²¹¹ The Council also recalled the importance of full cooperation between Somalia and the Panel and requested the Somali Government authorities to facilitate for the Panel interviews with suspected members of Al-Shabaab and other persons of interest held in custody.²¹² Finally, the Council reiterated its request for Somalia, States and ATMIS to provide information to the Panel and to assist them in their investigations.²¹³

Regarding South Sudan, and in particular the arms embargo, underscoring that arms shipments in violation of the measures contained in resolution 2633 (2022) risked fuelling conflict and contributing to further instability, the Council strongly urged all Member States to take urgent action to identify and prevent such shipments within their territory.²¹⁴ The Council called upon all Member States, in particular States neighbouring South Sudan, to inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to South Sudan, in their territory, including seaports and airports, if the State concerned had information providing reasonable grounds to believe that 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.²¹⁵ The Council also called upon all parties and all Member States, as well as 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 and unhindered access, in particular to persons, documents and sites in order for the Panel to execute its mandate.²¹⁶

In relation to Yemen, recalling the provisions of paragraph 14 of resolution 2216 (2015), the Council called upon all Member States and other actors to comply with their obligations under the targeted arms embargo.²¹⁷ Furthermore, the Council urged all parties and all Member States, as well as international, regional and subregional organizations, to ensure cooperation with the Panel of Experts on Yemen and further urged all Member States involved to ensure the safety of the members of the Panel and unhindered access, in particular to persons, documents and sites, in order for the Panel to execute its mandate.²¹⁸

More broadly, with respect to measures adopted under Article 41 of the Charter for the purpose of preventing and suppressing the financing of terrorism, the Council called upon all States to cooperate fully with 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 its Analytical Support and Sanctions Monitoring Team in the fulfilment of its tasks, including supplying such information as might be required by the Committee in that respect.²¹⁹ The Council also recalled the ability of the Committee to engage with Member States to ensure the effective

²⁰⁸ Ibid., para. 32.

²⁰⁹ Ibid., para. 33.

²¹⁰ Ibid., para. 37.

²¹¹ Ibid., para. 39.

²¹² Ibid., para. 45.

²¹³ Ibid., para. 46.

²¹⁴ Resolution 2633 (2022), para. 8.

²¹⁵ Ibid., paras. 9 and 10.

²¹⁶ Ibid., para. 20.

²¹⁷ Resolution 2624 (2022), twenty-third preambular paragraph.

²¹⁸ Ibid., para. 20.

²¹⁹ Resolution 2664 (2022), para. 2.

implementation of Council decisions, including by requesting additional information from such Member States, including with respect to providers under their jurisdiction, as needed to support such implementation.²²⁰

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 or all parties in relation to measures adopted under Article 42 of the Charter.

With respect to the situation in Abyei, the Council urged the Governments of the Sudan and South Sudan to provide full support to the United Nations Interim Security Force for Abyei (UNISFA) in the implementation of its mandate and deployment of its personnel, including by removing any obstacles that hindered its mandate to protect civilians in Abyei.²²¹ The Council also urged the two Governments and the local communities to take all necessary steps to ensure that Abyei was effectively demilitarized and to extend full cooperation to UNISFA in that regard.²²² The Council reiterated that the Abyei Area was to be demilitarized from any forces, as well as armed elements of the local communities, other than UNISFA and the Abyei Police Service, and urged the Governments of the Sudan and South Sudan and the local communities to take all necessary steps in that regard.²²³

Concerning the situation in the Central African Republic, the Council urged all parties in the country to cooperate fully in the deployment and activities of MINUSCA, in particular by ensuring its safety, security and freedom of movement, with unhindered and immediate access throughout the territory of the Central African Republic, to enable MINUSCA to carry out fully its mandate.²²⁴ 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.²²⁵

In connection with the situation concerning the Democratic Republic of the Congo, the Council reiterated its call upon all parties to cooperate fully with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and to remain committed to the full and objective implementation of the Mission's mandate, and further reiterated the importance of continued compliance with the status-of-forces agreement.²²⁶

With regard to the situation in Lebanon, the Council called upon all parties to respect the cessation of hostilities, to prevent any violation of the Blue Line and to respect it in its entirety, and to cooperate fully with UNIFIL.²²⁷ The Council also urged all parties to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel and to ensure that the freedom of movement of UNIFIL in all its operations and its access to the Blue Line in all its parts were fully respected and unimpeded, in conformity with its mandate and its rules of engagement.²²⁸ The Council called upon the Government of Lebanon to facilitate prompt and full access to sites requested by UNIFIL, including all relevant locations north of the Blue Line related to the discovery of tunnels crossing the Blue Line that UNIFIL had reported as a violation of resolution 1701 (2006).²²⁹ In addition, the Council demanded that the parties cease any restrictions and hindrances to the movement of UNIFIL personnel

²²⁰ *Ibid.*, para. 5.

²²¹ Resolutions 2630 (2022) and 2660 (2022), para. 4.

²²² Resolution 2630 (2022), para. 6.

²²³ Resolution 2660 (2022), para. 4.

²²⁴ Resolution 2659 (2022), para. 52.

²²⁵ *Ibid.*, para. 53.

²²⁶ Resolution 2666 (2022), seventeenth preambular paragraph.

²²⁷ Resolution 2650 (2022), para. 12.

²²⁸ *Ibid.*, paras. 15 and 16.

²²⁹ *Ibid.*, para. 16.

and guarantee the freedom of movement of UNIFIL.²³⁰ The Council reaffirmed its call 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.²³¹ 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.²³²

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.²³³ The Council also urged all parties in Mali to cooperate fully with the Special Representative of the Secretary-General for Mali and MINUSMA in the implementation of the Agreement on Peace and Reconciliation in Mali, as well as to ensure the safety, security and freedom of movement of MINUSMA personnel, with unhindered and immediate access throughout the territory of Mali.²³⁴

In connection with the situation in South Sudan, the Council called upon the Government of South Sudan and all relevant actors to end all obstructions to the United Nations Mission in South Sudan (UNMISS)²³⁵ and reiterated its call upon the Government of South Sudan to comply with the obligations set out in the status-of-forces agreement between the Government and the United Nations and to immediately cease obstructing UNMISS in the performance of its mandate.²³⁶

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 of the United Nations, concerning mutual assistance among Member States in carrying out the measures decided upon by the Council.

In 2022, the Council did not explicitly invoke Article 49 of the Charter in any of its decisions. However, in its decisions adopted during the reporting period, the Council called upon Member States to cooperate with one another or to assist specific States in the implementation of measures imposed under Chapter VII of the Charter. The present section is divided into two subsections. Subsection A covers decisions in which the Council urged cooperation among Member States with respect to measures under Article 41. Subsection B covers decisions in which the Council requested mutual assistance in relation to measures under Article 42.

In 2022, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. No reference to Article 49 was made in the communications received by the Council.

²³⁰ *Ibid.*, para. 17.

²³¹ *Ibid.*, para. 21.

²³² *Ibid.*, para. 20.

²³³ Resolution 2640 (2022), para. 43.

²³⁴ *Ibid.*, para. 6.

²³⁵ Resolution 2625 (2022), para. 9.

²³⁶ *Ibid.*, para. 10.

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

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

For example, with regard to the situation concerning the Democratic Republic of the Congo, the Council called for enhanced cooperation between all States, particularly those in the region, and the Group of Experts on the Democratic Republic of the Congo.²³⁷

In connection with the situation in Libya, the Council called upon the Government of Libya to improve the implementation of the arms embargo and called upon all Member States to cooperate in such efforts.²³⁸ The Council further called upon the Government of Libya to enhance cooperation and information-sharing with other States regarding measures taken to prevent entry into or transit through their territories of all persons designated by the Committee established pursuant to resolution 1970 (2011) concerning Libya.²³⁹

With respect to the situation in Somalia, the Council requested the Federal Government of Somalia to strengthen cooperation and coordination with other States, particularly other States in the region, and with international partners to prevent and counter the financing of terrorism, including through compliance with resolutions 1373 (2001), 2178 (2014) and 2462 (2019) and relevant domestic and international law.²⁴⁰

Concerning the situation in South Sudan, the Council decided that all Member States were to cooperate in efforts to seize and dispose of items of which the supply, sale or transfer was prohibited by the Council in paragraph 4 of resolution 2428 (2018).²⁴¹

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

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

For example, concerning the situation in Lebanon, the Council called upon Member States to urgently assist the Lebanese Armed Forces as needed to enable them to perform their duties in line with resolution 1701 (2006).²⁴²

With respect to the situation in Libya and the question of migration, the Council reiterated its calls made in previous resolutions to "all flag States involved" to cooperate in efforts aimed at inspecting vessels suspected of being used for migrant smuggling or human trafficking from Libya.²⁴³ The Council also reiterated its calls made in previous resolutions upon Member States, acting nationally or through regional organizations, including the European Union, to cooperate with the Government of Libya and with each other, including by sharing information to assist Libya in building capacity to secure its borders

²³⁷ Resolution 2641 (2022), para. 9.

²³⁸ Resolution 2644 (2022), para. 7.

²³⁹ *Ibid.*, para. 9.

²⁴⁰ Resolution 2662 (2022), para. 33.

²⁴¹ Resolution 2633 (2022), para. 10.

²⁴² Resolution 2650 (2022), twenty-seventh preambular paragraph.

²⁴³ Resolution 2652 (2022), para. 2.

and to prevent, investigate and prosecute acts of smuggling of migrants and human trafficking through its territory and in its territorial sea.²⁴⁴

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 commended the role played by the Federal Government of Somalia, Member States and regional organizations in that regard and urged the continued development of a Somalia-led, coordinated approach in developing the country's maritime governance sector, including through the formation of the Somali Navy and Coast Guard Working Group, and support for the country's maritime institutions.²⁴⁵

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 of the United Nations, 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.²⁴⁶ In 2022, none of the Council-mandated sanctions committees received formal requests for assistance under Article 50 of the Charter. While the Council did not explicitly invoke Article 50 in any of its decisions during the reporting period, in its resolution 2664 (2022), the Council urged States, when designing and applying measures to counter the financing of terrorism, to take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, that were carried out by impartial humanitarian actors in a manner consistent with international humanitarian law.²⁴⁷ In the same resolution, the Council expressed its readiness to review, adjust and terminate, when appropriate, its sanctions regimes taking into account the evolution of the situation on the ground and the need to minimize unintended adverse humanitarian effects,²⁴⁸ requested the Secretary-General to issue a written report on unintended adverse humanitarian consequences of Council sanctions measures within nine months of the adoption of the resolution, requested that the report contain recommendations on ways to minimize and mitigate such unintended adverse consequences, including through the promulgation of additional standing exemptions to the sanctions measures, and expressed its intent to consider further steps, as necessary, to further minimize and mitigate such unintended adverse consequences.²⁴⁹

During Council meetings in 2022, in addition to one explicit reference to Article 50 of the Charter, which is featured in case 10 below,²⁵⁰ speakers made numerous implicit references to the unintended consequences of sanctions that are of relevance to the interpretation and application of Article 50. For example, at a meeting held on 28 February under the item entitled "The situation in the Middle East",

²⁴⁴ Ibid.

²⁴⁵ Resolution 2662 (2022), tenth preambular paragraph.

²⁴⁶ For more information on sanctions measures, see sect. III above.

²⁴⁷ Resolution 2664 (2022), fifth preambular paragraph.

²⁴⁸ Ibid., eighth preambular paragraph.

²⁴⁹ Ibid., para. 7.

²⁵⁰ See S/PV.8962 (Ghana).

several speakers expressed concern about the possible unintended consequences of sanctions imposed on Yemen, in particular as they concerned humanitarian assistance and the country's economy.²⁵¹ At a meeting held on 7 March under the item entitled "Reports of the Secretary-General on the Sudan and South Sudan", the representative of Kenya, speaking also on behalf of Gabon and Ghana, reiterated the call for the lifting of sanctions and the arms embargo against South Sudan, noting that they were counterproductive to the peace efforts and had had the unintended consequence of undermining the country's potential for economic investments.²⁵² At a meeting held on 30 June under the item entitled "The situation concerning the Democratic Republic of the Congo", following the adoption of resolution [2641 \(2022\)](#) concerning the sanctions regime on the Democratic Republic of the Congo, the representative of Brazil noted that his country had supported a broader clause on the humanitarian consequences of sanctions in the resolution, adding that the International Committee of the Red Cross and other humanitarian agencies had reported and argued that instances of overcompliance with Council measures on the part of banks and financial institutions in general had made donations to humanitarian agencies and humanitarian assistance itself more difficult in the country.²⁵³ The excerpt that Brazil had proposed had been intended to address that unintended and damaging consequence. In addition, during meetings held under the item entitled "The question concerning Haiti", some speakers also referred to the unintended damage or consequences of sanctions measures on humanitarian efforts in Haiti.²⁵⁴

Concerns about the unintended impact of Council-mandated sanctions and counter-terrorism measures were also raised in thematic meetings of the Council, notably in connection with the items entitled "Briefings by Chairs of subsidiary bodies of the Security Council",²⁵⁵ "Briefing by the United Nations High Commissioner for Refugees",²⁵⁶ "Protection of civilians in armed conflict",²⁵⁷ "Threats to international peace and security"²⁵⁸ and "Threats to international peace and security caused by terrorist acts".²⁵⁹

Featured below is the most salient discussion concerning the interpretation and application of Article 50 of the Charter, which took place during meetings held under the item entitled "General issues relating to sanctions" (case 10).

Case 10 General issues relating to sanctions

On 7 February, at the initiative of the Russian Federation, which held the presidency for the month,²⁶⁰ the Security Council held a debate under the item entitled "General issues relating to sanctions" and the sub-item entitled "Preventing their humanitarian and unintended consequences".²⁶¹ During the meeting, the Council heard briefings by the Under-Secretary-General for Political and Peacebuilding Affairs and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

In her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs noted that United Nations sanctions had undergone considerable changes since the 1990s to minimize their possible adverse consequences on civilian populations and third States. She added that the Council and its sanctions committees had increasingly sought in recent years to obtain first-hand information on possible adverse consequences and indicated that sanctions were continually adjusted in response to changes on the ground, with due regard for their impact on civilian populations. The Under-Secretary-General also noted that, in the past decade, only one Member State had reported facing special economic problems arising from Council sanctions. The evolution from comprehensive to targeted sanctions had marked a sea change in that

²⁵¹ See [S/PV.8981](#) (Ghana, Ireland, Mexico, Norway and Russian Federation).

²⁵² See [S/PV.8987](#).

²⁵³ See [S/PV.9084](#).

²⁵⁴ See, for example, [S/PV.9153](#) (United Arab Emirates); and [S/PV.9159](#) (Brazil).

²⁵⁵ See, for example, [S/PV.9218](#) (Norway).

²⁵⁶ See, for example, [S/PV.9178](#) (Brazil and Ireland).

²⁵⁷ See, for example, [S/PV.9042](#) (Brazil, Norway and Switzerland (on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict)).

²⁵⁸ See, for example, [S/PV.9188](#) (Ireland).

²⁵⁹ See, for example, [S/PV.9221](#) (Norway).

²⁶⁰ A concept note was circulated by a letter dated 2 February ([S/2022/86](#)).

²⁶¹ See [S/PV.8962](#).

area of the Council's work, but some concerns remained about unintended consequences and adverse effects of Council sanctions. According to the Under-Secretary-General, de-risking policies and overcompliance were probably two of the most important problems facing humanitarian actors. Financial actors and other service providers might impose additional conditions, increase their costs or simply refuse to provide the requested goods and services, thereby inhibiting the delivery of humanitarian assistance. Noting that the humanitarian community, and much of the world, had welcomed resolution [2615 \(2021\)](#), which carved out a humanitarian exemption to the sanctions regime imposed on Afghanistan, the Under-Secretary-General asserted that similar standing exemptions in other sanctions regimes could go a long way to respond to the critical needs of civilian populations.

The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator noted that sanctions affected humanitarian relief operations directly and indirectly, as well as civilians, even when those impacts were unintended. However smart and targeted they were, compliance with sanctions was a daily element in the work of humanitarian agencies. He added that sanctions could have an impact on the humanitarian agencies' logistics, finances and ability to deliver and could lead to humanitarian projects being delayed or stalling, while some could threaten the well-being of a wider section of the population in a civilian society. The Emergency Relief Coordinator noted that United Nations sanctions were designed to limit unintended consequences and welcomed the Council's clear consistent signals that they were not intended to have adverse humanitarian consequences. Listing some of his concerns over the use of sanctions in countries already affected by humanitarian crises, he highlighted, inter alia, that banks and other commercial operators, aiming to avoid any risk of penalty or prosecution, could effectively deny services to humanitarian customers and that commercial operators that traded food, fuel and other necessities could also decide to err on the side of caution or overcomply, leading to shortages and price rises. That was especially disastrous in fragile countries already heavily dependent on food imports and experiencing a humanitarian crisis. Addressing some of the ways to mitigate the humanitarian impact of sanctions, the Emergency Relief Coordinator urged the Council and Member States to ensure that sanctions applicable in armed conflict did not impede the assistance and protection activities of impartial humanitarian organizations for persons who were not fighting, irrespective of their allegiance or designation. In all contexts, they should ensure that sanctions did not restrict the enjoyment of economic, social and cultural rights, including the right to food, water, shelter and health. He added that sanctions should not have cascading secondary implications that went beyond the focus of the action.

During the debate, Council members and other speakers presented their views on how to mitigate the possible unintended consequences of sanctions imposed by the Council, including with regard to humanitarian assistance. In that context, one explicit reference to Article 50 of the Charter of the United Nations was made by the representative of Ghana, who underscored the need to enhance humanitarian exemption mechanisms to safeguard the livelihoods of populations and noted that the existing exemptions did not appear to fully tackle the humanitarian problem, especially when comprehensive sanctions had been imposed.

The representative of the Russian Federation stated that many of the active Council sanctions regimes no longer corresponded to the situation on the ground, hindering the plans of Governments in terms of State-building and socioeconomic development, and called for the collateral damage resulting from sanctions measures to be taken seriously, as it manifested in detrimental impacts on the national economy and the lives and well-being of the population. He expressed the view that, despite declarations that restrictive Council measures should not affect the lives of ordinary people, in practice, international restrictions often led to a deterioration in the socioeconomic situation of countries under sanctions.

The representative of the United Kingdom stated that his country was committed to minimizing any unintended consequences of sanctions, including on the delivery of humanitarian assistance. To achieve that, his country advocated carefully targeted sanctions, aimed at specific goals, as part of a comprehensive approach to conflict resolution. He noted that the adoption of resolution [2615 \(2021\)](#) concerning Afghanistan had been a good demonstration of how sanctions regimes could be tailored to address any unintended consequences as they emerged and ensure that they did not hinder the delivery of urgently needed humanitarian assistance.

According to the representative of China, for over twenty years, there had been a trend of expanding the Council's sanctions regimes, whose adverse impacts on humanitarian issues and livelihoods could not be ignored and increasingly caused disruptions to normal economic and social activities of ordinary citizens and third countries. Emphasizing the importance of designing targeted sanctions mechanisms, he noted that the intensity and scope of compulsory measures should be carefully calibrated, with clear and unequivocal provisions to minimize collateral damage. The representative of China added that the Council should closely monitor and comprehensively assess the humanitarian, economic and social impacts of sanctions and that the Office for the Coordination of Humanitarian Affairs and the United Nations missions deployed in the sanctioned countries should be requested to monitor any adverse impact of sanctions and report it to the Council in a timely manner so that the Council could make timely arrangements and adjustments.

The representative of Ireland expressed the view that carefully targeted sanctions, particularly where due process was respected, could serve to reduce unintended consequences. Highlighting recommendations to minimize any potential humanitarian or other unintended consequence of sanctions, the representative of the United Arab Emirates noted that the potential humanitarian consequences of sanctions should systematically be considered in the design of each and every sanctions regime and addressed wherever applicable. He added that constant re-evaluation and adaptation of sanctions throughout their lifespan was necessary to protect affected populations from unintended adverse consequences.

The representative of India noted that the unintended consequences of sanctions measures were being increasingly emphasized by Member States and other stakeholders and that there was an urgent need to credibly address those concerns to ease the sufferings of the people. It was also necessary to ensure that the legitimate trade and economic activities of the concerned State and its regional partners were not adversely affected. He added that, while it was imperative that sanctions not impede legitimate humanitarian requirements, it was also important to exercise due diligence while providing humanitarian carveouts, especially in cases where terrorism found safe haven. The representative of Norway expressed concern about reports from humanitarian non-governmental organizations that sanctions might negatively impact their work but stated that her country was pleased that the Council, over the past year, had adopted clear language stressing that sanctions were not intended to have negative humanitarian consequences.

The representative of Gabon noted, *inter alia*, that while most sanctions regimes provided for exemptions to meet the basic needs of those targeted, the fact remained that their goal was clearly to financially drain or harm the key economic sectors of the targeted entities. Such measures often affected the budgetary revenues of the States on which sanctions had been imposed and inevitably affected the overall economy and people's standard of living. The representative of Brazil asserted that, despite the progress made to minimize the negative impact of sanctions, there were still many reports of their unintended consequences on humanitarian assistance, which was why Brazil encouraged the Council to continue its work to adjust the sanctions framework so that sanctions would effectively minimize human suffering rather than accentuate it. He further noted that there should be better monitoring of the socioeconomic and humanitarian consequences of sanctions.

The representative of the United States underscored the importance of ensuring that sanctions were effective and targeted and minimized unintended consequences. Referring to humanitarian exemptions, she further noted that in certain cases, they could strengthen sanctions by ensuring that their economic costs were more effectively targeted. Expressing full support for targeted sanctions that responded to specific situations, the representative of Albania noted that they needed to be measured and proportional in order to be effective and should avoid any eventual collateral damage or unintended consequences. He presented the view that targeted sanctions did not harm the economy, nor did they hurt populations or affect essential needs, such as food and medicine. In contrast, according to the representative of Kenya, when applied with insufficient care for civilian suffering and lacking a sense of proportion, sanctions could have the same debilitating impact on a country as kinetic warfare.

The representative of France stated that sanctions had undergone significant changes in recent years, particularly to take into account their potential negative effects on the delivery of humanitarian and medical assistance. The representative of Mexico expressed the view that the Council had moved

from the debate on whether or not sanctions produced undesirable humanitarian consequences to a stage of action in which it was trying to prevent or mitigate their impact, citing in that regard the examples of Somalia, the Democratic Republic of the Congo and Afghanistan.

At the same meeting, representatives of non-Council members also voiced their concerns about the unintended impact of sanctions on their countries and regions.²⁶²

Further to the above discussion, Council members met again under the same item at the end of the year, on 9 December,²⁶³ to adopt resolution 2664 (2022), under Chapter VII of the Charter. Adopted not unanimously,²⁶⁴ the resolution provided for a standing humanitarian exemption to all asset freeze measures imposed by the Council or any of its committees with the exception of the sanctions regime pursuant to resolution 1988 (2011) concerning the Taliban, which had its own humanitarian carveout pursuant to resolution 2615 (2021) and which would remain in effect.²⁶⁵

Following the vote, Council members reflected on the importance of minimizing the negative unintended effects of sanctions, including their humanitarian consequences.²⁶⁶ In that regard, the representative of Ireland stated that with the adoption of the resolution, Council members diminished the unintended consequences of sanctions without diminishing United Nations sanctions themselves. He indicated that it was clear that Council members shared the desire to mitigate any inadvertent effects that sanctions might have on humanitarian activity. Noting that the humanitarian community had consistently documented and called attention to the unintended negative consequences of sanctions for principled humanitarian action, the representative of Norway said that her country attached great importance to ensuring that sanctions were well designed and that it was pleased that the practices of the Council had developed on the issue of broad humanitarian exemptions in the past few years. The representative of the Russian Federation pointed out that the adopted resolution included provisions proposed by her delegation in relation to: assessing the potential humanitarian consequences prior to the Council taking a decision about imposing a sanctions regime; the readiness to conduct a review to correct or stop sanctions regimes when it became necessary to do so; and emphasizing the fact that sanctions were temporary in nature. She noted that the resolution also contained a request to the Secretary-General to prepare a written report about unintended adverse humanitarian consequences of Council sanctions. Welcoming the adoption of resolution 2664 (2022), the representative of Albania referred to it as a milestone development of the Council in making the sanctions regime more effective by minimizing its potential unintended consequences and by strengthening its legitimacy.

Explaining the abstention of her delegation, the representative of India expressed the view that, in implementing sanctions regimes, it was important to ensure that they had the intended impact and did not further exacerbate the suffering of the populations at the receiving end. She added that the legitimate trade and economic activities of the State concerned and its regional partners could not be ignored and that the unintended consequences of sanctions measures, including the humanitarian consequences, required effective redress. The representative of India reiterated that under no circumstances should the garb of humanitarian cover intended to be provided by the exemptions be misused by proscribed terrorist groups to expand their terror activities and called for due diligence and extreme caution in the implementation of the resolution.

²⁶² Sudan, South Sudan, Mali, Iraq and Bolivarian Republic of Venezuela (on behalf of the Group of Friends in Defence of the Charter of the United Nations).

²⁶³ See S/PV.9214.

²⁶⁴ The draft resolution received 14 votes in favour (Albania, Brazil, China, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, Russian Federation, United Arab Emirates, United Kingdom and United States) and 1 abstention (India).

²⁶⁵ Resolution 2664 (2022), paras. 1 and 4.

²⁶⁶ See S/PV.9214.

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 of the United Nations, 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 or the right of self-defence in its decisions during the reporting period.

A. Discussions relating to Article 51

In 2022, Article 51 of the Charter was explicitly invoked 49 times during the deliberations of the Council at 27 Council meetings,²⁶⁷ representing a fourfold increase compared with the previous year.²⁶⁸ Moreover, the right of self-defence was discussed at several meetings of the Council held under thematic and country- and region-specific items.

²⁶⁷ See, in connection with the item entitled “Children and armed conflict”, [S/PV.9096 \(Resumption 1\)](#) (Türkiye); in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, [S/PV.8967](#) (Belarus); in connection with the item entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)”, [S/PV.9132](#) (Armenia); in connection with the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, [S/PV.8970](#) (Ukraine), [S/PV.8974](#) (Russian Federation) and [S/PV.8979](#) (United Kingdom and Ukraine); in connection with the item entitled “Maintenance of international peace and security”, [S/PV.9052](#) (Mexico and Russian Federation) and [S/PV.9220](#) (Azerbaijan); in connection with the item entitled “Maintenance of peace and security of Ukraine”, [S/PV.9104](#) (Mexico); [S/PV.9135](#) (United States and Ukraine) and [S/PV.9195](#) (Estonia (also on behalf of Latvia and Lithuania)); in connection with the item entitled “Protection of civilians in armed conflict”, [S/PV.9042 \(Resumption 1\)](#) (Canada); in connection with the item entitled “The situation concerning Iraq”, [S/PV.8975](#) (Mexico); [S/PV.9034](#) (Mexico and Iraq); and [S/PV.9100](#) (Iraq and Türkiye); in connection with the item entitled “The situation in Mali”, [S/PV.9154](#) (Mali); in connection with the item entitled “The situation in the Middle East”, [S/PV.8958](#) (Syrian Arab Republic), [S/PV.9083](#) (Mexico and Türkiye), [S/PV.9117](#) (United States, Mexico, China, Syrian Arab Republic and Türkiye), [S/PV.9130](#) (Syrian Arab Republic, Islamic Republic of Iran and Türkiye), [S/PV.9163](#) (Türkiye) and [S/PV.9204](#) (Mexico and Türkiye); in connection with the item entitled “Threats to international peace and security”, [S/PV.9127](#) (Russian Federation, United States, Albania, Ireland, Norway and Ukraine) and [S/PV.9216](#) (Norway, Albania, Mexico, Ireland and Ukraine); and in connection with the item entitled “Threats to international peace and security caused by terrorist acts”, [S/PV.8963](#) (Mexico), [S/PV.9108](#) (Mexico) and [S/PV.9221](#) (Mexico).

²⁶⁸ For more information, see *Repertoire, Supplement 2021*, part VII, sect. X.

Discussions on thematic items

At a meeting held on 9 February under the item entitled “Threats to international peace and security caused by terrorist acts” and specifically focused on counter-terrorism operations, the representative of Mexico underscored that the collective security system must not be violated under the pretext of the need to address terrorism and that violations of Article 51 of the Charter were inadmissible.²⁶⁹ Furthermore, at a meeting held on 9 August under the same item, the representative of Mexico again reiterated that abuses of the invocation of Article 51 in order to use force against terrorists were inadmissible and in violation of international law.²⁷⁰ Again at a meeting held on 15 December under the same item, the representative of Mexico expressed similar concerns about the ongoing invocation of legitimate self-defence when using force against non-State actors in a third State, under the so-called unwilling and unable doctrine, reiterating that those interpretations went beyond the provisions of Article 51.²⁷¹

At a meeting held on 16 February, in relation to the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, the representative of Belarus stated that the principles of the United Nations, including the right to collective self-defence enshrined in Article 51 of the Charter, formed the basis of the Collective Security Treaty Organization.²⁷² At the same meeting, the representative of Kazakhstan referred to a series of coordinated, violent armed riots carried out by criminal elements and religious extremists, including foreign terrorist fighters, in January 2022 throughout Kazakhstan, which had been qualified as a terrorist threat to national security and an act of aggression. Recalling that the Charter recognized the right of every State to individual or collective self-defence in such events, he informed the Council that the President of Kazakhstan had officially requested the Collective Security Treaty Organization to provide peacekeeping assistance in order to maintain stability in the country and the United Nations had been properly informed in a timely manner about the intention of the Collective Security Treaty Organization to send a peacekeeping contingent composed of all five member States to Kazakhstan to deal with the situation.

At a meeting held on 25 May, in connection with the item entitled “Protection of civilians in armed conflict”, the representative of Canada pointed out that when parties to armed conflict committed serious violations, they must be held accountable – diplomatically, through collective sanctions; militarily, by supporting Governments, such as Ukraine, that were defending themselves under Article 51 of the Charter; and legally, through prosecution at the International Criminal Court, the International Court of Justice and other bodies.²⁷³

At a meeting held on 2 June under the item entitled “Maintenance of international peace and security”, the representative of Mexico stressed that interpretations of the fundamental norms of international law that were not supported by the jurisprudence of the International Court of Justice should be avoided, as they endangered the integrity of the Charter, as was the case of the abusive invocations of Article 51 of the Charter to justify the use of force.²⁷⁴ He added that the misuse and abuse of the right to legitimate defence only caused violence to escalate and recalled that his country had repeatedly objected to such interpretations both in the Council and the General Assembly. During the same meeting, the representative of the Russian Federation recalled that its special military operation in Ukraine had been launched on the basis of Article 51 and the corresponding notification had been submitted in writing to the Council on 24 February in the manner prescribed by Article 51.²⁷⁵ He underscored that the issue of abolishing certain provisions of the Charter, including its Article 51, or of depriving a Member State of the right to exercise its inalienable right to collective or individual self-defence had not been considered by the International Court of Justice.²⁷⁶ At a meeting held on 14 December under the same item, the representative of Azerbaijan informed the Council that, as a result of a large-scale armed provocation in September 2020, Azerbaijan had been obliged to launch a counter-offensive operation fully in line with

²⁶⁹ See [S/PV.8963](#).

²⁷⁰ See [S/PV.9108](#).

²⁷¹ See [S/PV.9221](#).

²⁷² See [S/PV.8967](#).

²⁷³ See [S/PV.9042 \(Resumption 1\)](#).

²⁷⁴ See [S/PV.9052](#).

²⁷⁵ See [S/2022/154](#).

²⁷⁶ See [S/PV.9052](#).

Article 51 and Council resolutions adopted in 1993, resulting in the liberation of its territories from the long-term unlawful foreign military occupation.²⁷⁷

On 19 July, at a meeting held under the item entitled “Children and armed conflict”, the representative of Türkiye categorized the references made in the report of the Secretary-General on children and armed conflict with regard to the country’s counter-terrorism operations in the Syrian Arab Republic and Iraq as incorrect, and underlined that all those operations had been conducted as part of its legitimate right to self-defence, in full compliance with international law and international humanitarian law and in line with Article 51 of the Charter.²⁷⁸

In 2022 and under the item entitled “Threats to international peace and security”, the Council also discussed the right to self-defence in the context of the situation in Ukraine, as further elaborated upon in case 13 below.

Discussions on country- and region-specific items

During its deliberations, the Council also addressed issues relevant to the interpretation and application of Article 51 of the Charter and/or the right to self-defence under a number of country- and region-specific items, relating to the Middle East, Ukraine, Iraq, Armenia and Azerbaijan, and Mali, which are featured below in descending order based on the volume of references to Article 51.

Middle East

The Council addressed the interpretation and application of Article 51 of the Charter and the right to self-defence under the item entitled “The situation in the Middle East” in relation to the military activities conducted in the territory of the Syrian Arab Republic in meetings held on 27 January, 29 June, 29 August, 14 September, 25 October and 29 November. At a meeting held on 27 January, the representative of the Syrian Arab Republic referred to a series of events in Hasakah city, which had started with the explosion of a car bomb by Da’esh.²⁷⁹ He added that what the city had gone through in the preceding days was the inevitable result of an erroneous and hostile approach adopted by some Western countries towards his country since 2011 and the product of a number of serious violations of the principles of international law by successive United States Administrations and their allies, who had bypassed the Council by erroneously interpreting Article 51 to form their own illegitimate coalition, without the approval of, or coordination with, the Government of the Syrian Arab Republic. At a meeting held on 29 June, the representative of Mexico expressed concern about the announcement of a new military intervention in northern Syrian Arab Republic, in particular the attempt to justify it under Article 51, stressing that it would be totally contrary to the provisions of international law, specifically with respect to the use of force and self-defence, and that if it were to occur it would undermine the country’s sovereignty, independence, unity and territorial integrity.²⁸⁰ At that same meeting, in reference to the terrorist organization Kurdistan Workers’ Party/People’s Protection Units, the representative of Türkiye stressed his country’s commitment to combating all terrorist organizations that threatened its security, in line with Article 51 and the relevant Council resolutions. He added that Türkiye would not hesitate to continue to take all the necessary measures to deal with all threats against its vital security interests. At meetings held on 29 August and 14 September,²⁸¹ a detailed discussion was held on the letter submitted to the Council on 26 August by the United States,²⁸² in which the United States had informed the Council that it had undertaken precision strikes against a facility in eastern Syrian Arab Republic used by militia groups affiliated with the Islamic Revolutionary Guard Corps of the Islamic Republic of Iran (case 12). At the meeting held on 14 September, the representative of Türkiye also reiterated that his country would continue its resolute fight against all terrorist organizations threatening its national security, in the exercise of its inherent right of self-defence, as reflected in Article 51 and in accordance with the relevant Council resolutions on the fight against terrorism.²⁸³ Similarly, at a meeting held on 25 October, the

²⁷⁷ See [S/PV.9220](#).

²⁷⁸ See [S/PV.9096 \(Resumption 1\)](#). For the report of the Secretary-General, see [S/2022/493](#).

²⁷⁹ See [S/PV.8958](#).

²⁸⁰ See [S/PV.9083](#).

²⁸¹ See [S/PV.9117](#) and [S/PV.9130](#).

²⁸² [S/2022/647](#).

²⁸³ See [S/PV.9130](#).

representative of Türkiye reiterated that Turkish counter-terrorism operations were carried out to combat all terrorist organizations that threatened the nation's security, in the exercise of its inherent right of self-defence, as reflected in Article 51 and in accordance with Council resolutions on the fight against terrorism.²⁸⁴ At a meeting held on 29 November, the representative of Mexico, stressing that any action in the fight against terrorism must comply with international law, including international humanitarian law and international human rights law, reiterated his country's alarm at the abuse of invocations of Article 51, which were supposedly justified in the name of the fight against terrorism.²⁸⁵ At the same meeting, the representative of Türkiye underscored that the fact that the obligations stemming from the agreements of October 2019 with the United States and the Russian Federation had not been fully implemented resulted in an increased terrorist threat against the borders of Türkiye, and asserted that Türkiye would continue to carry out counter-terrorism operations to protect its people and ensure its border security, in the exercise of its inherent right of self-defence, as reflected in Article 51.

Ukraine

In 2022, the right of self-defence of Ukraine was discussed during multiple meetings held under the item entitled "Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)" (case 11). At a meeting held on 21 February under the item and in response to the decision by the Russian Federation to recognize the independence of certain areas of the Donetsk and Luhansk regions, the representative of Ukraine underscored that, in accordance with Article 51 of the Charter, Ukraine had the inherent right to individual and collective self-defence.²⁸⁶ At a subsequent meeting held under the same item on 23 February, the representative of the Russian Federation informed the Council that the President of the Russian Federation had decided to launch a special military operation in Donbas, a decision that had been made in accordance with Article 51, the approval of the Federation Council of the Russian Federation and pursuant to the Treaty of Friendship, Cooperation and Mutual Assistance signed with the Donetsk and Luhansk People's Republics.²⁸⁷

Also in relation to the situation in Ukraine, on 29 July, at a meeting held under the item entitled "Maintenance of peace and security of Ukraine", the representative of Mexico recalled that for more than five months, various interpretations had been heard of a confusing narrative that failed to justify the war in Ukraine.²⁸⁸ In that context, he recalled his country's position with regard to upholding Article 2 (4) of the Charter, which stated that all Members were to refrain from the threat or use of force against the territorial integrity or political independence of any State.²⁸⁹ He emphasized that what was happening in Ukraine was a flagrant violation of the Charter and that the free and self-serving interpretations of the right to self-defence set out in Article 51, which set a dangerous precedent, were also very worrisome. At a meeting held on 22 September under the same item, the Secretary of State of the United States expressed support for the range of national and international efforts to collect and examine the mounting evidence of war crimes perpetrated by Russian forces in Ukraine and stressed that the perpetrators must be held accountable for those crimes.²⁹⁰ He further recalled that more than 40 nations had come together to help the Ukrainian people to defend themselves, which was a right enshrined in Article 51. At the same meeting, the Minister for Foreign Affairs of Ukraine said that the President of Ukraine had proposed a peace formula, which included not only accountability but also a mechanism of security guarantees based on Article 51. At a meeting held on 16 November under the same item, the representative of Estonia, speaking also on behalf of Latvia and Lithuania, stated that the territories occupied by the Russian Federation within the internationally recognized borders of Ukraine were Ukrainian and that Ukraine had every right to defend them in full accordance with Article 51.²⁹¹

²⁸⁴ See [S/PV.9163](#).

²⁸⁵ See [S/PV.9204](#).

²⁸⁶ See [S/PV.8970](#).

²⁸⁷ See [S/PV.8974](#).

²⁸⁸ See [S/PV.9104](#).

²⁸⁹ For more information on discussions concerning the item in the context of Article 2 (4) of the Charter, see part III, sect. II.B, case 4.

²⁹⁰ See [S/PV.9135](#).

²⁹¹ See [S/PV.9195](#).

Iraq

At a meeting held on 24 February under the item entitled “The situation concerning Iraq”, the representative of Mexico reiterated his country’s concern about wrongly invoking Article 51 of the Charter in the context of combating terrorism, while urging regional and international partners to continue to support the efforts of Iraq, particularly in the area of capacity-building of the security forces.²⁹² The representative of Mexico voiced similar concerns at the meeting held on 17 May under the same item.²⁹³ During that meeting, the representative of Iraq noted that the use of Article 51 in the acts of aggression carried out by Turkish forces was without legal basis and that the Article did not authorize acts that undermined an independent country’s sovereignty. At a subsequent meeting held under the same item on 26 July, the Minister for Foreign Affairs of Iraq said that Türkiye would try to justify its military presence in Iraq by presenting many illegal arguments and would claim that there was an agreement with Iraq that would allow for a Turkish military presence in Iraq so that it could resolve its Turkish problem.²⁹⁴ He further asserted that Türkiye would once again refer illegally to Article 51 to justify its actions, which were in violation of the sovereignty of Iraq. He underscored that the same Article compelled Türkiye to inform the Council of military violations carried out in Iraq and added that Türkiye was failing to uphold the Article, in violation of the Charter. At the same meeting, the representative of Türkiye highlighted the obligation of Iraqi authorities under both international law and the Constitution of Iraq to stop the Kurdistan Workers’ Party from using the territory of Iraq. He recalled that Iraq had so far proven to be either unable or unwilling to fight the terrorists and indicated that if a country could not control its own territory, was unwilling to fight against terrorists and could not stop terrorists from using its territory to kill the citizens of a neighbouring State, then it was siding, either directly or indirectly, with the terrorists, and could not castigate its neighbour for using the right to self-defence. He further underscored that, in the absence of the ability and willingness of Iraq to deal with the presence of terrorist organizations in its own country, Türkiye was obliged to take appropriate measures and would continue to exercise its inherent right to self-defence as outlined in Article 51.

Armenia-Azerbaijan

In connection with the increase in violence at the border between Armenia and Azerbaijan, at a meeting held on 15 September under the newly introduced item entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)”, the representative of Armenia recalled that, over the past year, his delegation had repeatedly brought to the attention of the Council the fact that Azerbaijan had been engaging in the illegal practice of acquisition of territories by force and had duly reported such acts of aggression under Article 51 of the Charter.²⁹⁵ He underscored that the representative of Azerbaijan would offer justifications for his country’s predatory conduct but that there was no such justification under international law.²⁹⁶

Mali

At a meeting held on 18 October under the item entitled “The situation in Mali”, the Minister for Foreign Affairs and International Cooperation of Mali emphasized that the Government of Mali reserved the right to resort to self-defence in accordance with Article 51 of the Charter if France continued to undermine the sovereignty, territorial integrity and national security of Mali.²⁹⁷

²⁹² See S/PV.8975.

²⁹³ See S/PV.9034.

²⁹⁴ See S/PV.9100.

²⁹⁵ See S/PV.9132. For more information on the introduction of new items, see part II, sect. II.

²⁹⁶ For more information on the developments under the item, see part I, sect. 16.

²⁹⁷ See S/PV.9154.

Case 11

Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)

At a meeting held on 25 February under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”,²⁹⁸ the Security Council voted on a draft resolution submitted by 82 Member States.²⁹⁹ The Council failed to adopt the draft resolution owing to the negative vote of the Russian Federation.³⁰⁰ Under the draft resolution, the Council would have condemned the 23 February declaration by the Russian Federation of a special military operation in Ukraine and would have decided that the Russian Federation must immediately cease its use of force against Ukraine, refrain from any further unlawful threat or use of force and immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders.³⁰¹

Speaking before the vote, the representative of the United Kingdom stated that the President of the Russian Federation had launched a massive invasion of Ukraine with the aim of removing its Government and subjugating its people.³⁰² She stressed that such an act was not self-defence under Article 51 of the Charter of the United Nations; rather, it was naked aggression and an unprovoked, unjustified war that the Council must condemn. Following the vote, the representative of the United Kingdom took the floor again and underscored that the claim of the Russian Federation that its invasion of Ukraine was in self-defence was absurd and indicated that the only act of self-defence of the Russian Federation was the vote that it had cast against the draft resolution. The representative of Ghana, also speaking after the vote, took note of the letter from the Russian Federation submitted to the Council,³⁰³ in which the Russian Federation had sought to indicate that its use of force against Ukraine was in self-defence while dismissing its all-out military action against Ukraine. The representative of Ghana said that his country was pained by the unnecessary and rising number of deaths that had been occasioned by the invasion and called upon the Russian Federation to immediately withdraw its forces from Ukraine and to recommit to dialogue and diplomacy.³⁰⁴ The representative of Ukraine recalled that his country had been exercising its right to self-defence under Article 51. He stressed that the Russian Federation did not have that excuse and that calling occupying troops peacekeepers and claiming the right of self-defence was lunacy.

The representative of the Russian Federation explained that the main reason for his country’s negative vote was that the draft resolution had left out issues that could not be overlooked in the context of the Ukrainian problem and emphasized that the Russian Federation was not waging a war against Ukraine or the Ukrainian people but was instead carrying out a special operation against nationalists to protect the residents of Donbas and for the purposes of denazification and demilitarization.

Case 12

The situation in the Middle East

On 29 August, at a meeting held under the item entitled “The situation in the Middle East” and focused on the situation in the Syrian Arab Republic,³⁰⁵ the representative of the United States referred to a letter that it had submitted to the Security Council on 26 August,³⁰⁶ in which it had informed the Council that it had undertaken precision strikes against a facility in eastern Syrian Arab Republic used by militia groups affiliated with the Islamic Revolutionary Guard Corps of the Islamic Republic of Iran.

²⁹⁸ See S/PV.8979.

²⁹⁹ See S/2022/155.

³⁰⁰ The draft resolution received 11 votes in favour (Albania, Brazil, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, United Kingdom and United States), 1 against (Russian Federation) and 3 abstentions (China, India and United Arab Emirates). For more information on decision-making and voting, see part II, sect. VIII.

³⁰¹ S/2022/155, sixth preambular paragraph and paras. 3 and 4. For more information on discussions concerning the item in the context of Article 2 (4) of the Charter, see part III, sect. II.B, case 3.

³⁰² See S/PV.8979.

³⁰³ S/2022/154.

³⁰⁴ See S/PV.8979.

³⁰⁵ See S/PV.9117.

³⁰⁶ S/2022/647.

The representative of the United States recalled that, as specified in the letter, the action had been in response to armed attacks against the United States and had been taken in the exercise of its inherent right to self-defence, as reflected in Article 51 of the Charter of the United Nations.³⁰⁷ The representative of Mexico took note of the military actions in eastern Syrian Arab Republic for which Article 51 had been invoked and reiterated her country's position that, based on that provision, invocations of self-defence justifying the use of force against non-State actors in a third State under the so-called unwilling and unable doctrine were contrary to the Charter and customary international law. The representative of China underscored that there was no doubt that the military operations in eastern Syrian Arab Republic carried out by the United States constituted a violation of the country's sovereignty and territorial integrity and had nothing to do with the right to self-defence under Article 51. He called for an end to the unlawful presence of foreign forces and illegal military operations in the Syrian Arab Republic. The representative of the Syrian Arab Republic clarified that the presence of United States forces on Syrian territory was illegal and had been carried out without the request or consent of the Government of the Syrian Arab Republic and, therefore, was also a violation of the Charter. He added that the justification made by the representative of the United States and the use of Article 51 and what he had called the right to self-defence as a pretext was a legal misrepresentation, political insolence and an excuse, which was worse than the action itself.

Concerning other regional dynamics, the representative of Türkiye stated that his country would continue its resolute fight against all terrorist organizations threatening its national security, in the exercise of its inherent right of self-defence, as embodied in Article 51 of the Charter and in accordance with Council resolutions on the fight against terrorism. He recalled that his country's past operations against the Kurdistan Workers' Party/People's Protection Units terrorist organization had made it ready to cooperate with all actors that had a genuine interest in and the determination to preserve the unity of the Syrian Arab Republic, as well as an interest in the fight against terrorism. The representative of the Islamic Republic of Iran condemned the Israeli military attacks in the Syrian Arab Republic, including on civilian infrastructure, and stated that his delegation recognized the legitimate right to self-defence of the Syrian Arab Republic under international law and the Charter.

At a subsequent meeting held on 14 September under the same item,³⁰⁸ the representative of the Syrian Arab Republic recalled that certain Western countries, including what was called the international coalition, had been misinterpreting and wrongly applying Article 51 of the Charter as they used unfounded pretexts and misleading interpretations to justify attacks on the sovereignty, independence and territorial integrity of other countries. In that regard, he referred to a letter dated 6 September from the Syrian Arab Republic addressed to the Council, in which the Syrian Arab Republic had responded to the statement of the Permanent Representative of the United States justifying her country's aggression against the Syrian Arab Republic on the pretext of Article 51.³⁰⁹ He recalled that in the letter, the Syrian Arab Republic had stressed that the only *de facto* and *de jure* description of the actions and activities of the illegitimate United States troops present in the Syrian Arab Republic was the crime of aggression.³¹⁰ The representative of the Islamic Republic of Iran stressed that the illegal presence of foreign forces in parts of the Syrian Arab Republic, which had created ideal conditions for terrorist activities, must be ended. He also underlined that the recent air strikes in north-eastern Syrian Arab Republic by illegal foreign forces could not be justified under Article 51 or through an arbitrary interpretation of self-defence, adding that the attacks constituted a flagrant violation of international law and the Charter.

Case 13

Threats to international peace and security

On 8 September, the Security Council held a meeting under the item entitled "Threats to international peace and security" focused on the situation in Ukraine.³¹¹ During the meeting, the representative of the Russian Federation stated that his country had launched a special operation to protect

³⁰⁷ See [S/PV.9117](#).

³⁰⁸ See [S/PV.9130](#).

³⁰⁹ See [S/2022/647](#) and [S/2022/675](#).

³¹⁰ See [S/PV.9130](#).

³¹¹ See [S/PV.9127](#).

the people of Donbas, in accordance with Article 51 of the Charter of the United Nations, after the Kyiv regime, with the approval of its Western sponsors, had publicly “killed” the Minsk process. He added that it had been a difficult but necessary decision after it had become clear that the military action of Ukraine against the Donetsk and Luhansk People’s Republics was inevitable. He further explained that one of the goals of the special military operation was the denazification and demilitarization of Ukraine, with a view to ensuring that there would no longer be any threats to the Donbas or to the Russian Federation from its territory.

Several speakers referred to the right of Ukraine to self-defence under Article 51 of the Charter against the aggression of the Russian Federation, including in reference to the acquisition of arms for the purpose of self-defence. In that regard, the representative of the United States stated that all countries had an inherent right to self-defence, consistent with Article 51, adding that every Member of the United Nations had a right to its sovereignty and territorial integrity. The representative of Albania underscored that Article 51 was clear and provided an unquestionable legal basis for individual States to offer any assistance to a country exercising its inherent rights to self-defence and the defence of its sovereignty and territorial integrity. The representative of Ireland expressed his country’s commitment to the core principles enshrined in the Charter, which included the sovereign equality and territorial integrity of States, underscoring that Ukraine had the same fundamental right as every other sovereign and independent State to choose its own foreign policy and to ensure the security and defence of its own territory. He stressed that the principles of the Charter were not an à la carte menu and that Articles 2 (4) and 51 applied to all Members of the United Nations, with no exceptions or waiving of those principles.³¹² The representative of Ireland further pointed out that Ukraine had not committed or threatened to commit an armed attack against the Russian Federation; rather, it was the Russian Federation that had attacked Ukraine and had sought to justify its invasion by invoking Article 51, and it was the Russian Federation that then sought to deny a fellow Member of the United Nations that same right to self-defence. He added that the European Union was providing military support to help Ukraine to exercise its inherent right of self-defence and defend its territorial integrity and sovereignty. The representative of Norway emphasized that Ukraine had a right to defend itself against the armed attack of the Russian Federation, as enshrined in Article 51, and other States were entitled to respond positively to the call of Ukraine for assistance in the exercise of its legitimate right to self-defence. The representative of Ukraine underscored that international law guarded the sovereignty and territorial integrity of Ukraine and conferred upon it the inherent right to self-defence, enshrined in particular in Article 51. He added that Ukraine was defending itself, Europe, the world and the Charter and would keep on fighting in strict accordance with the provisions of Article 51 until every inch of the sovereign territory of Ukraine, including Crimea, was liberated.

Other speakers referred to the right of Ukraine to self-defence without explicitly invoking Article 51 of the Charter. In that regard, the representative of the United Kingdom stressed that Ukraine had every right to defend itself under the Charter, legally and morally. The representative of Mexico expressed concern regarding arms transfers that had been occurring since the beginning of the conflict in eastern Ukraine in 2013. He said that as long as the Council did not shoulder its responsibility to address a situation involving an invasion such as the one that Ukraine was confronting, Mexico acknowledged the natural right to legitimate self-defence and to acquire arms to that end. He stressed, however, the need for protections and safeguards to minimize risks and prevent diversions of weapons or their use to commit grave and systematic violations of human rights or international humanitarian law. The representative of France recalled that his country furnished military support, which helped to provide Ukraine with a way to defend itself, because it had resolved to help Ukraine to defend its sovereignty and territorial integrity. He also recalled that the European Union had similarly made a collective decision to fund weaponry to ensure that Ukraine could withstand the aggression of the Russian Federation and added that the military assistance provided by France and the European Union would continue for so long as the armed aggression of the Russian Federation persisted.

At a subsequent meeting held on 9 December under the same item,³¹³ Council members continued the discussion on the right to self-defence in the context of the acquisition of arms by Ukraine. The representative of the Russian Federation explained that the reason for calling the meeting was to cover

³¹² For more information on discussions concerning the item in the context of Article 2 (4) of the Charter, see part III, sect. II.B, case 2.

³¹³ See [S/PV.9216](#).

two topics, namely, the consequences for international peace and security of the growing smuggling of arms supplied to Ukraine and the impact that the ongoing massive pumping of Ukraine with Western weapons was having on the prospects for ending the Ukrainian conflict. Condemning the war of the Russian Federation against Ukraine in the strongest possible terms and reiterating her country's unwavering support for the sovereignty and territorial integrity of Ukraine within its internationally recognized borders, the representative of Norway underlined the right of Ukraine to self-defence, as enshrined in Article 51 of the Charter, as well as the sovereign right to ask for and receive support from other States in the exercise of that right. The representative of Albania underscored that international law was crystal clear on the fact that a country under attack had every right to defend itself, under Article 51. She stated that, having been under attack for 10 months, Ukraine was simply defending itself, and that the sovereignty, territorial integrity and political independence of Ukraine had been assaulted, which made self-defence not only a natural right but also an existential imperative. She added that, for that reason, whoever was helping Ukraine, in whatever way legally and openly, was not only helping a nation in need, a nation in danger and a nation under threat but also upholding the law and protecting the Charter. The representative of Ireland stressed that Ukraine had not committed or threatened to commit an armed attack against the Russian Federation; rather, it was the Russian Federation that had attacked Ukraine and had cynically sought to justify its invasion by invoking Article 51. He further pointed out that the Russian Federation then sought to deny Ukraine its entirely legitimate right of self-defence, as enshrined in the Charter. The representative of Ukraine said that Ukraine would continue to de-occupy its sovereign territories in strict accordance with Article 51 and expressed gratitude to all friends and allies who supported Ukraine in that noble endeavour, including by supplying modern weapons. He stressed that the use of those weapons had been an element of Ukraine exercising the inherent right to self-defence under Article 51.

Other Council members expressed support for the right of Ukraine to self-defence without explicitly referring to Article 51 of the Charter. Affirming the inherent right of Ukraine to self-defence under customary international law, codified in Chapter VII of the Charter, the representative of Ghana stated that Ukraine had deployed its military and strategic capabilities in asserting its inherent right to self-defence against the armed attack of the Russian Federation and in a courageous endeavour to preserve its national interests, stressing that there was no prohibition on such action, and that neither the rules of international law nor the Charter prohibited the supply of conventional weapons to a State under armed attack by another. The representative of France explained that, by providing military support to Ukraine, both nationally and at the European level, his country continued to give the Ukrainian people all the support they needed to exercise their right to legitimate self-defence and to preserve their freedom, sovereignty and independence. The representative of the United Kingdom said that in the face of the relentless efforts of the Russian Federation to seize the territory of Ukraine, in violation of the Charter, and to dehumanize, kill and subjugate its people, Ukraine had no choice but to exercise its right to defend itself, for if it did not, it would cease to exist.

Taking note of the right of Ukraine to self-defence, other speakers expressed concerns regarding the proliferation of weapons resulting from the conflict. The representative of Mexico recalled that his country's concern regarding arms transfers and their impact on civilians, in the light of Article 51 of the Charter, was not limited to the current situation but dated back to the beginning of the conflict in eastern Ukraine in 2014. The representative of Kenya, acknowledging the heavy responsibility that Ukraine bore in defending its internationally recognized borders, underscored that while conscripting for, training and equipping one's army in times of war was expected, the proliferation of weapons was bound to have a significant impact not only in the country in conflict but also beyond. The representative of Brazil stated that while it should be recognized that the supply of arms and ammunition to the parties to the conflict in Ukraine could result in prolonging it and in more suffering for the civilian population, it was undeniable that States had a right to self-defence, as enshrined in the Charter, in cases of violations of their sovereignty and territorial integrity and, consequently, the right to acquire arms for their security, including from outside sources. The representative of the United States said that, although his country had seen no credible evidence of Ukraine diverting United States-origin arms and munitions, the inherent risk of weapons' capture and diversion on the battlefield in any armed conflict must be recognized.

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

In 2022, Article 51 of the Charter was explicitly referenced in 17 communications from Member States addressed to the President of the Council or circulated as a document of the Council. Those communications concerned a variety of disputes and situations. A complete list of letters from Member States containing explicit references to Article 51 is provided in table 15 below. Explicit references to Article 51 were also found in the reports of the Secretary-General on the implementation of resolutions [2576 \(2021\)](#) and [2631 \(2022\)](#),³¹⁴ concerning the mandate of the United Nations Assistance Mission for Iraq, as well as in the report of the Informal Working Group on Documentation and Other Procedural Questions,³¹⁵ containing an account of the Informal Working Group's activities from 1 January to 31 December 2022. In addition, references to the principle of self-defence continued to be found in other communications from several Member States, listed in table 16 below, as well as in communications from the Permanent Observer of the State of Palestine.³¹⁶

Table 15
Communications from Member States containing explicit references to Article 51 of the Charter, 2022

<i>Document symbol</i>	<i>Document title</i>
S/2022/112	Letter dated 11 February 2022 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2022/154	Letter dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General
S/2022/179	Letter dated 3 March 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General
S/2022/206	Letter dated 10 March 2022 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/2022/363	Letter dated 28 April 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council
S/2022/372	Identical letters dated 28 April 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2022/515	Letter dated 16 June 2022 from the Permanent Representative of Türkiye to the United Nations addressed to the President of the Security Council
S/2022/574	Letter dated 22 July 2022 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council
S/2022/622	Letter dated 15 August 2022 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the President of the Security Council
S/2022/647	Letter dated 26 August 2022 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council
S/2022/675	Letter dated 6 September 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council
S/2022/680	Letter dated 7 September 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
S/2022/694	Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

³¹⁴ [S/2022/103](#) and [S/2022/714](#).

³¹⁵ [S/2022/1032](#).

³¹⁶ [S/2022/236](#), [S/2022/283](#), [S/2022/361](#), [S/2022/377](#), [S/2022/603](#) and [S/2022/758](#).

Repertoire of the Practice of the Security Council, 2022

<i>Document symbol</i>	<i>Document title</i>
S/2022/717	Letter dated 27 September 2022 from the Permanent Representative of Estonia to the United Nations addressed to the President of the Security Council
S/2022/790	Letter dated 21 October 2022 from the Permanent Representative of Lithuania to the United Nations addressed to the President of the Security Council
S/2022/808	Letter dated 27 October 2022 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General
S/2022/837	Letter dated 8 November 2022 from the Permanent Representative of Türkiye to the United Nations addressed to the President of the Security Council

Table 16
Communications from Member States containing references to the principle of self-defence, 2022

<i>Document symbol</i>	<i>Document title</i>
S/2022/61	Letter dated 27 January 2022 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General
S/2022/90	Letter dated 3 February 2022 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council
S/2022/223	Letter dated 14 March 2022 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council
S/2022/225	Letter dated 14 March 2022 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/2022/445	Letter dated 31 May 2022 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/2022/464	Letter dated 8 June 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2022/520	Letter dated 28 June 2022 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council
S/2022/679	Letter dated 7 September 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
S/2022/680	Letter dated 7 September 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
S/2022/748	Letter dated 10 October 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
S/2022/797	Letter dated 17 October 2022 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council
