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## **Part III**

# **Purposes and principles of the Charter of the United Nations**

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## **Introductory note**

Part III covers the consideration by the Security Council of Articles contained in Chapter I of the Charter of the United Nations relating to the purposes and principles of the United Nations, namely Articles 1 (2), 2 (4), 2 (5) and 2 (7). Part III consists of four sections. Section I features material relating to the principle of self-determination of peoples under Article 1 (2) of the Charter. Section II covers material relevant to the prohibition of the use of force or the threat of the use of force as enshrined in Article 2 (4). Section III deals with the obligation of States to refrain from assisting a target of the Council's enforcement action as stipulated in Article 2 (5). Section IV highlights the Council's consideration of the principle of non-intervention by the United Nations in the internal affairs of States, as regulated by Article 2 (7).

In 2018, the Council continued to deliberate on the principle of self-determination regarding the situation in the Middle East, including the Palestinian question, the situation in eastern Ukraine, and the situation concerning Western Sahara. It also discussed the application of Article 2 (4) during several open debates held under the item entitled "Maintenance of international peace and security" and in the context of the conflict in Syria. Furthermore, the Council reflected upon the principles enshrined in Article 2 (7) of the Charter during its consideration of the situations in Burundi and Nicaragua as well as in its discussions on the relationship between United Nations peacekeeping operations and host countries. The Council did not discuss the application of Article 2 (5) of the Charter during the year. No Council decisions adopted during the reporting period contained explicit references to any of these Articles. Nonetheless, this part includes Council decisions featuring language relating to the principles enshrined in Articles 1 (2), 2 (4), 2 (5) and 2 (7). Similarly, this part also includes explicit invocations of Articles 1 (2), 2 (4), 2 (5) and 2 (7) found in the correspondence of the Council during the period under review.

## **I. Principle of equal rights and self-determination of peoples under Article 1, paragraph 2**

### *Article 1, paragraph 2*

*[The Purposes of the United Nations are:]*

*To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.*

### **Note**

Section I concerns the practice of the Security Council regarding the principle of equal rights and self-determination of peoples as enshrined in Article 1 (2) of the Charter of the United Nations. Subsection A features decisions relevant to the principle enshrined in Article 1 (2). Subsection B describes the references made to the principle of self-determination in Council discussions during the reporting period. Subsection C sets out instances in which the principle of self-determination was invoked in communications addressed to the Council.

#### **A. Decisions relating to Article 1 (2)**

During the period under review, the Security Council did not explicitly invoke Article 1 (2) in its decisions. However, several implicit references found in its decisions are of relevance for the interpretation and application of Article 1 (2). Those implicit references were made in connection with the envisaged referendum in Western Sahara (see table 1).

Table 1  
**Decisions containing implicit references to Article 1 (2)**

Decision and date	Provision
<b>The situation in Western Sahara</b>	
Resolution <a href="#">2414 (2018)</a> 27 April 2018	<p><i>Reaffirming</i> its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect (fourth preambular paragraph)</p> <p><i>See also resolution <a href="#">2440 (2018)</a>, sixth preambular paragraph.</i></p> <p><i>Calls upon</i> the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect (para. 3)</p> <p><i>See also resolution <a href="#">2440 (2018)</a>, para. 4.</i></p> <p><i>Affirms</i> its full support for the intention of the Secretary-General and his Personal Envoy in this context to relaunch the negotiations with a new dynamic and a new spirit with the aim of reaching a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations (para. 13)</p>

## **B. Constitutional discussion relating to Article 1 (2)**

During the period under review, Article 1 (2) was not explicitly invoked in the deliberations of the Security Council. This notwithstanding, speakers made reference to the principle of self-determination in the context of both country-specific and thematic discussions, as elaborated below.

At the 8183rd meeting, held on 20 February under the item entitled “The situation in the Middle East, including the Palestinian question”, the President of the Permanent Observer State of Palestine asserted that his state would “present any agreement reached with Israel to a general referendum among [his] people so as to respect democracy and strengthen legitimacy”.<sup>1</sup> During the same meeting, several speakers expressed support for the right of the Palestinian people to self-determination.<sup>2</sup> Similar references to the principle of self-determination were made by speakers at other meetings held under the same item.<sup>3</sup>

On 21 February, at the 8185th meeting held under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”, the Secretary-General stated that “the Charter’s principles — namely, the non-use of force, peaceful settlement of disputes, non-intervention, cooperation, self-determination and the sovereign equality of Member States — remain[ed] the foundation of international relations”.<sup>4</sup> The representatives of Kuwait and the United States echoed his

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<sup>1</sup> [S/PV.8183](#), p. 10.

<sup>2</sup> *Ibid.*, p. 20 (Kazakhstan), p. 23 (Poland) and p. 28 (Kuwait).

<sup>3</sup> See, for example, [S/PV.8167](#), pp. 7 and 9 (Palestine), p. 21 (Ethiopia), p. 23 (Plurinational State of Bolivia), p. 23 (Poland), p. 28 (Kazakhstan), p. 32 (Cuba), p. 39 (Islamic Republic of Iran), p. 40 (League of Arab States), pp. 41 and 43 (Bolivarian Republic of Venezuela), p. 44 (Botswana), p. 44 (South Africa), p. 48 (Argentina), p. 49 (Syrian Arab Republic), p. 58 (Egypt), p. 61 (Committee on the Exercise of the Inalienable Rights of the Palestinian People) and p. 62 (Democratic Peoples’ Republic of Korea); and [S/PV.8244](#), p. 7 (Palestine), p. 16 (Poland), p. 17 (Ethiopia), p. 24 (Kuwait), p. 30 (Syrian Arab Republic), p. 38 (Islamic Republic of Iran), p. 41 (Bolivarian Republic of Venezuela), p. 52 (Cuba), p. 55 (Nigeria), p. 58 (Viet Nam), p. 61 (Iraq), and p. 65 (Bangladesh); [S/PV.8316](#), p. 6 (Palestine), p. 15 (Kuwait), p. 20 (Netherlands), p. 20 (Equatorial Guinea), p. 21 (Poland), p. 27 (Sweden), p. 27 (Lebanon), p. 28 (Argentina), p. 32 (Islamic Republic of Iran), p. 33 (Bolivarian Republic of Venezuela), p. 39 (Nigeria), p. 42 (South Africa), p. 44 (Cuba) and p. 55 (Viet Nam); [S/PV.8375](#), pp. 8-10 (Palestine), p. 14 (Kazakhstan), p. 16 (Ethiopia), p. 19 (Kuwait), p. 27 (Poland), and p. 27 (Côte d’Ivoire).

<sup>4</sup> [S/PV.8185](#), p. 2. See also the concept note circulated by Kuwait ahead of the meeting ([S/2018/85](#)) and the summary non-paper circulated by Kuwait after the meeting ([S/2018/318](#)).

statement, both recalling the need to respect the principles and purposes of the Charter, including equal rights and the right to self-determination.<sup>5</sup> The representative of Kuwait lamented that those principles and purposes were “flagrantly flouted in ways that [undermined] not only regional peace and security, but also international security in general”.<sup>6</sup>

In relation to the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”, at the 8254th meeting held on 14 May 2018, the First Deputy Prime Minister and Minister for Foreign Affairs of Serbia pointed out that the situation concerning Kosovo was “not a fight for self-determination or freedom, because the Albanians in Kosovo [were] not a people who did not have a State of their own”, adding that Albanians had already exercised their right to self-determination by establishing the State of Albania.<sup>7</sup>

In connection with the situation in eastern Ukraine, at the 8270th meeting held on 29 May 2018 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 the Russian Federation recalled that the provisions of the Minsk Agreement “include[d] residents’ right to linguistic self-determination, broad self-governance and support for cross-border cooperation with Russia”.<sup>8</sup> At the same meeting, the representative of the United States accused the Russian forces of seizing the Parliament building in Crimea back in 2014 and imposing an “illegitimate referendum on the people”.<sup>9</sup>

In the context of the meetings held under the item entitled “The situation concerning Western Sahara”, many speakers referred to the need for a lasting and mutually acceptable solution that provided for the self-determination of the people of Western Sahara.<sup>10</sup>

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<sup>5</sup> Ibid, p. 7 (Kuwait, Deputy Prime Minister and Minister for Foreign Affairs) and p. 12 (United States, Permanent Representative to the United Nations and member of the President’s Cabinet).

<sup>6</sup> Ibid., p. 7.

<sup>7</sup> [S/PV.8254](#), p. 25.

<sup>8</sup> [S/PV.8270](#), p. 23.

<sup>9</sup> Ibid., p. 16.

<sup>10</sup> See [S/PV.8246](#), p. 2 (United States), p. 3 (Ethiopia), pp. 5-6 (Sweden), p. 6 (United Kingdom), p. 7 (Kuwait), pp. 7-8 (Plurinational State of Bolivia), p. 8 (the Netherlands) and p. 9 (Peru); and [S/PV.8387](#), p.

Moreover, Article 1, including language relating to the principles enshrined in paragraph 2, was also referenced at the 8262nd meeting, held on 17 May under the item entitled “Maintenance of international peace and security”, as featured in case 1.

### **Case 1** **Maintenance of international peace and security**

At the 8262nd meeting, held on 17 May 2018, at the initiative of Poland, which held the Presidency for the month, the Security Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding international law within the context of the maintenance of international peace and security”.<sup>11</sup>

At that meeting, the representative of Qatar underscored that it was essential to avoid any undermining of international peace and security and uphold Article 1 of the Charter and stressed the need to respect the right of people to self-determination.<sup>12</sup> The representative of Uruguay emphasized the importance of not losing sight of the principles of non-intervention and self-determination in dealing with internal conflicts.<sup>13</sup> The representative of Armenia stressed further that “equal rights and self-determination for peoples” were fundamental principles enshrined in the Charter and that the right to self-determination by freely determining one’s political status and freely pursuing one’s economic, social and cultural development belonged to all peoples. He added that the right to self-determination should not be “restricted, suspended or turned into an issue of territorial dispute”, and that the principle of that right was a “binding and universally recognized fundamental norm of international law for all States, with no exceptions, and its implementation derived from international obligations assumed by States.”<sup>14</sup>

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2 (United States), p. 4 (Sweden), p. 4 (United Kingdom), p. 5 (Ethiopia), p. 7 (Netherlands), p. 7 (Peru), and p. 8 (Plurinational State of Bolivia).

<sup>11</sup> A concept note was circulated by a letter dated 3 May 2018 ([S/2018/417/Rev.1](#)) and a summary non-paper was circulated by Poland after the meeting ([S/2018/560](#)).

<sup>12</sup> [S/PV.8262](#), p. 58.

<sup>13</sup> *Ibid.*, pp. 68-69.

<sup>14</sup> *Ibid.*, pp. 87-88.



### **C. Invocation of the principle enshrined in Article 1 (2) in communications**

During the period under review, no explicit references to Article 1 (2) were found in the communications addressed to the Council. This notwithstanding, the principle of self-determination was invoked in numerous communications addressed or brought to the attention of the Council, including communications from Member States relating to Western Sahara,<sup>15</sup> the Middle East, including the Palestinian question,<sup>16</sup> Nagorno-Karabakh<sup>17</sup> and the India-Pakistan question.<sup>18</sup> The reports of the Secretary-General to the Security Council pursuant to resolution [2367 \(2017\)](#), regarding the 2017 referendum for Iraqi Kurdistan,<sup>19</sup> and on the situation concerning Western Sahara also made reference to the principle of self-determination.<sup>20</sup>

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<sup>15</sup> See, for example [S/2018/306](#), annex; [S/2018/673](#), annex; [S/2018/711](#), annex; and [S/2018/761](#), annex; [S/2018/908](#), annex; and [S/2018/910](#), annex.

<sup>16</sup> See, for example, [S/2018/458](#), p. 3; [S/2018/470](#), p. 2; [S/2018/858](#), p. 3.

<sup>17</sup> See, for example, [S/2018/77](#), pp. 5-6; [S/2018/124](#), annex; [S/2018/150](#), annex; [S/2018/433](#), annex.

<sup>18</sup> See, for example, [S/2018/308](#), annex; and [S/2018/695](#), p. 2.

<sup>19</sup> [S/2018/42](#), pp. 4 and 8.

<sup>20</sup> [S/2018/277](#), pp. 4, 5, 6, 10, 12 and 13; and [S/2018/889](#), pp. 4, 5, 12 and 15.

## **II. Prohibition of the threat or use of force under Article 2, paragraph 4**

### *Article 2, paragraph 4*

*All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*

### **Note**

Section II covers the practice of the Security Council concerning the principle of the prohibition of the threat or use of force under Article 2 (4) of the Charter. Subsection A includes implicit references to Article 2 (4) in decisions adopted by the Council. Subsection B highlights constitutional discussions relating to the threat or use of force. Subsection C features explicit references in communications to the Council to the principle enshrined in Article 2 (4).

#### **A. Decisions relating to Article 2 (4)**

During the period under review, the Security Council did not adopt any decision containing explicit references to Article 2 (4). In a number of its decisions, however, the Council underlined the principles of Article 2 (4) by (a) reaffirming the prohibition of the threat or use of force in international relations; (b) reiterating the importance of good-neighbourliness and non-interference by States in the internal affairs of others; (c) calling for the cessation of support by States to armed groups engaged in destabilizing national and regional peace and security; and (d) calling on parties to withdraw all military forces from a disputed area or occupied territories. The four themes are covered below.

(a) *Affirmation of the prohibition of the threat or use of force in international relations*

In 2018, the Council stressed the prohibition of the threat or use of force against other Member States through a few of its decisions, in particular concerning the future status of Abyei and the situation in the Middle East (see table 2).

Table 2

**Decisions affirming the prohibition of the threat or use of force in international relations**

<i>Decision and date</i>	<i>Provision</i>
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
Resolution <a href="#">2416 (2018)</a> 15 May 2018	<i>Reiterating</i> that the territorial boundaries of States shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means, <i>affirming</i> the priority it attaches to the full and urgent implementation of all outstanding issues from the Comprehensive Peace Agreement (CPA), and <i>underscoring</i> that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party (third preambular paragraph)  <i>Also see resolution <a href="#">2445 (2018)</a>, third preambular paragraph.</i>
<b>The situation in the Middle East</b>	
Resolution <a href="#">2426 (2018)</a> 29 June 2018	<i>Stressing</i> that both parties must abide by the terms of the 1974 Disengagement of Forces Agreement between Israel and the Syrian Arab Republic and scrupulously observe the ceasefire (third preambular paragraph)  <i>Also see resolution <a href="#">2450 (2018)</a>, third preambular paragraph.</i>  <i>Stresses</i> the obligation on both parties to scrupulously and fully respect the terms of the 1974 Disengagement of Forces Agreement, <i>calls on</i> the parties to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation, <i>encourages</i> the parties to take advantage of the United Nations Disengagement Observer Force's liaison function regularly to address issues of mutual concern, as appropriate, and <i>underscores</i> that there should be no military activity of any kind in the area of separation, including military operations by the Syrian Arab Armed Forces (para. 2)  <i>Also see resolution <a href="#">2450 (2018)</a>, para. 2.</i>

(b) *Reiteration of the principles of good neighbourliness, non-interference and regional cooperation among States*

During the period under review, the Council reiterated in several of its decisions the principles enshrined in Article 2 (4) of good-neighbourliness, non-interference and regional cooperation, in particular with regard to the situations in the Central African Republic, the Democratic Republic of the Congo, Libya and South Sudan. Furthermore,

in many country-specific situations, the Council consistently reaffirmed its respect for or commitment to the sovereignty, unity, independence and territorial integrity of States.

Table 3  
**Decisions affirming the principle of good-neighbourliness, non-interference and regional cooperation among States**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2399 (2018)</a> 30 January 2018	<i>Reaffirming</i> its strong commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic, and <i>recalling</i> the importance of the principles of non-interference, good-neighbourliness and regional cooperation (second preambular paragraph)  <i>Also see resolution <a href="#">2448 (2018)</a>, second preambular paragraph.</i>
<a href="#">S/PRST/2018/14</a> 13 July 2018	The Security Council reaffirms its strong commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic, and recalls the importance of the principles of non-interference, good-neighbourliness and regional cooperation (twelfth paragraph)
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution <a href="#">2409 (2018)</a> 27 March 2018	<i>Reaffirming</i> its strong commitment to the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo as well as all States in the region and <i>emphasizing</i> the need to respect fully the principles of non-interference, good-neighbourliness and regional cooperation (third preambular paragraph)  <i>Also see resolution <a href="#">2424 (2018)</a>, second preambular paragraph.</i>  <i>Welcomes</i> the renewed commitment of all the signatory States of the Peace, Security and Cooperation Framework towards its full implementation, as expressed in the Communiqué of the Eighth High-Level Meeting of the Regional Oversight Mechanism, held in Brazzaville, Republic of Congo, on 19 October 2017, <i>reaffirms</i> that the Peace, Security and Cooperation Framework remains an essential mechanism to achieve durable peace and stability in the Democratic Republic of the Congo and the Region, and <i>stresses</i> in this regard the importance of the signatory States fully implementing their national and regional commitments under the Peace, Security and Cooperation Framework, including not interfering in the internal affairs of neighbouring countries, neither tolerating nor providing assistance or support of any kind to armed groups, and neither harbouring nor providing protection of any kind to persons accused of war crimes, crimes against humanity or acts of genocide (para. 23)
<b>The situation in Libya</b>	
<a href="#">S/PRST/2018/11</a> 6 June 2018	The Security Council calls on all Libyans to improve the atmosphere for national elections by all means possible, including by working constructively towards the unification of Libya's military and economic institutions; unified and strengthened national security forces, under civilian government authority; and the unifying of the Libyan Central Bank, and recalling the need for Member States to cease support to and official contact with parallel institutions that claim to be the legitimate authority but are outside of the Libyan Political Agreement, as stipulated by it (sixth paragraph)
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	

Resolution [2406 \(2018\)](#)  
15 March 2018  
*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity, and national unity of the Republic of South Sudan, and *recalling* the importance of the principles of non-interference, good-neighbourliness, and regional cooperation (second preambular paragraph)

*Also see resolution [2416 \(2018\)](#), second preambular paragraph.*

Resolution [2429 \(2018\)](#)  
13 July 2018  
*Recalling* the importance of the principles of the peaceful settlement of international disputes, good neighbourliness, non-interference and cooperation in the relations among States in the region (third preambular paragraph)

Resolution [2445 \(2018\)](#)  
15 November 2018  
*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the Charter of the United Nations, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation (second preambular paragraph)

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*(c) Calls for the cessation of support by States to armed groups engaged in destabilizing national and regional peace and security*

In a presidential statement issued on 5 April 2018 concerning the situation in Burundi, the Council called upon States in the region to refrain from any interference in the situation in Burundi, including through supporting the activities of armed movements “in any way”.<sup>21</sup>

*(d) Calls upon parties to withdraw all military forces from a disputed area or occupied territories*

During the period under review, the Council adopted decisions calling upon the parties to the dispute in eastern Ukraine to withdraw military equipment from the conflict zone, and urging the Government of Israel to expedite the withdrawal of its army from northern Ghajar, located on the border between Lebanon and Israel.

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<sup>21</sup> [S/PRST/2018/7](#), sixth paragraph.

Table 4

**Decisions in which the Council called upon parties to withdraw all military forces from a disputed area**

<i>Decision and date</i>	<i>Provision</i>
<b>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)</b> <a href="#">S/PRST/2018/12</a> 6 June 2018	The Security Council condemns continuous violations of the cease-fire regime, especially the use of heavy weapons prohibited by the Minsk Agreements, responsible for tragic deaths, including among civilians, and calls for the implementation of disengagement commitments and the immediate withdrawal of heavy weapons in accordance with relevant provisions of the Minsk Agreements (second paragraph)
<b>The situation in the Middle East</b>	
Resolution <a href="#">2433 (2018)</a> 30 August 2018	<i>Urges</i> the Government of Israel to expedite the withdrawal of its army from northern Ghajar without further delay in coordination with United Nations Interim Force in Lebanon, which has actively engaged Israel and Lebanon to facilitate such a withdrawal (para. 16)

**B. Constitutional discussion relating to Article 2 (4)**

During the period under review, Article 2 (4) of the Charter was explicitly invoked 16 times at seven Council meetings. In addition, Article 2 was broadly referred to six times at four Council meetings with an emphasis on the principles enshrined in Article 2 (4).

At the 8175th meeting, held on 6 February under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the representative of Mexico expressed concern about the use of references to Article 51 of the Charter by some States to address threats to international peace and security with military action, which, he opined, “coupled with the ambiguous language of recent Council resolutions, [ran] the risk of a de facto broadening of exceptions to the general prohibition on the use of force, as set out in Article 2, paragraph 4 of the Charter”.<sup>22</sup> The representative of Brazil stressed the need to devote more attention to the working methods of the Council on the use of force, and in particular, the invocation of self-defence under Article 51. In that connection, he considered “critical” that States provide

<sup>22</sup> [S/PV. 8175](#), p. 58.

sufficient information regarding the attack based on which self-defence was being invoked to allow for the appraisal of proportionality and necessity of interventions.<sup>23</sup>

At the 8181st meeting, held on 14 February 2018 under the item entitled “The situation in the Middle East”, the representative of the Syrian Arab Republic opened his statement by noting that “article 2, paragraphs 1, 4 and 7, of the Charter of the United Nations provide for respect for the principle of the sovereign equality of all its Member States and that all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State”.<sup>24</sup>

At the 8203rd meeting, held on 14 March 2018 under the item entitled “Letter dated 13 March 2018 from the United Kingdom to the President of the Security Council ([S/2018/218](#))”, the representative of the United Kingdom said that the Russian State was responsible for the nerve agent attack in Salisbury against Mr. Sergei Skripal in what the United Kingdom considered to be “an unlawful use of force and a violation of Article 2 of the Charter of the United Nations”.<sup>25</sup> In reference to the letter of the United Kingdom, the representative of the Russian Federation said that it contained “threats to a sovereign State and permanent member of the Security Council that [were] contrary to international law and Article 2, paragraph 4, of the Charter of the United Nations.”<sup>26</sup>

At the 8270th meeting, held on 29 May 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 Minister for Foreign Affairs of the Netherlands stated that “the illegal annexation of Crimea and the active, destabilizing role of Russia in Donbas go directly against Article 2, paragraph 4, of the Charter of the United Nations: the prohibition of the use of force against the territorial integrity and political independence of any State”.<sup>27</sup> At the 8410<sup>th</sup> meeting held on 26 November under the same item, the representative of the United Kingdom stated that “Russia’s illegal annexation [of the Crimean Peninsula] constituted a deliberate

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<sup>23</sup> *Ibid.*, pp. 24-25. For further information on the practice concerning Article 51 and the right to self-defence, see part VII, sect. X.

<sup>24</sup> [S/PV.8181](#), p. 10.

<sup>25</sup> [S/PV.8203](#), p. 2.

<sup>26</sup> [S/PV.8203](#), p. 8.

<sup>27</sup> [S/PV.8270](#), p. 8.

violation of international agreements and commitments, including Article 2 of the Charter”.<sup>28</sup>

At the 8432<sup>nd</sup> meeting, held on 19 December 2018 also under the item entitled “The situation in the Middle East”, the representative of Lebanon condemned the “constant violations” of Lebanese sovereignty by Israel by land, air and sea, in contravention of resolution 1701 (2006) and of “a key provision of Article 2, paragraph 4, of the Charter”.<sup>29</sup>

Cases 2 through 5 below, which cover relevant deliberations of the Council under the items “Maintenance of international peace and security” and “Threats to international peace and security”, feature the remaining 11 explicit invocations of Article 2 (4), as well as four broader invocations of Article 2, including language relating to paragraph 4, and several implicit references to the principles of non-use of force and non-interference. Also, Article 2 (4) was implicitly invoked at various other Council meetings during the reporting period.<sup>30</sup>

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

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<sup>28</sup> [S/PV.8410](#), p. 4.

<sup>29</sup> [S/PV.8432](#), p. 14.

<sup>30</sup> See, for example, under the item entitled “Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe”, [S/PV.8200](#), pp. 4-5 (Sweden), p. 5 (Plurinational State of Bolivia), p. 11 (Poland) and p. 14 (United Kingdom); under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, [S/PV.8340](#), p. 6 (Russian Federation), p. 14 (Kazakhstan) and p. 22 (Bolivarian Republic of Venezuela) and [S/PV.8414](#), p. 56 (Islamic Republic of Iran), p. 62 (Brazil) and p. 68 (Azerbaijan); 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](#))”, [S/PV.8410](#), p. 2 (Under-Secretary-General for Political Affairs), p. 3 (United States), pp. 3-4 (United Kingdom), pp. 4-5 (France), p. 5 (Poland), p. 6 (Sweden), p. 7 (Kazakhstan), p. 7 (Peru), p. 8 (Kuwait), p. 9 (the Netherlands), p. 9 (China), pp. 10-12 (Ukraine) and pp. 13-14 (Russian Federation); under the item entitled “Maintenance of international peace and security”, [S/PV.8293](#), p. 8 (Kazakhstan), p. 9 (China), p. 18 (Plurinational State of Bolivia), p. 24 (Equatorial Guinea), p. 25 (Kuwait), pp. 33-34 (Egypt), p. 36 (Greece), p. 38 (Syria), p. 45 (League of Arab States), p. 47 (Qatar), p. 51 (Libya), p. 54 (Bahrain) and p. 55 (Iraq); and [S/PV. 8334](#), p. 18 (Kazakhstan), p. 31 (Islamic Republic of Iran), p. 53 (Sri Lanka), pp. 66-67 (Azerbaijan), and pp. 74-75 (Bahrain); under the item entitled “Protection of civilians in armed conflict”, [S/PV.8264](#), p. 26 (Russian Federation), p. 36 (Pakistan), pp. 75-76 (Syrian Arab Republic); under the item entitled “The situation in the Middle East”, [S/PV.8373](#), p. 10 (China), p. 11 (Peru), p. 12 (Kazakhstan), p. 17 (Equatorial Guinea), p. 18 (Russian Federation), p. 19 (Plurinational State of Bolivia), pp. 20-22 (Syrian Arab Republic), p. 22 (Jordan) and p. 25 (Saudi Arabia) and [S/PV.8406](#), p. 9 (Peru), pp. 12-13 (Plurinational State of Bolivia), p. 13 (Russian Federation); under the item entitled “The situation in the Middle East, including the Palestinian question” [S/PV.8244](#), p. 53 (Cuba) and p. 64 (Bahrain).



At its 8185<sup>th</sup> meeting, held on 21 February 2018, at the initiative of Kuwait, which held the Presidency for the month,<sup>31</sup> the Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”. The meeting began with a statement by the Secretary-General, who stressed that Charter principles—such as the non-use of force, non-intervention and sovereign equality of Member States—remained the foundation of international relations, and that the values proclaimed by the Charter, including good-neighbourliness, remained guideposts for global harmony.<sup>32</sup> The Deputy Prime Minister and Minister for Foreign Affairs of Kuwait stated that it was essential that the Council worked together to end aggression and to ensure respect for the principles of sovereignty and non-interference in the internal affairs of other States.<sup>33</sup> The representative of the United Kingdom recalled that February also marked the fourth anniversary of the “illegal annexation of Crimea, in breach of Article 2 of the Charter”.<sup>34</sup> He called on the Russian Federation to abide by the Minsk agreements and reiterated the importance of upholding the sovereignty, independence, and territorial integrity of Ukraine.<sup>35</sup>

The representative of the Russian Federation underscored that the purposes and principles of the Charter, including non-interference in States’ internal affairs, “represented the basis for neighbourly relations among States and their mutually beneficial and constructive cooperation for the benefit of all”.<sup>36</sup> He noted, however, that throughout the United Nations’ history there were “numerous examples of open disregard for the Charter, right up to the illegal use of force”.<sup>37</sup> He also stated that instead of collective action, what was being witnessed were unilateral measures and threats, including threats of force, incompatible with international law and order. He critiqued that some States used “concepts such as the responsibility to protect, the rule of law,

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<sup>31</sup> A concept note was circulated by a letter dated 1 February 2018 ([S/2018/85](#)) and a summary non-paper was circulated by Kuwait after the meeting ([S/2018/318](#)).

<sup>32</sup> [S/PV.8185](#), p. 2.

<sup>33</sup> *Ibid.*, p. 7.

<sup>34</sup> *Ibid.*, p. 14.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*, p. 22.

<sup>37</sup> *Ibid.*

human rights up front, and other intrusive instruments” in order to achieve unilateral goals.<sup>38</sup> He further disapproved of the “new phenomenon” of States accusing other countries of interference, while persistently engaging in such interference themselves.<sup>39</sup> The representative of the Plurinational State of Bolivia categorically rejected the use or threat of use of force unless it was in full compliance with Chapter VII of the Charter and the multilateral system underpinning the Organization.<sup>40</sup> He condemned States claiming their interests prevailed over others and willing to use their military power to protect those interests, and noted that breaches of the purposes and principles of the Charter included not only intervention but also the threat of the use of force.<sup>41</sup> He concluded by expressing that justice existed to promote coexistence by emphasizing peace and dialogue and not force or other unilateral actions.<sup>42</sup>

The representative of Peru expressed concern about the “unsystematic manner” in which the Charter was often interpreted. He pointed out that the Charter principles of sovereignty, territorial integrity and non-interference often conflicted with principles of justice and the obligation of States to act in accordance with the Charter itself, including in the area of human rights. While noting that this tended to result in an impasse, he reiterated that the principles of Article 2 are geared towards collective action and emphasized that the Charter required State cooperation, while still respecting sovereignty, “to carry out the purposes of Article 1”.<sup>43</sup> On a similar note, the Minister for Foreign Affairs of Côte d’Ivoire stated that the growing number of interstate conflicts and civil wars was “straining the United Nations peacekeeping system”. He further put into question whether the use of force to prevent a civilian massacre without prior authorization from the Security Council was legitimate, legal, or necessary.<sup>44</sup> The Minister for Foreign Affairs of Poland stated that acts without respect for Article 2 diminished the significance of the Charter and the global peace architecture.<sup>45</sup> He added

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid., p. 23.

<sup>40</sup> Ibid., p. 28.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid., p. 29.

<sup>43</sup> Ibid., p. 19.

<sup>44</sup> Ibid., p. 11.

<sup>45</sup> Ibid., p. 9.

that, as the Council had proved “to be a guardian of the purposes and principles of the Charter”, the Council should therefore be considered the “ultimate custodian” of the principle of States’ territorial sovereignty and the prohibition of the threat or use of force.<sup>46</sup>

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

At the 8262nd meeting, held on 17 May 2018, at the initiative of Poland, which held the Presidency for the month,<sup>47</sup> the Security Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding international law within the context of the maintenance of international peace and security”. Numerous speakers underlined the paramount importance of the principles of non-use of force and non-intervention.<sup>48</sup> The representative of the European Union emphasized that “all States must refrain from actions that are in violation of Article 2, paragraph 4, of the United Nations Charter, which prohibits the threat or use of force”.<sup>49</sup> The representative of Peru referred to the prohibition against the use of force as “one of the cornerstones of the international order”.<sup>50</sup> However, he expressed concern that “some countries [were] testing arguments and interpretations that [were] ultimately alien to international law”.<sup>51</sup> Likewise, the representative of the Plurinational State of Bolivia criticized some States’ “reinterpretation, redefining or selective application of the provisions” of the Charter. He noted that this was “reflected in interventions, occupations, regime-change policies and the application of unilateral coercive measures, which, in flagrant violation of the sovereignty, independence and territorial integrity of States [had] led to humanitarian disasters and [had] destroyed entire nations under the

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<sup>46</sup> Ibid.

<sup>47</sup> A concept note was circulated by a letter dated 3 May 2018 ([S/2018/417/Rev.1](#)).

<sup>48</sup> [S/PV.8262](#), p.19 (Peru); p. 20 (China); p. 22 (Sweden); p. 25 (Cote Ivoire), p. 30 (Ethiopia), p. 34 (Latvia); p. 35 (Indonesia), p. 36 (Georgia), p. 42 (Greece), p. 42 (Liechtenstein), pp.44-45 (Brazil), p. 47 (Mexico), p. 53 (the Islamic Republic of Iran), p. 55 (the European Union), p. 58 (Qatar) pp. 60-61 (Ukraine), p. 62 (African Union), p. 68 (Uruguay), p. 71 (Morocco), p. 74 (Sri Lanka), pp. 75-76 (Azerbaijan), p. 76 (Lebanon), p. 77 (Cuba), p. 79 (Cyprus), p. 81 (Turkey), p. 81 (Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement and p. 84 (Viet Nam).

<sup>49</sup> Ibid., p. 55.

<sup>50</sup> Ibid., p.19.

<sup>51</sup> Ibid., p.20.

rationale of enforcing international law”.<sup>52</sup> He specified that Article 2 (4) of the Charter was “very clear” in calling on Member States to refrain from the threat or use of force against the territorial or political independence of any State and further noted that “one [could] clearly not claim to defend international law by violating international law”.<sup>53</sup> The representative of Sri Lanka underscored that “upholding international law within the context of the maintenance of international peace and security required absolute adherence to Article 2 of the Charter”, which included the prohibition of the threat or use of force.<sup>54</sup>

The representative of the Russian Federation noted that the disregard or reinterpretation of the principles enshrined in the Charter was taking the international community “back to the era before the Charter; when all disputes between States were resolved by force”.<sup>55</sup> Mentioning paragraph 4 of Article 2, he specified that military force against a State was only permitted “when sanctioned by the Council or in self-defence”.<sup>56</sup> More explicitly, the representative of the Russian Federation criticized the United States and its coalition partners’ presence in Syria as they were not invited by the Syrian government; and condemned the coalition’s 14 April 2018 strikes on Syria as illegal.<sup>57</sup> He noted that only the United Kingdom had “attempted” to validate its actions under the concept of “humanitarian intervention as essential to preventing the suffering of the Syrian people”.<sup>58</sup> The representative of the Russian Federation rejected, however, this justification and claimed that to use humanitarian intervention as a justification for an armed attack on a sovereign State was “absurd”.<sup>59</sup> The representative of the Islamic Republic of Iran complained that certain Member States tended to use intimidation and the use or threat of force to impose their will on others through, inter alia, unilateral measures in the form of illegal recourse to war, occupation, aggression, and denial of sovereignty of Member States with negative repercussions, especially in the case of the

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<sup>52</sup> Ibid., p.23.

<sup>53</sup> Ibid., pp. 23-24.

<sup>54</sup> Ibid., p. 74.

<sup>55</sup> Ibid., p. 26.

<sup>56</sup> Ibid., p. 27.

<sup>57</sup> Ibid., p. 27.

<sup>58</sup> Ibid., p. 27.

<sup>59</sup> Ibid., p. 27.

Middle East.<sup>60</sup> The representative of the Bolivarian Republic of Venezuela accused the United States of conducting a “systematic campaign of acts of aggression” against his country, stressing that the adoption and implementation of unilateral coercive measures, including even the threat of military intervention, were in flagrant violation of international law and the purposes and principles of the Charter.<sup>61</sup>

The representative of the United States criticized the argument that a nation’s sovereignty precluded outside action even when people were suffering.<sup>62</sup> While recognizing the sovereignty of her country and that of other nations, she noted that joining the United Nations itself was a freely chosen act of sovereignty.<sup>63</sup> She further stated that governments cannot use sovereignty as a shield when they commit mass atrocities, spread weapons of mass destruction or perpetrate acts of terrorism and added that in such instances the Security Council must be prepared to act.<sup>64</sup>

The representative of Brazil referred to the reinterpretation of the law on self-defence as well as problematic readings on the letter of Article 2 (4) of the Charter. He expressed disagreement with applying self-defence as a response to non-State actors.<sup>65</sup> He further emphasized that Article 51 was an exception to Article 2, paragraph 4 and that it thus must be interpreted in response to an armed attack undertaken by, or somehow attributable to, a State.<sup>66</sup> The representative of Brazil went on to note that Article 2, paragraph 4, does not envisage the use of force as a “self-help mechanism”, or as a response to violations of general international law, and expressed disagreement with the tendency to unilaterally resort to force for protecting human rights or forestalling international crimes. He rejected the viewpoint that Article 2 (4) prohibited the use of force only when it goes against the territorial integrity or political independence of a State and stressed that the aim of Article 2 (4) was to reinforce the prohibition of the use of force. He added that a resolve to stop human rights violations and defeat terrorism could

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<sup>60</sup> Ibid., pp. 53-54.

<sup>61</sup> Ibid., p. 83.

<sup>62</sup> Ibid, p. 17.

<sup>63</sup> Ibid., p. 17.

<sup>64</sup> Ibid., p. 17.

<sup>65</sup> Ibid, p. 44.

<sup>66</sup> Ibid.

not allow States to ignore international law.<sup>67</sup> Other States also expressed concern about ambiguities regarding Article 2 (4). The representative of Cyprus, for example, urged States to “refrain from actions in violation of Article 2, paragraph 4 of the Charter” and expressed concerns about attempts to “open the door of Article 51” to address the threat of terrorism in response to armed attacks by non-State actors.<sup>68</sup> Likewise, the representative of Mexico expressed concern in regard to what he considered a lack of legal clarity regarding whether the use of force against non-State actors was permissible, and opined that the Council should analyze the responsibilities of States under the Charter.<sup>69</sup>

During the debate, numerous States specifically referred to Russia’s annexation of Crimea as “illegal” and/or an act of aggression,<sup>70</sup> or a violation of sovereignty and territorial integrity.<sup>71</sup> The Minister for Foreign Affairs of Latvia considered the annexation a violation of the fundamental principle of territorial integrity and highlighted the need for a rules-based system so that powerful countries do not annex parts of other countries, or whole countries, on false pretexts.<sup>72</sup> The Minister for Foreign Affairs of Lithuania referred to Russia’s actions as blatant breaches of the Charter.<sup>73</sup> Likewise, the First Deputy Minister for Foreign Affairs of Georgia asserted that the Russian Federation had been illegally occupying two of Georgia’s regions, namely, Abkhazia and Tskhinvali/South Ossetia. He also affirmed that the aggression against Georgia was not an isolated incident and that similar patterns were identified later in Ukraine and could be repeated elsewhere.<sup>74</sup> The representative of France warned against States recognizing any annexation, such as the illegal annexation of Crimea, resulting from a territorial acquisition obtained by the threat or use of force.<sup>75</sup> The representative of the Russian Federation, however, referred to the issue of Crimea as “settled”. He further argued that the way it became part of Russia was in full compliance with international law and

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<sup>67</sup> *Ibid.*, p. 45.

<sup>68</sup> *Ibid.*, pp. 79-80.

<sup>69</sup> *Ibid.*, p. 47.

<sup>70</sup> *Ibid.*, p. 12 (Poland), p. 18 (United Kingdom), p. 22 (Sweden), p. 29 (France) and p. 66 (Norway).

<sup>71</sup> *Ibid.*, p. 12 (Poland), p. 33 (Lithuania), p. 34 (Latvia), p. 60-61 (Ukraine), and p. 63 (Germany).

<sup>72</sup> *Ibid.*, p. 34.

<sup>73</sup> *Ibid.*, p. 33.

<sup>74</sup> *Ibid.*, p. 37.

<sup>75</sup> *Ibid.*, p. 29.

specifically the right to self-determination.<sup>76</sup> The representative of Ukraine defined Russia's occupation of territories in Ukraine as an act of aggression against his country both in Crimea and Donbas and a worrying trend of Russia's revanchist policy of using military force against other States.<sup>77</sup>

Furthermore, the representative of Cyprus criticized what it believed to be Turkey's threat of use of force in the Eastern Mediterranean, accusing Turkey of interfering with Cyprus' inherent and inalienable sovereign rights to explore and exploit its offshore natural resources.<sup>78</sup> The representative of Turkey responded by justifying his country's right to intervene under the Treaty of Guarantee between Turkey, Greece and the United Kingdom.<sup>79</sup> The representative of Cyprus, in reply to the statement by the representative of Turkey, called Turkey's actions on the island an act of aggression and stressed that no country could lawfully intervene in another country unless it was within the boundaries of the Charter.<sup>80</sup> Similarly, the representative of Azerbaijan cited his country's experiences with facing "armed aggression" and referenced several Security Council resolutions that acknowledged such acts constituted violations of the sovereignty and territorial integrity of Azerbaijan.<sup>81</sup> He demanded the withdrawal of occupying forces in the Nagorno-Karabakh region and the restoration of the sovereignty and territorial integrity of his country.<sup>82</sup> The representative of Djibouti affirmed that his country continued to face the threat to international peace and security created by Eritrea's unlawful use of force against his country in 2008. He added that threats of force continued to emanate from Eritrea and the risk of violent confrontation was high.<sup>83</sup>

#### **Case 4**

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

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<sup>76</sup> *Ibid.*, p. 27.

<sup>77</sup> *Ibid.*, p. 61.

<sup>78</sup> *Ibid.*, pp. 79-80.

<sup>79</sup> *Ibid.*, p. 81.

<sup>80</sup> *Ibid.*, p. 96.

<sup>81</sup> *Ibid.*, p. 76.

<sup>82</sup> *Ibid.*, p. 76.

<sup>83</sup> *Ibid.*, p. 73.

At its 8395<sup>th</sup> meeting, held on 9 November 2018, at the initiative of China, which held the Presidency for the month,<sup>84</sup> the Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Strengthening multilateralism and the role of the United Nations”. During the meeting, several speakers affirmed their commitment to the purposes and principles enshrined in the Charter of the United Nations, including those of non-interference in other States’ internal affairs,<sup>85</sup> and the prohibition of the use of force.<sup>86</sup> Some Member States also underlined the links between multilateralism and those principles. In that regard, the representative of the Russian Federation indicated that the Charter outlined the principles of multilateralism, including the key elements for a “polycentric” world order and the basic principles and norms of international relations, from the sovereign equality of States and the prohibition of interference in their internal affairs to the ban on the use of force in international relations without the permission of the Security Council or beyond the limits of self-defence.<sup>87</sup> He added that the peoples had the right to determine their future without outside interference in their internal affairs.<sup>88</sup> The representative of the Plurinational State of Bolivia opined that the main strength of multilateralism derived from the degree of attachment to, and respect for, the purposes and principles of the Charter. He further emphasized that any measure adopted unilaterally by one State to the detriment of another, with the use of force or other coercive measures, was illegal and contrary to the purposes and principles of the Charter.<sup>89</sup> The representative of Equatorial Guinea stated that multilateralism was necessary in order to preserve, inter alia, dialogue, non-interference in the internal affairs of other States and international equality of States.<sup>90</sup> The representative of Cuba asserted that the purposes and principles of the Charter formed the basis for multilateralism and of the international system. He further argued that the principles of international law enshrined in the Charter, including

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<sup>84</sup> A concept note was circulated by a letter dated 1 November 2018 ([S/2018/982](#)).

<sup>85</sup> [S/PV.8395](#), p. 14 (Russian Federation), p. 17 (Kuwait), pp. 26-27 (Ethiopia), p. 42 (Pakistan), p. 57 (Cuba), p. 76 (Morocco).

<sup>86</sup> *Ibid.*, p. 14 (Russian Federation), p. 37 (Bolivarian Republic of Venezuela speaking on behalf of the Non-Aligned Movement), p. 41 (Australia), p. 52 (African Union), p. 57 (Cuba), and p. 60 (Qatar).

<sup>87</sup> *Ibid.*, p. 14.

<sup>88</sup> *Ibid.*, pp. 14-15.

<sup>89</sup> *Ibid.*, p. 25.

<sup>90</sup> *Ibid.*, p. 22.



refraining from the threat or use of force and the peaceful settlement of disputes – must continue to be the foundation of international law and always guide the actions of States and international relations.<sup>91</sup> The representative of Brazil noted that the alternatives to multilateralism were grim and involved fragmentation, unilateralism and more frequent use of force.<sup>92</sup> The representative of Brazil also recalled that the prohibition of the use of force was the rule and self-defence the exception.<sup>93</sup> The representative of Mexico stressed that multilateralism could not be called into question just because one or more countries violated the Charter with the threat of the use of force; and the representative of Lithuania indicated that inaction by the Security Council and the international community encouraged aggression and the use of force and threatened the multilateral system based on international law.<sup>94</sup>

The representative of Liechtenstein underscored that a key aspect of the Charter, and therefore a fundamental task for the Security Council, was to enforce the rules governing the use of force.<sup>95</sup> He further noted that the Charter had made the use of force illegal except in self-defence or per authorization by the Council.<sup>96</sup> He also indicated that further to the resolution of States Parties to the Rome Statute of December 2017, which activated the jurisdiction of the International Criminal Court (ICC) over the crime of aggression, the Council had an additional tool available to enforce a decision on the legality of the use of force when an act of aggression was in manifest violation of the rules of the Charter.<sup>97</sup>

## **Case 5** **Threats to international peace and security**

At its 8225th meeting, held on 9 April 2018 under the item entitled “Threats to international peace and security” and the sub-item entitled “The situation in the Middle East”, the Council was briefed on the situation in the Syrian Arab Republic. The Special

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<sup>91</sup> *Ibid.*, pp. 57-58.

<sup>92</sup> *Ibid.*, p. 62.

<sup>93</sup> *Ibid.*, p. 62.

<sup>94</sup> *Ibid.*, p. 35 (Mexico) and p. 63 (Lithuania).

<sup>95</sup> *Ibid.*, p. 30.

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

Envoy of the Secretary-General for Syria noted that on 7 April, there had been emerging reports of an alleged chemical weapons attack in the Syrian city of Douma. He noted that several States had expressed suspicion that the Syrian Government was responsible for the attack but that the Syrian Government, as well as several other States, questioned the credibility of the allegations and considered them to be “a fabrication or/and a provocation”.<sup>98</sup> After the briefing, several Council members underlined their firm opposition to the use or threat of force.<sup>99</sup> Others stated that there was no military solution to the conflict in Syria.<sup>100</sup> On that note, the representative of the Plurinational State of Bolivia rejected unilateral actions, which he deemed illegal and contrary to the principles of the Charter of the United Nations.<sup>101</sup>

The representative of the Russian Federation stated that his delegation had called the meeting because Washington, “with London and Paris blindly following its lead” were being confrontational against both Russia and Syria with threats of the use of force against a sovereign state.<sup>102</sup> The representative of the United States stated that her country would respond to the use of chemical weapons whether the Security Council discharged its duty or demonstrated its utter and complete failure to protect the people of Syria.<sup>103</sup> Similarly, the representative of France said that his country would assume its full responsibility in the fight against the proliferation of chemical weapons.<sup>104</sup>

After Council members delivered their statements, the representative of the Syrian Arab Republic accused the United States, the United Kingdom, France, Saudi Arabia, Qatar and Turkey of providing chemical weapons to terrorists in Syria. He further accused those governments of attempting to justify their act of aggression by fabricating evidence that the Syrian Government used chemical weapons against its citizens.<sup>105</sup>

Four days later, at its 8231st meeting, the Council again convened under the same sub-item. The Secretary-General addressed the Council and noted that Syria represented

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<sup>98</sup> [S/PV.8225](#), p. 2

<sup>99</sup> *Ibid.*, p. 15 (China), p. 21 (Plurinational State of Bolivia) and p. 22 (Peru).

<sup>100</sup> *Ibid.*, p. 15 (China), p. 18 (Côte d’Ivoire), p. 21 (Kuwait) and p. 21 (Plurinational State of Bolivia).

<sup>101</sup> *Ibid.*, p. 21.

<sup>102</sup> *Ibid.*, p. 5.

<sup>103</sup> *Ibid.*, p. 11.

<sup>104</sup> *Ibid.*, p. 13.

<sup>105</sup> *Ibid.*, p. 26.

the most serious threat to international peace and security as it involved proxy wars with several national armies.<sup>106</sup> He reiterated that there was no military solution to the conflict and expressed his concern that the lack of compromise regarding the establishment of an accountability mechanism for the alleged chemical attacks in Syria could lead to a full-blown military escalation.<sup>107</sup> After the Secretary-General's briefing, several Council members also reiterated that there was no military solution to the conflict,<sup>108</sup> and specified their opposition to the threat or use of force unless it fell under the conditions set out in the Charter.<sup>109</sup> The representative of the Plurinational State of Bolivia stated that Council members were ignoring the main reason the Council had convened; namely, that one State had threatened the illegal use of force against another State in violation of the Charter. Expressing concern over constant attacks on multilateralism, he directly quoted Article 2 (4) and warned that it would be very dangerous to fight an alleged violation of international law with another violation of international law and the Charter.<sup>110</sup> He specified that the use of force is only permissible in self-defence in line with Article 51 or, alternatively, when approved by the Council.<sup>111</sup> Similarly, the representative of Equatorial Guinea opined that a unilateral military response could be counterproductive and would lead to even more suffering and chaos.<sup>112</sup>

The representative of the Russian Federation pointed out that while the Russian military was in Syria on the legitimate invitation of the Syrian Government, there was dangerous military preparation for an illegal use of force against a sovereign State in violation of the norms of international law.<sup>113</sup> The representative of the Russian Federation went on to say that it was not only the use of force that was forbidden by the Charter, but even threats of its use – like the threats contained in statements by the United States and its allies – that were forbidden.<sup>114</sup> The representative of the United States

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<sup>106</sup> [S/PV.8231](#), p. 3.

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*, p. 7 (China), p. 12 (Equatorial Guinea) and p. 20 (Peru).

<sup>109</sup> *Ibid.*, p. 7 (China), p. 12 (Equatorial Guinea), p. 14 (Plurinational State of Bolivia) and p. 16 (Kazakhstan).

<sup>110</sup> *Ibid.*, p. 14

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*, p. 12.

<sup>113</sup> *Ibid.*, p. 4.

<sup>114</sup> *Ibid.*, p. 4.

responded by criticizing Russia's use of the veto to protect Syria and specified that if the United States and its allies chose to act, it would be in defence of an agreed upon principle and international norm.<sup>115</sup> Similarly, the representative of France specified that France could not allow fundamental values and standards of humanity like those that emanate from the Charter, to be thwarted without reaction.<sup>116</sup> The representative of the United Kingdom specified that his country would not sacrifice the international order to Russian desire to protect its ally at all costs.<sup>117</sup> After all Council members spoke, the representative of the Syrian Arab Republic also quoted Article 2 (4) of the Charter.<sup>118</sup> He accused "the three permanent members of the Council" of dragging the entire world towards the abyss of war and aggression and further specified that, if the United States, the United Kingdom and France undermined his country's sovereignty, Syria would engage in self-defence as permitted by Article 51 of the Charter.<sup>119</sup>

On 14 April, at its 8233rd meeting, the Council met a third time under the same sub-item. The Secretary-General reported to the Council that on the previous night, the United States, the United Kingdom, and France had engaged in air strikes on three military locations in Syria.<sup>120</sup> In that regard, the Council voted on a draft resolution submitted by the Russian Federation condemning the aggression against the Syrian Arab Republic by the United States and its allies in violation of international law and the United Nations Charter.<sup>121</sup> The draft resolution was not adopted having failed to obtain the required number of votes.<sup>122</sup>

During the meeting, the representative of Poland expressed his country's support of the previous night's strikes and the representative of the Netherlands referred to them as understandable.<sup>123</sup> Conversely, the representative of Ethiopia considered the strikes to

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<sup>115</sup> *Ibid.*, p. 6.

<sup>116</sup> *Ibid.*, p. 9.

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

<sup>118</sup> *Ibid.*, p. 21.

<sup>119</sup> *Ibid.* pp. 21-22.

<sup>120</sup> [S/PV.8233](#), p. 2.

<sup>121</sup> [S/2018/355](#), para. 1.

<sup>122</sup> [S/PV.8233](#), p. 22 (*In favour*: Plurinational State of Bolivia, China and Russian Federation; *Against*: Côte d'Ivoire, France, Kuwait, Netherlands, Poland, Sweden, United Kingdom and United States; *Abstaining*: Equatorial Guinea, Ethiopia, Kazakhstan and Peru).

<sup>123</sup> *Ibid.*, p.11 (Poland) p. 13 (Netherlands).

be difficult to defend as being consistent with the principles of the Charter of the United Nations.<sup>124</sup> The representative of Kazakhstan reiterated that military action could only be used when approved by the Security Council and noted that the strikes of the previous night lacked that approval.<sup>125</sup> The representative of Côte d'Ivoire noted that the use of force had to be approved for by the Council to preserve its essential legal authority and to thereby prevent any deviation or abuse.<sup>126</sup> The representative of Equatorial Guinea emphasized his country's opposition to the use of force in international relations and stressed that it was only acceptable when in line with the principles of international law and the provisions of the Charter.<sup>127</sup> The representative of Sweden, while acknowledging the need to address the issue of chemical weapons in Syria, underscored that there was always an obligation to act consistent with the Charter and with international law.<sup>128</sup> The representative of Peru stated that any response to the situation in Syria had to be consistent with the Charter, with international law, and with the Council's resolutions.<sup>129</sup>

The representative of China noted that any unilateral military action was in violation of the purposes and principles of the Charter and a violation of international law.<sup>130</sup> Likewise, the representative of the Plurinational State of Bolivia rejected the threat or use of force without prior Council authorization and expressly referred to the strikes as a breach of the Charter. He stated that all unilateral actions ran counter to international law and that such actions were attacks on multilateral organizations, the Council, the Charter, and the international community.<sup>131</sup>

The representative of the Russian Federation read a statement from his country's President calling the actions of the United States and its allies an act of aggression against a sovereign State without permission from the Security Council and in violation of the Charter of the United Nations and the norms and principles of international law.<sup>132</sup> He also stated that it was time the United States learned that it was the Charter of the United

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<sup>124</sup> *Ibid.*, p. 16.

<sup>125</sup> *Ibid.*, p. 10.

<sup>126</sup> *Ibid.*, p. 18.

<sup>127</sup> *Ibid.*, p. 17.

<sup>128</sup> *Ibid.*, p. 12.

<sup>129</sup> *Ibid.*, p. 18.

<sup>130</sup> *Ibid.*, p. 10.

<sup>131</sup> *Ibid.*, p. 14.

<sup>132</sup> *Ibid.*, p. 3.

Nations that governed the international code of conduct on the use of force. The representative of the United States responded by pointing to the unique threat of chemical weapons. She indicated that the coalition had acted to deter future chemical weapons use and further asserted that the United States and its allies were not going to permit the use of such weapons without consequence.<sup>133</sup> The representative of France claimed that their actions were fully in line with the objectives and values of the preamble of the Charter of the United Nations and necessary to address Syria's violations of international law.<sup>134</sup>

The representative of the United Kingdom outlined that the legal basis for its use of force against Syria was the concept of humanitarian intervention, and emphasized her country's view that it could not be illegal to use force to prevent the killing of such numbers of innocent people.<sup>135</sup> She argued that on an exceptional basis, the use of force was permitted if there was evidence – generally accepted by the international community as a whole – of overwhelming humanitarian distress and it was objectively clear that, if lives were to be saved, there was no practicable alternative. She noted, however, that the use of force had to be necessary, proportional and limited to the aim of relieving that humanitarian distress.<sup>136</sup> The representative of the Russian Federation stated that the United Kingdom was trying to “substitute” the Charter. He reiterated that Russia and other countries had rejected the concept of humanitarian intervention precisely because they do not want it used as a justification to violate the Charter.<sup>137</sup> In response, the representative of the United Kingdom repeated that humanitarian intervention under the legal framework she outlined was fully within the principles and purposes of the United Nations.<sup>138</sup>

In response to statements by Council members, the representative of the Syrian Arab Republic accused the United States, the United Kingdom and France of flagrant violation of the principles of international law and the United Nations Charter.<sup>139</sup>

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<sup>133</sup> *Ibid.*, pp. 5-6.

<sup>134</sup> *Ibid.*, p.9.

<sup>135</sup> *Ibid.*, p. 7.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*, p. 25.

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*, pp. 19-22.

### **C. Invocation of the principle enshrined in Article 2 (4) in communications**

The correspondence circulated to the Security Council during 2018 included 8 explicit references to Article 2 (4) of the Charter and three implicit references where Article 2 was broadly invoked including language relating to the principles enshrined in paragraph 4.

In identical letters dated 1 February 2018 to the Secretary-General and the President of the Security Council, the Permanent Representative of the Syrian Arab Republic condemned Turkey's military activities in northern Syria, calling them "a flagrant attack against the territorial integrity of the Syrian Arab Republic and a violation of the provisions of the Charter of the United Nations" and indicated that such activities violated, in particular "paragraph 4 of Article 2".<sup>140</sup>

On 16 February, the Permanent Representatives of Liechtenstein and Switzerland addressed a letter to the President of the Security Council in which they noted that with the International Criminal Court's jurisdiction over the crime of aggression taking legal effect on 17 July 2018, the Council would soon have a new tool at its disposal which would complement the prohibition of the illegal use of force enshrined in Article 2, paragraph 4, of the Charter. They added that if incorporated diligently into the Council's toolbox, the Council's power to refer to the International Criminal Court matters relating to the crime of aggression would have tremendous potential to deter the illegal use of force in future.<sup>141</sup>

In response to a letter from the Permanent Representative of Saudi Arabia addressed to the President of the Security Council dated 26 March 2018 in which Saudi Arabia had referred to the Islamic Republic of Iran as the Houthis' "sponsors" and had accused the Islamic Republic of Iran of providing the Houthis with ballistic missiles,<sup>142</sup> the Permanent Representative of the Islamic Republic of Iran, in identical letters dated 29 March to the Secretary-General and the President of the Security Council, said that the usual scenario for the political and military authorities of the Kingdom of Saudi Arabia

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<sup>140</sup> [S/2018/82](#), p. 2.

<sup>141</sup> [S/2018/130](#), pp. 1-2.

<sup>142</sup> [S/2018/266](#).

had been to “repeat their unfounded assumptions and allegations followed by the threat of use of force against a United Nations Member State in clear defiance of Article 2 (4) of the Charter of the United Nations”.<sup>143</sup>

On 11 April, the Permanent Representative of the Syrian Arab Republic addressed identical letters to the Secretary-General and the President of the Security Council in response to threats made by France, the United Kingdom and the United States to use military force against Syria. The letters stated that the Security Council was required to “exercise its mandates under Article 1, paragraph 1, and Article 2, paragraph 4 of the Charter, in maintaining international peace and security, the suppression of acts of aggression or other breaches of the peace and in ensuring that all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State”.<sup>144</sup>

On 19 September, the Permanent Representative of the Islamic Republic of Iran addressed a letter to the President of the Security Council in response to “inflammatory statements” by the Prime Minister of Israel on 29 August, “threatening Iran with nuclear annihilation” which the Islamic Republic of Iran considered “a serious violation of international law, in particular Article 2 (4) of the Charter of the United Nations”.<sup>145</sup>

In a letter dated 12 September addressed to the President of the Security Council, the Permanent Representative of the Syrian Arab Republic informed of “violations” committed by the Netherlands “against its obligations and responsibilities” in particular in regard to Article 2 of the Charter and “the duty of each Member State not to interfere in the internal affairs of other Member States” by providing support and financing to “terrorist armed groups in Syria”.<sup>146</sup>

In response to identical letters from the Permanent Representative of Israel dated 26 October 2018 and addressed to the Secretary-General and the President of the Security Council on the activities of Hezbollah in Lebanon,<sup>147</sup> the Chargé d’affaires a.i. of the Permanent Mission of Lebanon, in identical letters dated 12 November 2018 to the

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<sup>143</sup> [S/2018/278](#), p. 1.

<sup>144</sup> [S/2018/332](#), p. 1.

<sup>145</sup> [S/2018/859](#), p. 1.

<sup>146</sup> [S/2018/839](#), pp. 1-2.

<sup>147</sup> [S/2018/960](#).



Secretary-General and the President of the Security Council, referred to the allegations contained in the Israeli letter as threats which violated paragraph 4 of Article II of the Charter on the prohibition of the threat or use of force”.<sup>148</sup>

On 27 November 2018, the Permanent Representative of Ukraine addressed a letter to the Secretary-General transmitting a statement by the Foreign Ministry of Ukraine in reaction to the incident between Russian and Ukrainian vessels in the Sea of Azov, calling the incident an “act of armed aggression of the Russian Federation against Ukraine, as defined, in particular, in Article 2 of the Charter”.<sup>149</sup> In a subsequent letter dated 10 December 2018 addressed to the Secretary-General, the Permanent Representative of Ukraine transmitted an address by the Ukrainian Parliament to, inter alia, the United Nations, referring to the same incidents in similar terms.<sup>150</sup>

In a letter dated 24 December 2018 addressed to the Secretary-General and the President of the Security Council, the Chargé d’affaires a.i. of the Permanent Mission of the Islamic Republic of Iran indicated that at a press conference on 29 November the United States Special Representative for Iran had threatened Iran by stating that the United States had “the military option on the table” and would “not hesitate to use military force” in clear violation of Article 2 (4) of the Charter.<sup>151</sup> In another letter also dated 24 December 2018 addressed to the Secretary-General and the President of the Security Council, the Chargé d’affaires a.i. of the Permanent Mission of the Islamic Republic of Iran called the “hostile policies and practices, as well as the threats, plots and plans” of Israel against Iran “illegal” and blatant violations of Article 2 (4) of the Charter.<sup>152</sup>

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<sup>148</sup> [S/2018/1018](#), pp. 1-2.

<sup>149</sup> [S/2018/1053](#), annex.

<sup>150</sup> [S/2018/1112](#), annex.

<sup>151</sup> [S/2018/1155](#), p.1.

<sup>152</sup> [S/2018/1156](#), p.1

### **III. Obligation under Article 2, paragraph 5, to refrain from assisting the target of enforcement action**

#### *Article 2, paragraph 5*

*All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.*

#### **Note**

Section III covers the practice of the Security Council with regard to the principle enshrined in Article 2 (5) of the Charter, in particular, the obligation of Member States to refrain from providing assistance to a State against which the United Nations has taken preventive or enforcement action.<sup>153</sup> Article 2 (5) was not explicitly invoked in meetings of the Council during 2018. However, implicit references of relevance to the interpretation of Article 2 (5) were made in two meetings of the Security Council during the review period. At a meeting under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”, the representative of Japan called on all Member States to “immediately stop supplying refined petroleum products to North Korea”.<sup>154</sup> Also, at a meeting under the item entitled “The situation in the Middle East, the representative of the United States accused Iran of providing weapons and associated material to the Houthi in Yemen in contravention of the arms embargo provisions set out in resolution [2216 \(2015\)](#) and in violation of resolution [2231 \(2015\)](#).”<sup>155</sup> During the period under review, Article 2 (5) was not explicitly invoked in decisions of the Council. The Council, however, included language of relevance to the interpretation of Article 2 (5) in several decisions by which it called on Member States to refrain from providing assistance or

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<sup>153</sup> For the practice of the Security Council relating to assistance by Member States to United Nations action in accordance with the Charter, see part V (Article 25) and part VII (Articles 43 and 49).

<sup>154</sup> [S/PV.8353](#), p. 23.

<sup>155</sup> [S/PV.8439](#), p. 4.

support in violation of preventive or enforcement action by the Council.<sup>156</sup> The correspondence addressed to the Council in 2018 did not contain any material relating to Article 2 (5).

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<sup>156</sup> See for example, in connection with the situation in Burundi, [S/PRST/2018/7](#), sixth paragraph; and in connection with the situation concerning the Democratic Republic of the Congo, resolution [2409 \(2018\)](#), para. 23.

## **IV. Non-intervention in the internal affairs of States by the United Nations under Article 2, paragraph 7**

### *Article 2, paragraph 7*

*Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*

### **Note**

Section IV concerns the practice of the Security Council in relation to the principle of non-intervention by the United Nations in the internal affairs of States enshrined in Article 2 (7) of the Charter. Subsection A features implicit references to that Article in the decisions of the Council. Subsection B features the deliberations of the Council touching upon the principle enshrined in Article 2 (7). Subsection C provides a brief summary of explicit references to Article 2 (7) in the correspondence addressed to the Council.

#### **A. Decisions relating to Article 2 (7)**

In 2018, Article 2 (7) was not explicitly or implicitly referred to in decisions of the Council. This notwithstanding, in two decisions of the Council adopted under the item entitled “The situation in Afghanistan”, the Council decided that the United Nations Assistance Mission in Afghanistan (UNAMA) and the Special Representative of the Secretary-General would continue to lead and coordinate civilian efforts within their mandate and in a manner consistent with Afghan sovereignty, leadership and ownership; <sup>157</sup> reaffirmed its strong commitment to the sovereignty, independence, territorial

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<sup>157</sup> Resolution [2405 \(2018\)](#), paragraphs 6 and 7.

integrity and national unity of Afghanistan; and underscored its support to the Afghan electoral process as a fully Afghan-led and Afghan-owned process.<sup>158</sup> In a resolution adopted under the item entitled “The situation in the Central African Republic”, the Council emphasized the need for the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to act in full respect of the sovereignty, territorial integrity and unity of the Central African Republic while carrying out its mandate.<sup>159</sup> Also, in a resolution adopted under the item entitled “United Nations peacekeeping operations”, the Council reaffirmed its commitment to and respect for the principles of political independence, sovereign equality and territorial integrity of all States in conducting all peacekeeping activities”.<sup>160</sup> The Council made a similar reaffirmation in a presidential statement issued under the item entitled “Peacebuilding and sustaining peace”, reaffirming the same commitment in conducting both peacekeeping and peacebuilding activities.<sup>161</sup>

## **B. Constitutional discussion relating to Article 2 (7)**

During the period under review, Article 2 (7) was explicitly invoked three times in the Council’s deliberations. At a meeting under the item entitled “The situation in the Middle East” held on 14 February 2018, the representative of the Syrian Arab Republic opened his statement invoking, *inter alia*, article 2, paragraph 7 adding that no provision of the Charter authorizes the United Nations to intervene in matters that are essentially within the domestic jurisdiction of any State.<sup>162</sup> At a meeting under the same item held on 17 October 2018, the representative of the Syrian Arab Republic recalled the language of Article 2, paragraph 7 and indicated that some Council members “[seemed] to have forgotten about it”.<sup>163</sup> Article 2 (7) was also explicitly referenced during a meeting held under the item entitled “The situation in Burundi”, which is the subject of case 6. Article 2 was broadly invoked once including language relating to the principles enshrined in

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<sup>158</sup> [S/PRST/2018/15](#), fifth paragraph.

<sup>159</sup> Resolution [2448\(2018\)](#), paragraph 53.

<sup>160</sup> Resolution [2447 \(2018\)](#), fifth preambular paragraph.

<sup>161</sup> [S/PRST/2018/20](#), fourth paragraph.

<sup>162</sup> [S/PV.8181](#), p. 10.

<sup>163</sup> [S/PV.8373](#), p. 21.

paragraph 7 as featured in case 7 in connection to the implications of including the situation in Nicaragua in the agenda of the Council under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”. The Council also addressed the relationship between mandates of peacekeeping operations and the need to respect the sovereignty of host States enshrined in Article 2 (7), as discussed in case 8. Furthermore, in 2018, Member States made numerous statements of relevance to the interpretation and application of Article 2 (7) of the Charter without engaging in constitutional discussions.<sup>164</sup>

### **Case 6** **The situation in Burundi**

At its 8189th meeting, held on 26 May 2018 under the item entitled “The situation in Burundi”, the Council was briefed on the situation in Burundi by the Special Envoy of the Secretary-General for Burundi. In addressing the content of the report of the Secretary-General on the situation in the country,<sup>165</sup> and specifically the concerns raised on the decision of the Burundian Government to hold a referendum on a constitutional amendment, the Special Envoy stressed that such expression of concern could not be interpreted as interference in Burundi’s internal affairs by denying the country its sovereign right to amend its own Constitution.<sup>166</sup> The representative of Equatorial Guinea opined that the situation in Burundi was an “internal matter” which must be resolved

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<sup>164</sup> See, for example, under the item entitled “Cooperation between the United Nations and regional and subregional organizations”, [S/PV.8414](#), p. 17 (Russian Federation), p. 20 (United Kingdom), pp. 37-38 (Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement), pp. 54-55 (Cuba) and p. 57 (Islamic Republic of Iran); under the item entitled “Maintenance of international peace and security”, [S/PV.8262](#), p. 17 (United States), p. 24 (Plurinational State of Bolivia), pp. 68-69 (Uruguay), p. 69 (Kenya), and p. 72 (Austria) and [S/PV.8346](#), p. 15 (Russian Federation) and p. 17 (Plurinational State of Bolivia); under the item entitled “Peace and security in Africa”, [S/PV. 8407](#), p. 7 (China), p. 27 (Egypt) and p. 46 (Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement); under the item entitled “Protection of civilians in armed conflict”, [S/PV. 8264](#), p. 26 (Russian Federation) and p. 59 (Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement); under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, [S/PV.8290](#), p. 9 (China) and p. 19 (Ethiopia); under the item entitled “The situation concerning Iraq”, [S/PV.8184](#), p. 10 (Iraq); under the item entitled “The situation concerning the Democratic Republic of the Congo”, [S/PV.8318](#), p. 17 (Plurinational State of Bolivia), p. 18 (China), p. 19 (Russian Federation) and p. 21 (the Democratic Republic of the Congo); and under the item entitled “Threats to international peace and security”, [S/PV.8412](#), p. 8 (Russian Federation), p. 10 (Kuwait), p. 16 (China), p. 17 (Ethiopia), p. 18 (Plurinational State of Bolivia) and pp. 20-21 (Iraq).

<sup>165</sup> [S/2018/89](#).

<sup>166</sup> [S/PV.8189](#), p. 2

through a genuine and inclusive political negotiation process among Burundians. He also stressed that as a sovereign country, Burundi enjoyed the right to adopt any legislative initiative that it deemed appropriate, noted that many countries had gone through similar constitutional processes which had been considered internal affairs, and emphasized that the case of Burundi should not be treated differently.<sup>167</sup> The representative of Peru considered the proposed revision of the Constitution a matter that fell within Burundi's domestic sovereignty while underlining the importance of the initiative being conducted in an inclusive manner with broad participation of the population.<sup>168</sup> The representative of Burundi noted that the United Nations and its Member States were in no way empowered to discuss the constitutional affairs of sovereign States and criticized the report of the Secretary-General for having flagrantly violated the principle of respect for the sovereign equality of States enshrined in Article 2 (7) of the Charter of the United Nations.<sup>169</sup> He further noted that the contents of the report of the Secretary-General constituted an interference in the domestic affairs of Burundi, and cautioned the Council against such variance in the interpretation of the Charter.<sup>170</sup>

### **Case 7**

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

At its 8340th meeting, held on 5 September 2018 under the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security", the Council discussed the situation in Nicaragua. During the meeting, the representatives of the Russian Federation, the Plurinational State of Bolivia and the Bolivarian Republic of Venezuela argued against the discussion of domestic matters of sovereign States in the Council.<sup>171</sup> The

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<sup>167</sup> *Ibid.*, pp. 5 and 6.

<sup>168</sup> *Ibid.*, p. 10.

<sup>169</sup> *Ibid.*, p. 11.

<sup>170</sup> *Ibid.*

<sup>171</sup> [S/PV.8340](https://www.un.org/securitycouncil/content/repertoire/structure), p. 6 (Russian Federation), p. 16 (Plurinational State of Bolivia) and p. 22 (Bolivarian Republic of Venezuela).

representative of the Russian Federation added that the meeting was a “blatant interference in the internal affairs of a sovereign state” which had discredited and replaced the notion of preventive diplomacy.<sup>172</sup> While expressing support for the principle of preventive diplomacy, the representative of Kazakhstan cautioned against external influence in the internal affairs of independent countries.<sup>173</sup> The representative of Kuwait emphasized his country’s full commitment to the principles stipulated in Article 2 of the Charter, which called for respecting States’ sovereignty and refraining from interfering in their internal affairs.<sup>174</sup> The representative of the Plurinational State of Bolivia expressed his opposition to the holding of the meeting based on the Charter of the United Nations, which clearly established the principle of non-interference in the internal affairs of Member States. He further emphasized that if the international community truly wished to help Nicaragua to resolve its problems, it had to do so in the framework of the Charter, respect the sovereignty, independence and territorial integrity of Nicaragua and condemn any interference, interventionism or policy of regime change.<sup>175</sup> The Minister for Foreign Affairs of Nicaragua asserted that the inclusion of the meeting on the Council’s agenda was a clear interference in the internal affairs of Nicaragua and a violation of the United Nations Charter.<sup>176</sup>

The representatives of Ethiopia and China also rejected any involvement by the Security Council in the situation in Nicaragua, and while the former asserted that the situation at the current stage remained “an internal matter of Nicaraguans” the latter reiterated its call for adherence to the principle of non-interference in the internal affairs of countries.<sup>177</sup>

## Case 8

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<sup>172</sup> *Ibid.*, p. 6.

<sup>173</sup> *Ibid.*, p. 14.

<sup>174</sup> *Ibid.*, p. 7.

<sup>175</sup> *Ibid.*, pp. 17-18.

<sup>176</sup> *Ibid.*, p. 20.

<sup>177</sup> *Ibid.*, p. 15 (Ethiopia) and p. 18 China.



## United Nations peacekeeping operations

At the Council's 8218th meeting under the item entitled "United Nations peacekeeping operations", held on 28 March, the representative of China underscored the need to adhere to the purposes and principles of the Charter of the United Nations and, in that regard, to fully respect the sovereignty of host countries and avoid arbitrarily taking over responsibilities that fell under the purview of national sovereignty.<sup>178</sup> The Vice-Minister for Foreign Affairs of the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement) and the representative of Cuba also emphasized that peacekeeping operations must be carried out in strict compliance with the purposes and principles of the Charter of the United Nations, including the respect for sovereignty, territorial integrity and independence of States, as well as non-interference in their internal affairs.<sup>179</sup> Similarly, the representative of El Salvador stated that the principles enshrined in the Charter, especially the principles of the sovereignty, territorial integrity and independence of States and of non-intervention in internal affairs were fundamental to promote international peace and security".<sup>180</sup> She added that respect for the principles of peacekeeping was essential to the success of operations on the ground. The representative of Viet Nam asserted that respect for international law and the Charter, including the principles of non-intervention in sovereign States' internal affairs and the consent of the parties, should serve as the foundation for all United Nations peacekeeping operations.<sup>181</sup>

The representative of the Plurinational State of Bolivia underscored that a preventive approach was indispensable to an appropriate design and understanding of mandates, whatever their nature, with regard to the sovereignty, independence and territorial integrity of the States, promoting national ownership and without using the approach as an intervention tool.<sup>182</sup> The representative of Nepal noted that peacekeeping operations should be complementary to inclusive domestic political processes ensuring

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<sup>178</sup> [S/PV.8218](#), p. 25.

<sup>179</sup> *Ibid.*, p. 34 (Bolivarian Republic of Venezuela on behalf of NAM) and pp. 74-75 (Cuba).

<sup>180</sup> *Ibid.*, p. 57.

<sup>181</sup> *Ibid.*, p. 80.

<sup>182</sup> *Ibid.*, p. 28.

their own impartiality and credibility and supporting domestic capacity-building, and also cautioned against undermining the host country's sovereignty or its prerogative of initiating a nationally led peace process.<sup>183</sup> Finally, the representative of the Philippines affirmed that if the politics of peacekeeping were not national, they amounted to "foreign interference".<sup>184</sup>

At the 8349th meeting, held on 12 September under the same item, the representative of the Plurinational State of Bolivia stressed that peacekeeping operations must respect the rule of law, independence, sovereignty and territorial integrity of each of the countries in which they operate and indicated that peacekeeping operations should neither be seen nor used as intervention forces.<sup>185</sup> The representatives of Kuwait and China also reiterated the need for peacekeeping operations to respect the sovereignty of host countries.<sup>186</sup>

### **C. Invocation of the principle enshrined in Article 2 (7) in communications**

During the period under review, the principle enshrined in Article 2 (7) of the Charter was explicitly invoked once in communications addressed to the Security Council in the annex to a letter dated 3 May 2018 from the Permanent Representative of Saudi Arabia, transmitting a resolution adopted by the Council of the League of Arab States in regard to Iranian intervention in the internal affairs of Arab States.<sup>187</sup>

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<sup>183</sup> Ibid., p. 58.

<sup>184</sup> Ibid., p. 56.

<sup>185</sup> [S/PV.8349](#), p. 22.

<sup>186</sup> Ibid., p. 14 (Kuwait) and p. 23 (China).

<sup>187</sup> See [S/2018/423](#), annex, p. 4.