
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 2021, Council members and other participants in Council discussions continued to deliberate on the principle of self-determination in both thematic and country-specific contexts; however, none of the discussions held were of constitutional significance. Council members addressed the application and interpretation of Article 2 (4) of the Charter concerning the prohibition of the use or threat of use of force and non-interference in the internal affairs of other States at meetings and open videoconferences on cybersecurity, peace operations conducted by regional organizations, and developments in eastern Ukraine and in the Tigray region of Ethiopia. They also discussed the obligation of States to refrain from giving assistance to any State or non-State actor against which the United Nations was taking preventive or enforcement action pursuant to Article 2 (5) in connection with the situations in Libya and Yemen, as well as in the context of preventing the financing of terrorism and preventing the illegal flow of small arms and light weapons. Furthermore, Council members reflected on the principles enshrined in Article 2 (7) during their consideration of the situation in the Tigray region of Ethiopia, as well as during the discussions on technology and peacekeeping.

During the period under review, the Council did not adopt any decision containing explicit references to Articles 1 (2), 2 (4), 2 (5) or 2 (7) of the Charter. Nonetheless, part III includes Council decisions featuring language relating to the principles enshrined in those Articles. In addition, it includes explicit invocations of Articles 1 (2), 2 (4) and 2 (7) found in the correspondence addressed to 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 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 Council did not explicitly invoke Article 1 (2) of the Charter in its decisions. However, language found in one Council decision, adopted in connection with the envisaged referendum in Western Sahara, is of relevance for the interpretation and application of Article 1 (2) (see table 1).

Table 1

Decisions containing implicit references to Article 1 (2)

Decision and date

Provision

The situation concerning Western Sahara

Resolution [2602 \(2021\)](#)
29 October

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, based on compromise, 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 (seventh preambular paragraph)

Calls upon 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 notes the role and responsibilities of the parties in this respect (para. 4)

B. Discussion relating to Article 1 (2)

During the period under review, Article 1 (2) of the Charter was not explicitly invoked in deliberations at meetings of the Council or in open videoconferences. Nevertheless, the principle of self-determination was addressed by Council members in the context of both thematic and country-specific discussions, as elaborated upon below.

During an open videoconference held on 6 January in connection with the item entitled “Maintenance of international peace and security”, with a focus on the challenges of maintaining peace

and security in fragile contexts,¹ the delegation of Azerbaijan, in a statement made on behalf of the Movement of Non-Aligned Countries, relayed the Movement’s commitment to supporting and promoting the purposes and principles of the Charter and the principles and norms of international law, including the right to self-determination of peoples under foreign occupation and colonial or alien domination. The representative of Pakistan underscored that foreign occupation, intervention and aggression had led to the untold suffering of millions in the Muslim world and

¹ See [S/2021/24](#).

that many Muslim peoples, such as the peoples of Jammu and Kashmir and Palestine, continued to fight for their inalienable right to self-determination and the end of foreign occupation.

During an open videoconference held on 12 January in connection with the item entitled “Threats to international peace and security caused by terrorist acts”,² the representative of Azerbaijan, speaking again on behalf of the Movement of Non-Aligned Countries, underscored the Movement’s opposition to attempts to equate terrorism with the legitimate struggle of peoples under colonial or alien domination and foreign occupation for self-determination and national liberation in order to prolong the occupation and oppression of innocent people with impunity. The representative of Libya reiterated the country’s condemnation and categorical rejection of terrorism in all its forms and regardless of its source or motivation and emphasized that an equivalence should not be drawn between terrorism and the struggle of peoples for independence and self-determination. The representative of Malaysia highlighted his delegation’s continued belief in the need to conclude the comprehensive convention on international terrorism and stressed that the draft convention must include a definition of terrorism that was all-encompassing to cover acts committed by States and non-State actors alike. In that connection, he emphasized that a distinction must be made between terrorism and the legitimate struggle of people under foreign occupation for self-determination, stressing that terrorism should not be associated with any beliefs, ethnic group or nationality.

During an open videoconference held on 19 April in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”,³ the representative of Armenia, referring to the issue of Nagorno-Karabakh, stated that the consolidated engagement of the internationally mandated format of the Organization for Security and Cooperation in Europe Minsk Group co-chairmanship was paramount to a comprehensive, just and lasting settlement of that conflict on the basis of the principles and elements developed over the years, including the equal rights and self-determination of peoples. At the same videoconference, the representative of Liechtenstein noted that conflicts relating to self-determination had accounted for around 50 per cent of armed conflicts since the 1960s, and underlined the clear necessity of addressing questions of self-determination as a potential source of conflict. He added that paying attention

to upholding the human rights of minority groups, finding appropriate forms of self-governance within a State and ensuring the engagement of relevant communities in preventing conflict in an inclusive manner were all ways in which the international community could help to address that highly prevalent, but often politically sensitive, aspect of conflict. He emphasized the importance of early engagement and dialogue by regional and subregional organizations in that regard. The representative of Pakistan recalled that, in General Assembly resolution 75/16, the United Nations and the Organization of Islamic Cooperation had been requested to continue to cooperate in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament and self-determination.

In a written statement submitted in connection with the meeting of the Council held on 12 October in connection with the item entitled “Peacebuilding and sustaining peace”, with a focus on diversity, State-building and the search for peace,⁴ the representative of Liechtenstein stated that the majority of Council situations began as intercommunal tensions with roots in ethnic, racial, regional, partisan and religious differences. He underlined that communities within a country, in particular those that were in a minority within a State, must be able to benefit from governance arrangements that allowed them to flourish and that were in line with international human rights standards. His country saw the process of seeking out governance arrangements as an extension of the right of self-determination, expressed internally within a State. Applied in such a manner, expressions of self-determination could include self-governance, autonomy and devolution arrangements within a State, and as a preventive measure, with the aim of preventing internal tensions over questions of governance from developing into violent conflict. By applying a “self-determination lens” to the causes of and solutions to conflict, the United Nations could significantly strengthen its conflict prevention and resolution architecture.

Concerning country- and region-specific items, Council members often discussed the principle of self-determination. At an open videoconference held on 23 March in connection with the item entitled “The situation in Afghanistan”,⁵ the representative of the Islamic Republic of Iran said that any proposed peace plan must be realistic, comprehensive and balanced and must preserve and be built upon the past achievements of the people and Government of Afghanistan, particularly the present Constitution, the right of the people to self-determination through elections, the rights of ethnic and religious minorities and of women, and the commitment to combat

² See [S/2021/48](#).

³ See [S/2021/394](#).

⁴ See [S/2021/868](#). See also [S/PV.8877](#).

⁵ See [S/2021/291](#).

terrorism. At an open videoconference held on 22 June in connection with the same item,⁶ the representative of the Islamic Republic of Iran reiterated that preserving the past achievements of the people and Government of Afghanistan, including the Constitution, the rights of ethnic and religious minorities and women, the right to self-determination of people through elections, governance system and structures derived from the Constitution, as well as the commitment to combat terrorism, must be one of the main elements of any peace process.

In addition, and consistent with past practice, Council members, other Member and observer States and entities continued to address and/or reaffirm the right of self-determination of the Palestinian people at meetings and open videoconferences held throughout the year in connection with the item entitled “The situation in the Middle East, including the Palestinian question”.⁷ Council members also referred to the principle of self-determination in connection with the situation concerning Western Sahara and the adoption of resolution 2602 (2021) on 29 October, in which the Council renewed the mandate of the United Nations Mission for the Referendum in Western Sahara.⁸

⁶ See [S/2021/601](#).

⁷ See [S/2021/91](#) (Saint Vincent and the Grenadines, Secretary of State for Foreign Affairs, Migration and Tunisians Abroad, United Kingdom, Argentina, Azerbaijan on behalf of the Movement of Non-Aligned Countries, Bangladesh, Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cuba, European Union, Islamic Republic of Iran, Malaysia and Namibia); [S/2021/218](#) (France, Saint Vincent and the Grenadines and Tunisia); [S/2021/404](#) (Tunisia, Azerbaijan on behalf of the Movement of Non-Aligned Countries, Bangladesh, Cuba, European Union, Islamic Republic of Iran, League of Arab States, Malaysia, Organization of Islamic Cooperation, Saudi Arabia and Syrian Arab Republic); [S/2021/480](#) (Minister for Foreign Affairs, Migration and Tunisians Abroad, Bangladesh, Plurinational State of Bolivia, Islamic Republic of Iran, Malaysia, Pakistan, Syrian Arab Republic and Bolivarian Republic of Venezuela); [S/PV.8826](#) (Permanent Observer of the Observer State of Palestine); [S/2021/685](#) (Azerbaijan on behalf of the Movement of Non-Aligned Countries, Bangladesh, Senegal on behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cuba, Egypt, Islamic Republic of Iran, Malaysia, Oman on behalf of the Organization of Islamic Cooperation, Syrian Arab Republic and Bolivarian Republic of Venezuela); [S/PV.8883](#) (Permanent Observer of the Observer State of Palestine) and Niger; and [S/2021/884](#) (Azerbaijan on behalf of the Movement of Non-Aligned Countries, Cuba, Islamic Republic of Iran, Lebanon, Malaysia, Oman on behalf of the Organization of Islamic Cooperation, Pakistan and Qatar).

⁸ See [S/PV.8890](#) (Mexico, Russian Federation, Viet Nam and Kenya).

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

During the period under review, one explicit reference to Article 1 of the Charter was made in a letter from the representative of the Bolivarian Republic of Venezuela to the President of the Council in relation to the principle of self-determination enshrined in Article 1 (2).⁹ In the letter, the Bolivarian Republic of Venezuela emphasized that the use of structures of transnational organized crime and mercenary forces for perpetrating acts of terrorism and assassinating Heads of State and Government, overthrowing Governments and undermining the constitutional basis of States constituted a clear violation of the Charter, which established as one of its purposes, in Article 1, the development of “friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”.

In 2021, the principle of self-determination was invoked in numerous communications addressed to or brought to the attention of the Council, including communications from Member States relating to Western Sahara,¹⁰ the Middle East, including the Palestinian question,¹¹ Nagorno-Karabakh¹² and the India-Pakistan question.¹³ Furthermore, in an exchange of letters between the representatives of Algeria and Morocco, dated 16 and 19 July, respectively, both addressed to the President of the Council, references were made to the right of self-determination of the Kabyle people¹⁴ and the people of the chimeric republic.¹⁵ Moreover, in his reports to the Council regarding the mission of good offices in Cyprus,¹⁶ the peaceful settlement of the question of Palestine¹⁷ and the situation concerning Western Sahara,¹⁸ the Secretary-

⁹ See [S/2021/688](#).

¹⁰ See [S/2021/162](#), annex; [S/2021/475](#), annex; [S/2021/698](#), annex; [S/2021/741](#), annex; [S/2021/903](#), annex; [S/2021/978](#), annex; [S/2021/979](#), annex; [S/2021/980](#), annex; and [S/2021/981](#), annex.

¹¹ See [S/2021/74](#); [S/2021/137](#), annex; [S/2021/280](#); [S/2021/285](#), enclosure; [S/2021/342](#); [S/2021/366](#); [S/2021/403](#); [S/2021/430](#); [S/2021/479](#); [S/2021/529](#); [S/2021/574](#); [S/2021/639](#); [S/2021/665](#); [S/2021/678](#); [S/2021/810](#), enclosure; [S/2021/829](#); [S/2021/904](#); [S/2021/928](#); [S/2021/1021](#); and [S/2021/1067](#).

¹² See [S/2021/30](#), annex; [S/2021/190](#), annex; [S/2021/205](#), annex I; [S/2021/269](#); [S/2021/440](#), annex; [S/2021/478](#), annex; [S/2021/671](#), annex; [S/2021/734](#), annex; [S/2021/834](#), annex; and [S/2021/962](#), annex.

¹³ See [S/2021/102](#), annex; [S/2021/575](#), annex; [S/2021/697](#), annex; [S/2021/901](#), annex; and [S/2021/1004](#), annex.

¹⁴ See [S/2021/664](#), annex, and [S/2021/666](#), annex.

¹⁵ See [S/2021/666](#), annex.

¹⁶ See [S/2021/634](#), annex II.

¹⁷ See [S/2021/749](#) and [S/2021/1047](#).

¹⁸ See [S/2021/843](#).

General made reference to the principle of self-determination. In addition, a reference to self-determination was made in the Chair's summary of the open Arria-formula meeting held on 12 March on the

situation in Crimea,¹⁹ transmitted to the President of the Council in a letter dated 22 April from the representative of the Russian Federation.

¹⁹ See S/2021/397, annex.

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

A. Decisions relating to Article 2 (4)

During the period under review, the Council did not adopt any decision containing explicit references to Article 2 (4) of the Charter. 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 upon parties to withdraw all military forces from a disputed area or occupied territories. The four themes are covered below.

Affirmation of the prohibition of the threat or use of force in international relations

In 2021, 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>
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Reports of the Secretary-General on the Sudan and South Sudan

Resolution 2609 (2021) 15 December 2021	Reiterating that the territorial boundaries of States shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means, affirming the priority it attaches to the full and urgent implementation of all outstanding issues from the Comprehensive Peace Agreement of 9 January 2005, and underscoring that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the Agreement and not by the unilateral actions of either party, and recalling prior agreements on the administration and security of the Abyei Area (third preambular paragraph)
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Decision and date

Provision

The situation in the Middle East

Resolution [2581 \(2021\)](#)
29 June 2021

Stressing that both parties must abide by the terms of the disengagement of forces agreement of 31 May 1974 between Israel and the Syrian Arab Republic and scrupulously observe the ceasefire (third preambular paragraph)

See also resolution [2613 \(2021\)](#), third preambular paragraph

Stresses the obligation on both parties to scrupulously and fully respect the terms of the disengagement of forces agreement of 31 May 1974, calls upon the parties to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation, encourages the parties to take full advantage of the liaison function of the United Nations Disengagement Observer Force regularly to address issues of mutual concern, as appropriate, and to maintain their liaison with the Force to prevent any escalation of the situation across the ceasefire line, as well as to support the enhancement of the Force's liaison function, and underscores 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)

See also resolution [2613 \(2021\)](#), para. 2

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 with regard to the situations in the Central African Republic, the

Democratic Republic of the Congo, the Great Lakes Region, Libya, South Sudan and the Sudan (see table 3). Furthermore, the Council consistently reaffirmed, in many of its decisions concerning country-specific situations, its respect for or commitment to the sovereignty, unity, independence and territorial integrity of States.

Table 3

Decisions affirming the principles of good-neighbourliness, non-interference and regional cooperation among States

Decision and date

Provision

The situation in the Central African Republic

Resolution [2605 \(2021\)](#)
12 November 2021

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic, and recalling the importance of the principles of non-interference, good-neighbourliness and regional cooperation (second preambular paragraph)

The situation concerning the Democratic Republic of the Congo

Resolution [2582 \(2021\)](#)
29 June 2021

Reaffirming 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 emphasizing the need to respect fully the principles of non-interference, good-neighbourliness and regional cooperation (second preambular paragraph)

See also resolution [2612 \(2021\)](#), third preambular paragraph

The situation in the Great Lakes Region

[S/PRST/2021/19](#)
20 October 2021

The Security Council reaffirms its strong commitment to the sovereignty, independence, unity and territorial integrity of all States in the region and emphasizes the need to respect fully the principles of non-interference, good-neighbourliness and regional cooperation (last paragraph)

The situation in Libya

Resolution 2570 (2021)
16 April 2021

Recalling the commitment of the participants of the Berlin Conference to refrain from interference in the armed conflict or in the internal affairs of Libya and their call upon international actors to do the same (fifth preambular paragraph)

Recalls its decision that all Member States shall comply with the arms embargo, demands full compliance including by all Member States with the arms embargo imposed under resolution 1970 (2011), as modified by subsequent resolutions, including by ceasing all support for and withdrawing all armed mercenary personnel, and demands all Member States not to intervene in the conflict or take measures that exacerbate the conflict (para. 13)

Resolution 2571 (2021)
16 April 2021

Calls for full compliance by all Member States with the arms embargo, further calls upon all Member States not to intervene in the conflict or take measures that exacerbate the conflict and reiterates that individuals and entities determined by the Committee to have violated the provisions of resolution 1970 (2011), including the arms embargo, or assisted others in doing so, are subject to designation (para. 5)

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

Resolution 2567 (2021)
12 March 2021

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity, and national unity of South Sudan, and recalling the importance of the principles of non-interference, good-neighbourliness and regional cooperation (second preambular paragraph)

Resolution 2609 (2021)
15 December 2021

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Sudan and South Sudan, and to the purposes and 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)

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

During the period under review, the Council adopted decisions in which it called upon States to

refrain from or prevent the provision of any form of support or assistance to armed groups, including through the financing of their activities, in relation to the situations in the Democratic Republic of the Congo and Libya (see table 4).

Table 4

Decisions calling for cessation of support by States to armed groups engaged in destabilizing national and regional peace and security

The situation concerning the Democratic Republic of the Congo

Resolution 2612 (2021)
20 December 2021

Notes that the elimination of the threat posed by armed groups requires an integrated regional approach and strong political engagement by the Governments of the Democratic Republic of the Congo, the Southern African Development Community and the International Conference on the Great Lakes Region to further seize on the positive regional momentum, in close coordination with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the Special Envoy of the Secretary-General for the Great Lakes Region, underscores that there can be no purely military solutions to these problems, welcomes the establishment of a contact and coordination group to oversee the technical implementation of non-military measures for the neutralization of foreign armed groups in the Democratic Republic of the Congo and the region, bearing in mind the need to address the root causes of conflict, including the illicit exploitation and trafficking of natural resources, and to put an end to recurring cycles of violence, as outlined in the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, reaffirms that the Framework remains an essential mechanism to achieve durable peace and stability in the Democratic Republic of the Congo and the region, recalls the

Decision and date

Provision

commitments undertaken by the region under the Framework not to tolerate or provide assistance or support of any kind to armed groups, urges the signatory States, with the support of the Framework guarantors, to strengthen their collaboration in addressing appropriately and holistically the threat of all remaining foreign armed groups in the Democratic Republic of the Congo and the illicit flow of weapons in the region, fully supports the Special Envoy of the Secretary-General for the Great Lakes Region in fulfilling his mandate to address the remaining challenges in implementation of the Framework and to promote peace and stability in the region, including through good offices, coordinated strategies and shared information with the Mission, the United Nations Regional Office for Central Africa and other United Nations entities, and stresses the need for coordination and cooperation between the Government of the Democratic Republic of the Congo and other national authorities, United Nations entities, civil society organizations and development actors to build and sustain peace, stabilize, improve the security situation and assist in restoration of State authority (para. 14)

The situation in Libya

[S/PRST/2021/4](#)
9 February 2021

The Security Council urges Member States to respect and support the full implementation of the agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without further delay (fifth paragraph)

[S/PRST/2021/6](#)
12 March 2021

The Council calls upon all parties to implement the ceasefire agreement in full and urges Member States to respect and support the full implementation of the agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without further delay (sixth paragraph)

Resolution [2570 \(2021\)](#)
16 April 2021

Calls upon all Libyan parties to ensure full implementation of the 23 October 2020 ceasefire agreement and strongly urges all Member States to respect and support the full implementation of the ceasefire agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without delay (para. 12)

Recalls its decision that all Member States shall comply with the arms embargo, demands full compliance including by all Member States with the arms embargo imposed under resolution [1970 \(2011\)](#), as modified by subsequent resolutions, including by ceasing all support for and withdrawing all armed mercenary personnel, and demands all Member States not to intervene in the conflict or take measures that exacerbate the conflict (para. 13)

Resolution [2571 \(2021\)](#)
16 April 2021

Recalling that providing support for armed groups or criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya may constitute acts that threaten the peace, stability and security of Libya (eighth preambular paragraph)

Further reiterating its concern about activities which could damage the integrity and unity of Libyan State financial institutions and the National Oil Corporation, and stressing the need for the unification of Libya's institutions, and, in this regard, calling upon Member States to cease support to and official contact with parallel institutions outside of the authority of the Government of Libya (ninth preambular paragraph)

Calls for full compliance by all Member States with the arms embargo, further calls upon all Member States not to intervene in the conflict or take measures that exacerbate the conflict and reiterates that individuals and entities determined by the Committee to have violated the provisions of resolution [1970 \(2011\)](#), including the arms embargo, or assisted others in doing so, are subject to designation (para. 5)

Calls upon all parties to implement the 23 October 2020 ceasefire agreement ([S/2020/1043](#)) in full and urges Member States to respect and support the full implementation of the agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without further delay (para. 6)

[S/PRST/2021/12](#)
15 July 2021

The Council strongly urges all Member States, all Libyan parties and all relevant actors to respect and support the full implementation of the 23 October 2020 ceasefire agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without delay. The Council recalls

[S/PRST/2021/24](#)
24 November 2021

the role of the United Nations Support Mission in Libya in supporting the implementation of the Libyan ceasefire and that the Mission is requested to support the Libyan-led and Libyan-owned ceasefire monitoring mechanism including through the swift, scalable and incremental deployment of Mission ceasefire monitors once conditions allow (tenth paragraph)

The Council emphasizes the importance of the implementation of the 23 October 2020 ceasefire agreement including through the withdrawal of all foreign forces and mercenaries from Libya without delay. In that regard, the Council welcomes the Action Plan agreed by the 5+5 Joint Military Commission in Geneva on 8 October 2021 and calls upon all relevant actors to facilitate its synchronized, phased, gradual and balanced implementation. The Council therefore strongly urges all Member States, all Libyan parties and all relevant actors to respect and support the full implementation of the ceasefire agreement and the Action Plan including through the prompt development of timelines and a plan to monitor and verify the presence and withdrawal of all foreign forces and mercenaries (ninth paragraph)

Calls upon parties to withdraw all military forces from a disputed area or occupied territories

During the period under review and consistent with past practice, the Council urged the Government of Israel to expedite the withdrawal of its army from northern Ghajar, located on the border between Israel and Lebanon.²⁰

B. Discussion relating to Article 2 (4)

During the period under review, Article 2 (4) of the Charter was explicitly invoked seven times during four open videoconferences held by Council members and three Council meetings. References to this provision were made in connection with country- and region-specific as well as thematic items.

In connection with the item entitled “The situation in the Middle East, including the Palestinian question”, at an open videoconference held on 26 January,²¹ the representative of the Islamic Republic of Iran, in response to the statement by the representative of Israel in connection with the nuclear programme of the Islamic Republic of Iran, underscored that the Islamic Republic of Iran reserved its inherent right to self-defence and to vigorously respond to any threat, including those made that day by the Israeli regime’s representative, in clear violation of Article 2 (4) of the Charter, requiring the Council to hold that regime accountable for such threats. The delegation of the Islamic Republic of Iran made additional references to Article 2 (4) in written statements submitted in connection with Council

meetings held on 28 July²² and 19 October under the same item. Regarding the meeting held on 28 July, the delegation of the Islamic Republic of Iran made reference to the “continued destabilizing measures and military adventurism of the Israeli regime” in the Middle East region, clear examples of which were the continued occupation of the Syrian Golan and parts of Lebanon, as well as the systematic violation of the sovereignty of those two countries in contravention of international law, in particular Article 2 (4). In connection with the meeting held on 19 October,²³ the representative of the Islamic Republic of Iran noted that the accusations of Israel regarding “Iran’s peaceful nuclear programme, whose peaceful nature [had] been verified on numerous occasions by the International Atomic Energy Agency”, were completely absurd, irrelevant and baseless. He added that the representative of Israel had explicitly threatened to use force against a State Member of the United Nations. The representative of the Islamic Republic of Iran further emphasized that that illegal threat constituted a gross violation of international law and the Charter, particularly its Article 2 (4), and must therefore be denounced and condemned by the Council.

In connection with the item entitled “The situation concerning Iraq”, at an open videoconference held on 16 February,²⁴ the representative of Mexico took note of the latest report of the Secretary-General on the implementation of resolution [2522 \(2020\)](#)²⁵ and reiterated his country’s concern about the abuse of invocations of Article 51 of the Charter in the context of the fight against terrorism. He stated that the practice ran the risk of de facto broadening the exceptions to the general prohibition of the

²⁰ Resolution [2591 \(2021\)](#), para. 19.

²¹ See [S/2021/91](#).

²² See [S/2021/685](#). See also [S/PV.8826](#).

²³ See [S/2021/884](#). See also [S/PV.8883](#).

²⁴ See [S/2021/152](#).

²⁵ [S/2021/120](#).

use of force, as contained in Article 2 (4), adding that such a practice was an irregularity that should not be accepted. Articulating a similar position, at a meeting held on 23 November under the same item,²⁶ the representative of Mexico reiterated his country's deep concern over the abuse of the invocation of Article 51 and stated that the practice was an aberration that undermined the sovereignty and territorial integrity of Iraq.

Concerning the item entitled "The situation in the Middle East", with a focus on Syria, at an open videoconference held on 15 March,²⁷ the representative of Mexico reiterated his country's concern about certain States abusively invoking Article 51 of the Charter to justify the use of force without the authorization of the Council. He underscored that such practice ran the risk of de facto increasing exceptions to the general prohibition on the use of force, as contained in Article 2 (4).

In connection with the item entitled "Protection of civilians in armed conflict", at an open videoconference held on 25 May,²⁸ the representative of Pakistan emphasized that counter-terrorism measures did not justify setting aside the limitations of Articles 2 (4) and 51 of the Charter on the non-use of force. He added that Council resolutions on counter-terrorism did not authorize the use of force on the territory of other States without the Council's express authorization, neither did they justify compromising the requirement for proportionality in the use of force.

In addition, Article 2 of the Charter was referred to more broadly at two meetings held by the Council in 2021. Firstly, in a written statement submitted in connection with a meeting held on 12 October under the item entitled "Peacebuilding and sustaining peace",²⁹ the Minister for Foreign Affairs of Somalia underscored that it was vital that all Member States abide by international law and adhere to Article 2, namely, the core principles of sovereign equality of States and non-interference, the prohibition on the threat or use of force and the obligation to settle international disputes peacefully in preserving international peace and security. Secondly, at a meeting held on 9 December in connection with the item entitled "Maintenance of international peace and security",³⁰ the representative of Sri Lanka said that international legal analysis tended to focus on the principles of the Charter set out in Article 2, including

the principles applicable to the United Nations of sovereign equality and non-intervention and the duties of States, primarily the obligation to settle disputes peacefully and the duty to refrain from the threat or use of force.

In addition to the explicit references highlighted above, in 2021, Council members and other delegations discussed issues relevant to the interpretation and application of Article 2 (4) of the Charter in relation to the situation in Ukraine in connection with the item entitled "Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264)"³¹ (see case 1) and at several of its meetings held in connection with the item entitled "Peace and security in Africa" concerning developments in the Tigray region of Ethiopia (see case 2). In addition, and consistent with previous years, language that may be considered of relevance for the application and/or interpretation of Article 2 (4) was used in open videoconferences and meetings held in connection with the situations in Iraq, Libya and the Syrian Arab Republic regarding respect for their sovereignty and territorial integrity, non-interference in their internal affairs and the withdrawal of foreign forces from their territories.³²

³¹ See S/2021/159.

³² See, for example, in connection with the item entitled "The situation concerning Iraq", S/2021/152 (France, Estonia, China, India, Kenya, Russian Federation, Saint Vincent and the Grenadines and Tunisia), S/PV.8842 (United States, Viet Nam, Russian Federation, Norway, Estonia, Saint Vincent and the Grenadines, Kenya, China, Tunisia, India and Iraq) and S/PV.8910 (India, Viet Nam, China, Russian Federation, Kenya, Tunisia, Mexico and Iraq); in connection with the item entitled "The situation in the Middle East", S/2021/418 (China, India, Niger, Russian Federation, Saint Vincent and the Grenadines, Tunisia, Islamic Republic of Iran and Syrian Arab Republic), S/PV.8866 (Russian Federation, China, Saint Vincent and the Grenadines, Niger and Islamic Republic of Iran), and S/PV.8888 (Russian Federation, Saint Vincent and the Grenadines, Mexico, Tunisia, Niger, Syrian Arab Republic and Islamic Republic of Iran); and in connection with the item entitled "The situation in Libya", S/2021/498 (Estonia, India, Kenya, Mexico, Russian Federation, Tunisia, United Kingdom, United States and Libya), S/PV.8855 (Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, United Kingdom, Niger, Tunisia, France, Norway, Saint Vincent and the Grenadines, China, India, United States, Viet Nam, Kenya, Ireland and Libya) and S/PV.8912 (United Kingdom, Russian Federation, Niger, Ireland, Tunisia, United States, China, India, Estonia, Kenya and Libya).

²⁶ See S/PV.8910.

²⁷ See S/2021/265.

²⁸ See S/2021/505. For more information, see part VII, sect. IV, case 7.

²⁹ See S/2021/868. See also S/PV.8877.

³⁰ See S/PV.8923 (Resumption 1).

Concerning thematic items, Council members and other delegations addressed the need for regional organizations to respect the principles enshrined in Article 2 (4) of the Charter, particularly the prohibition of the use of force, at an open videoconference held on 19 April in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security” (see case 3). During a high-level open videoconference held on 29 June in connection with the item entitled “Maintenance of international peace and security”, Council members and other delegations discussed the principles of the prohibition of the use of force and non-interference in internal affairs of other States in the context of cybersecurity (see case 4).

Other discussions of relevance for the interpretation of Article 2 (4) of the Charter were held in connection with various items on the Council’s agenda. Those discussions were focused on a variety of elements such as the importance of respect for sovereignty and non-interference in the internal affairs of States in the fight against terrorism;³³ the prohibition of the threat or the use of force and the sovereign equality of its Member States in the context of multilateralism;³⁴ the prohibition of the use or threat of the use of force, respect for sovereignty of States and non-interference in their internal affairs in the context of maritime security;³⁵ and the threat of the use of force and the principle of non-interference in the internal affairs of States in the context of exclusion, inequality and conflict.³⁶ At several other Council meetings and open videoconferences of a thematic

nature, reference was made to language that may be deemed of relevance for the application and interpretation of Article 2 (4).³⁷

Case 1
Letter dated 13 April 2014 from the
Permanent Representative of the Russian
Federation to the United Nations addressed to
the President of the Security Council
(S/2014/264)

On 11 February, Security Council members held an open videoconference in connection with the situation in eastern Ukraine.³⁸ During the videoconference, Council members heard briefings by the Under-Secretary-General for Political and Peacebuilding Affairs, the Special Representative of the Organization for Security and Cooperation in Europe Chairperson-in-Office and the Chief Monitor of the Organization for Security and Cooperation in Europe Special Monitoring Mission. Some Council members condemned the aggression by the Russian Federation against Ukraine³⁹ and/or the occupation or annexation of Ukrainian territories.⁴⁰ Several speakers expressed support for or underlined the need to respect the sovereignty and territorial integrity of States,⁴¹ including Ukraine specifically.⁴²

The representative of France stated that France and Germany, as members of the Normandy Four,⁴³ were fully committed to the realization of a just and lasting peace and the restoration of full Ukrainian sovereignty over Donbas.⁴⁴

³³ In connection with the item entitled “Threats to international peace and security caused by terrorist acts”, see [S/2021/48](#) (Viet Nam, Cuba, Egypt, Islamic Republic of Iran and Saudi Arabia).

³⁴ In connection with the item entitled “Maintenance of international peace and security”, see [S/2021/456](#) (Prime Minister and Minister for Foreign Affairs of Saint Vincent and the Grenadines, Minister for Foreign Affairs of Estonia, Minister for Foreign Affairs of the Russian Federation, Secretary of State of the United States, Minister for Foreign Affairs of Viet Nam and Foreign Secretary of India).

³⁵ In connection with the item entitled “Maintenance of international peace and security”, see [S/2021/722](#) (President of the Russian Federation, Prime Minister of Viet Nam, United States, Minister for Foreign Affairs of Mexico, Minister of Finance and Economic Planning of Saint Vincent and the Grenadines, China, Cyprus, Islamic Republic of Iran and Ukraine).

³⁶ In connection with the item entitled “Maintenance of international peace and security”, see [S/PV.8900](#) (President of Mexico, Russian Federation, China and Peru).

³⁷ See, for example, in connection with the item entitled “Maintenance of international peace and security”, [S/2021/24](#) (Saint Vincent and the Grenadines, Russian Federation, Azerbaijan on behalf of the Movement of Non-Aligned Countries, Latvia, Pakistan, South Africa and Ukraine) and [S/2021/66](#) (Secretary-General of the League of Arab States, China, Russian Federation and United Kingdom); and in connection with the item entitled “Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe”, [S/2021/256](#) (Chairperson-in-Office of the Organization for Security and Cooperation in Europe and Minister for Foreign Affairs of Sweden, India, Kenya, Niger, Tunisia and United States).

³⁸ See [S/2021/159](#).

³⁹ Norway and United States.

⁴⁰ Estonia, Norway and United States.

⁴¹ China and Tunisia.

⁴² Under-Secretary-General for Political and Peacebuilding Affairs, China, Estonia, Ireland, Mexico, Norway, United Kingdom and United States.

⁴³ The Normandy Four (also known as the Normandy format) consists of the representatives of France, Germany, the Russian Federation and Ukraine. For more information, see part I, sect. 19.

⁴⁴ See [S/2021/159](#).

The representative of the United States emphasized that, over the previous year, the Russian Federation had stepped up its efforts to destabilize Ukraine and undermine its sovereignty, adding that the United States would never recognize the attempted annexation of Crimea by the Russian Federation. The representative of China opposed any external interference in the internal affairs of Ukraine, and the delegation of Tunisia similarly reiterated its stance based on the non-intervention in the affairs of States.

Some participants commented specifically on the need for the withdrawal of foreign forces and weapons from parts of Ukraine. The representative of the United Kingdom said that the Russian Federation must withdraw its military personnel and weapons from the territory of Ukraine, adding that it was the objective of the Russian Federation to undermine the sovereignty and territorial integrity of Ukraine. In that regard, the representative of Estonia, who condemned the occupation of certain territories of the Donetsk and Luhansk regions of Ukraine, expressed regret that the Russian Federation had neither acknowledged nor reversed its actions and had instead continued to violate the fundamental principles of international law, in particular the Charter and a number of bilateral and multilateral agreements, including the Minsk agreements and the conclusions of the Paris summit, particularly regarding the withdrawal of heavy weapons. The representatives of Estonia, Norway and the United Kingdom all urged the Russian Federation to stop providing financial and military support to the armed formations that it backed. The representatives of Estonia and Norway also expressed concern about the presence of Russian military equipment and personnel in the non-Government-controlled areas of Ukraine. The representative of Norway explicitly condemned “Russia’s aggression against Ukraine” and called upon the Russian Federation to reverse its illegal annexation of Crimea and the city of Sevastopol. The representative of the United States, stressing that the Russian Federation must immediately cease “its aggression in eastern Ukraine and end its occupation of Crimea”, called upon the country to withdraw its forces from Ukraine and cease its support for its proxies and other armed groups. The representative of Tunisia called for the comprehensive and permanent ceasefire to be honoured, heavy weapons to be withdrawn and the Minsk agreements to be implemented fully. The representative of Germany pointed out that Russian heavy weapons had not been withdrawn from the line of command and control, in violation of the Minsk agreements, and further indicated that Russian forces remained in eastern Ukraine.

The Head of the Delegation of Ukraine to the Trilateral Contact Group recalled that, at the initiative of the Delegation, a plan of joint steps aimed at the implementation of the Minsk arrangement and containing practical proposals aimed at ending the conflict had been presented to the Group. However, the number of ceasefire violations by Russian illegal armed groups had increased significantly in January and February. He added that obstruction and blocking were becoming almost the norm for the Russian delegation in the Group and that the negotiation process was taking place against the backdrop of the “harsh reality of Russia’s ongoing aggression”. He further noted the common practice of the “illegal crossing of the non-controlled segment of the border by Russian cargo and road convoys”, which delivered weapons, ammunition and personnel to the temporarily occupied territory.

The representative of the Russian Federation underscored that, instead of implementing the Minsk arrangements, Kyiv kept “spinning tales of ongoing Russian aggression” and that Ukraine blamed “everything on that”. He added that no one had cared to provide a “shred of proof of this so-called aggression”.

Case 2

Peace and security in Africa

In 2021, the Security Council met several times to address the situation in the Tigray region of Ethiopia at meetings held in connection with the item entitled “Peace and security in Africa”.

On 2 July, during her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs informed Council members about the announcement, on 28 June, of the Government of Ethiopia of a unilateral ceasefire in Tigray, citing the need to address the humanitarian crisis in the region.⁴⁵ As the Tigray Defence Forces had yet to agree to a ceasefire, she called upon them to endorse the unilateral ceasefire immediately and completely, and further called for the withdrawal of Eritrean forces from Tigray, underscoring that the neighbours of Ethiopia could play a constructive role in supporting the country’s transition while respecting its sovereignty.

During the discussion, several Council members similarly called for respect for the sovereignty and territorial integrity of Ethiopia,⁴⁶ and for the withdrawal of the Eritrean forces from Ethiopia.⁴⁷ The representative of

⁴⁵ See [S/PV.8812](#).

⁴⁶ Kenya (also on behalf of Niger, Saint Vincent and the Grenadines and Tunisia), India and France.

⁴⁷ United Kingdom, Kenya (also on behalf of Niger, Saint Vincent and the Grenadines and Tunisia), Mexico, Estonia, Norway and France.

the United States warned that further fighting posed a risk to the integrity of the Ethiopian State and to the stability of the entire region. A meaningful ceasefire deal would affirm the complete withdrawal of Eritrean troops and Amhara regional forces and that neither the internal nor the external borders of Ethiopia would be changed by force. The representative of Viet Nam said that the conflict and situation in Tigray had had certain impacts on the region that required the relevant parties to exercise self-restraint, adding that, under the circumstances, the principle of non-interference in the internal affairs of States should always be upheld. The representative of Norway called upon neighbouring States to refrain from aggravating the situation, stressing in particular that the continued presence of Eritrean troops in Tigray was a threat to regional peace and security and must end. The representative of France called upon all parties to act responsibly by expressing without delay their commitment to a permanent cessation of hostilities and all forms of violence against the population and emphasized that the Eritrean forces must immediately leave Ethiopian territory, in accordance with the request made by Ethiopian authorities.

On 26 August, the Council heard a briefing by the Secretary-General, who reported on the spreading military confrontation in the Tigray region and its political, economic and humanitarian consequences.⁴⁸ The Secretary-General stressed that all parties must recognize that there was no military solution and called upon foreign forces to leave the country. Many Council members addressed the need for foreign forces to cease interference in Ethiopia and withdraw from its territories. In that regard, the representative of Estonia called upon the Government of Ethiopia to request the immediate withdrawal of Eritrean troops from Tigray to ensure unfettered humanitarian access to the region and restore basic services. The representative of the United States pointed out that the Eritrean defence forces had re-entered Tigray. He further recalled reports of military alliances among armed groups in other regions, which risked sparking a wider war in Ethiopia and were eroding the unity, sovereignty and territorial integrity of the Ethiopian State. Other Council members similarly called upon Eritrea to withdraw its forces from the Ethiopian territory.⁴⁹ The representatives of Ireland and Mexico called upon external or non-Ethiopian forces to withdraw from Ethiopia.

The representative of China said that his country opposed interference by external forces in the internal affairs of Ethiopia in the name of human rights and humanitarianism, expressing support for the African

Union and the countries in the region in resolving African issues in an African way. The representative of Ethiopia asserted his country's sovereign integrity as an ancient, independent African country and underscored how harmful the "saviour mentality" that sought to undermine the sovereign right and responsibility of States for their own security and the well-being of their people had proved to be in many instances, while expressing hope that the right lessons had been learned.

Case 3 Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security

On 19 April, Security Council members held a high-level open videoconference in connection with the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security".⁵⁰

Some participants⁵¹ focused their interventions on the prohibition of the use or the threat of force. In that regard, the State Councillor and Minister for Foreign Affairs of China underlined that it was necessary to strive to resolve disputes peacefully whenever possible and to reject the wilful imposition of sanctions and the threat or use of force. The representative of Armenia underscored that strengthening the cooperation between the United Nations and regional and subregional organizations was key to addressing challenges to security, such as the threat or use of force in the face of destabilizing military build-up in violation of legally binding commitments in the field of arms control and involving foreign terrorist fighters and mercenaries in conflicts.

Other participants recalled more broadly the importance of adherence to the purposes and principles of the Charter, including the respect for independence, sovereignty and territorial integrity of States, non-interference in their internal affairs and/or the prohibition of the threat or use of force. Some discussed the aforementioned principles as they related to specific situations, including the representative of Azerbaijan, who recalled the condemnation in Council resolutions of the use of force against Azerbaijan, the reaffirmation of respect for its sovereignty and territorial integrity, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory; the delegation of Georgia,

⁴⁸ See [S/PV.8843](#).

⁴⁹ France, Norway, United Kingdom, United States and Kenya (also on behalf of Niger, Saint Vincent and the Grenadines and Tunisia).

⁵⁰ See [S/2021/394](#).

⁵¹ State President of Viet Nam, President of Estonia, China, Islamic Republic of Iran and Philippines.

in relation to the ongoing illegal military aggression by the Russian Federation and subsequent occupation of certain regions of Georgia, as well as the occupation and annexation of integral parts of the sovereign territories of Ukraine; the representative of Estonia, regarding the threats of the use of military force in connection with the increased military build-up by the Russian Federation along the Ukraine border and in occupied Crimea; and the delegation of Ukraine in connection with the violation by the Russian Federation of the sovereignty and territorial integrity of Ukraine and the illegal occupation of Ukraine's Crimea and parts of Donbas.

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

On 29 June, Security Council members held a high-level open videoconference in connection with the item entitled “Maintenance of international peace and security”, with a focus on cybersecurity.⁵²

During the videoconference, many participants addressed the applicability of the prohibition of the use and threat of force and the principle of non-interference in internal affairs of other States to cyberspace activities. In that regard, the Minister for Foreign Affairs of Viet Nam, expressing support for an international framework that set out rules and norms of responsible behaviour in cyberspace, emphasized that activities in cyberspace had to comply with the principles of the Charter and international law, in particular, respect for sovereignty, non-interference in internal affairs of States, and non-use of force and the peaceful settlement of disputes. The representative of China highlighted the need to promote security by maintaining peace and preventing cyberspace from becoming a new battlefield and abiding by the purposes and principles of the Charter, in particular the principles of sovereign equality, prohibition of the use of force, non-interference in internal affairs and peaceful settlement of disputes. Countries should refrain from undertaking cyberactivities that endangered the security of other countries. The representative of Tunisia underlined the applicability of international law in addressing the use of information and communications technologies (ICTs) by States and stressed in that regard the importance of respecting the principles enshrined in the Charter, including the settlement of international disputes by peaceful means, refraining from the threat or use of force, and the respect of human rights and fundamental freedoms. The delegation of Chile similarly submitted

that international law, and in particular the Charter, was applicable and essential to maintain peace and stability and promote an open, secure, stable, accessible and peaceful information and communications technology environment. Together with the specific principles of the Charter, in particular the peaceful settlement of disputes, the prohibition of resorting to the threat or use of force against the territorial integrity or political independence of any State, non-intervention in internal affairs of other States and respect for human rights and fundamental freedoms, were as indivisible in the physical as in the digital domains. The delegation of Austria emphasized that the fundamental provisions of the Charter should guide all States in their conduct in cyberspace. In particular, States were obliged to adhere to the prohibition of the use of force as the core pillar of the international security regime. The Minister for Foreign Affairs and Foreign Trade of Saint Vincent and the Grenadines encouraged all actors in the international community to comply, in cyberspace, with their international legal obligations including the respect of sovereignty and political independence as enshrined in the Charter. The Ambassador for United Nations Affairs and Cyber Policy of the Ministry of Foreign Affairs of Japan said that States must not violate the sovereignty of another State by cyberoperations nor intervene in matters within domestic jurisdiction of another State by cyberoperations.

Several participants expressed concerns regarding the use of cyberspace by some States to commit acts of aggression or other acts that challenged the sovereignty of other States or interfered in their internal affairs. The Prime Minister of the Niger pointed out that the digital revolution, which had “brought us so close together by eliminating our borders”, had also opened the way to new challenges to sovereignty owing to the extraterritorial nature of laws relating to it. The delegation of Egypt indicated that, under international law and the Charter, all Member States should refrain from any act that knowingly or intentionally damaged or otherwise impaired the use and operation of the critical infrastructure of other States as well as interfering in their internal affairs. The representative of the Islamic Republic of Iran pointed out that cyberspace could be used to commit acts of aggression, breaches of the peace or the threat or use of force, to intervene in matters that were essentially within the domestic jurisdiction of any State, to violate the sovereignty of States or to coerce other States. States must refrain from the threat or use of force within or through the cyberspace environment and refrain from, and prevent, the abuse of cyberspace-related supply chains developed under their control and jurisdiction to

⁵² See [S/2021/621](#).

create or assist in the development of vulnerability in products, services and maintenance compromising the sovereignty and data protection of other States. The representative of the Russian Federation said that some countries were seeking to justify unilateral pressure and sanctions against other Member States and the possible use of force against them, by distorting agreements, including on the international legal aspects of the use of ICT. It was of grave concern that several technologically advanced States were actively pursuing the militarization of the information space by promoting the concept of “preventive military cyberstrikes”, including against critical infrastructure.

The delegation of Georgia stated that cyberspace was a powerful tool for hybrid warfare and interference in the internal affairs of States, and the delegation of Ukraine similarly noted that cyberoperations against critical infrastructure and governmental agencies were a widely used method of interference in the internal affairs of sovereign States, including Ukraine. The delegation of Georgia accused the Russian Federation of waging hybrid warfare against Georgia and trying to undermine its sovereignty and territorial integrity. The delegation of Ukraine added that the Russian Federation used advanced technologies to achieve its own political and geopolitical objectives, namely by supporting and exacerbating conflicts in neighbouring States and conducting aggressive information wars.

Some participants deliberated on the importance of adhering to the prohibition of the use of force vis-à-vis the applicability of international law and international humanitarian law in cyberspace. The Deputy Minister for Foreign Affairs of Norway and the delegation of Czechia underscored that the applicability of international humanitarian law to cyberspace and ICTs did not legitimize cyberwarfare or promote the militarization of cyberspace, respectively. The delegation of Czechia stated that, on the contrary, international humanitarian law placed limits on the use of force by requiring all used means and methods of warfare in the context of armed conflict to be employed in accordance with its rules, including the principles of humanity and distinction and the rule of proportionality. The Deputy Minister for Foreign Affairs of Norway added that any use of force by States remained governed by the Charter and the relevant rules of customary international law, and he affirmed that international disputes must be settled by peaceful means, in cyberspace as in all other domains. Stressing that no sphere could remain outside the spectrum of international law, including international human rights law and international humanitarian law, the representative of Ecuador underscored that this did

not mean that the militarization of cyberspace would be acceptable. The Charter prohibited the use of force, and therefore all international disputes in cyberspace should be settled by peaceful means. The delegation of the European Union emphasized that, while the European Union and its member States were of the view that international humanitarian law was fully applicable in cyberspace in the context of armed conflict, its application in cyberspace should not be misunderstood as legitimizing any use of force inconsistent with the Charter.

The International Committee of the Red Cross recalled that States had affirmed that international law applied in the ICT environment, comprising, first and foremost, the obligations of States under the Charter, in particular the prohibition of the use of force and the obligation to settle international disputes by peaceful means. The Committee expressed support for the view that cyberoperations during armed conflict were not happening in a “legal void” or “grey zone” but were instead subject to the established principles and rules of international humanitarian law. The representative of the Russian Federation emphasized that, while the digital sphere was not unregulated, the debate as to how exactly international law could be applied to it was far from over. He recalled that the initial list of rules on responsible conduct of States in the information space had been enshrined in the resolution concerning international information security adopted by the General Assembly in 2018. He said it was unfortunate that “Western colleagues” were attempting to pick out from that list the provisions that were of the greatest benefit to them while incorrectly interpreting the applicability of international law in the digital sphere as being “automatic”, which would permit the use of force therein, and presenting their national views as though they were the product of global consensus. The representative of Pakistan stated that the Charter was unequivocal in its categorical upholding of the principles of sovereignty, territorial integrity and non-interference in internal affairs of other States. While those principles should serve as a guiding star when navigating the complexities of cybergovernance, the extent, scope and nature of the applicability of international law and its interpretation in the conduct of States and their use of ICT required careful consideration.

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

In 2021, 12 communications from Member States addressed to or brought to the attention of the Council included explicit references to Article 2 (4) of the Charter (see table 5). In addition, three communications

from Member States addressed to the Secretary-General and circulated as documents of the Council made reference to the use of force in violation of Article 2 in relation to the situation in Cyprus.⁵³

⁵³ See [S/2021/511](#), [S/2021/718](#) and [S/2021/914](#).

Table 5
Communications addressed to the Council containing explicit references to Article 2 (4) of the Charter

<i>Symbol</i>	<i>Title</i>	<i>Relevant extract</i>
S/2021/72	Letter dated 22 January 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	Recalling the continued threats by the Israeli regime against my country, including the recent provocative statement by the Defense Minister of that regime “to have a military option on the table”, which are in clear breach of Article 2 (4) of the Charter of the United Nations, the Security Council must compel that regime to put an end to such unlawful threats and stop all its military adventurism and destabilizing policies and practices in the region. Yet, in conformity with its inherent right to self-defence, the Islamic Republic of Iran is determined to protect its people and vital interests, and to respond decisively to any threat or use of force against its security, sovereignty and territorial integrity.
S/2021/103	Letter dated 1 February 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	These threats are in gross violation of Article 2 (4) of the Charter of the United Nations and, given the dark history of this regime in attacking regional countries, necessitate an appropriate response from the international community.
S/2021/141	Identical letters dated 12 February 2021 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council	The responsibility of the occupying power derives from international humanitarian law, which has long defined the rules on occupation, complemented by the human rights law binding any state exercising effective control over a territory. The overarching principle is that the occupying power has an obligation to ensure the well-being of the population. In full disregard for international law including in violation of the principle of non-interference by States in the internal affairs of others (Article 2 (4) of the Charter), the Russian Federation as the power exercising effective control over the occupied Abkhazia and Tskhinvali regions of Georgia, has intensified steps towards their factual annexation, seeking full incorporation of these territories into its military, political and economic systems. The Russian Federation, as the occupying power has clear obligation to protect the local population of the occupied Abkhazia and Tskhinvali regions of Georgia and bears full responsibility for violations of human rights and fundamental freedoms therein.
S/2021/223	Identical letters dated 4 March 2021 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council	Syria categorically rejects the attempts by the United States to justify its act of aggression on the basis of a unilateral and selective interpretation of Article 51, one that distorts the meaning and expands the scope of that Article. Syria would like to point out that Article 51 was drafted with deliberate care and includes restrictions that must be respected, in order to ensure that its provisions are not manipulated, misconstrued or interpreted in an overly broad manner and exploited to carry out acts of aggression under the pretext of self-defence, as that would spread chaos and ignite wars around the world. Syria would also like to point that the relevant general

<i>Symbol</i>	<i>Title</i>	<i>Relevant extract</i>
		principle and foundation of international law is found in Article 2, paragraph 4, of the Charter, which provides that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State”. It would furthermore like to point out that no sanction to use force in Syria can be found in the relevant Council resolutions, and that Iraq did not request that force should be used in the Syrian Arab Republic. In addition, it should be remembered that Iraq has denied that the American air strike was carried out in collaboration or coordination with it. That denial clearly refutes the claims made by the Permanent Representative of the United States that her country had carried out its attack in response to a request for assistance in addressing the terrorist threat posed by certain militias.
S/2021/623	Letter dated 2 July 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	The Islamic Republic of Iran categorically rejects the extremely arbitrary interpretation of Article 51 of the Charter of the United Nations by the United States in justification of its unlawful military strike, on 27 June 2021, against two locations in Syria and one location in Iraq. Iran condemns, in the strongest terms, such unlawful acts, which violate the sovereignty of two regional countries. The argument of the United States that such attacks were conducted to “deter” the Islamic Republic of Iran and the so-called “Iran-backed militia groups” from conducting or supporting further attacks on United States personnel or facilities has no factual or legal ground, as it is founded on mere fabrication as well as arbitrary interpretation of Article 51 of the Charter of the United Nations. The attacks by the United States are conducted in flagrant violation of international law, particularly Article 2 (4) of the Charter.
S/2021/706	Letter dated 4 August 2021 from the Chargé d’affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	In view of the very recent provocative statements by the Israeli regime’s officials threatening to use force in gross violation of Article 2 (4) of the Charter of the United Nations, that regime must be reminded that it shall bear the consequences of all its possible adventurism and miscalculations. Warning about such threats from any source, the Islamic Republic of Iran will not hesitate to take all measures necessary to vigorously protect its people, defend its sovereignty and secure its national interests.
S/2021/758	Letter dated 27 August 2021 from the Chargé d’affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General	Moreover, the aforementioned explicit threats against a Member State of the United Nations constitute gross violations of international law and of the Charter of the United Nations, particularly its Article 2 (4), and therefore must not be tolerated by the international community and the Council.
S/2021/794	Letter dated 14 September 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	These statements constitute clear manifestations of explicit threats to conduct nuclear terrorism against the peaceful nuclear programme of a State Member of the United Nations, constituting gross violation of international law and the Charter of the United Nations, particularly its Article 2 (4). This is also a violation of Council resolution 2231 (2015) .

<i>Symbol</i>	<i>Title</i>	<i>Relevant extract</i>
S/2021/816	Letter dated 13 October 2021 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General	Turkey's new unlawful actions aiming at hindering Cyprus from exercising its legitimate rights constitute yet another severe violation of the sovereign rights of Cyprus under international law: both the United Nations Convention on the Law of the Sea of 1982 and customary international law. The position of Cyprus regarding its rights to maritime zones is reflected in my previous letters addressed to you and circulated as documents of the General Assembly and of the Council. Moreover, the aforementioned Turkish conduct constitutes a threat of use of force, in breach of Article 2 (4) of the Charter of the United Nations.
S/2021/872	Letter dated 13 October 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	Such systematic explicit and public threats by the Israeli regime against a founding member of the United Nations constitute flagrant violations of international law, particularly Article 2 (4) of the Charter of the United Nations.
S/2021/951	Letter dated 15 November 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	Yet, emboldened as a result of the inaction by the Council to hold it accountable for all its expansionist and destabilizing policies and unlawful acts committed in flagrant violation of international law and the Charter of the United Nations, particularly its Article 2 (4), the Israeli regime's leaders have continued to explicitly threaten to use force against the Islamic Republic of Iran and its peaceful nuclear programme.
S/2021/1059	Letter dated 16 December 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General	This is part of systematic public threats made by the Israeli regime against the Islamic Republic of Iran, the number and severity of which have reached an alarming level in the year 2021. This and other threats of the Israeli regime constitute gross violations of international law, particularly Article 2 (4) of the Charter of the United Nations.

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 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.⁵⁴ Subsection A features implicit references made to Article 2 (5) in the decisions of the Council, and subsection B features discussions held by the Council which may be considered relevant to the interpretation of Article 2 (5). Communications addressed to the Council in 2021 did not contain any references to Article 2 (5).

A. Decisions relating to Article 2 (5)

During the period under review, the Council did not explicitly invoke Article 2 (5) in its decisions. The Council, however, included language that may be

⁵⁴ For the practice of the Council relating to assistance by Member States to United Nations action in accordance with the Charter, see part V, sect. II (Article 25), and part VII, sects. V–VI (Articles 43, 45 and 48).

considered of relevance for the interpretation of Article 2 (5) in decisions concerning the situations in Libya,⁵⁵ Somalia⁵⁶ and South Sudan,⁵⁷ as well as in connection with the prevention of terrorism.⁵⁸

B. Discussion relating to Article 2 (5)

In 2021, Article 2 (5) was not explicitly invoked in the meetings or open videoconferences of the Council. However, implicit references that may be considered of relevance for the interpretation of Article 2 (5) were made in several meetings and open videoconferences of the Council during the period under review.

Regarding thematic items, in statements submitted for an open videoconference held on 12 January in connection with the item entitled “Threats to international peace and security caused by terrorist acts”, with a focus on international cooperation in combating terrorism 20 years after the adoption of resolution 1373 (2001),⁵⁹ Member States recalled the obligation of States to refrain from providing any form of support, actively or passively, including through financing, to entities and individuals involved in terrorism and terrorist acts.

In addition, at a meeting held on 6 October in connection with the item entitled “Small arms”,⁶⁰ the representative of China emphasized that all countries should strictly implement the Council resolutions on arms embargoes and refrain from the transfer or sale of arms to countries subject to Council embargoes. He underlined that countries should make every effort to prevent the flow of small arms and light weapons into illegal channels and effectively shoulder the responsibility of controlling the flow of small arms and light weapons within their borders. The representative of India noted the increase in the volume and quality of the small arms arsenal acquired by terrorist organizations, indicating that they could not exist without the sponsorship or support of States.

Concerning region- and country-specific items, at open videoconferences and meetings held in connection with the item entitled “The situation in Libya” in 2021, Council members continued to stress the need to cease or refrain from all actions in violation of the arms embargo, including the provision of military support inconsistent with the embargo.⁶¹

At an open videoconference held on 18 February in connection with the item entitled “The situation in the Middle East”,⁶² the representative of Mexico noted the substantial increase in arms transfers to the Middle East region in recent years, stressing that the uncontrolled flow of those weapons had fuelled the violence in Yemen. Referring to the reports of the Panel of Experts established pursuant to resolution 2140 (2014), which had consistently shown clear evidence of violations of the arms embargo and the use of increasingly sophisticated weapons and delivery systems, he urged exporting countries to seriously consider the dire consequences for the civilian population of such arms transfers, the end users of which were largely responsible for the humanitarian tragedy in Yemen. The representative of Saint Vincent and the Grenadines called upon members to cease the transfer of weapons to parties within Yemen, whether directly or through proxies or third parties, and stressed the need for other forms of assistance that enabled attacks on the different sides to stop.

On 14 December, in a meeting held in connection with the item entitled “The situation in the Middle East”,⁶³ the representative of the United States, condemning the intensification of Houthi cross-border attacks on Saudi Arabia in preceding months, said that such provocative acts underscored the need for the Islamic Republic of Iran to end its lethal support to the Houthis, which contravened Council resolutions and enabled the reckless attacks by the Houthis. The representative of Yemen said that the Islamic Republic of Iran continued to protract the war and exacerbate the humanitarian crisis by violating relevant Council resolutions and the arms embargo and providing the Houthi militias with arms and military expertise, as well as various kinds of missiles, most recently Iranian weapons intercepted on their way to the Houthi militias.

⁵⁵ Resolution 2571 (2021), para. 9.

⁵⁶ Resolution 2607 (2021), paras. 9 and 20.

⁵⁷ Resolutions 2567 (2021), para. 16, and 2577 (2021), para. 7.

⁵⁸ S/PRST/2021/1, ninth paragraph, and resolutions 2610 (2021), thirteenth, fourteenth, twenty-ninth, thirty-seventh, thirty-eighth and forty-fourth preambular paragraphs and paras. 13, 24 and 28, and 2617 (2021), sixteenth preambular paragraph and para. 28.

⁵⁹ See S/2021/48 (Prime Minister of Azerbaijan on behalf of the Movement of Non-Aligned Countries, Myanmar and Turkey).

⁶⁰ See S/PV.8874.

⁶¹ See, for example, S/2021/498 (Estonia, Niger, United Kingdom and United States); S/PV.8855 (United States); and S/PV.8911 (United States).

⁶² See S/2021/167.

⁶³ See S/PV.8929.

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 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 of the United

Nations. Subsection A features references to that Article in the decisions of the Council. Subsection B covers the deliberations of the Council touching upon the principle enshrined in Article 2 (7). Subsection C features references to Article 2 (7) in communications brought to the attention of the Council.

A. Decisions relating to Article 2 (7)

In 2021, the Council did not explicitly refer to Article 2 (7) in its decisions. Nonetheless, language used in some Council decisions under country- and region- specific as well as thematic items may be considered of relevance for the interpretation and application of Article 2 (7) (see table 6).

Table 6

Decisions containing implicit references to Article 2 (7), by region and country

<i>Decision and date</i>	<i>Provision</i>
Peace and security in Africa	
S/PRST/2021/10 19 May 2021	The Security Council recognizes that there can be no sustainable development without peace and no peace without sustainable development, and that the work of the entities of the United Nations development system, in accordance with their respective mandates, through their support for the implementation of the 2030 Agenda for Sustainable Development in countries in conflict and post-conflict situations, including in Africa, contributes to peacebuilding and sustaining peace in Africa, when reducing people's needs, addressing risks for development programming and fostering resilience, at the request of those countries and in accordance with their national ownership, plans and priorities (fifteenth paragraph)
The situation in the Great Lakes Region	
S/PRST/2021/19 20 October 2021	The Council recognizes the important role that the United Nations can play in helping the States concerned, as appropriate, upon their request and with full respect for their sovereignty over natural resources, to prevent illegal access to and trade in natural resources and to lay the basis for their legal utilization and trade with a view to promoting sustainable development, in particular through building the capacity of governments in post-conflict situations to manage their resources lawfully, transparently and sustainably. In this regard, the Council encourages the continued efforts of United Nations organizations, in accordance with their mandates, and acting in close cooperation with the regional and subregional organizations, in supporting the resource-endowed countries to transform the entire natural resource extraction continuum from illegal exploitation into a legal productive use of natural resources in order to provide legal socioeconomic opportunities with a view to contributing to conflict prevention, conflict resolution, peacebuilding and post-conflict reconstruction (eleventh paragraph)
The situation concerning Iraq	
Resolution 2576 (2021) 27 May 2021	Decides further that the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq, taking into account the letter from the Minister for Foreign Affairs of the Government of Iraq to the Council on 11 February (S/2021/135), shall: ...

(a) Provide a strengthened, robust and visible United Nations team, with additional staff, in advance of the forthcoming election in Iraq, to monitor election day with as broad a geographic coverage as possible, to continue to assist with the election, in a manner that respects Iraqi sovereignty, and report to the Secretary-General on the election process (para. 2 (a))

Requests further that the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq, at the request of the Government of Iraq, and taking into account the letter from the Minister of Foreign Affairs of Iraq to the Secretary-General (S/2021/135), shall:

...

(d) promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law and improve governance in Iraq, in addition to supporting the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant established in resolution 2379 (2017) (para. 4 (d))

The situation in Libya

S/PRST/2021/4
9 February 2021

The Council reaffirms its strong commitment to the United Nations-facilitated, Libyan-led and Libyan-owned political process and to the sovereignty, independence, territorial integrity and national unity of Libya (last paragraph)

See also S/PRST/2021/6 (last paragraph)

S/PRST/2021/12
15 July 2021

The Council welcomes the Second Berlin Conference convened on 23 June 2021, the Conference Conclusions (S/2021/595) and the commitment of the participants to the United Nations-facilitated, Libyan-led and Libyan-owned political process and the sovereignty, independence, territorial integrity and national unity of Libya. The Council welcomes the inclusion of Libya as a member of the International Follow-up Committee on Libya (first paragraph)

The situation in Mali

Resolution 2584 (2021)
29 June 2021

Reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Mali, emphasizing that the Malian authorities have primary responsibility for the provision of stability, security and protection of civilians throughout the territory of Mali, urging the Malian authorities to uphold their efforts to meet their obligations in that regard and expressing great concern at the violent and unilateral actions taken by non-State actors hampering the return of State authority and basic social services (second preambular paragraph)

Resolution 2590 (2021)
30 August 2021

Reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Mali, emphasizing that the Malian authorities have primary responsibility for the provision of stability and security throughout the territory of Mali, and underscoring the importance of achieving national ownership of peace- and security-related initiatives (second preambular paragraph)

The situation in the Middle East

Resolution 2591 (2021)
30 August 2021

Further requests the United Nations Interim Force in Lebanon, in line with resolution 1701 (2006), to take temporary and special measures, which should not be considered as a precedent in the future, to support and assist the Lebanese Armed Forces with the provision of relevant additional non-lethal material (fuel, food and medicine) and logistical support for a limited period of six months, within existing resources and without implications for the increase of the budget level, in the framework of the joint activities of the Lebanese Armed Forces and the Force and in compliance with the United Nations human rights due diligence policy, and without prejudice to the mandate and its implementation, the concept of operations and rules of engagement of the Force, while fully respecting Lebanese sovereignty and at the request of the Lebanese authorities, and that such support be subject to appropriate and immediate oversight and scrutiny (para. 11)

Decision and date

Provision

Urges all parties to ensure that the freedom of movement of the Force in all its operations and the access of the Force to the Blue Line in all its parts is fully respected and unimpeded, in conformity with its mandate and its rules of engagement, including by avoiding any course of action which endangers United Nations personnel, condemns in the strongest terms all attempts to restrict the freedom of movement of Force personnel and all attacks on Force personnel and equipment as well as acts of harassment and intimidation of Force personnel; calls upon the Government of Lebanon to facilitate prompt and full access of the Force to sites requested by the Force for the purpose of swift investigation, including all relevant locations north of the Blue Line related to the discovery of tunnels crossing the Blue Line which the Force reported as a violation of resolution 1701 (2006), in line with resolution 1701 (2006), while respecting Lebanese sovereignty (para. 16)

The situation in Somalia

Resolution 2563 (2021)
25 February 2021

Decides to authorize the States members of the African Union to maintain the deployment of the African Union Mission in Somalia until 14 March 2021, authorizes the African Union Mission to take all necessary measures in full compliance with the obligations of participating States under international law, including international humanitarian law and international human rights law, and in full respect of the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out its mandate, as set out in paragraphs 11 and 12 of its resolution 2520 (2020) (para. 1)

Resolution 2568 (2021)
12 March 2021

Also decides that the African Union Mission in Somalia shall be authorized to take all necessary measures, in full compliance with the obligations of participating States under international law, including international humanitarian law and international human rights law, and in full respect for the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out its mandate (para. 11)

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

Resolution 2579 (2021)
3 June 2021

Decides that the United Nations Integrated Transition Assistance Mission in the Sudan, as part of an integrated and unified United Nations structure, shall, in full accordance with the principles of national ownership, continue to have the following strategic objectives (para. 3)

Peace consolidation in West Africa

S/PRST/2021/3
3 February 2021

The Council calls for continued national, regional and international engagement in cooperation with the countries of the region in an effort to prevent and address the peace and security challenges they face while reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of all countries in West Africa and the Sahel. It recognizes that responsible and credible mediation by the United Nations Office for West Africa and the Sahel requires, inter alia, national ownership, the consent of the parties to a particular dispute or conflict, and respect for national sovereignty, as set out in General Assembly resolution 70/304 (fourth paragraph)

S/PRST/2021/16
17 August 2021

The Council welcomes the report of the Secretary-General on the United Nations Office for West Africa and the Sahel and the briefing held on 8 July by the Special Representative of the Secretary-General for West Africa and the Sahel, Annadif Khatir Mahamat Saleh, and expresses full support to the Special Representative in carrying out his mandate, including in his capacity as Chair of the Cameroon-Nigeria Mixed Commission. The Council recognizes that responsible and credible mediation by UNOWAS requires, inter alia, national ownership, the consent of the parties to a particular dispute or conflict, and respect for national sovereignty, as set out in General Assembly resolution 70/304 (first paragraph)

The Council recalls the importance of political dialogue and consensus building on key national priorities among all stakeholders as a means to achieve sustainable reconciliation. While reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of all States in the region and emphasizing the need to respect fully the principle of non-interference, the Council stresses that good governance is critical for long-term peace and stability in West Africa and the Sahel. It commends the recent democratic transition in Niger and the reconciliation efforts in Burkina Faso, Côte d'Ivoire and Togo and encourages the continued pursuit of these dialogues. It further commends the good offices role provided by the United Nations Office for West Africa and the Sahel in supporting democratic practices and the leadership of the Economic Community of West African States in mediation in the region (tenth paragraph)

Table 7

Decisions containing implicit references to Article 2 (7), by thematic issue

<i>Decision and date</i>	<i>Provision</i>
Maintenance of international peace and security	
S/PRST/2021/22 9 November 2021	The Security Council recognizes that there can be no sustainable development without peace and no peace without sustainable development and that the work of the entities of the United Nations development system, in accordance with their respective mandates, through their support for the implementation of the 2030 Agenda for Sustainable Development in countries in conflict and post-conflict situations, contributes to peacebuilding and sustaining peace at the request of those countries and in accordance with their national ownership, plans and priorities (seventh paragraph)
S/PRST/2021/23 16 November 2021	The Council further recognizes the advisory role of the Peacebuilding Commission in supporting peacebuilding in conflict-affected countries with respect for national ownership and the countries' national priorities as an important addition to the capacity of the international community in the broad peacebuilding agenda in accordance with its mandate (eleventh paragraph)
Threats to international peace and security caused by terrorist acts	
S/PRST/2021/1 12 January 2021	The Council reaffirms its commitment to the sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations, and stresses that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism (sixth paragraph)
Resolution 2617 (2021) 30 December 2021	Stressing that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism (ninth preambular paragraph) Directs the Counter-Terrorism Committee, with the support of the Executive Directorate, to determine on an annual basis a list of Member States that the Executive Directorate should request consent to visit for the purpose of conducting assessments, and underscores that the composition of the list should take a risk-based approach that acknowledges existing gaps, emerging issues, trends, events and analysis, while also taking into account prior requests by Member States and consent previously expressed, as well as the fact that a number of Member States have never been visited, and underscores further that the Committee, with the support of the Executive Directorate, may decide, after the adoption of the list, on changes to its composition, as necessary, emphasizing transparency in planning for visits, including by making available its country visit schedule in advance of such visits, and producing ensuing reports (para. 12) Requests the Counter-Terrorism Committee to report, through its Chair, at least once per year to the Council on the state of the overall work of the Committee and the Executive Directorate, and, as appropriate, in conjunction with the reports by the Chairs of the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) and the Committee established pursuant to resolution 1540 (2004) , and taking into account its efforts to strengthen coordination with other United Nations bodies, facilitate provision of consent from Member States for country visits and reports, and improve implementation of recommendations, and how its assessments and analytical work has contributed towards improvements in Member States' counter-terrorism efforts, and expresses its intention to hold informal consultations at least once a year on the work of the Counter-Terrorism Committee (para. 18)

B. Discussion relating to Article 2 (7)

During the period under review, Article 2 (7) was not explicitly invoked in the Council's deliberations. Nonetheless, during several meetings and open videoconferences, Council members discussed the principle of non-intervention by the United Nations in the domestic affairs of States enshrined in Article 2 (7).

Concerning country- or region-specific items, the Council addressed matters relevant to the interpretation and application of Article 2 (7) at several meetings held in connection with the item entitled "Peace and security in Africa" (see case 5). In addition, Council members and other Member States addressed the role of the United Nations vis-à-vis the sovereignty of Iraq, Somalia and the Syrian Arab Republic, in discussions

in connection with the items entitled “The situation concerning Iraq”,⁶⁴ “The situation in Somalia”⁶⁵ and “The situation in the Middle East”, respectively.⁶⁶

Concerning thematic items, the Council discussed the principles enshrined in Article 2 (7) regarding the use of new technologies in peacekeeping (see case 6). In addition, Council members addressed issues relevant for the interpretation and application of Article 2 (7) in the context of the protection of civilians and the delivery of humanitarian assistance at its meetings and open videoconferences held in connection with the item entitled “Protection of civilians in armed conflict”.⁶⁷ Council members also addressed the need for the United Nations to respect the principles of sovereignty, territorial integrity, non-interference in internal affairs and the political independence and national priorities of States when coordinating peacebuilding activities in connection with the item entitled “Peacebuilding and sustaining peace”,⁶⁸ and in the context of preventive diplomacy in connection with the item entitled “Maintenance of international peace and security”.⁶⁹

Case 5 **Peace and security in Africa**

In 2021, the Security Council met several times to address the situation in the Tigray region of Ethiopia at meetings held in connection with the item entitled “Peace and security in Africa”. On 2 July, during her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs informed Council members about the announcement by the Federal Government of Ethiopia on 28 June of a unilateral ceasefire in Tigray, citing the need to address the humanitarian crisis in the region.⁷⁰ The Under-Secretary-General offered the full expertise and support of the United Nations, including assistance to domestically driven, inclusive and comprehensive mediation and dialogue processes, and

expressed readiness to extend all the means of support at the disposal of the United Nations to help put the country back on track.

During the discussion, some Council members addressed the principles enshrined in Article 2 (7) as it related to the potential involvement by the Council in the dispute. In that regard, the representative of the Russian Federation emphasized that politicizing the issue was unacceptable and that the situation in Tigray must remain an internal affair of Ethiopia. He added that interference by the Council in resolving the issue would be counterproductive. The representative of Viet Nam, stressing the need for compromise to be made towards a comprehensive solution for the sustained stability and development of Ethiopia, on the basis of the principles of international law and the Charter, underscored that the international community, including the Council, should support all efforts to that end, in full respect of the independence, sovereignty, unity and territorial integrity of Ethiopia. He also emphasized that, under the circumstances, the principles of non-interference in the internal affairs of States and the settlement of disputes by peaceful means should always be upheld. The representative of China indicated that the Tigray issue was by and large an internal affair of Ethiopia and stressed the need for the international community to respect the sovereignty of Ethiopia when providing humanitarian assistance. He further noted that, when dealing with that issue, the Council should carefully and prudently calibrate the timing and approach taken to ensure that its action contributed to improving the situation in Tigray, rather than having the opposite effect. Speaking on behalf of the three African members of the Council as well as Saint Vincent and the Grenadines, the representative of Kenya reiterated their call for the Council to take careful and responsible actions that would encourage humanitarian outreach to suffering people and not to imperil the situation in Tigray. He also restated that the Council should allow Africa the space to resolve its challenges with the support of the international community and that the debate should encourage and support African solutions, meaning, in that instance, Ethiopian solutions starting in the order of the ceasefire, humanitarian delivery, dialogue, reconciliation and responsibility. He reaffirmed the respect for and commitment to the sovereignty and territorial integrity of Ethiopia and emphasized that Africa would not agree at that time or in the future for the debate in the Council to be turned into a platform that undermined the people and State of Ethiopia. The representative of Ethiopia encouraged Council members to play a constructive role in supporting the Government of Ethiopia in the implementation of the

⁶⁴ See, for example, [S/2021/152](#) (France, India, Russian Federation, Saint Vincent and the Grenadines and Iraq).

⁶⁵ See, for example, [S/PV.8779](#) (Russian Federation, Viet Nam and China).

⁶⁶ See, for example, [S/PV.8803](#) (India, China and Islamic Republic of Iran).

⁶⁷ See [S/2021/505](#) (President of the International Committee of the Red Cross, China, India, United Kingdom, Brazil and Ethiopia); and [S/PV.8822](#) (India, Viet Nam, China, Saint Vincent and the Grenadines and Russian Federation).

⁶⁸ See [S/PV.8877](#) (Viet Nam). See also [S/2021/868](#) (Azerbaijan, Islamic Republic of Iran and Morocco).

⁶⁹ See [S/PV.8906](#) (China, Niger, Viet Nam, Russian Federation and Islamic Republic of Iran).

⁷⁰ See [S/PV.8812](#).

humanitarian ceasefire, while also noting that political pressure against Ethiopia was unacceptable and in violation of basic tenets of international law.

On 6 October, the Council held another meeting held in connection with the item, during which the Secretary-General gave a briefing on the humanitarian catastrophe unfolding in Ethiopia as well as on the United Nations engagement in providing humanitarian support in various regions of the country.⁷¹ Recalling that all efforts should be squarely focused on saving lives and avoiding a massive human tragedy, he found disturbing the announcement of the decision by the Government of Ethiopia to expel seven senior United Nations officials, most of them humanitarian staff. The Secretary-General assured the Council that the United Nations would continue to play its mandated role and work with the Government of Ethiopia and with local and international partners to support millions of people in need of humanitarian assistance in Tigray, Amhara and Afar and across the country, in full accordance with the Charter and General Assembly resolution [46/182](#).

During the discussion, several Council members⁷² expressed concern and disappointment regarding the decision by the Government of Ethiopia to expel United Nations staff from the country. Some Council members deliberated on the principles of national sovereignty and non-interference in the internal affairs of States in the context of the provision of humanitarian assistance. In that regard, the representative of China underscored that the international community should continue to provide assistance to Ethiopia while respecting the country's sovereignty and ownership. The representative of the Russian Federation, expressing regret concerning the decision by the Government of Ethiopia to expel United Nations officials, insisted that humanitarian assistance be provided fully in line with General Assembly resolution [46/182](#) and the United Nations guiding principles of humanitarian assistance, as well as international law and national legislation. She stressed the vital need for credible and constructive dialogue and close cooperation with the sovereign Ethiopian authorities, which continued to cover the lion's share of all humanitarian needs in Tigray and in neighbouring regions.

Speaking on behalf of the three African members of the Council as well as Saint Vincent and the

Grenadines, the representative of Tunisia underlined the obligation of all humanitarian, United Nations and associated personnel to observe and respect the laws of the country in which they were operating, including the principle of non-interference. He further stressed the importance of humanitarian organizations upholding the core principles of neutrality, impartiality and humanity in their humanitarian activities, in full respect of the sovereignty, political independence, territorial integrity and national unity of the host State, in accordance with the Charter. Nevertheless, the representative highlighted the risks of a large-scale famine, which, to a great extent, was being prevented by the aid delivered by the organizations to which the expelled individuals belonged. He added that, even within their sovereign rights, Governments should observe their domestic and international humanitarian law obligations and that the rights of the Ethiopian people to receive aid in the dire emergency were of the highest moral and legal character. The representative of Mexico, noting with concern the claims made by the Government of Ethiopia that had led to the expulsion of the United Nations officials, said that his country was convinced that the United Nations humanitarian operations were at all times guided by the principles of humanity, impartiality, neutrality and independence set out in General Assembly resolution [46/182](#). He underscored, however, that when a State or a party to a conflict consented and agreed to the provision of certain humanitarian assistance, the latter could not be subject to discretionary decisions. On the basis of that consent, the parties concerned must allow and facilitate unrestricted access for humanitarian assistance.

With respect to the involvement of the Council in the dispute, the representative of Viet Nam called upon the Ethiopian authorities and all other concerned parties to give the highest priority to the interests of their people. The international community, including the Council, should support all efforts to that end, in full respect for the independence, sovereignty, unity and territorial integrity of Ethiopia. The representative of the Russian Federation expressed certainty that pressure involving the Council and threats regarding the adoption of resolutions were counterproductive. The representative of Ethiopia said that he was surprised at the convening of the Council meeting and that his country found it incomprehensible that the Council was discussing the decision of a sovereign State, which had been exercised within the domain of international law and its sovereign prerogative. The Government of Ethiopia was not under any legal obligation to provide justifications or explanations for its decisions. Citing General Assembly resolution [46/182](#), which provided that the sovereignty, territorial

⁷¹ See [S/PV.8875](#).

⁷² Ireland, Estonia, France, Norway, United Kingdom, United States, Tunisia (also on behalf of Kenya, Niger and Saint Vincent and the Grenadines), India, Viet Nam, Mexico and Russian Federation.

integrity and national unity of States must be fully respected in accordance with the Charter, he emphasized that the most fundamental element of the sovereignty of States had to do with their prerogative to determine who entered, remained in and exited their territory. When appealing for support from, or to work with, the United Nations or other humanitarian operators, Ethiopia did not forgo that fundamental right.

Case 6 United Nations peacekeeping operations

On 18 August, at the initiative of India, which held the presidency for the month,⁷³ the Security Council held an open debate under the entitled “United Nations peacekeeping operations” and the sub-item entitled “Protecting the protectors: technology and peacekeeping”.⁷⁴ During the meeting, Council members deliberated on questions of relevance to the interpretation and application of Article 2 (7).

Some participants addressed the importance of respect for the sovereignty of States and non-intervention in their internal affairs by peacekeeping missions. In that regard, the representative of China emphasized that the use of new technologies in peacekeeping operations should respect the sovereignty and will of host countries. While using technology of all kinds to conduct reconnaissance and surveillance, peacekeeping missions should conduct prior consultations with host countries to ensure that the relevant technology was used in full respect for their sovereignty, upheld the purposes and principles of the Charter, including non-interference in their internal affairs, and followed the guiding principles of peacekeeping. The representative of Viet Nam encouraged Member States to continue to engage in dialogue and cooperation, including through engagement with the Secretariat, the Council and other relevant United Nations forums in order to find effective measures for the use of existing and new technology in peacekeeping while respecting the principles of peacekeeping, international law and the sovereignty of States.

The delegation of Guatemala noted that technology must be implemented by peacekeeping missions in part according to the principles of peacekeeping operations, namely, consent of the parties, impartiality and the non-use of force except for self-defence and/or defence of the mandate. The

delegation of South Africa recognized the efficacy of peacekeeping intelligence utility in the protection of civilians and enjoined the United Nations to seek the collaboration and consent of host States when undertaking such sensitive activities. The delegation of the Islamic Republic of Iran underscored that special attention must be paid to the full respect for the principles of sovereign equality, political independence and territorial integrity of all States and non-intervention in matters that were essentially within their domestic jurisdiction, as well as impartiality, the consent of the parties, and the non-use of force except in self-defence and defence of the mandate. The use of modern technologies should be aimed at increasing the safety and security of United Nations personnel, including peacekeepers. At the same time, their use must be considered on a case-by-case basis and must uphold the principles enshrined in the Charter, particularly the respect for sovereignty and territorial integrity of Member States, and also the fundamental principles of peacekeeping, especially the consent of the host State. Noting that technology should help peacekeeping missions to deliver on their mandate, measure performance and foster accountability for peacekeeping, the delegation of Rwanda similarly stressed that this should be in full respect of the host nation’s sovereignty. The delegation of Brazil, citing as an example the use of uncrewed aircraft by all stakeholders, stated that the use of new technologies must be the object of careful regulation, scrutiny and oversight to avoid the creation of situations that the deployment of peacekeeping operations sought to circumvent in the first place, including violations of national sovereignty and failure to respect the provisions of the Charter.

Some delegations focused on the use of modern technologies by peacekeeping missions to collect, store and access data. On that note, the representative of the Russian Federation underscored that the introduction and use of information and digital technologies by peacekeepers must not undermine the sovereignty of the host State or its neighbours or violate the privacy of its citizens.⁷⁵ He stressed that the issue was particularly sensitive with regard to the United Nations – an organization with a unique reputation for justice and impartiality, and whose main task was to selflessly help those most in need. In a similar vein, the delegation of Fiji stated that the collection, use and protection of data in peacekeeping was a sensitive issue owing to the multinational nature of United Nations peacekeeping and that it could impinge on host country sovereignty.⁷⁶ Guidelines would need to be established and

⁷³ A concept note was circulated by a letter dated 26 July (S/2021/681).

⁷⁴ See S/PV.8838. See also S/2021/732.

⁷⁵ See S/PV.8838.

⁷⁶ See S/2021/732.

adhered to, by field missions and all peacekeepers, regarding the collection and protection of data. The delegation underlined that data collection in peace operations should only be used for peacekeeping purposes, with its use, protection and disposal conforming to international laws and norms and host country guidelines. The delegation of Pakistan asserted that using technology to collect, store and access data had always invoked certain sensitivities and concerns, adding that a responsible use of technology, which respected national sovereignty and addressed confidentiality concerns, could expedite the integration of cutting-edge solutions in peace operations. The delegation therefore recommended that the United Nations system explore the options for establishing an inclusive framework for the governance of new technologies, including in the peacekeeping domain. The representative of Kenya underscored the need to gain and maintain the trust of host nations by ensuring that the

information collected using modern technology was utilized only to protect the United Nations mandate, its personnel and installations, as well as civilians, and he indicated that the Council should emphasize the responsible use of technology by avoiding unnecessary deployments and ensuring strict adherence to the principles of impartiality and neutrality.⁷⁷

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

In 2021, six communications brought to the attention of the Council included explicit references to Article 2 (7) of the Charter (see table 8).

⁷⁷ See [S/PV.8838](#).

Table 8
Communications addressed to the Council containing explicit references to Article 2 (7) of the Charter

<i>Symbol</i>	<i>Title</i>	<i>Relevant extract</i>
S/2021/209	Letter dated 19 March 2021 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General	To request the relevant organs of the United Nations to include the question of Iranian interference in the internal affairs of Arab States on their respective agendas, in accordance with the Charter of the United Nations, Article 2, paragraph 7, which prohibits interference in the internal affairs of States.
S/2021/285	Identical letters dated 22 March 2021 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council	To request the Group of Arab States in New York to take the necessary action to transmit the present resolution to the competent United Nations bodies and have it issued as a document of the United Nations, and to request that they include the question on their respective agendas, in accordance with the Charter of the United Nations, Article 2, paragraph 7, which prohibits interference in the internal affairs of States.
S/2021/352	Letter dated 13 April 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	In that resolution, the Islamic Republic of Iran has been falsely accused of interfering in the internal affairs of certain Arab States, while the resolution is replete with several cases of interference in Iranian domestic affairs and thus is in gross violation of international law, particularly Article 2 (7) of the Charter of the United Nations.
S/2021/417	Letter dated 30 April 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	Like similar resolutions adopted at previous meetings of the League of Arab States, this resolution contains series of disinformation and false accusations against the Islamic Republic of Iran. We condemn, in the strongest possible terms, this Iranophobic campaign and all allegations, including on the so-called violation by Iran of Security Council resolutions 2216 (2015) and 2231 (2015) . The resolution also includes certain claims, which represent clear cases of interference in the Iranian domestic affairs, in flagrant violation of international law, particularly Article 2 (7) of the Charter of the United Nations, all of which are categorically rejected.

<i>Symbol</i>	<i>Title</i>	<i>Relevant extract</i>
S/2021/790	Identical letters dated 14 September 2021 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General and the President of the Security Council	Request the Group of Arab States in New York to take the necessary action to transmit the present resolution to the relevant United Nations bodies and have it issued as a document of the United Nations, and to request that they include the question on their respective agendas, in accordance with the Charter of the United Nations, Article 2, paragraph 7, which prohibits interference in the internal affairs of States.
S/2021/857	Letter dated 7 October 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	The resolution also includes certain claims, which represent clear cases of interference in Iranian domestic affairs, in flagrant violation of international law, particularly Article 2 (7) of the Charter of the United Nations, all of which are condemned in the strongest terms and categorically rejected.
