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## **Part III**

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

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## Introductory note

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

In 2020, Council members and other participants in Council discussions deliberated on the principle of self-determination in both thematic and country-specific contexts. Of a thematic nature were the discussions at a meeting on the importance of respecting the Charter of the United Nations and at an open videoconference on strengthening cooperation between the Council and the International Court of Justice. Council members also discussed the principle of self-determination in relation to the Israeli-Palestinian conflict. They also addressed the application and interpretation of Article 2 (4) in relation to the prohibition of the use or threat of use of force in the context of the above-mentioned discussions, as well as in relation to the situation in the Bolivarian Republic of Venezuela. Council members 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. Furthermore, Council members reflected on the principles enshrined in Article 2 (7) during their consideration of the situation in the Middle East, as well as during the discussions on peacebuilding and sustaining peace.

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). Nonetheless, part III includes Council decisions featuring language relating to the principles enshrined in those Articles. In addition, it includes implicit invocations of Article 1 (2) and explicit invocations of Articles 2 (4) and 2 (7) found in the correspondence addressed to the Council during the period under review.

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## 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) 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
<b>The situation concerning Western Sahara</b>	
Resolution <a href="#">2548 (2020)</a> 30 October 2020	<p>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)</p> <p>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)</p>

### B. Discussion relating to Article 1 (2)

During the period under review, Article 1 (2) was not explicitly invoked in discussions 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 country-specific and thematic discussions, as elaborated below.

Council members and other entities discussed the principle of self-determination during an open debate on the importance of upholding the Charter of the United Nations, held in connection with the item entitled “Maintenance of international peace and security” (case 1), and the right to self-determination of the Palestinian people at several meetings and

videoconferences held in 2020 in connection with the item entitled “The situation in the Middle East, including the Palestinian question” (case 2).

Council members also referred to the principle of self-determination in connection with the situation concerning Western Sahara and the adoption of resolution [2548 \(2020\)](#) on 30 October.<sup>1</sup> In addition, during a videoconference held on 18 December in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, focused on strengthening the cooperation between the Council and

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<sup>1</sup> See [S/2020/1075](#) (Russian Federation, South Africa and Viet Nam).

the International Court of Justice,<sup>2</sup> the President of the Court underscored that the Court, in the 1971 advisory opinion on Namibia,<sup>3</sup> had clarified the applicability of the right to self-determination to the people of Namibia, which, together with the identification of the legal consequences that attached to resolution 276 (1970), had paved the way for concrete actions that later facilitated the access of Namibia to its independence. The representative of Tunisia noted the relevance of the Court against the backdrop of the wide range of subjects over which it had exercised jurisdiction and developed groundbreaking international jurisprudence, especially on the principles of self-determination of peoples and equal rights.<sup>4</sup>

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

On 9 January, at the initiative of Viet Nam, which held the presidency of the Council for the month,<sup>5</sup> the Council convened its 8699th meeting to discuss, under the item entitled “Maintenance of international peace and security”, the importance of upholding the Charter of the United Nations. The meeting, which marked the seventy-fifth anniversary of the United Nations, extended over a period of three days, on 9, 10 and 13 January.<sup>6</sup> The Secretary-General, in his briefing to the Council, referred to the principles of non-intervention, self-determination and sovereign equality of Member States and said that they were not favours or concessions, but rather the foundation of international relations and core to peace and international law.<sup>7</sup>

Following the briefing, the representative of Tunisia said that the principles of the Charter, including the right to self-determination and the sovereign equality of States, continued to constitute the cornerstones governing international relations.

At the meeting, the Minister for Foreign Affairs and Worship of Haiti stated that, to reach the objective of saving succeeding generations from the scourge of war, the founders of the Organization had defined a range of purposes and principles in Articles 1 and 2 of the Charter, which constituted a true legal basis for the multilateral system. The representative of Ethiopia said that the grand principles laid down by the founders of the United Nations remained pertinent and immutable and that its primary purposes, as defined in Article 1 of the Charter, remained as relevant as they had been in 1945. Echoing that view, the representative of Djibouti underscored that, in reviewing the Preamble to the Charter, as well as its purposes and principles as set out in Articles 1 and 2, one could not help but be struck by how the concerns that had motivated the Charter’s adoption remained salient.<sup>8</sup>

In addition, speakers discussed the application of the principle of self-determination to specific conflicts and situations. The representative of South Africa stated that the Charter provisions of the equality of nations, mutual respect and adherence to international law must be upheld to resolve disputes and prevent conflicts and warned against allowing competing political interests to undermine respect for international law and self-determination in cases such as those of Western Sahara and the occupied Palestinian territories.<sup>9</sup> Similarly, the representative of Pakistan voiced concern regarding the events that had amplified the multiple and complex threats to peace and security in the Middle East, including the denial of self-determination to the Palestinian people. He also requested the Council and the Secretary-General to act decisively to prevent a disastrous war between Pakistan and India, to call for an end to the grave human rights violations in occupied Jammu and Kashmir and to enable the Kashmiri people to exercise the right to self-determination promised to them in the resolutions of the Council.

With regard to the Israeli-Palestinian conflict, the representative of Senegal recalled the words of his country’s President, Macky Sall, concerning the right of peoples to self-determination, renewing the call for reconciliation between the Palestinian and Israeli peoples and for the realization of the right of the Palestinian people to a viable State.<sup>10</sup> The observer for the State of Palestine underscored that the State of Palestine had pledged to respect the Charter and to act in accordance with its purposes and principles despite being unjustly denied full membership in the United

<sup>2</sup> See [S/2020/1286](#).

<sup>3</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, p. 16.

<sup>4</sup> See [S/2020/1286](#).

<sup>5</sup> The Council had before it a concept note annexed to a letter dated 31 December 2019 ([S/2020/1](#)).

<sup>6</sup> See [S/PV.8699](#), [S/PV.8699 \(Resumption 1\)](#) and [S/PV.8699 \(Resumption 2\)](#). Owing to the financial difficulties faced by the United Nations, the timing of meetings of the Council was restricted to 10 a.m.–1 p.m. and 3–6 p.m., resulting in meetings being extended over several days.

<sup>7</sup> See [S/PV.8699](#).

<sup>8</sup> See [S/PV.8699 \(Resumption 2\)](#).

<sup>9</sup> See [S/PV.8699](#).

<sup>10</sup> See [S/PV.8699 \(Resumption 2\)](#).

Nations and deprived of one of the most fundamental principles of the Charter, namely that of equal rights and self-determination of peoples. He stressed the firm conviction of the people of the State of Palestine in the inevitability of the realization of their right to self-determination, in spite of the profound scope and scale of that injustice, and the firm conviction that upholding the Charter was vital for the fulfilment of that right and of all of their inalienable rights for the achievement of a just and peaceful solution. He also stressed that, when the right to self-determination was violated, when force was unlawfully used, when threats of annexation were routinely declared, and when all such actions had no consequences to hold the perpetrators accountable for their crimes, the international community had failed in its obligation to uphold the Charter.

The representative of Armenia recalled that the Charter rested upon the objective of developing friendly relations among nations, based on respect for the principles of equal rights and the self-determination of peoples.<sup>11</sup> He noted that the right to self-determination was a fundamental principle that had led to a significant increase in the membership of the United Nations since its foundation. In addition, he stressed that the right of people to freely determine their future was anchored in the purposes and principles of the Charter and that, in that context, the inalienable right of Nagorno-Karabakh to self-determination through the legally binding free expression of their will represented a fundamental principle and basic premise for the peaceful resolution of the conflict. He added that violations of human rights and fundamental freedoms, including the right to self-determination, often represented the root causes of conflicts. The representative of Azerbaijan, referring to the statement by the representative of Armenia, said that speculations and claims with regard to the right of self-determination had nothing in common with that principle as set forth in the Charter.<sup>12</sup>

Participants at the meetings also addressed the principle of self-determination guiding international relations and the multilateral system, including the Council. The representative of Kenya, speaking on the issue of Non-Self-Governing Territories, noted that it would take political will, trust, courage, the embrace of differences and a change of mindset to ensure respect for the principles of international law, equal rights and self-determination of peoples.<sup>13</sup>

The representative of Slovenia underscored that the rights and obligations arising from the Charter were equal for all Members and that all States benefited from them. She added that all States were obliged to ensure respect for the Charter and that Articles 1 and 2 must be the basis for their behaviour in the international arena.<sup>14</sup>

The representative of Cuba emphasized that, in carrying out its functions in accordance with the powers conferred upon it by the Charter, the Council must do so in accordance with justice and principles. She added that the Council must exhaust all avenues to prevent attempts to violate the right of peoples to self-determination. The representative of Uruguay stressed the need to not lose sight of the principles of non-intervention and self-determination when dealing with internal conflicts. The representative of Azerbaijan, speaking on behalf of the Movement of Non-Aligned Countries, highlighted the Movement's commitment to supporting and promoting the purposes and principles of the Charter, which extended to the right to self-determination of peoples under foreign occupation and colonial or alien domination.

The representative of the Bolivarian Republic of Venezuela stressed that States were obliged to abide by the Charter in its entirety, and noted that there was consensus regarding certain principles, including the right to self-determination of peoples, which were essential for the maintenance of international peace and security.

## Case 2

### The situation in the Middle East, including the Palestinian question

At its 8706th meeting, held on 21 and 22 January, the Council held its quarterly open debate under the item entitled "The situation in the Middle East, including the Palestinian question".<sup>15</sup> During the meeting, several speakers<sup>16</sup> expressed support for the right of the Palestinian people to self-determination. The observer for the State of Palestine underscored that, despite the adversity and setbacks, the Palestinian people were steadfast in the pursuit of their rights, including to self-determination.<sup>17</sup>

The representative of the Niger urged the international community to continue its quest for a

<sup>11</sup> See [S/PV.8699](#).

<sup>12</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>13</sup> See [S/PV.8699](#).

<sup>14</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>15</sup> See [S/PV.8706](#) and [S/PV.8706 \(Resumption 1\)](#).

<sup>16</sup> Viet Nam (see [S/PV.8706](#)); and Malaysia, Azerbaijan (on behalf of the Non-Aligned Movement), Nigeria, Sudan (on behalf of the Group of Arab States) and Sri Lanka (see [S/PV.8706 \(Resumption 1\)](#)).

<sup>17</sup> See [S/PV.8706](#).

solution to the Israeli-Palestinian conflict that took into account the security aspirations of Israel and the legitimate and inalienable rights of Palestinians, including their right to self-determination. The representative of Tunisia stressed that Israel should be committed to ending its occupation and enabling the Palestinian people to exercise their legitimate rights, primary among them their right to self-determination and the establishment of their independent State. The representative of Bangladesh gave the assurance that her country would continue to firmly stand with its Palestinian brothers and sisters in their just and rightful struggle for self-determination, until the State of Palestine was established, and the representative of Cuba reaffirmed his country's unreserved support for a comprehensive, just and lasting solution to the Israeli-Palestinian conflict that enabled the Palestinian people to exercise their right to self-determination and to have an independent and sovereign State within the pre-1967 borders.<sup>18</sup> In his capacity as Chair of the Group of Arab States, the representative of the Sudan said that the Arab States hoped to see, during 2020, tangible progress towards realizing the legitimate national goals and aspirations of the Palestinian people to enjoy their fair rights, especially the right to self-determination, freedom and an independent sovereign Palestinian State, with East Jerusalem as its capital. The representative of the Dominican Republic emphasized that any participation by the Council must be framed by recognition and respect for mutual rights, including self-determination and independence, by non-interference and by the legacy of understandings reflected in previous agreements.<sup>19</sup>

On 11 February, the Council convened its 8717th meeting following the release by the United States of its "Peace to Prosperity" vision for Israelis and Palestinians on 28 January 2020.<sup>20</sup> In addressing the Council, the President of the State of Palestine, Mahmoud Abbas, recalled the broad rejection of the Israeli-United States deal, which flagrantly violated international legitimacy and the Arab Peace Initiative and annulled the legitimacy of the Palestinians' rights to self-determination, freedom and independence in their own State. The representative of Tunisia pointed out that the meeting was being held as the Arab-Israeli conflict was at a critical juncture and tensions were rising in the region. He underscored that the aim was to end the occupation and restore the legitimate rights of the Palestinian people, most importantly their rights to self-determination and to establish their own independent State along the borders of 4 June 1967. The

representative of Saint Vincent and the Grenadines, while acknowledging the ongoing efforts of the United States to reinvigorate the Israeli-Palestinian peace process, reiterated the commitment of her country to the international community's long-standing, principled support for the inalienable rights of the Palestinian people, including to self-determination, and for the two-State solution based on the pre-1967 borders. She stressed that that vision still reflected the will of the international community and ought to be the starting point. The representative of the Dominican Republic reiterated his country's position on the need to respect the sovereignty and self-determination of peoples and the purposes and principles of the Charter of the United Nations, and reaffirmed its full support for a two-State solution, as set out in the various United Nations resolutions. The representative of South Africa thanked Mr. Abbas for his statement, in which he had articulated the true aspirations and the voice of the people of occupied Palestine, a people who lived under occupation in an asymmetrical environment and, for decades, had fought for its right to self-determination and for the recognition of its basic human rights. The representative of the United Kingdom said that Palestinians deserved self-determination and freedom from occupation and that Israelis also deserved to live free of terrorist rocket fire and in a future characterized by fruitful cooperation with their neighbours in the region.

On 24 June, Council members held an open videoconference, during which they heard briefings by the Secretary-General, the Special Coordinator for the Middle East Peace Process and the Secretary-General of the League of Arab States.<sup>21</sup> Representatives of all Council members, as well as the Minister for Foreign Affairs of the State of Palestine and the representative of Israel, delivered their statements during the videoconference, while the delegations of non-Council members and the European Union submitted their statements in writing.<sup>22</sup>

During his briefing, the Special Coordinator for the Middle East Peace Process underscored that all those who believed in the legitimate right of both Palestinians and Israelis to self-determination, security and a brighter future must reject the annexation by the Government of Israel of the West Bank and consolidate efforts to preserve a sustainable two-State solution.<sup>23</sup> The Minister of State for the Middle East and North Africa of the United Kingdom said that the

<sup>18</sup> See [S/PV.8706 \(Resumption 1\)](#).

<sup>19</sup> See [S/PV.8706](#).

<sup>20</sup> See [S/PV.8717](#).

<sup>21</sup> See [S/2020/596](#).

<sup>22</sup> The delegations of the following countries submitted written statements: Costa Rica, Egypt, Iran (Islamic Republic of), Jordan, Lebanon, Saudi Arabia, Syrian Arab Republic, Turkey and United Arab Emirates (on behalf of the Organization of Islamic Cooperation).

<sup>23</sup> See [S/2020/596](#).

two-State solution was the only way to preserve the Jewish, democratic identity of Israel and realize Palestinians' rights, including to self-determination. The Deputy Minister for International Relations and Cooperation of South Africa recalled the violence, riots and civil disobedience campaigns that had swept across the West Bank and the Gaza Strip as Palestinians had engaged in their struggle for their inalienable rights to freedom and self-determination. Decades later, a lasting, just and peaceful resolution of the continued occupation remained as elusive as it had been in 1948, when the matter was first brought to the Council. He asked what message the Council was sending to those fighting for their inalienable rights to freedom, self-determination and sovereignty and to those who oppressed and denied those rights. The representative of the Niger regretted that, 27 years after the signing of the first peace agreement, the Palestinians were not closer to self-determination and the establishment of an independent State. The Minister for Foreign Affairs of the State of Palestine stressed that, as the seventy-fifth anniversary of the adoption of the Charter was being celebrated, it was necessary to honour the purposes and principles of the United Nations, namely respect for the principle of equal rights and self-determination of peoples, respect for human rights and fundamental freedoms for all without distinction, the suppression of acts of aggression and the prohibition of the threat or use of force against the territorial integrity or political independence of any State. He said that annexation, whether partial or total, gradual or immediate, was the ultimate breach of the Charter and could not go unchallenged.

In written submissions, several delegations of non-Council members and other entities also addressed the question of self-determination of the Palestinian people. The delegation of Egypt considered it inconceivable that the Middle East region could enjoy any degree of stability so long as the Palestinian people were unable to exercise their legitimate rights, particularly the right to self-determination and the establishment of an independent State. It warned that, by annexing Palestinian territory, Israel would allow extremist voices to claim that negotiations had failed to secure even a modicum of the Palestinian people's rights, particularly their legitimate right to self-determination. It also reaffirmed the long-standing position of Egypt that the Palestinian people had the right to exercise self-determination by establishing their independent State on the basis of the borders of 4 June 1967, with East Jerusalem as its capital. In the statement submitted by the representative of the Islamic Republic of Iran, he noted that, while the United Nations had catalysed the decolonization of many nations, it must fulfil its responsibilities in realizing the inherent rights of the Palestinians to self-determination and the

establishment of an independent Palestinian State in all of Palestine, with Al-Quds al-Sharif as its capital. The delegation of the United Arab Emirates, on behalf of the Organization of Islamic Cooperation, reiterated the position of the Organization that the annexation of Palestinian land would violate international law, the Charter and relevant United Nations resolutions. It also warned that the implementation of that illegal, unilateral plan would undermine the realization by the Palestinian people of their right to self-determination and the decades-long efforts made by the international community to achieve a two-State solution based on the 4 June 1967 borders and the prospects for realizing a just, lasting and comprehensive peace. The representative of the Syrian Arab Republic reiterated his country's support for the right of the Palestinian people to self-determination and the establishment of an independent State over all of its national territory and Jerusalem as its capital.

The representative of Israel underscored that, should his country decide to extend its sovereignty, it would be doing so with respect to areas over which it had always maintained a legitimate historical and legal claim. He pointed out that those who opposed his country's legal claims to that territory wrongly mischaracterized any potential decision by Israel to extend its sovereignty to that territory as so-called "annexation", and that such objections were the result of embracing a Palestinian false narrative, rather than of an assessment of the historical and legal facts. He stressed that the Palestine Liberation Organization had never been a State and had never been the sovereign in that territory.

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

During the period under review, four explicit references to Article 1 (2) were made in a letter from the representative of Azerbaijan to the Secretary-General,<sup>24</sup> including in the annex thereto, entitled "Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia's revisionist claims", which contained updates to a report submitted in 2008. According to the annexed report, although the right to self-determination and the principle of equal rights and self-determination enshrined in Article 1 (2) had not been clearly expressed as a legal right, its inclusion in the Charter, particularly in the context of the statement of purposes of the United Nations, provided the opportunity for the subsequent interpretation of the principle. In the report, it was also indicated that practice since 1945 within the

<sup>24</sup> S/2020/729.

United Nations, both in general and in specific cases, could be seen as having ultimately established the legal standing of the right in international law.

In 2020, the principle of self-determination was invoked in several communications addressed to or brought to the attention of the Council, including communications from Member States relating to Western Sahara,<sup>25</sup> the Middle East, including the Palestinian question,<sup>26</sup> Nagorno-Karabakh,<sup>27</sup> the India-Pakistan question,<sup>28</sup> the situation in the Bolivarian Republic of Venezuela<sup>29</sup> and the situation in eastern Ukraine.<sup>30</sup> The reports of the Secretary-General to the Council regarding the peaceful settlement of the question of Palestine,<sup>31</sup> the situation concerning Western

Sahara<sup>32</sup> and the implementation of the Peace Agreement on Bosnia and Herzegovina<sup>33</sup> also contained references to the principle of self-determination. References to referendums that may be of relevance for the interpretation and application of Article 1 (2) of the Charter were also found in communications from the representative of Ukraine with respect to the referendum and elections carried out by the Russian Federation on the status of Crimea and the city of Sevastopol<sup>34</sup> and from the representative of Azerbaijan regarding the elections and constitutional referendums organized in the occupied territories of Azerbaijan in 2006 and 2017<sup>35</sup> and in the report of the Peacebuilding Commission on its thirteenth session regarding the political status of Bougainville.<sup>36</sup> References to self-determination were also made in the Chair's summary of the open Arria-formula meeting held on 21 May 2020 on the situation in Crimea, transmitted to the President of the Council in a letter dated 9 June 2020 from the representative of the Russian Federation.<sup>37</sup>

<sup>25</sup> See [S/2020/66](#), [S/2020/627](#), [S/2020/892](#), [S/2020/991](#), [S/2020/992](#), [S/2020/1048](#), [S/2020/1112](#), [S/2020/1123](#), [S/2020/1132](#) and [S/2020/1268](#).

<sup>26</sup> See [S/2020/33](#), [S/2020/102](#), [S/2020/104](#), [S/2020/126](#), [S/2020/208](#), [S/2020/271](#), [S/2020/306](#), [S/2020/584](#), [S/2020/1057](#), [S/2020/1121](#) and [S/2020/1175](#).

<sup>27</sup> See [S/2020/169](#), [S/2020/175](#), [S/2020/279](#), [S/2020/301](#), [S/2020/404](#), [S/2020/729](#), [S/2020/947](#), [S/2020/1149](#), [S/2020/1187](#) and [S/2020/1191](#).

<sup>28</sup> See [S/2020/194](#), [S/2020/432](#), [S/2020/771](#) and [S/2020/1127](#).

<sup>29</sup> See [S/2020/337](#) and [S/2020/520](#).

<sup>30</sup> See [S/2020/530](#) and [S/2020/118](#).

<sup>31</sup> See [S/2020/555](#), [S/2020/834](#) and [S/2020/1234](#).

<sup>32</sup> See [S/2020/938](#).

<sup>33</sup> See [S/2020/345](#).

<sup>34</sup> See [S/2020/256](#) and [S/2020/426](#).

<sup>35</sup> See [S/2020/503](#).

<sup>36</sup> See [S/2020/80](#).

<sup>37</sup> See [S/2020/530](#).

## 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 constitutional 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). 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 2020, the Council stressed the prohibition of the threat or use of force against other Member States through several 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

Decision and date	Provision
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
Resolution <a href="#">2550 (2020)</a> 12 November 2020	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 (third preambular paragraph)
<b>The situation in the Middle East</b>	
Resolution <a href="#">2530 (2020)</a> 29 June 2020	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)  <i>See also resolution <a href="#">2555 (2020)</a>, third preambular paragraph</i>  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, 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)  <i>See also resolution <a href="#">2555 (2020)</a>, para. 2</i>

## 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 Democratic Republic of the Congo, Libya, South Sudan and the Sudan (see table 3). Furthermore, the Council consistently reaffirmed, in several 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
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2552 (2020)</a> 12 November 2020	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)

Decision and date

Provision

### The situation concerning the Democratic Republic of the Congo

Resolution [2528 \(2020\)](#)  
25 June 2020

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 [2556 \(2020\)](#), third preambular paragraph*

### The situation in Libya

Resolution [2509 \(2020\)](#)  
11 February 2020

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. 6)

Resolution [2510 \(2020\)](#)  
12 February 2020

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

*See also resolution [2542 \(2020\)](#), twenty-sixth preambular paragraph*

Resolution [2542 \(2020\)](#)  
15 September 2020

Calling for full compliance with the arms embargo by all Member States, in line with resolution [2441 \(2018\)](#) and all of its subsequent and previous resolutions on the embargo, and further calling upon all Member States not to intervene in the conflict or take measures that exacerbate the conflict (penultimate preambular paragraph)

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

Resolution [2514 \(2020\)](#)  
12 March 2020

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 [2550 \(2020\)](#)  
12 November 2020

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<sup>38</sup> and Libya.<sup>39</sup>

#### 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.<sup>40</sup>

### B. Discussion relating to Article 2 (4)

During the period under review, Article 2 (4) of the Charter was explicitly invoked five times during four Council meetings.<sup>41</sup> Article 2 was also explicitly referred to

<sup>38</sup> Resolution [2556 \(2020\)](#), para. 14.

<sup>39</sup> Resolutions [2509 \(2020\)](#), seventh and ninth preambular paragraphs and para. 6; [2510 \(2020\)](#), para. 10; and [2542 \(2020\)](#), twenty-seventh preambular paragraph and para. 7.

<sup>40</sup> Resolution [2539 \(2020\)](#), para. 18.

<sup>41</sup> See [S/PV.8699](#) (Secretary-General) and [S/PV.8699 \(Resumption 2\)](#) (Austria); [S/PV.8726](#) (Estonia); [S/PV.8731](#) (Somalia); and [S/PV.8735](#) (Somalia).

seven times during a Council meeting held in connection with the item entitled “Maintenance of international peace and security”, with a focus on the importance of upholding the Charter of the United Nations.<sup>42</sup> Those references concerned the principle enshrined in Article 2 (4) that Member States should refrain from the threat or use of force against the territorial integrity or political independence of any State (see case 3).

In several other Council meetings, reference was made to language that may be considered of relevance for the application and interpretation of Article 2 (4).<sup>43</sup>

Article 2 (4) was explicitly invoked once<sup>44</sup> and Article 2 referred to once<sup>45</sup> during open videoconferences held in relation to the situation in the Middle East, including the Palestinian question. During several open videoconferences, Council members and other delegations and entities discussed issues relevant to the interpretation and application of Article 2 (4) in relation to the situation in the Middle East, including the Palestinian question (see case 4), and the situation in the Bolivarian Republic of Venezuela (see case 5), as well as in relation to cooperation between the Council and the International Court of Justice (see case 6).

In addition to the cases mentioned above and featured in more detail below, language that may be considered of relevance for the application and interpretation of Article 2 (4) was used in open videoconferences in connection with the situations in Bosnia and Herzegovina, Iraq, Libya and the Syrian Arab Republic, regarding respect for their sovereignty and territorial integrity and non-interference in their

internal affairs.<sup>46</sup> With regard to thematic discussions, during an open videoconference in connection with the item entitled “Threats to international peace and security caused by terrorist acts”, focused on the linkages between terrorism and organized crime, some Council members and other Member States advocated measures to counter terrorism and organized crime and the linkages between them, to be taken in conformity with the Charter, international law and respect for the sovereignty, independence and territorial integrity of the countries concerned.<sup>47</sup> In ministerial-level open videoconferences held in connection with the items entitled “Maintenance of international peace and security”, focused on the comprehensive review of the situation in the Persian Gulf region,<sup>48</sup> and “Peacebuilding and sustaining peace”, focused on the contemporary drivers of conflict and insecurity,<sup>49</sup> participants often referred to the principles of respect for the sovereignty, territorial integrity and independence of States, non-interference in States’ internal affairs and the prohibition of the threat or use of force.

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

At its 8699th meeting, convened on 9, 10 and 13 January at the initiative of Viet Nam, which held the presidency of the Council for the month,<sup>50</sup> the Council considered the sub-item entitled “Upholding the United Nations Charter”. The Secretary-General, in his briefing to the Council, underscored that non-intervention, the sovereign equality of States and clear rules governing the use of force, as set out in Article 2 (4), were not favours or concessions, but rather the foundation of international relations and core to peace and international law.<sup>51</sup> The Chair of the Elders, who also briefed the Council, stressed that cooperation by means of internationally agreed mechanisms was less costly and more reliable than unilateral force.

<sup>42</sup> See [S/PV.8699](#) (United Kingdom and Philippines), [S/PV.8699 \(Resumption 1\)](#) (Slovenia and Greece) and [S/PV.8699 \(Resumption 2\)](#) (Djibouti, Lebanon and Eritrea).

<sup>43</sup> See, for example, under the item entitled “The situation in Libya”, [S/PV.8710](#); under the item entitled “Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe”, [S/PV.8714](#); under the item “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, [S/PV.8711](#); under 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](#))”, [S/PV.8726](#); under the item entitled “The situation concerning Iraq”, [S/PV.8739](#); and, under the item entitled “The situation in the Middle East”, [S/PV.8706](#), [S/PV.8708](#), [S/PV.8715](#) and [S/PV.8727](#).

<sup>44</sup> See [S/2020/430](#) (South Africa).

<sup>45</sup> See [S/2020/736](#) (Argentina).

<sup>46</sup> See, in connection with the situation in Bosnia and Herzegovina, [S/2020/379](#) and [S/2020/1103](#); in connection with the situation concerning Iraq, [S/2020/397](#), [S/2020/845](#) and [S/2020/1144](#); in connection with the situation in Libya, [S/2020/371](#), [S/2020/421](#), [S/2020/686](#) and [S/2020/879](#); and, in connection with the situation in the Middle East, [S/2020/353](#), [S/2020/420](#), [S/2020/551](#), [S/2020/743](#), [S/2020/823](#), [S/2020/936](#), [S/2020/1147](#) and [S/2020/1257](#).

<sup>47</sup> See [S/2020/791](#).

<sup>48</sup> See [S/2020/1037](#).

<sup>49</sup> See [S/2020/1090](#).

<sup>50</sup> The Council had before it a concept note annexed to a letter dated 31 December 2019 ([S/2020/1](#)).

<sup>51</sup> See [S/PV.8699](#).

Following the briefings, several speakers<sup>52</sup> emphasized the importance and impact of the principles enshrined in Article 2 (4) and the limits thereof. The Deputy Prime Minister and Minister for Foreign Affairs of Viet Nam noted that power politics, the use or threat of use of force, coercion, interference or aggressive actions against sovereignty and territorial integrity of other States were escalating tensions in many regions and that recent events in the Middle East underscored the utmost importance of upholding the Charter and adhering to international law, especially the principles of non-use of force, respect for sovereignty and territorial integrity of States and the peaceful settlement of disputes.<sup>53</sup> In addition, he emphasized that the principles of sovereign equality, respect for the political independence and territorial integrity of all States, restraint from the threat or use of force, non-interference in the internal affairs of other States and the settlement of disputes by peaceful means had become the foundation of contemporary international law, guiding friendly relations and cooperation among nations. The Prime Minister of Saint Vincent and the Grenadines said that it was unacceptable for one State or a group of like-minded States to “drive a horse and chariot” through the bedrock principles of sovereignty, independence, the equality of States, non-interference, non-intervention and the peaceful settlement of disputes. The representative of Egypt stressed that States should cooperate in accordance with the principles of the Charter pertaining to good-neighbourliness, the peaceful settlement of disputes, mediation with sincere intentions and mediation encouraged by the international community in various disputes. The representative of Oman said that the Charter was the foundation of international relations, which must be based on mutual respect, non-interference in the internal affairs of States, good-neighbourliness and cooperation towards common interests, as well as the mutual sharing of benefits among countries.<sup>54</sup> He cautioned that disregarding those principles or their non-implementation or selective implementation would lead to chaos and instability and threaten international peace and security. The representative of Lebanon said that his country saw the United Nations, as all small

States did, as the guarantee of its sovereignty and independence and viewed it as an embodiment of a rules-based system in which all enjoyed equal rights and the principle of sovereign equality, as Article 2 of the Charter promised.<sup>55</sup> With regard to State sovereignty, the representative of the United Kingdom noted that it could not be used as an excuse for failing to address conflicts or violations of human rights and international humanitarian law. He added that violence and conflict, and not attempts to help Member States to prevent them, was what threatened State sovereignty, drawing attention to Article 2 of the Charter, which made clear that nothing should upset the fundamental rights that the Charter set out.<sup>56</sup>

The representative of the Russian Federation expressed his country’s belief that any action that sought to interfere in the domestic affairs of States for the purpose of overthrowing their legitimate Governments was unacceptable. He also expressed his country’s opposition to the use of unilateral coercive measures in the absence of corresponding Council resolutions or in addition to measures taken by the Council, which undermined the role of the Council in the maintenance of international peace and security and was incompatible with the Charter and the universally recognized principles of international law, including the peaceful settlement of disputes, the sovereign equality of States and non-interference in their internal affairs. The representative of Eritrea said that, despite the fact that in Article 2 of the Charter countries were called upon to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, wars were being waged in total disregard for the Charter and its principles and the sovereign rights of States enshrined in the Charter were wilfully ignored.<sup>57</sup>

Several speakers<sup>58</sup> also highlighted the need to refrain from the threat or use of force in international relations as stipulated in Article 2 (4) and, instead, to settle disputes by peaceful means. The Minister of State in the Federal Office of Germany recalled that the Charter represented new hope for the peoples of the world and that threats to peace and security were to be resolved thereafter through the force of the law rather

<sup>52</sup> China, Tunisia, Russian Federation, Ethiopia and Egypt (see [S/PV.8699](#)); Kuwait, Sri Lanka, Azerbaijan (on behalf of the Movement of Non-Aligned Countries), Cambodia, Bolivarian Republic of Venezuela, Oman, Greece, Myanmar and Iraq (see [S/PV.8699 \(Resumption 1\)](#)); and Plurinational State of Bolivia, Lao People’s Democratic Republic, Bahrain and Angola (see [S/PV.8699 \(Resumption 2\)](#)).

<sup>53</sup> See [S/PV.8699](#).

<sup>54</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>55</sup> See [S/PV.8699 \(Resumption 2\)](#).

<sup>56</sup> See [S/PV.8699](#).

<sup>57</sup> See [S/PV.8699 \(Resumption 2\)](#).

<sup>58</sup> Malaysia, Switzerland, Mongolia and Philippines (on behalf of the Association of Southeast Asian Nations) (see [S/PV.8699](#)); Uruguay, Azerbaijan (on behalf of the Movement of Non-Aligned Countries), Jordan, Oman, Myanmar and Iraq (see [S/PV.8699 \(Resumption 1\)](#)); and Brunei Darussalam and Senegal (see [S/PV.8699 \(Resumption 2\)](#)).

than the law of force.<sup>59</sup> The Minister for Foreign Affairs of Timor-Leste expressed his country's belief in the settlement of disputes through peaceful means, based on international laws and norms, and that unilateral coercive measures against any State undermined the spirit of the Charter and did not contribute to solutions. The representative of Peru underscored that one of the cornerstones of the international order was the prohibition of the use of force in any way that was inconsistent with the Charter, and expressed concern that some countries were positing arguments and interpretations that were ultimately alien to international law and undermined the collective security architecture.<sup>60</sup> The representative of Lebanon regretted that force, not the rule of law, was the guiding principle instead of the last resort.<sup>61</sup> The representative of Greece stated that her country's historical experience had made the Greek people staunch supporters of the peremptory rule of the Charter that prohibited the use or the threat of use of force and acts of aggression in international relations, a rule that underpinned the collective security system embedded in the Charter.<sup>62</sup> She also underlined the fundamental significance of respect for the rule of law and the public order of the oceans as reflected in the United Nations Convention on the Law of the Sea, which contributed to the strengthening of peace and security, cooperation and good-neighbourly relations, stressing the need to abide by its provisions and to refrain from actions that were in violation of Article 2 of the Charter, which prohibited the threat or use of force. The representative of the Plurinational State of Bolivia emphasized that the use of force should never be considered as an alternative and that all countries should exhaust all peaceful means of resolving disputes before employing the use of force as a last resort.<sup>63</sup> He also underscored that the effectiveness of United Nations efforts to safeguard and maintain international peace and security depended on Member States' respect for and compliance with the purposes and principles of the Charter, as well as the actions implemented through the Council, which must at all times promote dialogue and the peaceful settlement of disputes over the use or threat of use of force. The representative of Nicaragua affirmed that no State could resort to the use or threat of use of force in international relations and that such exceptionalist policies in violation of international law did not help to resolve conflicts peacefully but aggravated and

subjected the international situation to further stress.<sup>64</sup> He said that the vocation of peace and respect for the sovereign equality of States and non-aggression necessitated resolving inter-State disputes through the provisions of the Charter and international law.

In connection with Article 2 (4), several speakers discussed the principles enshrined in the Charter concerning the authorization of the use of force and the non-use of force except in self-defence. In that regard, the representative of South Africa noted that, since its inception, the Charter had played a significant role in regulating relations between Member States by forbidding the threat or use of force against the territorial integrity or political independence of any State and advocating the peaceful settlement of disputes. He expressed his country's view that, in order to uphold the original intention of the Charter, which ultimately was predicted on peace, even in the event that there was evidence of a real and credible threat, any recourse to the use of force based on self-defence should be brought to the Council for authorization. The representative of Liechtenstein underlined the need for a clear renewed commitment on the part of the membership to upholding the purposes and principles of the Charter in the light of the ongoing erosion of its key provisions, including those governing the use of force. She recalled that, in joining the United Nations, all Member States accepted that the use of force was illegal, except when authorized by the Council or carried out in self-defence. The representative of Argentina said that the Charter provided a delicate balance in authorizing the use of force and that the members of the Council had a fundamental responsibility that the other Member States had entrusted to them. He regretted that the actions of the organ had been frustrated on many very serious occasions. The representative of Mexico stated that the express prohibition of the threat or use of force in international relations marked a "before" and an "after" in the history of diplomacy and international law and that virtually the entire potential of the United Nations to consolidate a world of development, harmony and social equality, in the exercise of all its powers and resources, depended on respecting that fragile and imperative principle. He reiterated his country's concern about the continued invoking of Article 51 of the Charter by some States to address threats to international peace and security by military means, especially against non-State actors, which ran the risk of de facto broadening the exceptions to the general prohibition on the use of force irregularly. Given the importance and seriousness of the issues

<sup>59</sup> See [S/PV.8699](#).

<sup>60</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>61</sup> See [S/PV.8699 \(Resumption 2\)](#).

<sup>62</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>63</sup> See [S/PV.8699 \(Resumption 2\)](#).

<sup>64</sup> See [S/PV.8699](#).

addressed in the notes sent to the Council under Article 51 and the lack of transparency with which they were processed, the representative said that it was necessary for the Council to review and modify its working methods to ensure full compliance with the Charter, especially when the immanent right of self-defence was invoked.

The representative of Austria underscored that all States must refrain from actions that were in violation of Article 2 (4) of the Charter, which prohibited the threat or use of force against the territorial integrity or political independence of any State.<sup>65</sup> Noting with concern the increasing number of cases where armed force was applied unilaterally and the inherent right of self-defence pursuant to Article 51 of the Charter was invoked, he said that those cases and the fact that other Member States did not publicly express their legal views on each and every case could not be interpreted as a new State practice or *opinio juris* that might lead to the erosion of Article 2 (4) of the Charter, which the International Law Commission had determined to be a peremptory norm, or *jus cogens*.

Several speakers also expressed concern at the repeated violations of the Charter and emphasized the need to respect and commit to the principles of non-intervention in the internal and external affairs of other countries and the prohibition of the threat or use of force. In this regard, the representative of Indonesia stressed that unilateral actions in violation of the Charter must be stopped; instead, dialogue and the peaceful settlement of disputes should be promoted.<sup>66</sup> The representative of the Islamic Republic of Iran, speaking on behalf of the Minister for Foreign Affairs, said that, in order to protect multilateralism, unilateralist regimes must never be appeased. He stressed the need for political will, as well as an instrument that would safeguard the values, principles and multilateralism enshrined in the Charter, particularly non-intervention in the internal affairs of other countries and the prohibition of the threat or use of force, as well as the rejection of all coercive unilateral measures, including sanctions. The representative of Cuba regretted that continued violations of the Charter and breaches of international law, including the use or threat of use of force against sovereign States, acts of aggression against the sovereignty of other nations and interference in the internal affairs of States, continued to occur on a daily basis.<sup>67</sup> She stated that her country rejected unconventional wars for purposes of hegemonic

domination, attempts to reimpose a unipolar order, targeted assassinations of foreign leaders, the plundering and theft of natural resources and the imposition of unilateral coercive measures. The representative of the United Arab Emirates noted that increasing instances of non-compliance with the provisions of the Charter over the past decades had led to more instability and chaos, particularly in the light of the ongoing violations by State and non-State actors of the principles of sovereignty and non-interference enshrined in the Charter. She stressed that it was therefore necessary for Member States to strengthen their commitment to the Charter and international law, which were the main guarantors of international peace and security, especially for small States that relied on the power of international law to protect their sovereignty and security. The representative of Georgia expressed concern that the main principles enshrined in the Charter, namely sovereign equality, the non-use of threat or force against the territorial integrity of States and non-interference in their internal affairs, were violated on a daily basis.

#### Case 4

##### The situation in the Middle East, including the Palestinian question

At its 8706th meeting, held on 21 and 22 January, the Council held its quarterly open debate under the item entitled “The situation in the Middle East, including the Palestinian question”.<sup>68</sup> The Under-Secretary-General for Political and Peacebuilding Affairs, who gave a briefing at the meeting, noted that, with the political process deadlocked, negative developments continued to undermine the prospects for a two-State solution and that the beginning of 2020 had witnessed the continued expansion of settlement activity and the threat of annexation of parts of the West Bank. She also reported on the first meeting, in January 2020, of an interministerial committee of the Government of Israel tasked with discussing annexation plans for the Jordan Valley. The Under-Secretary-General added that the annexation of some or all of Area C, if implemented, would deal a devastating blow to the potential for reviving negotiations, advancing regional peace and the essence of the two-State solution.<sup>69</sup> The observer for the State of Palestine said that annexation threats had grown louder in 2019 and denounced the growing expansionist appetite of Israeli officials as they continued to brag about their country’s illegal annexation of East Jerusalem and openly pursued

<sup>65</sup> See S/PV.8699 (Resumption 2).

<sup>66</sup> See S/PV.8699.

<sup>67</sup> See S/PV.8699 (Resumption 1).

<sup>68</sup> See S/PV.8706 and S/PV.8706 (Resumption 1).

<sup>69</sup> See S/PV.8706.

measures to alter the city's demographic composition, character and legal status unchallenged. He also said that all Israeli colonization in occupied Palestine, including East Jerusalem, must be condemned and that neither threats nor attempts at annexation should go unchallenged but must be immediately halted. The Charter must be upheld and the prohibition of the acquisition of territory by force must stand. The representative of Germany affirmed that annexations, which had been announced and were then part of the Israeli election campaign, were a violation of international law, as were changes to the status of Jerusalem. The representative of Estonia stressed that annexation would constitute a serious violation of international law and would harm prospects for moving forward with the peace process. The representative of Indonesia cautioned that, if the *de facto* annexation was not brought to an end, it would cause profound human suffering to the Palestinians and make peace and stability impossible to attain, and added that such unlawful acts must not go unnoticed. The Council must seriously address the issue and find a durable solution based on the Charter and in conformity with its resolutions, and it must not be silent in the face of continuous Israeli threats of formal annexation of the occupied territory. The representative of France affirmed that any annexation of territory constituted a serious violation of international law and could not go unanswered. In that regard, France had called upon the Israeli authorities to renounce any plan that was liable to create *faits accomplis* on the ground that would undermine the two-State solution. The representative of China underscored that the Palestinian issue could be resolved only by political means and that countering violence with violence or the threat of force would lead nowhere. He stated that China encouraged the relevant parties to meet each other halfway, stop military actions, cease incendiary rhetoric and refrain from taking unilateral measures that undermined trust. The representative of Egypt urged all parties to fully comply with the purposes and principles of the Charter and international law, particularly by refraining from the use of force, respecting the sovereignty of States and ceasing to interfere in their internal affairs under any pretext.<sup>70</sup>

The representative of Qatar similarly said that the settlements in occupied territories must end, the blockade on the Gaza Strip must be lifted and illegal practices in the occupied Palestinian territories must cease. She also stated that, in order to resolve the Palestinian question, the Israeli occupation of Palestinian and Arab territories, including the occupied

Syrian Golan and Lebanese territories, must be stopped. The representative of the United Arab Emirates emphasized that the confiscation of land, attempts to desecrate holy sites in the city of Jerusalem and the ongoing unjust blockade on Gaza were illegal practices that hindered peace efforts and exacerbated the suffering of the Palestinian people.

The representative of Cuba stated that the unilateral decision by the United States to recognize Jerusalem as the capital of Israel, as well as its decision to recognize that country's sovereignty over the Syrian Golan, constituted flagrant violations of the Charter, international law and relevant Council resolutions. He stressed that it was the duty of all States, and especially the members of the Council, to defend multilateralism and the purposes and principles of the Charter, in particular respect for the sovereign equality of States and their political independence, territorial unity and integrity, the peaceful resolution of disputes and refraining from the threat or use of force in international relations.

On 20 May, Council members held an open videoconference in connection with the same item,<sup>71</sup> with representatives of all Council members delivering their statements. During the videoconference, the risk of annexation was further discussed. The Special Coordinator for the Middle East Peace Process, who gave a briefing, recalled the Secretary-General's warnings about the danger of unilateral action and stated that the continuing threat of annexation by Israel of parts of the West Bank would constitute a most serious violation of international law, deal a devastating blow to the two-State solution, close the door to a renewal of negotiations and threaten efforts to advance regional peace.

Following the briefing, the representative of South Africa recalled the collective set of norms and values that should govern the behaviour of Member States towards one another, the principles of which were described in Article 2 of the Charter, including Article 2 (4). He underscored that it was the obligation of the United Nations and the Council in particular to act against those who went against those norms and values. The representative said that it was perplexing that Israel was exploiting the situation during the coronavirus disease (COVID-19) pandemic to further advance its *de facto* annexation of Palestinian land. He also said that the dangerous prospect of Israel continuing with its unilateral actions and the annexation of large parts of the occupied West Bank and the Jordan Valley not only showed belligerence but

<sup>70</sup> See [S/PV.8706 \(Resumption 1\)](#).

<sup>71</sup> See [S/2020/430](#).

also threatened efforts to advance regional peace. The representative emphasized his country's position that any steps taken towards formalizing the annexation of illegally occupied land or territory should not go unchallenged and regretted that, to date, no action had been taken to stop the building of settlements on illegally occupied land, the confiscation and destruction of Palestinian land and property, the illegal blockade of Gaza or the annexation of territory illegally acquired through the use of force.

Several other speakers<sup>72</sup> expressed concerns over the prospect of annexation of parts of the occupied Palestinian territories in the West Bank, following the Israeli coalition agreement. The representative of France echoed the statement by his country's defence minister and reiterated that any annexation of any part of the West Bank, including only settlements, would represent a violation of international law, which prohibited the acquisition of territory by force. Similarly, the representative of Belgium voiced concern that if certain provisions of the coalition agreement were put into practice, they would constitute a clear breach of international law, including the Charter and the relevant Council resolutions. The representatives of Saint Vincent and the Grenadines and the United Kingdom expressed the view that annexation would constitute a serious and clear violation of international law.

The representative of Indonesia stressed that the illegal occupation by Israel of Palestinian land was the root cause of this protracted problem and that it was the solemn duty of the Council to act against the annexation plan, adding that the annexation constituted a flagrant violation of international law, including the Charter, the Fourth Geneva Convention and various United Nations resolutions. The representative of the Niger said that occupation by force and annexation of Palestinian land, as well as the continued colonization policy established by Israel as a system of administration of the Palestinian territories, was illegal. The representative of the Russian Federation expressed his country's rejection of the annexation of Palestinian territories, as well as of the continuation of settlement activities, the demolition and confiscation of Palestinian property, and violent clashes. The representative of Tunisia underscored that it was high time that the international community as a whole, and the Council in particular, assumed their responsibility to compel Israel, the occupying Power, to abide by its obligations under international law, put an end to its aggressive policies, cease all settlement activities and

refrain from attempts to implement its long-planned illegal de facto annexation of Palestinian land. He added that in the light of the speech of the Prime Minister of Israel asserting Israeli sovereignty over the Israeli colonies in Palestinian territories, starting on 1 July, and considering that the annexation of parts of those territories was a priority of his Government, the international community must react by upholding international law, including the relevant Council resolutions, especially resolution 2334 (2016), and strongly rejecting and preventing any such unilateral illegal move, which would undermine all efforts to revive the peace process.

On 26 June, Council members held a subsequent open videoconference on the situation in the Middle East, including the Palestinian question, at the ministerial level. In several statements made during or submitted in connection with the videoconference,<sup>73</sup> United Nations officials and representatives of States and the European Union rejected or expressed concern about the prospect of the annexation or deemed formal annexation to be a violation of international law, including the Charter. The representative of France said that the threat declared by the Government of Israel to annex parts of the West Bank after 1 July would be a serious breach of international law, in flagrant violation of the principle of non-acquisition of territory by force, as enshrined in the Charter. The representative of the Niger emphasized that the occupation by force and seizure of Palestinian land, which were contrary to international law, should end. The Gaza Strip, the only territory spared, was under a blockade that had made it an uninhabitable place, and the assertion by Israel of sovereignty over the whole of Jerusalem was also a violation of international law. The Deputy Minister for Foreign Affairs of Viet Nam called upon the parties concerned to refrain from any unilateral action that could complicate the situation or escalate ongoing tensions and to refrain from the use of force or any incitement to violence.

The Deputy Prime Minister and Minister for Foreign Affairs, International Trade and Regional Integration of Saint Vincent and the Grenadines

<sup>73</sup> See [S/2020/596](#) (Secretary-General, Special Coordinator for the Middle East Peace Process, Minister for Foreign Affairs of Indonesia, Minister for Foreign Affairs of Tunisia, Minister of State for the Middle East and North Africa of the United Kingdom, Deputy Minister for International Relations and Cooperation of South Africa, Deputy Minister for Foreign Affairs of Viet Nam and representatives of Belgium, France, Germany, Costa Rica, European Union and United Arab Emirates (speaking on behalf of the Organization of Islamic Cooperation)).

<sup>72</sup> Belgium, Estonia, France, Germany, Saint Vincent and the Grenadines, United Kingdom and Viet Nam.

regretted that the core principles upon which the United Nations had been founded were gradually eroding, adding that the political independence and territorial integrity of all States must be safeguarded in the light of the urgent challenges of COVID-19 and the ever-growing climate crisis.

The Minister for Foreign Affairs of the State of Palestine pointed out that annexation, whether partial or total, gradual or immediate, was the ultimate breach of the Charter and could not go unchallenged. In contrast, the representative of Israel underscored that, should Israel decide to extend its sovereignty, it would be doing so with respect to areas over which it had always maintained a legitimate historical and legal claim. He added that those who opposed his country's legal claims to that territory wrongly mischaracterized any potential decision by Israel to extend its sovereignty to that territory as so-called "annexation" and stressed that the Palestine Liberation Organization had never been a State and had never been the sovereign in that territory.

In his statement submitted for the videoconference, the Vice-President of the European Commission recalled that a core legal provision of international law, including the Charter, was that the acquisition of territory by force was prohibited. Similarly, the representative of the Islamic Republic of Iran, in his written statement, indicated that the occupation and acquisition of territory by force were prohibited and inadmissible under international law, and added that this was a peremptory norm of international law, from which no derogation was permitted. He also stated that the annexation of parts of the occupied Palestinian territory would be a gross violation of the basic principles of international law and the Charter.

A further discussion took place under similar terms in the context of an open videoconference held on 21 July on the Palestinian question, against the backdrop of the potential annexation by Israel of the Occupied Palestinian Territory.<sup>74</sup> In his briefing, the Special Coordinator for the Middle East Peace Process recalled that the region and the broader international community had continued to express their firm rejection of annexation in the preceding weeks, and reiterated the Secretary-General's call upon the Government of Israel to abandon plans to annex parts of the occupied West Bank.

Following the briefings, several representatives of Council members,<sup>75</sup> who delivered oral statements,

and delegations of Member States and other entities,<sup>76</sup> which submitted written statements, voiced their opposition to the Israeli plan to annex parts of occupied Palestinian territories and considered it a violation of international law, including the Charter of the United Nations. In addition, the representative of France stated that it would be a flagrant violation of the international order, starting with the Charter, which enunciated the principle of refraining from the acquisition of territory by force. Similarly, the representative of Belgium emphasized that a unilateral decision formalizing an annexation, regardless of its size, would constitute a flagrant violation of international law, including the Charter, which strictly prohibited the acquisition of territory by force. He added that such an act would be considered null and void and could not change the status of the West Bank, which would remain occupied territory, nor would it change the obligations of Israel as an occupying Power under international humanitarian law. The representative of Tunisia recalled that, guided by the purposes and principles of the Charter, the Council had reaffirmed, in its resolutions 242 (1967), 476 (1980) and 478 (1980), the inadmissibility of the acquisition of territory by force. In its statement submitted for the videoconference, the delegation of Argentina urged the authorities of Israel to be guided by the general commitment of all Member States to act in accordance with Article 2 of the Charter. The delegation further noted that the Israeli settlements, as well as any pretence of annexing Palestinian territories occupied since 1967, had no legal validity and constituted a flagrant violation of international law. The delegation also noted that, guided by the purposes and principles of the Charter, international law, human rights law and international humanitarian law as fundamental pillars of a rules-based international order, Argentina questioned any decision that deviated from fundamental principles, such as the inadmissibility of the acquisition of territory by force, as recalled in advisory opinions of the International Court of Justice. The representative of Cuba underlined the duty of all States, and particularly of members of the Council, to defend multilateralism and the purposes and principles enshrined in the Charter, including respect for the sovereign equality of States and their political independence, territorial unity and integrity, and the

<sup>74</sup> See [S/2020/736](#).

<sup>75</sup> China, Indonesia, Saint Vincent and the Grenadines, Tunisia, United Kingdom and Viet Nam.

<sup>76</sup> Azerbaijan (on behalf of the Movement of the Non-Aligned Countries), Bangladesh, Cuba, Ecuador, Egypt, Ireland, Jordan, Malaysia, Namibia, Norway, Peru, Qatar, Senegal (as Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People), Turkey, United Arab Emirates (on behalf of the Organization of Islamic Cooperation), European Union and League of Arab States.

peaceful resolution of conflicts and abstention from the use or threat of use of force in international relations. In his statement submitted for the videoconference, the representative of the Islamic Republic of Iran stated that, as a peremptory norm of international law, the occupation and acquisition of territory by force was prohibited and inadmissible; therefore the annexation of even the smallest part of the occupied Palestinian territory would be a gross violation of the basic principles of international law and the Charter. The representative of Malaysia, in his written statement, expressed concern that Israel had continued to openly declare its intention to annex significant parts of the occupied Palestinian territory in the West Bank, and reiterated his country's position that annexation was unlawful, violated the Charter, the Geneva Conventions and the relevant resolutions of the General Assembly and the Council, by which the acquisition of territory by war or force was inadmissible.

In his written statement, the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People underscored that the prohibition of the acquisition of territory by force was absolute in the Charter and that any annexation, regardless of its scope, would constitute a grave breach of international law. The representative of the European Union recalled the statement by the High Representative of the Union for Foreign Affairs and Security Policy of 23 June 2020, in which he recalled that a core legal provision of international law, including the Charter, was the prohibition of the acquisition of territory by force.

#### **Case 5** **The situation in the Bolivarian Republic** **of Venezuela**

On 20 May, Council members held an open videoconference on the situation in the Bolivarian Republic of Venezuela.<sup>77</sup> During the videoconference, Council members heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs. Representatives of all Council members,<sup>78</sup> as well as the representatives of Colombia and the Bolivarian Republic of Venezuela, delivered their statements during the videoconference. The Under-Secretary-General for Political and Peacebuilding Affairs recalled the letter from the representative of the Bolivarian Republic of Venezuela to the President of the

Council,<sup>79</sup> in which it was stated that, on 3 and 4 May 2020, armed groups of mercenaries and terrorists organized, trained, financed and protected by the Governments of Colombia and the United States illegally entered Venezuelan territory. She added that, according to the letter, the declared purpose was to perpetrate criminal acts against the Venezuelan people and carry out selective assassinations against high officials of the Government, including the President, Nicolás Maduro. In addition, the Under-Secretary-General said that the Governments of Colombia and the United States had rejected allegations by the Government of the Bolivarian Republic of Venezuela regarding their involvement.

While noting that the incident described in the letter from the representative of the Bolivarian Republic of Venezuela raised many questions, the representative of Belgium also condemned the use or threat of use of force and stressed the importance of respecting each country's sovereignty.<sup>80</sup> The representative of France reaffirmed that the solution to the Venezuelan crisis could be found only in full compliance with international law and the Constitution of the Bolivarian Republic of Venezuela. He added that the use of force must be strongly condemned without exception. The representative of the Dominican Republic clarified his country's position not only in the particular case of the Bolivarian Republic of Venezuela but with respect to any other matter involving accusations of that magnitude, namely that his country rejected any use of force or threat thereof against the sovereignty, territorial integrity and independence of any country. While expressing deep concern over reports of armed incursions into the Bolivarian Republic of Venezuela, the representative of Viet Nam affirmed his country's strong opposition to the use of force or threat of use of force against the sovereignty and independence of any State or interference of any form in its internal affairs, which violated the Charter of the United Nations and ran counter to international law. He called upon the parties related to the situation in the country to exercise self-restraint and refrain from the threat or use of force or actions that might escalate tension and destabilize the situation in the country, and emphasized the Council's responsibility to uphold the fundamental principles of the Charter and international law.

The representative of Saint Vincent and the Grenadines pointed out that the attempted armed incursion into the Bolivarian Republic of Venezuela had only been the latest in a long series of unwarranted aggressions meted out against that sovereign nation

<sup>77</sup> See [S/2020/435](#).

<sup>78</sup> The statements delivered by the representatives of China and the Niger were not included in the compilation of written statements.

<sup>79</sup> [S/2020/399](#). See also subsect. C below.

<sup>80</sup> See [S/2020/435](#).

over the past two decades. She reiterated her country's position that the internal political dispute within the Bolivarian Republic of Venezuela did not constitute a threat to international peace and security, noting that the situation in the country did not threaten the national security, territorial integrity or political independence of any external State party and that all acts of aggression, including unilateral economic coercion, carried out under those guises were unjustifiable and illegal. She underscored that those flagrant violations of international law undermined the internal political processes within the country.

The representative of the United States recalled that the President, Donald Trump, and the Secretary of State, Michael Pompeo, had made clear that the United States had not been involved in Operation Gideon and the alleged armed incursion of 3 and 4 May and reiterated that it had not entered the Bolivarian Republic of Venezuela, categorically rejecting any claims to the contrary. She added that the only nations that appeared to be violating the sovereignty of the Bolivarian Republic of Venezuela were Cuba and the Russian Federation, which, even without approval from the National Assembly, routinely sent military officers and mercenaries into the country. By contrast, the representative of the Russian Federation indicated that the situation was unfolding around the Bolivarian Republic of Venezuela, and not inside the country, and stressed that the recent breaches of the country's sovereignty by foreign agents posed a direct threat to the country's peace, as well as to regional security and stability, adding that the situation was a clear violation of the Charter. He told Council members that in the first days of May an armed group of at least 60 people had entered the sovereign land of the Bolivarian Republic of Venezuela from the territory of neighbouring Colombia on two vessels. Forty-seven of them had been arrested, among them two citizens of the United States, who had confessed that their mission had been to train forces in neighbouring Colombia for military operations in the Bolivarian Republic of Venezuela and to take control of an airport in order to secure the transportation of Mr. Maduro to the United States. He called it an act of aggression and appealed to all participants in the discussion to unequivocally condemn the invasion attempt on Venezuelan sovereign territory. He added that the delegation had prepared a draft Council statement to the press in which Council members, *inter alia*, had rejected the use or threat of use of force, as stipulated in the Charter, and called for the current situation in the country to be resolved through dialogue by Venezuelans, without interference, through peaceful and political means, in line with Chapter VI of the Charter, within the framework of its

national Constitution and in full respect of the sovereignty and territorial integrity of the country.

The representative of the United Kingdom communicated his country's rejection of the notion peddled by the Russian Federation that the incident was a United States and Colombia-supported attempt to assassinate Mr. Maduro and impose a substitute Government, as alleged in the letter from the Bolivarian Republic of Venezuela to the Council. He underscored that the discussion, however, gave the Council a useful precedent for scrutinizing such adventurism by others into sovereign territory in the future. The representative also stressed that opposition to any form of military intervention in the Bolivarian Republic of Venezuela was a principle with which the United Kingdom firmly agreed.

The representative of Colombia rejected the false accusations purporting to implicate the Colombian authorities in the use of force contrary to international law, stressing that Colombia had never been an aggressor country.

The representative of the Bolivarian Republic of Venezuela underscored that the acts of armed aggression against his country, the planning, training and financing of which had been proved to have been facilitated by the Governments of the United States and Colombia, were a manifest violation of the Charter, international law and multiple resolutions of the Council, which were legally binding on all Member States. His country urged the Council to fulfil the duties and responsibilities entrusted to it by the Charter in relation to the maintenance of international peace and security, requested the Council to determine the threat that the warmongering policies of the Governments of Colombia and the United States presented to the peace of his country and the region and to recognize the acts of aggression that had been committed against his country and demanded that the perpetrators immediately bring to an end their criminal practices, including the use or threat of use of force.

#### **Case 6**

#### **The promotion and strengthening of the rule of law in the maintenance of international peace and security**

On 18 December, at the initiative of South Africa, which held the presidency of the Council for the month,<sup>81</sup> Council members held an open videoconference in connection with the item entitled "The promotion and strengthening of the rule of law in

<sup>81</sup> The Council had before it a concept note annexed to a letter dated 11 December 2020 (S/2020/1194).

the maintenance of international peace and security”, focused on strengthening the cooperation between the Council and the International Court of Justice.<sup>82</sup> During the videoconference, Council members heard a briefing by the President of the International Court of Justice. Representatives of all Council members delivered their statements during the videoconference, while the delegations of 11 non-Council members submitted their statements in writing.<sup>83</sup> During his briefing at the videoconference, the President of the Court focused on ways to strengthen the partnership between the Council and the Court to uphold the rule of law at the international level. In that regard, he recalled that, while the Council had only once exercised its powers under Article 36 (3) of the Charter of the United Nations to recommend that disputing parties settle their dispute through the Court and had also only once requested an advisory opinion from the Court under Article 96 of the Charter, the vitality of the relationship between the two institutions could not be evaluated by the quantity, but rather by the quality, of their collaboration. Focusing on the *Corfu Channel* case, the President of the Court pointed out that it had helped to avoid a dispute that could have degenerated into a full-blown war involving several protagonists. At the international level, the *Corfu Channel* case had also contributed to the rule of law, as it had provided the opportunity for the Court to reaffirm that the “policy of force” had no place whatsoever in the Charter era. The judgment by the Court on the *Corfu Channel* case had also clarified the scope of some of the most fundamental principles of the contemporary legal order, including reaffirming that, between independent States, respect for territorial sovereignty was an essential foundation of international relations.

Following the briefing, Council members expressed support for the principles of the peaceful settlement of disputes and non-use of force or the threat of force in international relations.<sup>84</sup> In that regard, the representative of China stated that it was imperative to defend the purposes and principles of the Charter and firmly safeguard the central role of the United Nations in international affairs, uphold the cardinal principles of international law and the basic norms governing international relations, such as sovereign equality, non-interference in internal affairs, the peaceful settlement of disputes and non-use of force.<sup>85</sup> The representative of

Germany reiterated the words of the President of the Court of Justice that the policy of force had no place in the United Nations order. He also shared his country’s view that the application of the Charter needed to evolve over time to ensure continued authority and legitimacy, and stated that the purposes and principles enshrined in the Charter, such as the call to maintain international peace and security and the prohibition of the use of force in international relations, were the timeless and enduring core of international law but that their application was subject to contemporary challenges. The representative of the Russian Federation highlighted the principle of commitment to the peaceful settlement of disputes, stressing that a key element of that principle was each State’s freedom to choose its own peaceful means of settlement, including those set out in the Charter. He pointed out that the peaceful settlement of disputes was a prerequisite for the inviolability of another profound maxim of the Charter, namely the principle of the non-use of force. The representative of South Africa recalled that, since the establishment in The Hague in 1899 of the Permanent Court of Arbitration, which had provided for dispute settlement by arbitration, the settlement of disputes by peaceful means, rather than by resorting to the use of force, had been one of the cornerstones of international law and diplomacy. The representative of Saint Vincent and the Grenadines underscored that the use of force, provocative rhetoric and other escalatory actions, such as unilateral coercive measures, should always be rejected in favour of rational and principled settlements of disputes and called upon parties to disputes to pursue dialogue and mediation, including through suitable regional mechanisms and without prejudice to their rights to seek a judicial settlement. The representative of Viet Nam said that it was his country’s consistent policy to support the peaceful settlement of disputes and the non-use of force or the threat of force, enhancing the role of international legal bodies in the promotion of friendly relations among nations and the maintenance of international peace and security.

Participants at the videoconference similarly emphasized the pre-eminence of the prohibition of the use of force in international relations as reflected in the Charter. In a statement submitted by the delegation of Austria on behalf of the Group of Friends of the Rule of Law,<sup>86</sup> the delegation reaffirmed the Group’s commitment to the purposes and principles enshrined in the Charter, which had set out the three pillars on which the United Nations was built, namely peace and security, development and human rights. Furthermore, according to the statement, the Charter gave the same

<sup>82</sup> See [S/2020/1286](#).

<sup>83</sup> The following countries submitted written statements: Austria, Bangladesh, Brazil, Denmark, Japan, Liechtenstein, Mexico, Morocco, Myanmar, Peru and Portugal.

<sup>84</sup> For further information on the Council’s decisions and discussion in relation to the peaceful settlement of disputes in 2020, see part VI.

<sup>85</sup> See [S/2020/1286](#).

<sup>86</sup> The Group comprises Argentina, Austria, Belgium, Cabo Verde, Canada, Croatia, Czechia, Denmark, Finland, Guatemala, Italy, Japan, Latvia, Liechtenstein, Mexico, the Philippines, the Republic of Moldova, Romania, Slovenia, Sweden, Switzerland and the European Union.

importance to universal respect for human rights and fundamental freedoms that it did to such fundamental principles of international law as the prohibition of the threat or use of force, the territorial integrity of States and the peaceful settlement of disputes. The representative of Liechtenstein cautioned that the authority of the Council as a whole was undermined significantly when its permanent members committed flagrant violations of international law, in particular the most serious forms of the illegal use of force against another State. His country was particularly concerned about recent trends regarding the application of international law with respect to the use of force, including Article 51 of the Charter. The representative also noted that the Council had the option to refer situations of manifest violations of the prohibition of the illegal use of force for investigation by the International Criminal Court, an additional tool for the Council to ensure the relevant parts of the Charter.

The delegation of Morocco underscored that the Charter conferred on the Council the primary responsibility for the maintenance of international peace and security. To that end, the Council must ensure respect for the territorial integrity of States, the prohibition of the threat or use of force and the

promotion of the peaceful settlement of disputes. The representative of Myanmar highlighted the strengthening of the rule of law as one of the leading objectives of the United Nations since its inception. In that regard, he expressed his country's view that the promotion of the rule of law should be in accordance with such universally established principles and norms as respect for sovereign equality and territorial integrity, non-interference in the internal affairs of other States, prohibition of the use or threat of use of force and the peaceful settlement of disputes.

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

During 2020, eight communications from Member States addressed to the Council included explicit references to Article 2 (4) of the Charter (see table 4). In addition, three communications from Member States addressed to the Secretary-General and circulated as documents of the Council contained explicit references to Article 2 (4).<sup>87</sup>

<sup>87</sup> See [S/2020/413](#), [S/2020/503](#) and [S/2020/729](#).

Table 4

#### 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>
<a href="#">S/2020/16</a>	Letter dated 7 January 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	Such unbridled threats by the President of the United States indisputably constitute a gross violation of the peremptory norms of international law as well as the very fundamental principles enshrined in the Charter of the United Nations, particularly its Article 2 (4) that clearly prohibits the threat or use of force. Given the confrontational nature of these inflammatory statements and threats, as well as the broad and adverse ramifications of the military adventurism of the United States on regional and international peace and security, it is crystal clear that this country bears the full responsibility for all consequences.
<a href="#">S/2020/128</a>	Identical letters dated 19 February 2020 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council	In full disregard for international law and in violation of Article 2 (4) of the Charter, which states that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations", 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. As the

<i>Symbol</i>	<i>Title</i>	<i>Relevant extract</i>
		occupying power, the Russian Federation bears full responsibility for violations of human rights and fundamental freedoms in the occupied Abkhazia and Tskhinvali regions of Georgia.
<a href="#">S/2020/130</a>	Letter dated 19 February 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council	<p>The systematic threat of the use of force on various grounds by the Governments of both the United States and Colombia proves the willingness of these Governments to put the peace of the Venezuelan nation at risk, as well as the infringement of their international obligations, in particular, those related to Article 2 (4) of the Charter, which establishes that:</p> <p>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.</p>
<a href="#">S/2020/194</a>	Letter dated 10 March 2020 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council	No less than the Prime Minister, Narendra Modi, himself asserted, on 20 January 2020, that “our [Indian] armed forces will not take more than 7 to 10 days to make Pakistan bite the dust”. This threat violates Article 2 (4) of the Charter of the United Nations, which prohibits “the threat or use of force”.
<a href="#">S/2020/277</a>	Letter dated 3 April 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council	<p>The announcement of these operations on 1 April came one day after the Department of State of the United States of America published a “democratic transition framework for Venezuela”, with which it seeks to supplant our national Constitution, presenting the document as an order that must be accepted by the Venezuelan people and institutions in order to prevent the use of military force by the United States. This is a violation of Article 2, paragraph 4, of the Charter of the United Nations, which provides as follows:</p> <p>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.</p>
<a href="#">S/2020/399</a>	Identical letters dated 13 May 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General and the President of the Security Council	The use of mercenaries and non-State actors allows the Government of the United States to avoid its responsibility under Article 2 (4) of the Charter of the United Nations, as well as under the Geneva Conventions and the norms of international humanitarian law and human rights. Any armed action by one State against another must be authorized by the Security Council or comply with the provisions of Article 51 of the Charter, which refers to the inherent right of States to self-defence. Denying its responsibility, as it does in the case of Venezuela, the United States wrongly believes that it can continue to deceive the world with violent covert operations.

Symbol	Title	Relevant extract
<a href="#">S/2020/905</a>	Letter dated 15 September 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	I am writing to inform you that, on 14 September 2020, the President of the United States of America, referring to “press reports”, made a baseless allegation against the Islamic Republic of Iran and threatened to use force against my country. Hours later, he repeated the same threat. Such a provocative statement constitutes a gross violation of the very fundamental principles enshrined in the Charter of the United Nations, particularly its Article 2 (4), which clearly prohibits the threat or use of force.
<a href="#">S/2020/989</a>	Letter dated 8 October 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	On 29 September 2020, the Prime Minister and Defence Minister of the Israeli regime threatened Iran with a “pre-emptive strike” and stated that “we are not ruling out a preliminary strike”. The aforesaid provocative statement is “inconsistent with the purposes of the United Nations” and a blatant violation of Article 2 (4) of the Charter of the United Nations, which prohibits the threat or use of force.

### 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 of the United Nations, in particular, the obligation of Member States to refrain from providing assistance to a State against which the United Nations has taken preventive or enforcement action.<sup>88</sup> 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). The correspondence addressed to the Council in 2020 did not contain any references to Article 2 (5).

<sup>88</sup> For the practice of the Council relating to assistance by Member States to United Nations enforcement action in accordance with the Charter, see part V, sect. II (Article 25), and part VII, sects. V and VI (Articles 43, 45 and 48).

#### 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 which may be considered of relevance to the interpretation of Article 2 (5) in decisions concerning the situations in the Central African Republic,<sup>89</sup> Libya<sup>90</sup> and Somalia,<sup>91</sup> as well as in connection with countering terrorism and extremism in Africa.<sup>92</sup>

#### B. Discussion relating to Article 2 (5)

During 2020, Article 2 (5) was not explicitly invoked in discussions of the Council. However, implicit references which may be considered of relevance to the interpretation of Article 2 (5) were made in several meetings and open videoconferences held by the Council during the period under review. As discussed below, during meetings and open videoconferences held in connection with the item entitled “The situation in Libya”, Council members addressed the importance of non-interference by

<sup>89</sup> Resolution [2507 \(2020\)](#), para. 1.

<sup>90</sup> Resolutions [2509 \(2020\)](#), ninth preambular paragraph and para. 6; [2510 \(2020\)](#), para. 10; and [2542 \(2020\)](#), sixteenth preambular paragraph.

<sup>91</sup> Resolution [2551 \(2020\)](#), paras. 2 and 6.

<sup>92</sup> [S/PRST/2020/5](#), fifteenth paragraph.

external actors in the Libyan conflict, including refraining from providing support to the armed groups parties to the conflict (see case 7).

In addition, at the 8725th meeting, held on 18 February under the item entitled “The situation in the Middle East”,<sup>93</sup> several speakers expressed concern at the circumvention of the Council’s sanctions on Yemen by the Islamic Republic of Iran. In this regard, the representative of the United Kingdom expressed her country’s concern over the findings of the final report of the Panel of Experts on Yemen regarding weapons of Iranian origin in Yemen. The representative of the United States denounced the violation by the Islamic Republic of Iran of the Council’s arms embargo by continuing to send advanced weapons to the Houthis. The representative of Yemen noted that the Iranian weapons seized by the United States Navy on 9 February 2020, which had been bound for the Houthi militias, constituted a flagrant violation of Council resolutions and provided irrefutable evidence of the close relationship between the mullah regime in Tehran and the Houthi militias. In subsequent meetings and open videoconferences, several speakers<sup>94</sup> denounced the continued provision by countries of weapons in the region and their fuelling of the war.

#### Case 7

##### The situation in Libya

On 30 January, during the Council’s 8710th meeting, held under the item entitled “The situation in Libya”,<sup>95</sup> the Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya took note of the agreement reached at the Berlin Conference on 19 January 2020 by the representatives of various countries concerned and regional organizations, some of which had directly or indirectly fuelled the conflict, to refrain from interference in the conflict in Libya and its internal affairs and to abide by the United Nations arms embargo. He expressed his deep worry about the military reinforcements received by both sides raising the spectre of a broader conflict engulfing the wider region. He added that the warring parties had continued to receive a sizeable amount of advanced equipment, in addition to fighters and advisers from foreign sponsors, in brazen violation of the arms embargo and the pledges made by representatives of those countries in

Berlin. The Special Representative reported a notable increase in heavy cargo flights, several per day, to Benina airport and Khadim airbase in eastern Libya delivering military equipment to the Libyan National Army, and also noted that, the day before the meeting, three boats had been in Tripoli and Misratah delivering new weapons in the west, while two cargo planes had landed at Khadim airbase in the east.

The representative of the United States noted the blatant violations of the United Nations arms embargo, including the deployment of foreign fighters and mercenaries and the delivery of weapons, ammunition and advanced systems to the parties from Member States, several of which had participated in the Berlin Conference. She added that the United States joined the United Nations in calling upon countries to live up to their Berlin commitments and demanded that Member States comply with their obligations to implement the United Nations arms embargo, which entailed an immediate and permanent halt of all deployments of personnel, fighters and military equipment to Libya. The representative of Belgium expressed her country’s hope that the Council’s repeated calls for non-interference by external actors, for intra-Libyan dialogue and for respect for the arms embargo would finally be put into practice, and emphasized that it was the responsibility of each State to ensure that its arms exports were not diverted to illicit destinations. The representative of South Africa expressed her country’s support for the call of the Secretary-General for strict adherence to the arms embargo to prevent further violent escalations, so as to enable all parties to agree to a ceasefire, adding that the arms embargo must be fully implemented without exception. She also expressed her country’s wish to remind the international community of its commitments to end military support to all parties to the conflict and to uphold the existing arms embargo as a foundation for political negotiations and the implementation of a ceasefire. The representative of France emphasized that the commitments made by international actors at the Berlin Conference must be honoured and followed by action and that the arms embargo must be respected. She emphasized that foreign interference and military support fuelled the conflict and must stop, referring in particular to Turkey, and stressed the need to eschew military force and proxy wars. The representative of the Niger said that Libya did not need more weapons and terrorists transferred to it, but peace.

The representative of Libya regretted that there were countries that supported the violations and crimes by the Haftar militias, noting proof thereof, including

<sup>93</sup> See [S/PV.8725](#).

<sup>94</sup> United Kingdom and United States (see [S/2020/411](#)); General Coordinator in Yemen of Médecins du Monde and United States (see [S/PV.8753](#)); and United States and Yemen (see [S/2020/1109](#)).

<sup>95</sup> See [S/PV.8710](#).

the reports of the Panel of Experts on Libya established pursuant to Council resolution 1973 (2011). He added that those reports had also confirmed the involvement of the United Arab Emirates on 11 separate occasions, including by providing armoured vehicles, air defence systems, drones and laser projectiles. He recalled information contained in the report of the Panel of Experts (S/2018/812) about the provision of equipment by Egyptian authorities and their participation in air strikes in eastern and western Libya. The representative noted the presence of armed groups in every city and every region of Libya in one form or another, and countries that provided them with financial support and weapons.

Council members held other open videoconferences in connection with the situation in Libya, during which the continued influx of weaponry, equipment and mercenaries on both sides was discussed. In that regard, Council members and other participants called for stopping the flow of weapons and military support from abroad in violation of the United Nations arms embargo.<sup>96</sup>

At a high-level open videoconference held on 8 July,<sup>97</sup> the Secretary-General pointed out that the conflict had entered a new phase in which foreign interference had reached unprecedented levels characterized by the delivery of sophisticated equipment and the number of mercenaries involved in the fighting. He expressed concern regarding the alarming military build-up around the city and the high level of direct foreign interference in the conflict, in violation of the United Nations arms embargo, Council resolutions and the commitments made by Member States in Berlin.

Following the briefing, the Federal Minister for Foreign Affairs of Germany stated that foreign interference remained the main driver of the conflict in Libya and that it must be brought to an end, which meant no more aeroplanes, no more tanks, no more trucks or cargo ships full of weapons and no more lies. The Minister for Foreign Affairs, Cooperation, African Integration and Nigeriens Abroad of the Niger said that external interference in Libya was known to be

accompanied by massive transfers of weapons of war and mercenaries and was a flagrant violation of resolutions 1970 (2011) and 2292 (2016), and called upon all participants in the Berlin process to honour their commitments by refraining from interfering in the internal affairs of Libya. The Minister for International Relations and Cooperation of South Africa recalled that at the Berlin Conference international partners had committed to respecting the arms embargo and refraining from interfering in the internal affairs of Libya, but the parties to the conflict and external players continued to violate the embargo through the influx of weapons and foreign fighters to Libya.

The Minister of State for the Middle East and North Africa of the United Kingdom recalled the commitment made by the Berlin Conference participants to respect and implement the United Nations arms embargo, and their call upon all actors to refrain from activities that could exacerbate the conflict, including the financing of military capabilities and the recruitment of mercenaries. The representative of the Dominican Republic noted the constant violations of the embargo, which, together with the persistent interference of external actors, created the perfect storm for a perpetuation of the Libyan conflict. He reiterated the need for all Member States to strictly adhere to their commitments made to ceasing all forms of foreign military intervention in Libya and desisting from any destabilizing activities that exacerbated the conflict. The representative of Estonia said that the foreign interference in Libya was a blatant violation of the sanctions regime set up by the Council, and added that the continuous flow of arms, private military operatives, fighter jets, drones and other assets must stop.

The representative of the United States emphasized that there was no place for foreign mercenaries or proxy forces in Libya and that all external actors involved in the conflict should abide by the commitments that they had made in Berlin, immediately suspend military operations and halt the ongoing transfer of foreign military equipment and fighters to Libya.

The Minister for Foreign Affairs of Greece underscored that international legality was being violated in Libya through the provision of weapons, military means, mercenaries and ammunition. The Deputy Minister for Foreign Affairs of Turkey indicated that the provision of brazen political and military support to Haftar in pursuit of subversive objectives against the legitimate Government was incompatible with international law and the relevant United Nations resolutions and harmful to peace and stability in Libya and beyond.

<sup>96</sup> See S/2020/421 (Acting Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya, Russian Federation, United Kingdom, United States and Libya) and S/2020/879 (Acting Special Representative of the Secretary-General for Libya and Head of United Nations Support Mission in Libya, Estonia, Germany, Russian Federation, Saint Vincent and the Grenadines, South Africa, Tunisia, United Kingdom and United States).

<sup>97</sup> See S/2020/686.

The representative of Libya communicated his country's request to the President of the Council to hold a special and urgent meeting of the sanctions committee in the presence of representatives of all

States mentioned in the reports of the Panel of Experts on Libya accused of violating the arms embargo in support of the aggression.

#### 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 the correspondence addressed to the Council.

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

In 2020, the Council did not explicitly refer to Article 2 (7) in any of its decisions. Nonetheless, language used in some Council decisions under country-specific and thematic items may be considered of relevance for the interpretation and application of Article 2 (7) (see table 5).

Table 5  
Decisions containing implicit references to Article 2 (7)

Decision and date	Provision
<b>The situation in Afghanistan</b>	
Resolution <a href="#">2543 (2020)</a> 15 September 2020	Also decides that the United Nations Assistance Mission in Afghanistan and the Special Representative of the Secretary-General for Afghanistan, within their mandate and in a manner consistent with Afghan sovereignty, leadership and ownership, will continue to lead and coordinate the international civilian efforts, in full cooperation with the Government of Afghanistan and in accordance with the relevant international communiqués, with a particular focus on the priorities laid out below (para. 6)
<b>The situation in Guinea-Bissau</b>	
Resolution <a href="#">2512 (2020)</a> 28 February 2020	Reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Guinea-Bissau, emphasizing that the Bissau-Guinean authorities have primary responsibility for the provision of stability and security throughout the country, and underscoring the importance of national ownership of the implementation of inclusive political, peace and security-related initiatives (second preambular paragraph)
	The United Nations Integrated Peacebuilding Office in Guinea-Bissau will continue to implement its transition plan for the gradual drawing down and transfer of tasks to the United Nations country team, the United Nations Office for West Africa and the Sahel and other regional and international partners, towards mandate completion by 31 December 2020, bearing in mind the need for a flexible approach to ensure a seamless transfer of responsibilities, and cooperating closely with the Government of Guinea-Bissau to ensure national ownership of the process (para. 2 (b))

### The situation in Libya

- Resolution [2510 \(2020\)](#)  
12 February 2020 Reaffirming its strong support for the ongoing efforts of the United Nations Support Mission in Libya and the Special Representative of the Secretary-General for Libya, recalling that there can be no military solution in Libya, and underscoring the importance of the central role of the United Nations in facilitating a Libyan-led and Libyan-owned inclusive political process (third preambular paragraph)
- Resolution [2542 \(2020\)](#)  
15 September 2020 Underscoring the importance of the central role of the United Nations in facilitating a Libyan-led and Libyan-owned inclusive political process and in achieving a lasting ceasefire (fifth preambular paragraph)
- Decides to extend until 15 September 2021 the mandate of the United Nations Support Mission in Libya, as an integrated special political mission, in full accordance with the principles of national ownership, to exercise mediation and through its good offices to: (para. 1)

### Maintenance of international peace and security

- Resolution [2553 \(2020\)](#)  
3 December 2020 Recalling the sovereign right and the primary responsibility of the country concerned to determine the national approach and priorities of security sector reform and recognizing that it should be a nationally owned process that is rooted in the particular needs and conditions of, and at the request of and in close consultation with, the country in question, and encouraging the involvement of all relevant stakeholders in security sector reform and the development of expertise in the field of security sector reform at the national and local levels (seventh preambular paragraph)
- Stressing the importance of national ownership and the role that coordination plays, as appropriate, between the different actors involved in supporting security sector reforms through bilateral and multilateral contributions, and emphasizing the role United Nations peacekeeping operations and special political missions can play in enhancing this coordination with a national vision and priorities, and taking into account the need to ensure transparency, inclusivity and accountability of support provided for security sector reform in line with national priorities (seventeenth preambular paragraph)

### The situation in Mali

- Resolution [2541 \(2020\)](#)  
31 August 2020 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 [2504 \(2020\)](#)  
10 January 2020 Reiterates that the situation will continue to deteriorate further in the absence of a political solution to the Syrian conflict, and recalls its demand for the full and immediate implementation of resolution [2254 \(2015\)](#) to facilitate a Syrian-led and Syrian-owned political transition, in accordance with the Geneva communiqué as set forth in the statements of the International Syria Support Group, in order to end the conflict in the Syrian Arab Republic, and stresses again that the Syrian people will decide the future of the Syrian Arab Republic (para. 5)
- Resolution [2539 \(2020\)](#)  
28 August 2020 Also urges all parties to ensure that the freedom of movement of the United Nations Interim Force in Lebanon and its access 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 the Force's personnel and all attacks on its personnel and equipment, calls upon the Government of Lebanon to facilitate the Force's prompt and full access 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. 15)

Decision and date

Provision

### Peace consolidation in West Africa

[S/PRST/2020/2](#)  
11 February 2020 The Council 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](#) (seventh paragraph)

*See also [S/PRST/2020/7](#), sixth paragraph*

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

Resolution [2524 \(2020\)](#)  
3 June 2020 Also 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, have the following strategic objectives (para. 2)

### Peace and security in Africa

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

## B. Discussion relating to Article 2 (7)

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

At its 8700th meeting, held on 10 January, during which the Council adopted resolution [2504 \(2020\)](#), thereby extending the cross-border humanitarian assistance in the Syrian Arab Republic established under resolution [2165 \(2014\)](#),<sup>98</sup> several Council members referred to the need to respect the sovereignty and territorial integrity of the Syrian Arab Republic in the context of providing humanitarian assistance in the country (see case 8). Council members also held discussions relevant to the interpretation and application of Article 2 (7) during open videoconferences held during the period under review. In that regard, in connection with the high-level videoconferences held to consider the item entitled "Peacebuilding and sustaining peace", Council members, other Member States and entities addressed the importance of national ownership in the context of transitional justice (see case 9) and addressing contemporary drivers of conflict and insecurity (see case 10). In addition, discussions held in connection with several other open videoconferences throughout the

reporting period touched upon the principles enshrined in Article 2 (7).<sup>99</sup>

During an open debate held under the item entitled "Maintenance of international peace and security" on 9, 10 and 13 January at the initiative of Viet Nam, which held the presidency of the Council for the month,<sup>100</sup> the representative of Egypt highlighted the need to review the effectiveness of certain weak implementation tools, particularly those pertaining to sustainable development and the comprehensive concepts of peacekeeping and peacebuilding, while respecting the sovereignty of States.<sup>101</sup> He stressed that, in order to prevent the United Nations from serving as "a crisis babysitter", it was necessary, inter alia, for States to cooperate in accordance with the principles of the Charter. The representative of the Philippines said that the United Nations stood on the foundation of the aggregated sovereignty of its Members and that it harnessed sovereignty not for some against others, but for the common purposes of peace and productive cooperation. The representative

<sup>98</sup> Resolution [2504 \(2020\)](#), para. 3.

<sup>99</sup> See, in connection with the item entitled "Briefing by the United Nations High Commissioner for Refugees", [S/2020/560](#) (China, Saint Vincent and the Grenadines and Viet Nam); in connection with "The situation in the Middle East", [S/2020/353](#) (Saint Vincent and the Grenadines, Tunisia and Syrian Arab Republic); and, in connection with "The situation concerning Iraq", [S/2020/1193](#) (Russian Federation, Saint Vincent and the Grenadines, Tunisia and Iraq).

<sup>100</sup> The Council had before it a concept note annexed to a letter dated 31 December 2019 ([S/2020/1](#)).

<sup>101</sup> See [S/PV.8699](#).

of Cuba emphasized that the Council must carry out its functions in accordance with the powers conferred upon it by the Charter itself to safeguard international peace and security but must do so without double standards or discrimination, and always in accordance with justice and principles.<sup>102</sup> He stressed that a truly strong and participatory United Nations was required, with a transparent and duly democratized Council and a revitalized General Assembly that supported States in consolidating their sovereignty for the future which should be determined by every nation without any kind of interference. The representative of Uruguay underlined that the international community must not lose sight of the principles of non-intervention and self-determination when dealing with internal conflicts.

The representative of Oman pointed out that, given the tensions and conflicts facing the world, an increasing responsibility was to be shouldered by the United Nations and it was therefore important to underline the need for a more balanced and more cooperative relationship between the Council and the General Assembly. He stressed that, in order for Council resolutions to be more credible, they should be in line with the provisions of the Charter, in particular the principle of respect for the national sovereignty of States.

## Case 8

### The situation in the Middle East

In 2020, Council members, during meetings and open videoconferences in connection with the item entitled “The situation in the Middle East”, discussed the implications of the cross-border humanitarian assistance mechanism in the Syrian Arab Republic established under resolution [2165 \(2014\)](#) vis-à-vis the principles of sovereignty and territorial integrity and the primary responsibility of the Government of the Syrian Arab Republic for improving the humanitarian situation in the country.

On 10 January, at its 8700th meeting,<sup>103</sup> the Council adopted resolution [2504 \(2020\)](#), by which it extended the cross-border humanitarian assistance mechanism for a period of six months, until 10 July 2020.

Following the adoption of the resolution, the representative of China said that his country had always had reservations regarding the establishment of the cross-border humanitarian assistance mechanism. It had consistently advocated that, in taking any action, the sovereignty and territorial integrity of the country

concerned and the will of its Government must be respected. He noted that cross-border humanitarian assistance was a special relief method adopted under specific circumstances and should be evaluated and adjusted in a timely manner in line with developments on the ground. The Government of the Syrian Arab Republic bore the primary responsibility for improving the humanitarian situation in the country and, under the prevailing circumstances, the Office for the Coordination of Humanitarian Affairs and the relevant parties should step up cooperation with the Government and prioritize the provision of humanitarian assistance from inside the country. The representative of Viet Nam shared his country’s position that the Government of the Syrian Arab Republic bore the primary responsibility for addressing the humanitarian situation in the country, with the assistance of the international community.

On 29 January, at the Council’s 8707th meeting, which was held to consider the same item,<sup>104</sup> the representative of China emphasized that humanitarian relief efforts should strictly comply with international law, the Charter and General Assembly resolution [46/182](#) and refrain from interfering in the internal affairs of the recipient country. He reiterated that the Government of the Syrian Arab Republic bore the primary responsibility for improving the humanitarian situation in the country and that cross-border humanitarian relief was a special relief mechanism adopted in specific circumstances. The United Nations should proactively propose plans to evaluate it and make adjustments in the light of developments in the country, all the while carefully listening to the views of the country’s Government and strengthening cooperation among all Syrian parties. The representative of Saint Vincent and the Grenadines emphasized the need for an inclusive and consultative process and further dialogue with the Government of the Syrian Arab Republic on all decisions that concerned the country, with respect for its sovereignty and territorial integrity. The representative of Tunisia expressed his country’s belief that ending the system of cross-border humanitarian assistance would require a progressive approach, in full respect for the sovereignty, unity and territorial integrity of the Syrian Arab Republic.

The representative of the Dominican Republic recalled that, just as sovereignty, independence and territorial integrity were fundamental international principles, so too was the responsibility of States to protect their populations, to not cause suffering and to safeguard their livelihoods and well-being.

<sup>102</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>103</sup> See [S/PV.8700](#).

<sup>104</sup> See [S/PV.8707](#).

The representative of Viet Nam emphasized that humanitarian assistance on the ground needed to be maintained where it was needed. The Government of the Syrian Arab Republic had the primary responsibility in that regard, with the continuous joint support of Member States and international organizations. He also emphasized that humanitarian work must be carried out in full respect for the sovereignty, independence and territorial integrity of the country.

### **Case 9** **Peacebuilding and sustaining peace**

During its 8723rd meeting, held on 13 February 2020 at the initiative of Belgium, which held the presidency of the Council for the month,<sup>105</sup> the Council held a high-level open debate under the item, focused on transitional justice in conflict and post-conflict situations.<sup>106</sup>

At the meeting, Council members addressed the concepts of national ownership, non-interference in internal affairs and the role of international organizations, including the United Nations, in the context of transitional justice initiatives. In that regard, the representative of China underscored that, based on the Charter and universally recognized international law, it was imperative to respect the sovereignty and territorial integrity of every country and to respect the countries concerned in their efforts to advance their transitional justice processes step by step, in a manner consistent with their own national conditions.<sup>107</sup> No models should be imposed from outside, nor should any interference be permitted in their internal affairs or struggles, and only by adhering to the principle of sovereignty could transitional justice efforts be justified, thereby winning the trust of the countries concerned and promoting peace and development. The representative of Tunisia expressed his country's support for the strengthening of international cooperation to reform legislation and legal sovereign institutions in post-conflict or post-repressive periods in affected countries. This was to ensure that such legislation was aligned with international law, the criteria of international criminal justice and international human rights law, thereby providing the requirements of effective national ownership over transitional justice. Similarly, the Minister for Foreign Affairs and Defence of Belgium emphasized that any transitional justice process must be subject to national ownership. The representative of Liechtenstein said

that the overall purpose of transitional justice was to help societies to overcome a difficult, often painful, past, promote reconciliation and support a common way forward towards sustainable peace. National ownership of such processes was essential, but in many cases, in particular where atrocity crimes had been committed on a large scale, international or regional assistance might be not only helpful but, indeed, necessary. The representative of Colombia said that transitional justice did not have a single mould applicable to different contexts, adding that every effort to consolidate peace, including transitional mechanisms, must start from the principle of national ownership.<sup>108</sup>

The representative of Egypt stressed his country's position on the importance of considering the specificity of every situation, emphasizing that there was no one-size-fits-all approach. The success of transitional justice endeavours and the move from a divisive past to a shared future depended on the respect of the international community for providing assistance and support to the countries concerned and the principle of national ownership and leadership of those efforts.

The representative of Romania noted that further progress in transitional justice could be achieved if more United Nations peace operations were mandated to address it, and suggested that an effective way for the international community to support institutional reforms, while safeguarding the principle of national ownership, was to strengthen the rule of law component of peace operations. The representative of Morocco recognized that reconciliation and peacebuilding were closely linked to promoting respect for the law in order to ensure the effective implementation of international humanitarian law and international human rights law. He emphasized that Member States should develop national policies based on good practices to establish institutional bodies to work in the area, adding that, whatever mechanism was implemented, its success would depend above all on taking into account the specificities of the society in which transitional justice was to be implemented, and that national ownership was key in that regard.

The representative of the Syrian Arab Republic recalled that his country had not requested any technical assistance from the United Nations to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in

<sup>105</sup> The Council had before it a concept note annexed to a letter dated 4 February 2020 (S/2020/98).

<sup>106</sup> See S/PV.8723 and S/PV.8723 (Resumption 1).

<sup>107</sup> See S/PV.8723.

<sup>108</sup> See S/PV.8723 (Resumption 1).

the Syrian Arab Republic since March 2011. In his country, there were long-standing national legal and judicial bodies that were willing and able to achieve justice and provide accountability and reparations without the flagrant interference that sought to achieve distorted justice and reprisals rather than a genuine transitional justice.

### **Case 10** **Peacebuilding and sustaining peace**

On 3 November, at the initiative of Saint Vincent and the Grenadines, which held the presidency of the Council for the month,<sup>109</sup> Council members held an open videoconference at the ministerial level in connection with the item entitled “Peacebuilding and sustaining peace”, focused on the contemporary drivers of conflict and insecurity.<sup>110</sup> During the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development Agency, the Vice Chancellor of the University of the West Indies, and the President of the Economic and Social Council. Representatives of all Council members delivered their statements during the videoconference, while the delegations of 38 non-Council members and the European Union submitted their statements in writing.<sup>111</sup> At the videoconference, the Deputy Minister for Foreign Affairs of the Russian Federation underscored that countries facing an uphill battle in transitioning from conflict to sustainable peace were especially in need of the international community’s assistance and that, in granting such assistance, it was necessary to be guided by the principle that it was the primary responsibility of the countries themselves to develop and implement peacebuilding strategies and priorities in accordance with the needs and requirements of their societies. He emphasized that every case required a particular, unique approach without the imposition of automatic one-size-fits-all solutions and policy prescriptions.

The Prime Minister of Saint Vincent and the Grenadines expressed his country’s emphasis on the

need for peacekeeping, peacemaking and peacebuilding to be pursued concurrently as part of a peace and security, development and humanitarian continuum, adding that adequate resources must therefore be made available to improve lives and livelihoods while bolstering national ownership over political and peace processes. The representative of Indonesia stressed the need to ensure that the United Nations missions mandated by the Council provided a strong foundation for long-term and sustained socioeconomic development. He also stressed that, for that to succeed, strong national ownership and the inclusive participation of all local stakeholders were needed.

In a statement submitted for the videoconference, the delegation of Brazil underlined that peacebuilding and sustaining peace were cross-pillar endeavours that could be realized only on the basis of respect for sovereignty and national ownership. The representative of the Islamic Republic of Iran highlighted the principled assumption that conflicts could be resolved comprehensively and permanently only when all their root causes and drivers were addressed justly, properly and in a comprehensive manner, particularly through an enhanced national ownership over related peace and political processes.

The delegation of Chile welcomed the reflective exercise involving the Council, the Peacebuilding Commission and the Secretariat, as well as the review of the peacebuilding architecture, geared towards sustaining peace, with a view to identifying successful field-level processes, which promoted the involvement of local communities in peacebuilding and sustaining peace, strengthening the principle of national ownership. The representative of Slovakia, while acknowledging the importance of ensuring that the needs of all segments of society were taken into account, emphasized that national ownership and leadership should continue to be at the heart of all efforts.

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

During the period under review, there were two explicit references to Article 2 (7) of the Charter in communications brought to the attention of the Council.

In a letter dated 3 April 2020 to the President of the Council,<sup>112</sup> the representative of the Bolivarian Republic of Venezuela accused the United States of openly violating Article 2 (7) of the Charter by

<sup>109</sup> The Council had before it a concept note annexed to a letter dated 30 October 2020 (S/2020/1064).

<sup>110</sup> See S/2020/1090.

<sup>111</sup> The following countries submitted written statements: Azerbaijan, Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark, Ecuador, El Salvador, Eritrea, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

<sup>112</sup> S/2020/277.

attempting to impose its justice system on the sovereign State of the Bolivarian Republic of Venezuela when the Attorney General of the United States accused the President of the Republic, Nicolás Maduro, of being a drug trafficker and offered a \$15 million reward for information leading to his arrest.

In a letter dated 21 December 2020 to the Secretary-General and the President of the Council,<sup>113</sup> the representative of the Islamic Republic of Iran referred to the letter from the representative of Egypt dated 29 October 2020,<sup>114</sup> in which the latter had

transmitted the resolutions adopted by the Council of the League of Arab States at the ministerial-level meeting held on 9 September 2020. In his letter, the representative of the Islamic Republic of Iran expressed concern regarding a resolution adopted by the League in support of a unilateral claim by the United Arab Emirates over the Iranian islands of Abu Musa, the Greater Tunb and the Lesser Tunb. He emphasized that supporting such a baseless claim ran counter to the peremptory norms of international law and the purposes and principles of the United Nations, in particular Article 2 (7) of the Charter, which prohibited interference in the internal affairs of other States.

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<sup>113</sup> [S/2020/1271](#).

<sup>114</sup> [S/2020/1058](#).