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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) of the Charter. 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) of the Charter. 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) of the Charter.

In 2019, the Council deliberated on the principle of self-determination regarding the situations in eastern Ukraine, the Sudan, the Bolivarian Republic of Venezuela and Western Sahara, as well as in the context of the Palestinian question and mercenary activities in Africa. It also discussed the application of Article 2 (4) in regard to the situations in the Middle East and the Bolivarian Republic of Venezuela. The Council also discussed the necessity for States to refrain from giving assistance to any state against which the United Nations was taking preventive or enforcement action pursuant to Article 2 (5) in connection with the situations in Libya, South Sudan, Somalia and Yemen, as well as in the context of peace and security in Africa more broadly. Furthermore, the Council reflected upon the principles enshrined in Article 2 (7) of the Charter during its consideration of the situations in Burundi, the Syrian Arab Republic and the Sudan, as well as during its discussion on peacebuilding and sustaining peace and the importance of national ownership and respect for sovereignty in the context of reconciliation. No Council decisions adopted during the reporting period contained explicit references to any of these Articles. Nonetheless, this part includes Council decisions featuring language relating to the principles enshrined in Articles 1 (2), 2 (4), 2 (5) and 2 (7). Similarly, this part also includes implicit invocations of Article 1 (2) and

explicit invocations of Articles 2 (4) and 2 (7) found in the correspondence of the Council during the period under review.

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

*Article 1, paragraph 2*  
*[The Purposes of the United Nations are:]*

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

### **Note**

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

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

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

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

Decision and date	Provision
<b>The situation in Western Sahara</b>	
Resolution <a href="#">2468 (2019)</a> 30 April 2019	<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 (sixth preambular paragraph)</p> <p><i>See also resolution <a href="#">2494 (2019)</a>, sixth preambular paragraph.</i></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 noting the role and responsibilities of the parties in this respect (para. 4)</p> <p><i>See also resolution <a href="#">2494 (2019)</a>, (para. 4).</i></p>

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

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

At the 8517th meeting, held on 29 April 2019, under the item entitled “The situation in the Middle East, including the Palestinian question”, the Permanent Observer of the State of Palestine underscored that the Palestinian right to self-determination had long been recognized and supported globally, and asserted that the Palestinian people held steadfast to their legitimate national aspirations for independence.<sup>1</sup> On the other hand, the representative of Israel indicated that Zionism was the realization of the right of the Jewish people to self-determination and sovereignty in the land of Israel. He accused Palestinian leaders of refusing to acknowledge the right of the Jewish people to self-determination, and underlined that one people’s pursuit of self-determination could not undermine the safety and security of another nation. During the same meeting, several speakers expressed support for the right of the Palestinian people to self-determination, while the representative of the Dominican Republic acknowledged the right of all peoples to self-determination.<sup>2</sup> Similar references to the principle of self-determination were made by speakers at other meetings held under the same item.<sup>3</sup>

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<sup>1</sup> [S/PV.8517](#).

<sup>2</sup> *Ibid.*, Kuwait, Dominican Republic, Côte d’Ivoire, Turkey, Syrian Arab Republic, League of Arab States, Namibia, Pakistan, Tunisia, Bolivarian Republic of Venezuela speaking on behalf of Non-aligned Movement, Botswana, Saudi Arabia, Cuba, and Viet Nam.

<sup>3</sup> See, for example, [S/PV. 8449](#), Palestine, Poland, Côte d’Ivoire, Dominican Republic, Lebanon, Syrian Arab Republic, Argentina, Namibia, Pakistan, Kazakhstan, Cuba, Botswana, Democratic People’s Republic of Korea, Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and Bolivarian Republic of Venezuela speaking on behalf of the Non-Aligned Movement; [S/PV.8532](#), Germany, Côte d’Ivoire, Equatorial Guinea, Palestine and Israel; [S/PV.8583](#), Palestine, Côte d’Ivoire, Namibia, Syrian Arab Republic, Argentina, Pakistan, Chair of the Committee for the Exercise of the Inalienable Rights of the Palestinian People, Turkey, Cuba, Maldives and Bolivarian Republic of Venezuela speaking on behalf of Non-aligned Movement; [S/PV.8648](#), Palestine, Côte d’Ivoire, China, Dominican Republic, Syrian Arab Republic, Pakistan, Namibia speaking in his capacity as Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Viet Nam, Morocco, Azerbaijan speaking on behalf of the Non-Aligned Movement, Tunisia speaking on behalf of the Group of Arab States, Malaysia, Cuba, Algeria, Bahrain and Nigeria. See also, under the item entitled “Maintenance of international peace and security”, [S/PV.8600](#), Saudi Arabia, Egypt, Palestine and Lebanon.

In relation to the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, at the 8519th meeting, held on 30 April 2019, the Special Envoy of the Secretary-General for the Horn of Africa indicated that one of the three key contentious issues that needed to be addressed by future negotiations between the Sudan People’s Liberation Movement-North (SPLM-North) and the new Sudanese authorities was whether SPLM-North could claim the right to self-determination in South Kordofan and Blue Nile states. He added that the readiness of the new authorities in Khartoum to depart from the position of their predecessors regarding self-determination “remained to be seen”.<sup>4</sup>

In connection with the situation in eastern Ukraine, at the 8461st meeting held on 12 February 2019 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](#))”, several speakers rejected the validity of the 16 March 2014 referendum on the status of Crimea or referred to it as “illegal”.<sup>5</sup> At the 8529th meeting held on 20 May 2019, the representative of the Russian Federation opined that the signing on 15 May by the President of Ukraine of a law establishing the status of the Ukrainian language as the country’s national language constituted a “direct violation of the spirit and letter of the package of measures for fulfilling the Minsk agreements”, which included the right of the inhabitants of various districts of the Donetsk and Luhansk areas to linguistic self-determination, and underlined that the language issue was “what triggered the centrifugal trends in Ukraine in 2014”.<sup>6</sup> In contrast, at the 8575th meeting held on 16 July 2019, the representative of Poland accused the Russian Federation of using “a sham referendum to take over a part of a sovereign country” and underscored the right of Ukraine to promote its national language.<sup>7</sup> At various meetings held under the item entitled “The situation in the Bolivarian Republic of Venezuela”, several speakers defended the right of the

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<sup>4</sup> [S/PV.8519](#).

<sup>5</sup> [S/PV. 8461](#), Poland, United Kingdom and Ukraine.

<sup>6</sup> [S/PV.8529](#).

<sup>7</sup> [S/PV.8575](#).

Venezuelan people to exercise their sovereignty and self-determination without external interference.<sup>8</sup>

In the context of the meetings held under the item entitled “The situation concerning Western Sahara”, at the 8518th meeting, held on 30 April 2019, after the vote on resolution [2468 \(2019\)](#), which renewed the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO),<sup>9</sup> the representative of South Africa opined that the text of the resolution was not balanced, warned the Council against diluting the principle of self-determination through “unclear and ambiguous terms and language” in its decisions, and called on the Council to reaffirm its commitment to the right to self-determination for the people of Western Sahara in an “unqualified manner”.<sup>10</sup> The representative of the Russian Federation similarly criticized recent amendments introduced to Council resolutions extending the mandate of MINURSO, indicating that in his country’s view, such amendments undermined the Council’s impartial and objective approach to the issue of Western Sahara. In that connection, he regarded the “artificial modification” of previously agreed parameters as “unacceptable”, and recalled that previously approved parameters had defined the parties to the conflict and provided for reaching a mutually acceptable solution that guaranteed the self-determination of the people of Western Sahara. Several speakers referred to the need for a lasting and mutually acceptable solution that provided for the self-determination of the people of Western Sahara.<sup>11</sup>

On 4 February 2019, at the 8456th meeting held under the item entitled “Threats to international peace and security” and the sub-item entitled “Mercenary activities as a source of insecurity and destabilization in Africa”, the representatives of the Dominican Republic, Equatorial Guinea, Kuwait and the Russian Federation all emphasized that mercenary activities undermined the self-determination of peoples.<sup>12</sup> At the 8496th

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<sup>8</sup> See [S/PV.8452](#), Bolivarian Republic of Venezuela, Nicaragua, Cuba and Plurinational State of Bolivia; [S/PV.8472](#), Plurinational State of Bolivia, Cuba and Belize. For more details on the discussions in the Council on non-interference in the internal affairs of Venezuela, see section II.B.

<sup>9</sup> For more information on the mandate of MINURSO, see part X, sect. I.

<sup>10</sup> [S/PV.8518](#).

<sup>11</sup> *Ibid.*, United States, Russian Federation, United Kingdom and Germany.

<sup>12</sup> [S/PV.8456](#), Equatorial Guinea, Dominican Republic, and Kuwait and Russian Federation.

meeting, held on 28 March 2019, under the item entitled “Threats to international peace and security caused by terrorist acts”, the representative of Pakistan called on the international community to continue to focus its attention on foreign intervention, foreign occupation and the continuing denial of the right to self-determination to people living under foreign occupation, and emphasized that the “brutalization and oppression of people struggling for the legitimate right to self-determination [constitute[d] State terrorism”.<sup>13</sup>

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

During the period under review, no explicit references to Article 1 (2) were found in the communications addressed to the Council. This notwithstanding, the annex to the letter dated 1 November 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, in which the Islamic Republic of Iran presented its initiative to hold a national referendum in the territory of Palestine, made multiple references to the right of the people of Palestine to self-determination, including characterizing the right to self-determination as among the most fundamental principles recognized under international law that has been noted in Article 1 (2) of the Charter of the United Nations.<sup>14</sup>

The principle of self-determination was invoked in numerous communications addressed or brought to the attention of the Council, including communications from Member States relating to Western Sahara,<sup>15</sup> the Middle East, including the Palestinian question,<sup>16</sup> Nagorno-Karabakh,<sup>17</sup> the India-Pakistan question,<sup>18</sup> the situation in the

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<sup>13</sup> [S/PV.8496](#).

<sup>14</sup> [S/2019/862](#).

<sup>15</sup> See, for example [S/2019/23](#); [S/2019/63](#); [S/2019/271](#); [S/2019/298](#); [S/2019/348](#); [S/2019/350](#); [S/2019/424](#); [S/2019/590](#); [S/2019/746](#); [S/2019/795](#); [S/2019/824](#); and [S/2019/906](#).

<sup>16</sup> See, for example, [S/2019/4](#); and [S/2019/135](#); [S/2019/306](#); [S/2019/370](#); [S/2019/480](#); [S/2019/486](#); [S/2019/626](#); [S/2019/680](#); [S/2019/739](#); and [S/2019/747](#); [S/2019/767](#); and [S/2019/937](#).

<sup>17</sup> See, for example, [S/2019/215](#); [S/2019/709](#); [S/2019/762](#); [S/2019/894](#).

<sup>18</sup> See, for example, [S/2019/172](#); [S/2019/310](#); [S/2019/623](#); [S/2019/635](#); [S/2019/654](#); [S/2019/679](#); [S/2019/766](#); [S/2019/814](#); and [S/2019/860](#).

Bolivarian Republic of Venezuela<sup>19</sup> and the situation in eastern Ukraine.<sup>20</sup> The reports of the Secretary-General to the Security Council regarding the peaceful settlement of the question of Palestine<sup>21</sup> and the situation concerning Western Sahara<sup>22</sup> also made reference to the principle of self-determination.

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<sup>19</sup> See, for example, [S/2019/117](#); [S/2019/360](#); and [S/2019/765](#).

<sup>20</sup> See, for example, [S/2019/163](#); [S/2019/422](#); [S/2019/439](#).

<sup>21</sup> [S/2019/685](#), para. 5; and [S/2019/938](#), para. 66.

<sup>22</sup> [S/2019/282](#), paras. 16, 25, 73 and 83; and [S/2019/787](#), paras. 19, 77 and 78. .

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

### *Article 2, paragraph 4*

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

### **Note**

Section II covers the practice of the Security Council concerning the principle of the prohibition of the threat or use of force under Article 2 (4) of the Charter. Subsection A includes implicit references to Article 2 (4) in decisions adopted by the Council. Subsection B highlights constitutional discussions relating to the threat or use of force. Subsection C features explicit references 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 Security Council did not adopt any decision containing explicit references to Article 2 (4). In a number of its decisions, however, the Council underlined the principles of Article 2 (4) by (a) reaffirming the prohibition of the threat or use of force in international relations; (b) reiterating the importance of good-neighbourliness and non-interference by States in the internal affairs of others; (c) calling for the cessation of support by States to armed groups engaged in destabilizing national and regional peace and security; and (d) calling on parties to withdraw all military forces from a disputed area or occupied territories. The four themes are covered below.

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

In 2019, the Council stressed the prohibition of the threat or use of force against other Member States through a few of its decisions, in particular those concerning the future status of Abyei and the situation in the Middle East (see table 2).

Table 2

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

<i>Decision and date</i>	<i>Provision</i>
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
Resolution <a href="#">2469 (2019)</a> 14 May 2019	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 (CPA), and underscoring that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party (third preambular paragraph)  <i>See also resolution <a href="#">2497 (2019)</a>, third preambular paragraph</i>
<b>The situation in the Middle East</b>	
Resolution <a href="#">2477 (2019)</a> 26 June 2019	Stressing that both parties must abide by the terms of the 1974 Disengagement of Forces Agreement between Israel and the Syrian Arab Republic and scrupulously observe the ceasefire (third preambular paragraph)  <i>See also resolution <a href="#">2503 (2019)</a>, third preambular paragraph</i>  Stresses the obligation on both parties to scrupulously and fully respect the terms of the 1974 Disengagement of Forces Agreement, calls on 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 UNDOF's liaison function regularly to address issues of mutual concern, as appropriate, and to maintain their liaison with UNDOF 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="#">2503 (2019)</a>, para. 2.</i>

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

During the period under review, the Council reiterated in several of its decisions the principles enshrined in Article 2 (4) of good-neighbourliness, non-interference and

regional cooperation, in particular, with regard to the situations in the Democratic Republic of the Congo, Libya, the Sudan and South Sudan. Furthermore, in many country-specific situations, the Council consistently reaffirmed its respect for or commitment to the sovereignty, unity, independence and territorial integrity of States.

Table 3

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

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2499 (2019)</a> 15 November 2019	Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the CAR, and recalling the importance of the principles of non-interference, good-neighbourliness and regional cooperation (second preambular paragraph)
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution <a href="#">2463 (2019)</a> 29 March 2019	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 (third preambular paragraph)
	<i>See also resolution <a href="#">2478 (2019)</a>, second preambular paragraph, and resolution <a href="#">2502 (2019)</a>, third preambular paragraph.</i>
	Welcomes the renewed commitment of all the signatory States of the Peace, Security and Cooperation Framework towards its full implementation, reaffirms that the Peace, Security and Cooperation Framework remains an essential mechanism to achieve durable peace and stability in the Democratic Republic of the Congo and the Region, and stresses in this regard the importance of the signatory States fully implementing their national and regional commitments under the Peace, Security and Cooperation Framework, including not interfering in the internal affairs of neighbouring countries, neither tolerating nor providing assistance or support of any kind to armed groups, and neither harbouring nor providing protection of any kind to persons accused of war crimes, crimes against humanity or acts of genocide (para. 16)
<b>The situation in Libya</b>	
Resolution <a href="#">2486 (2019)</a> 12 September 2019	Recalls its decision that all Member States shall comply with the arms embargo, in line with resolution <a href="#">2441 (2018)</a> and all of its previous resolutions on the embargo, calls on all Member States not to intervene in the conflict or take measures that exacerbate the conflict, welcomes efforts by the Libya Sanctions Committee's Panel of Experts to investigate violations of the arms embargo, and notes its intention to hold those who violate the arms embargo accountable through its Sanctions Committee (para. 4)
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	

Resolution [2459 \(2019\)](#)  
15 March 2019  
Reaffirming its strong commitment to the sovereignty, independence, territorial integrity, and national unity of the Republic of South Sudan, and recalling the importance of the principles of non-interference, good-neighbourliness, and regional cooperation (second preambular paragraph)

*See also resolution [2497 \(2019\)](#), second preambular paragraph*

Resolution [2469 \(2019\)](#)  
14 May 2019  
Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the Charter of the United Nations, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation, (second preambular paragraph)

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

During the period under review, the Council adopted decisions calling 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 situation in the Democratic Republic of the Congo.<sup>23</sup>

*(d) 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 Lebanon and Israel.<sup>24</sup>

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

During the period under review, Article 2 (4) of the Charter was explicitly invoked ten times at five Council meetings. In addition, Article 2 was broadly referred to one time at one Council meeting with an emphasis on the principles enshrined in Article 2 (4).

At the 8461st meeting, held on 12 February 2019 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](#))” in

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<sup>23</sup> Resolutions [2463 \(2019\)](#), para. 16; and [2502 \(2019\)](#), para. 14.

<sup>24</sup> Resolution [2485 \(2019\)](#), para. 17.

relation to the situation in Ukraine, the representative of South Africa noted that, having listened to remarks on the issue of Ukraine, he hoped that Council members would “walk the talk” also in the context of the situation in the Bolivarian Republic of Venezuela, including by respecting the territorial integrity and sovereignty of the Bolivarian Republic of Venezuela, respecting Article 2, paragraph 4 of the United Nations Charter, and refraining from military aggression against other Members of the United Nations.<sup>25</sup>

At the 8539th meeting, held on 6 June 2019 under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the representative of Mexico expressed his country’s concern about “ongoing” invocations by some States of Article 51 of the Charter with regard to using military means to address threats to international peace and security coupled with the “ambiguous language” of some recent Council resolutions, adding that such practice increased the risk of broadening in practice the exceptions to “the general prohibition on the use of force in paragraph 4 of Article 2 of the Charter.”<sup>26</sup>

At a meeting under the item entitled “The situation in the Middle East”, held on 27 June 2019, the representative of the Syrian Arab Republic indicated that “the only way” for the United Nations to avoid the same fate as the League of Nations was to ensure that countries abide by the resolutions of the Council and the provisions of the Charter, in particular paragraphs 1, 4 and 7 of Article 2.<sup>27</sup>

Cases 1 through 4 below, which cover relevant deliberations of the Council under the items entitled “The situation in the Bolivarian Republic of Venezuela” (case 1), “The situation in the Middle East” (case 2), “Maintenance of international peace and security” (case 3), and “The situation in the Middle East, including the Palestinian question” (case 4) feature the remaining eight explicit invocations of Article 2 (4). Also, in various other Council meetings reference was made to language of relevance for the application and/or interpretation of Article 2 (4).<sup>28</sup>

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<sup>25</sup> [S/PV.8461](#).

<sup>26</sup> [S/PV.8539](#).

<sup>27</sup> [S/PV.8567](#).

<sup>28</sup> See, for example, under the item entitled “Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe”, [S/PV.8479](#); under the item entitled “Letter dated 28 February 2014

## **Case 1** **The situation in the Bolivarian Republic of Venezuela**

At its 8452nd meeting, held on 26 January 2019, at the request of the United States, the Security Council held a debate under the item entitled “The situation in the Bolivarian Republic of Venezuela”. Prior to the adoption of the agenda, the representative of the Russian Federation opposed the holding of the meeting on what he considered to be the internal situation of a country, accusing the United States of “engineering” a coup d’état in the Bolivarian Republic of Venezuela and suggesting that “in the light of this violation of Article 2, paragraph 4 of the Charter of the United Nations”, it would be more appropriate to conduct a discussion under the item entitled “Threats to international peace and security”.<sup>29</sup> The provisional agenda for the meeting was, however, adopted by procedural vote.<sup>30</sup> In discussing the situation in the country, many speakers underlined that the crisis in the Bolivarian Republic of Venezuela should be resolved peacefully, abiding by the principles of non-use of force and non-interference in the internal affairs of the country.<sup>31</sup> The representative of Equatorial Guinea warned that external interference and violent and extreme positions would only aggravate the situation in the country. The representative of the Russian Federation, speaking again after the provisional agenda was adopted, accused the United States of using the meeting as a strategy to carry out regime change in Venezuela and of flagrant interference,

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from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#)), [S/PV.8516](#); 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.8461](#) and [S/PV.8575](#); under the item entitled “Non-proliferation”, [S/PV.8695](#); under the item entitled “Peacebuilding and sustaining peace”, [S/PV.8668](#) and [S/PV.8668 \(Resumption 1\)](#); under the item entitled “Protection of civilians in armed conflict”, [S/PV.8534](#); under the item entitled “The situation concerning Iraq”, [S/PV.8676](#); under the item entitled “The situation in Libya”, [S/PV.8588](#), and [S/PV.8611](#); under the item entitled “The situation in the Middle East”, [S/PV.8567](#); [S/PV.8628](#) and [S/PV.8696](#); under the item entitled “The situation in the Middle East, including the Palestinian question”, [S/PV.8489](#), [S/PV.8517](#), [S/PV.8583](#) and [S/PV.8625](#); under the item entitled “Threats to international peace and security”, [S/PV.8456](#) and [S/PV.8569](#).

<sup>29</sup> [S/PV.8452](#).

<sup>30</sup> For more information on procedural votes, see part II, section VIII.C on decision-making by voting.

<sup>31</sup> [S/PV.8452](#), South Africa, Equatorial Guinea, Kuwait, p. China, Indonesia, Russian Federation, Cuba, Saint Vincent and the Grenadines, Plurinational State of Bolivia, Suriname, Mexico, Barbados, Dominica, El Salvador and Antigua and Barbuda.

violating Article 2, paragraph 4 of the Charter against the political independence of the Bolivarian Republic of Venezuela. He added that United States leaders were hinting at the possibility of the use of force when referring to “all options being on the table”, and requested the Secretary of State of the United States to clarify whether the United States was indeed ready to use military force against the Bolivarian Republic of Venezuela in violation of the Charter. He further recalled that overthrowing unwanted regimes was in violation of Article 2, paragraph 4 of the Charter and considered such actions unacceptable. The representative of the Russian Federation called for respect for legitimate authority, non-interference in the domestic affairs of the country and non-imposition of outside solutions on the Bolivarian Republic of Venezuela. He further reiterated his call to stop all threats of the use of force against the country and requested to give Venezuelans a chance to solve their own problems. The representative of the Bolivarian Republic of Venezuela accused the United States of spearheading “the coup d’état” in Venezuela, of dictating orders to the Venezuelan opposition as well as the “satellite” Governments in the region and in other parts of the world, and of its “perpetual disregard” for international law, interference in the internal affairs of countries and invasions following coups d’état. He also accused Europe of imposing “deadlines or ultimatums on sovereign people” and called upon the European leaders to “mind [their] own business” and to respect the Charter and the self-determination of peoples. He wondered if the international community was now imposing international relations based on the use of force.

In response to the statement by the representative of the Bolivarian Republic of Venezuela, the representative of the United States emphasized that the discussion was not about foreign intervention or an attempt to impose a result on the Venezuelan people, but instead, about the right of the Venezuelan people to direct their own internal affairs and choose the future of their own country democratically. The representative of the United States also suggested that the foreign power meddling in the Bolivarian Republic of Venezuela was Cuba.

The representative of Nicaragua underscored that the request for convening the meeting was a clear interference in the internal affairs of States and a violation of the

principles and purposes of the Charter and international law. More specifically, he noted that the United States' interest in and insistence on including the issue of the Bolivarian Republic of Venezuela on the Council's agenda was another form of interfering and intervening in country's internal affairs with the clear objective of imposing a change of Government through a coup d'état. The representative of the Plurinational State of Bolivia considered as absurd the attempt to bring the internal situation of a Member State to the Council, and underlined that the real purpose of requesting the meeting had been to promote situations of instability and to use those situations to push for regime change and natural-resource-control policies. He further emphasized that interference and threats of use of force were illegal. The representative of Cuba accused the United States of threatening the Bolivarian Republic of Venezuela with particular "malice" and of seeking to exploit the Security Council in order to legitimize its international campaign against the constitutional Government presided by Nicolás Maduro Moros. She further "vigorously" condemned what in Cuba's view was an attempt to impose, "through a coup d'état, a Government that [would] serve the interests of the United States in Venezuela". The representative of Cuba also accused the United States of threatening military action to achieve that goal. The representative of Saint Vincent and the Grenadines stressed the need to "categorically" reject all attempts to aggravate dangerous situations or engender change of democratically elected leaders through impositions, interventions and interferences. The representative of Equatorial Guinea indicated that the situation in the Bolivarian Republic of Venezuela was an internal matter that did not pose a threat to international peace and security, and urged the Security Council and the international community to focus its role on supporting the country's efforts in promoting an inclusive intra-Venezuelan dialogue. He further urged neighbouring countries and the international community to "not pour fuel on the current fire in Venezuela".

The representative of Indonesia, while reaffirming his country's commitment to the principles of non-interference, sovereignty and territorial integrity of all countries, including the Bolivarian Republic of Venezuela, also expressed concern about the humanitarian situation in the country and indicated that the situation required "proper attention". The representative of Panama similarly indicated that concern about the

situation in the Bolivarian Republic of Venezuela was genuine and could not be interpreted as interference in its internal affairs, given the “massive and continuous exodus of Venezuelans... in search of refuge in [neighbouring] countries”. The representative of Barbados, reading a statement on behalf of Heads of State and Government of a group of countries from the Caribbean region,<sup>32</sup> reaffirmed those countries’ commitment to Article 2, paragraph 4 of the Charter, called on external forces to refrain from doing anything to destabilize the situation, and called on all actors, internal and external, to avoid actions that would escalate the situation.<sup>33</sup> The representative of Antigua and Barbuda emphasized that any unilateral declaration of support for one side or the other and undue and uninvited influence in the internal affairs of the Bolivian Republic of Venezuela would only undermine the peacebuilding process, and rejected any external force that interfered with the internal matters of the Government of the Bolivian Republic of Venezuela. The representative of Uruguay affirmed that his country would “never, in no setting whatsoever, support an armed intervention in any country in the region as a supposed solution to an internal crisis”.

At its 8472nd meeting, held on 26 February 2019, the Council was briefed again on the situation in the Bolivarian Republic of Venezuela by the Under-Secretary-General for Political and Peacebuilding Affairs, following an escalation of tensions which occurred on 22 and 23 February 2019, when the President of the National Assembly and self-declared interim President of the Bolivarian Republic of Venezuela led efforts to transport food and medicine being stocked in Brazil and Colombia across the border to the country, clashing with the Venezuelan security forces and other pro-Government armed elements, which were blocking the aid supplies from entering Venezuela.<sup>34</sup> The representative of the United States denied claims by the Maduro Government that humanitarian assistance was a cover for military intervention, and accused the Maduro Government of betraying his country’s independence and sovereignty by “submitting to the influence of Cuban officers” and of using humanitarian aid as “both a political tool

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<sup>32</sup> Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago.

<sup>33</sup> [S/PV.8452](#).

<sup>34</sup> [S/PV.8472](#).

for social control and a resource for rampant corruption”. The representative of South Africa indicated that the Council was divided on the internal affairs of the Bolivarian Republic of Venezuela, “with some even threatening to use force against the territorial integrity and political independence” of the country, emphasizing that such actions were inconsistent with the purpose of the United Nations. He further underscored that the threat of force set “a very bad precedent” and warned that “isolating and vilifying” one party to the conflict and calling for a specific, prescribed course of action that would preclude dialogue would only foment possible recourse to armed conflict. The representative of Indonesia, cognizant of the fact that the humanitarian situation in the Bolivarian Republic of Venezuela was increasingly concerning and required proper attention, called for the delivery of all humanitarian aid for the people of the Bolivarian Republic of Venezuela through the proper channel of the United Nations, and emphasized his country’s commitment to upholding the principles of non-interference, sovereignty and territorial integrity of all countries.

Invoking General Assembly resolution 46/182, the representative of the Russian Federation pointed out that the provision of humanitarian assistance should respect the sovereignty, territorial integrity and national unity of States and that such assistance should be provided with the consent of the affected country and on the basis of an appeal by the affected country. He further demanded an end to the violations of relevant General Assembly resolutions and respect for the borders, sovereignty and national unity of the Bolivarian Republic of Venezuela. He urged all the States of the region to refrain from the threat or use of force and from “massively blatant” interference in the internal affairs of a sovereign State, adding that any solution to Venezuela’s problems was the “exclusive right, remit and responsibility” of Venezuelans themselves. He also said that the “sole aim” of the United States was to achieve regime change and to threaten to do so via military intervention. The representative of China expressed opposition to foreign interference in the internal affairs of the Bolivarian Republic of Venezuela, military intervention and using “so-called” humanitarian assistance for political purposes to destabilize or create “turbulence” within the country and the neighbouring region. The representative of the Bolivarian Republic of Venezuela accused the United States and

Colombia of organizing “aggression” against the sovereignty of his country and of threatening peace and security in the region, in violation of the Charter. He indicated that Venezuelans could craft their own solution without intervention or interference from anyone, especially the United States. He called on the Security Council to adopt a draft resolution rejecting the threat or use of force against his country. He further requested the Security Council to ensure that the United States rule out the threat and use of force against the Bolivarian Republic of Venezuela, in accordance with Article 2, paragraph 4 of the Charter.

The representative of the Plurinational State of Bolivia, echoed by the representative of Belize, noted that Latin America and the Caribbean was committed to the pacific settlement of disputes in order to “forever banish” the use and threat of the use of force in the region, as well as to the strict compliance with its obligations not to intervene, directly or indirectly, in the affairs of any other State. The representative of Cuba accused the United States of staging a dangerous provocation that sought to violate the sovereignty of the Bolivarian Republic of Venezuela through the use of pressure and force “under the pretext” of delivering humanitarian assistance, in serious violation of international law and the purposes and principles of the Charter. She also called on Council members not to intervene, directly or indirectly, in the internal affairs of any other States and to respect the principles of national sovereignty, equal rights and self-determination of peoples. The representative of Nicaragua reaffirmed his country’s commitment to the Charter and indicated that such commitment was reinforced by the “outrageous threats” that arose from interference and intervention in the affairs of States. He further called for the defence of peaceful, respectful relations, and the right of every country to choose its political, economic and social model without interference, threats or coercive actions that contradicted the Charter and international law. The representative of Guatemala similarly reiterated his country’s rejection of any military solution or threat of use of force or any act of provocation that endangered peace and security in the region. The representative of Suriname, speaking on behalf of a number of Caribbean States<sup>35</sup>

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<sup>35</sup> Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago and Suriname.

and explicitly invoking Article 2, paragraph 4 of the Charter, indicated that the group of countries she was speaking on behalf of did not choose sides, and remained steadfast in its view that economic strangulation and military intervention not only ran counter to those principles but also exacerbated the suffering of the people of the Bolivarian Republic of Venezuela.<sup>36</sup> Speaking in her national capacity, the representative of Suriname expressed alarm at the reports of humanitarian aid efforts aggressively being carried out at the Venezuelan border, underscoring that such actions undermined the humanitarian principles of independence, impartiality, neutrality and consent and denouncing all acts of aggression that violated those principles while also rejecting the politicization of humanitarian aid. The representative of Uruguay, echoed by the representative of Dominica, noted that his country would continue to adhere strictly to the principle of non-intervention in its international relations. The representative of Saint Vincent and the Grenadines also reaffirmed his country's unwavering commitment to upholding the "bedrock" principles of non-intervention and non-interference in the Bolivarian Republic of Venezuela. The representative of Ecuador specified that his country did not support a military intervention in the Bolivarian Republic of Venezuela. The representative of Antigua and Barbuda, explicitly citing Article 2, paragraph 4 of the Charter, underscored that no State or group of States should interfere in the internal affairs of sovereign countries, adding that military intervention in Venezuela would undermine the legitimacy of the United Nations in promoting peace and risked destabilizing the entire region. He further noted that unilateral declarations of support for one side in the Bolivarian Republic of Venezuela over the other was "blatant interference and uninvited influence" in the internal affairs of a sovereign country. The representative of El Salvador called for full respect for the sovereignty of States, non-intervention in internal affairs and the prohibition of the use or threat of use of force. The representative of Costa Rica reiterated his country's firm rejection of any course of action that implied violence, the use of force or military intervention in the Bolivarian Republic of Venezuela and asserted that not all options for finding a solution to the situation in the

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<sup>36</sup> [S/PV.8472](#).

Bolivarian Republic of Venezuela were open. The representative of Peru pointed out that all the Latin American countries represented at the meeting had come out against any use of force. Several speakers underlined that the crisis in the Bolivarian Republic of Venezuela should be resolved peacefully, abiding by the principles of non-use of force and/or non-interference in its internal affairs.<sup>37</sup>

Two days later, at its 8476th meeting held on 28 February 2019, the Council considered two competing draft resolutions on the situation in the Bolivarian Republic of Venezuela submitted by the United States and the Russian Federation, respectively.<sup>38</sup> At the outset of the meeting, the representative of the Russian Federation explained that his country's alternative draft resolution to the one prepared by the United States was designed not to encourage "political intrigue and regime change" but to provide Venezuelans with real help in their efforts to normalize the situation in the country. He criticized the United States' approach to humanitarian assistance and referred to it as "humanitarian intervention", and emphasized that any international assistance should be based on the principles of humanity, neutrality, impartiality, independence and the consent of the country's legitimate Government.<sup>39</sup> The draft resolution submitted by the United States failed to be adopted due to the negative vote of two permanent members of the Security Council, namely, the Russian Federation and China.<sup>40</sup> In explaining his vote, the representative of China expressed opposition to external forces interfering in Venezuela's internal affairs as well as to military intervention in the Bolivarian Republic of Venezuela. The representative of South Africa, who also voted against the draft, noted that while the draft resolution by the United States called for a peaceful political process, it was prescriptive on the outcome of that process, thereby infringing on the sovereignty of the Bolivarian Republic of Venezuela. On the other hand, the representative of Belgium, who voted in favour of the draft, indicated that nothing in the text justified the use of force and that it advocated for seeking a peaceful solution. Furthermore, the

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<sup>37</sup> *Ibid.*, Peru, Germany, Colombia, Argentina, Paraguay, Belize, and Panama.

<sup>38</sup> [S/2019/186](#) and [S/2019/190](#).

<sup>39</sup> [S/PV.8476](#).

<sup>40</sup> The result of the voting on the draft resolution ([S/2019/186](#)) was as follows: *in favour*: Belgium, Dominican Republic, France, Germany, Kuwait, Peru, Poland, United Kingdom, United States; *Against*: China, Russian Federation, South Africa; *Abstaining*: Côte d'Ivoire, Equatorial Guinea, Indonesia.

representative of the Dominican Republic, who also voted in favour, clarified that for his country, the use of force was not an option.

The draft resolution presented by the Russian Federation was voted on second and failed to obtain the required number of votes.<sup>41</sup> The representative of the United Kingdom, who voted against the draft, explained that she disagreed with the draft because its contents pretended that there were threats to use force against the territorial integrity and political independence of the Bolivarian Republic of Venezuela, and emphasized that there had been no such threats. She also pointed out that the draft focused on “alleged attempts” to intervene in Venezuela’s domestic affairs and argued that the crisis had already spilled beyond Venezuela’s borders and represented a “clear” threat to peace and security in the region. The representative of Germany, who also voted against the draft, condemned the use of force and noted that efforts in the Council and by the international community did not constitute interference in the internal affairs of a sovereign country. The representative of France, who voted in favour of the United States’ draft and against the draft presented by the Russian Federation, said that the United States draft was neither a legal basis for the use of force nor an attempt to undermine the sovereignty of the Bolivarian Republic of Venezuela, and reiterated his country’s repudiation of the use of force to resolve the Venezuelan crisis. The representative of Indonesia, who had abstained on the vote of both draft resolutions, underscored that the principles of non-interference, sovereignty and territorial integrity should be honoured in discussing any issues within the framework of the United Nations. The representative of the Bolivarian Republic of Venezuela rejected the use of his country’s Constitution to justify “a colonial intervention, while supporting a fictitious entity that does not exist in [the country’s] basic law”, and referred to the self-proclaimed Government as a dictatorship with no legal basis in the Bolivarian Republic of Venezuela. Additionally, he denounced an ongoing military threat against Venezuela, demanded that the Security Council condemn and prohibit the use of military force in all

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<sup>41</sup> The result of the voting on the draft resolution ([S/2019/190](#)) was as follows: *In favour*: China, Equatorial Guinea, Russian Federation, South Africa; *Against*: Belgium, France, Germany, Peru, Poland, United Kingdom, United States; *Abstaining*: Côte d’Ivoire, Dominican Republic, Indonesia, Kuwait.

its forms and manifestations against the Bolivarian Republic of Venezuela, and called for the defence of the principles of the Charter, including the respect for non-interference in internal affairs.

On 10 April 2019, at its 8506th meeting, the Council was briefed by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Joint Special Representative for Venezuelan refugees and migrants in the region of the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration, and a researcher from Johns Hopkins University, on the worsening humanitarian situation in the Bolivarian Republic of Venezuela. After the briefing, several speakers underlined that the crisis in the Bolivarian Republic of Venezuela should be resolved peacefully, abiding by the principles of non-use of force and non-interference. The representative of Kuwait explicitly referred to Article 2 in reiterating his country's full commitment to the principles of the Charter, which called for respect for the sovereignty of States and non-interference in their internal affairs.<sup>42</sup> The representative of the Russian Federation accused the United States of destabilizing the situation in the Bolivarian Republic of Venezuela by creating an artificial crisis around the country in order to replace its legitimately elected leader "with its own pawn", and reiterated its call on the United States to stop interfering in the internal affairs of other States. The representative of China reiterated his country's opposition to any interference by external forces in Venezuela's internal affairs, military intervention in the Bolivarian Republic of Venezuela, and the politicization of the humanitarian issue. The representative of France, echoed by the representative of Germany, emphasized that the use of force and violence must be avoided in the Bolivarian Republic of Venezuela. The representative of South Africa warned against using humanitarian intervention in the Bolivarian Republic of Venezuela as a pretext for increased tensions, including the possibility of military intervention, and emphasized the importance of respecting the principles of State sovereignty and coordinating with the Venezuelan Government in regard to the provision of humanitarian assistance. The representative of Indonesia

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<sup>42</sup> [S/PV.8506](#), Peru, Equatorial Guinea and Kuwait.

similarly called for humanitarian assistance to be provided free from political objectives and in full respect for the country's sovereignty and territorial integrity. The representative of the Bolivarian Republic of Venezuela accused the United States of threatening his country with war by indicating that "all options [were] on the table" and blamed the governments of the United States and the United Kingdom for the "human actions that led to [the] situation" in the Bolivarian Republic of Venezuela, with the objective of bringing about a collapse that would allow for a foreign military intervention. He continued to accuse the United States of using the pretext of humanitarian assistance to carry out a "clandestine operation" without the consent of the Bolivarian Republic of Venezuela, violating its territorial integrity through the threat of the use of force, and insisted that addressing the situation required ceasing threats of military intervention.

## **Case 2** **The situation in the Middle East**

At its 8495th meeting, held on 27 March 2019, the Council met to discuss the report of the Secretary General on the United Nations Disengagement Observer Force (UNDOF), in reaction to the proclamation by the United States on 25 March 2019, recognizing Israel's sovereignty over the occupied Syrian Golan.<sup>43</sup>

The representative of the United States indicated that the announcement neither affected the 1974 Disengagement of Forces Agreement nor undermined the mandate of UNDOF, and underscored that the decision was of critical strategic and security importance to the State of Israel, adding that the United States believed it would contribute to stability by preventing the use of the Golan Heights as a launching ground for attacks on Israel.<sup>44</sup> The representative of Germany, while stressing that security interests did not justify annexation, noted that the presence of troops of the Syrian regime and of Iranian-backed militias close to the border violated the Disengagement of Forces Agreement and constituted a threat to Israel and should end.

The representative of Kuwait stressed that the Golan was Syrian Arab land occupied by Israel and rejected occupation and annexation of land by force, indicating that such actions violated the Charter, principles of international law and the relevant Security Council resolutions. He expressed regret at the decision by the United States to recognize Israel's sovereignty over the Golan and recalled that the Security Council always stressed its commitment to the sovereignty, independence, unity and territorial integrity of Syrian Arab Republic. The representative of the United Kingdom indicated that her country did not recognize Israel's annexation of the Golan Heights, emphasized that the annexation of territory by force was prohibited under international law, including the United Nations Charter, and underscored that, under the law of State responsibility, States were obligated not to recognize the annexation of territory as a result of the use of force. She further indicated that the decision by the United States to recognize Israeli

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<sup>43</sup> [S/2019/248](#).

<sup>44</sup> [S/PV.8495](#).

sovereignty over the Golan Heights was in contravention of resolution [497 \(1981\)](#). The representative of Poland also indicated that the annexation of territory by force was illegal under international law, including the Charter, and stated that her country considered the Golan Heights to be a territory occupied by Israel. The representative of the Russian Federation stressed his country's position that the Golan Heights were a territory of the Syrian Arab Republic illegally annexed by Israel, and asserted that the recognition by the United States of Israel's sovereignty over part of the occupied Syrian Golan was in violation of international norms and Security Council resolutions. The representative of Peru, echoed by the representative of the Dominican Republic, reaffirmed his country's position on the inadmissibility of acquiring territory by force, in accordance with the Charter of the United Nations. The representative of Belgium stated that his country did not recognize Israel's sovereignty over the territories occupied by it since 1967, including the Golan Heights, recalled that the acquisition of territory by force was illegal under the international law, and stressed that any unilateral declaration of a change in the border was contrary to a rules-based international order and the Charter. He further indicated that it was up to the Council to oppose unilateral acts that undermined not only the international legal order but also any prospect of peace.

The representative of South Africa expressed deep concern about the decision by the United States to recognize Israel's sovereignty over the Syrian Golan Heights, noting that such decision was a "blatant violation" of international law and the relevant Council resolutions. Rejecting the decision by the United States, the representative of South Africa noted that unilateral actions did not assist in finding a peaceful solution to the conflict. The representative of China expressed opposition to any unilateral action or attempts to alter the recognition by the international community of the Golan Heights as occupied territory. The representative of Equatorial Guinea asserted the position that Israel did not have sovereignty over the territories it had occupied since 1967. The representative of Indonesia rejected the recognition by the United States of the Golan Heights as part of Israel and recognized the Golan Heights as an "inalienable" part of the territory of the Syrian Arab Republic, in accordance with the principles of sovereignty and territorial integrity as enshrined in the Charter as well as the relevant Security

Council resolutions, which underlined that the acquisition of territory by force was prohibited. The representative of France, rejecting the position of the United States on the Golan Heights, stated that, in line with the position of the European Union, France did not recognize Israeli sovereignty over the occupied territory of the Golan and stressed that such recognition ran contrary to international law. The representative of the Syrian Arab Republic also recalled that the relevant Council resolutions stipulated the illegality of seizing land by force. He warned that inaction by the United Nations in response to the “dangerous” United States position would leave the countries and peoples under occupation with no choice but to restore by force “what was taken by force”. The representative of Israel indicated that “the Syrian regime [had] maintained a policy of aggression with the goal of wiping Israel off the map”. He stressed that Israel’s sovereignty over the Golan Heights was “vital” for preventing future Syrian acts of aggression against Israel and for ensuring the safety, security and stability of the region. Taking the floor again, the representative of the Syrian Arab Republic emphasized that annexing land by force was “wrong and illegal” and in violation of the Charter and of Security Council resolutions.

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

At the 8600th meeting, held on 20 August 2019, at the initiative of Poland, which held the Presidency for the month,<sup>45</sup> the Security Council held a high-level debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Challenges to peace and security in the Middle East”.

During his statement, the representative of China expressed firm opposition to the wilful use or the threat of use of force and to external intervention, power politics and “bullying” by external actors in addressing “the hotspot issues in the Middle East”, and affirmed that the sovereignty, independence, unity and territorial integrity of the countries concerned should be respected.<sup>46</sup> The representative of the Dominican Republic observed

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<sup>45</sup> A concept note was circulated by a letter dated 6 August 2019 ([S/2019/643](#)).

<sup>46</sup> [S/PV.8600](#).

that the territorial integrity of countries such as the Syrian Arab Republic, Yemen and Libya was under threat and that millions of people had been displaced. The representative of the Russian Federation emphasized that no unilateral action of any kind could resolve either the protracted or the new problems plaguing the region, and indicated that efforts by certain Member States to delegitimize other Member States and destabilize and overthrow regimes that certain capitals deemed undesirable had created “exceedingly dangerous” problems for the region. He added that “geopolitical engineering, interference in the internal affairs of others and the imposition of military solutions” had led to the collapse of States, tragic situations and the deaths of hundreds of thousands of people in the region and that many countries had been “taken hostage” by the opportunistic goals of external players and been forced to wage proxy wars that had proved detrimental to their national interests. The representative of Equatorial Guinea similarly expressed his concern about regime change policies, interventionism and interference in the internal affairs of other States. The representative of the Syrian Arab Republic accused “some Member States” of the Security Council of obstructing the identification of the causes of occupation, aggression and the destructive external intervention in the affairs of the countries of the region by aiming to forcibly overthrow systems of Government and investing in terrorism over peace. He added that the United Nations was founded on the principles of the sovereign equality of States, non-intervention in their internal affairs and refraining from the threat or use of force, and underscored that respecting those principles called for compelling the United States and its allies, including Turkey, to cease their illegal military presence in Syrian territories and their “pro-terrorism aggression and crimes” against Syrians and civilian infrastructure. Claiming that he would not honour the “delusional” accusations by the representative of Syria, the representative of Turkey called on the international community, first and foremost the Council, to play a more constructive and assertive role in resolving the conflicts in the Middle East through the respect for the basic principles of international law enshrined in the Charter, including respect for political unity and territorial integrity and good neighbourly relations. The representative of Bahrain opined that all countries should be committed to the principles of good neighbourliness, mutual respect and the non-intervention in the internal affairs of

others in order to avoid long-term destabilization in the Middle East. The representative of Saudi Arabia considered it imperative to recognize the right of the people of the region to live in peace, free from interference in internal affairs and from exported revolutions through militias, and without being pitted against their own countrymen. He reaffirmed that calls for dialogue should go hand in hand with an end to threats and interference in internal affairs, such as attacks against, and attempted assassinations of, diplomats and representatives, cyber-attacks against infrastructure, propaganda, sedition and support for, and sponsoring of, militias and terrorist groups. The representative of Iraq stressed that the region needed stability based on a system of collective security, respect for sovereignty, non-interference in internal affairs and the rejection of violence and extremism. He reaffirmed that the best way to maintain regional security was peace and cooperation among the countries of the region and a joint stance against terrorism and extremism, with a view to achieving collective security in the region, while respecting the sovereignty of countries and rejecting any intervention or interference in the internal affairs of States. The representative of the Islamic Republic of Iran noted that one of the main causes of the instability and insecurity in the region was the military presence of the United States and clarified that while the Islamic Republic of Iran was not seeking confrontation, it could not remain indifferent to the violation of its sovereignty. He added that in order to secure its borders and interests, the Islamic Republic of Iran would vigorously exercise its inherent right to self-defence.

The representative of Egypt indicated that adherence to the principles of the Charter was necessary in order to achieve security and stability in the Middle East, including ending foreign interference, respecting the principles of good-neighbourliness, non-interference in the internal affairs of countries and halting the provocation of sectarian tensions. He further reiterated the need to take a “serious stand” against countries that provided financing to terrorism and training and safe haven to terrorists, and that used terrorists as a tool to interfere in the countries of the region. The representative of the United Arab Emirates, speaking on behalf of the Group of Arab States, called for protecting the region from foreign interference and ensuring that all

States in the region respect the principles of good neighbourliness and refrain from the use or threat of force and from violating the sovereignty of States.

Concerning the security situation in Gulf waters, the representative of Kuwait recalled that his country, since its inception, had helped open channels for regional dialogue with the Islamic Republic of Iran, based on mutual respect, the principles of good-neighbourliness; non-interference in the internal affairs of other countries, respect for the sovereignty of all countries, the adoption of confidence-building measures, and the avoidance of any unilateral actions or measures that could exacerbate matters and undermine security. The representative of the Islamic Republic of Iran pointed out that as a country with the longest coastlines in the Persian Gulf and the Oman Sea, the Islamic Republic of Iran was determined to continue ensuring the safety and security of maritime navigation in the area, particularly in the Strait of Hormuz, and emphasized that the interference of foreign forces in that strategic waterway, under whatever pretext, was destabilizing and unacceptable.

Regarding Yemen, the Permanent Observer of the European Union reaffirmed its full commitment to the unity, sovereignty, independence and territorial integrity of Yemen. The representative of the United Arab Emirates, speaking on behalf of the Group of Arab States, stressed that the cooperation between Arab States and the Islamic Republic of Iran must be based on the principles of good neighbourliness, non-interference in the internal affairs of States and the non-use or threat to use force. He condemned the Iranian Government's policy and on-going interference in Arab affairs, in particular its support to groups that fuelled religious and sectarian conflict, especially in Arab Gulf States. He demanded that the Islamic Republic of Iran stop supporting and financing militias and armed parties in Arab States, particularly in Yemen. The Permanent Observer of the League of Arab States blamed Iranian interference in the affairs of the Arab region for increasing and prolonging crises and indicated that such interference was a direct violation of the basic principle of non-interference in the internal affairs of States.

#### **Case 4**

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

At its 8648th meeting, held on 28 October 2019, the Council met for a high-level quarterly debate under the item entitled “The situation in the Middle East, including the Palestinian question”. At the meeting, speakers discussed the principles enshrined in Article 2 (4) of the Charter in the context of various regional conflicts.

In regard to the Palestinian question, the Permanent Observer of the State of Palestine opined that Israel had been led to believe that it could act as if it was “above the law”, going as far as to threaten to annex Palestinian land “in flagrant breach of the universal prohibition on the acquisition of territory by force”.<sup>47</sup> The Minister for International Relations and Cooperation of South Africa similarly condemned the violence directed at the people of Gaza and the West Bank “through occupation and aggression by Israel”. The representative of Kuwait recalled that the Charter of the United Nations was binding to Member States in terms of such principle of international relations as the illegality of the use of force against States, and expressed regret that the Council resolutions calling on Israel to end its occupation of and violations committed in occupied Palestinian territory had remained “ineffectual”, despite their binding nature for all countries. He further accused Israel of attempting to alter the historical and demographic situation on the ground by resorting to military force and “expansionist” settlement policies, and condemned all practices aimed at acquiring territory by force. The representative of Indonesia condemned the continued expansion of illegal Israeli settlements and the intended annexation of the occupied Palestinian territory. The representative of Azerbaijan, speaking on behalf of the Non-Aligned Movement, stated that threats of annexation by Israeli officials must be “unequivocally” condemned, and stressed that any measures taken in that regard must be “forthwith rejected as null and void and without any legal effect” and must be met with firm measures of accountability for such grave breaches.

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<sup>47</sup> [S/PV.8648](#).

Several speakers expressed concern in regard to recent announcements by Israel on its intention to annex certain areas of the West Bank.<sup>48</sup> The representative of the United Kingdom reiterated his country's position that annexation of any part of the West Bank would be destructive to peace efforts and could not pass unchallenged, and recalled that annexation of territory by force was prohibited under international law. The representative of Namibia, speaking in both his national capacity and his capacity as Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian people, expressed concern regarding Israel's intention to annex settlements and the Jordan Valley. He emphasized that annexation was "strictly prohibited" under international law and reiterated the Committee's call on Israel to abide by international standards with regard to the use of force. The representative of Pakistan underscored that the continued military occupation and expansion of settlement activity in the occupied Palestinian territory, including East Jerusalem, along with the "looming threat" of the annexation of the West Bank had undermined a two-State solution and imperilled peace and security in the Middle East and beyond. She also emphasized that the involvement of the international community in the Middle East must be based on an "unequivocal" commitment to multilateral solutions and political processes, and indicated that the threat of "kinetic actions" was a "throwback to imperial tactics", while pointing out that the recent history of the region reaffirmed that unilateral measures had brought "only greater suffering and pain to its peoples". The representative of the United Arab Emirates, speaking on behalf of the Organization of Islamic Cooperation, deplored the annexation and confiscation of land in the occupied Palestinian territories, including East Jerusalem.

The representative of the Syrian Arab Republic recalled that the founders of the United Nations sought to establish an Organization based on the principles of international law, foremost of which was respect for the sovereignty and equality of States, non-interference in the internal affairs of other States and rejection of aggression, occupation and hegemony. He added that the Israeli occupation of the occupied Arab territories in Palestine, the Syrian Golan and southern Lebanon continued to have grave

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<sup>48</sup> Ibid., France, Russian Federation, Dominican Republic, Norway, Egypt, Morocco, Tunisia speaking on behalf of the Group of Arab States, Cuba.

repercussions after 70 years of conflict, and said that the United Nations, especially the Security Council, had been “incapable” of enforcing the relevant resolutions calling for an end to that occupation. He further accused Israel of having repeatedly carried out attacks on Syrian territories, as well as the territories of other neighbouring Arab countries, in flagrant violation of international law and the Charter of the United Nations. The representative of Bangladesh opined that the “widely expected meaningful and decisive” political and legal actions to end Israel’s illegal, decades-long foreign occupation of the Palestinian territory had been lacking from the Security Council. The representative of Cuba condemned the Israeli occupation of Palestinian territory and called for respect for multilateralism and an end to the use of double standards and interference in domestic affairs, foreign aggression, illicit arms trafficking and the sponsorship of terrorist groups in the region. The representative of the Islamic Republic of Iran accused Israel of invading all of its neighbours “without exception”, attacking other countries from the Middle East to Africa, occupying territories belonging to Palestine, Lebanon and the Syrian Arab Republic, and conducting invasions and aggressions against countries of the region, including periodic violations of the sovereignty and territorial integrity of Lebanon and the Syrian Arab Republic. He further accused Israel of continuing to pursue expansionist policies by building additional settlements and declaring its intention to illegally annex the Jordan Valley. In response, the representative of Israel accused the Islamic Republic of Iran of seeking to turn the Syrian Arab Republic into a platform for launching attacks on Israel and warned that the deployment of Iranian armed forces to Syrian territory posed a grave threat to regional and international security. The representative of the United Arab Emirates, speaking on behalf of the Organization of Islamic Cooperation, called for Israel’s full withdrawal from the occupied Syrian Golan to the borders of 4 June 1967, in accordance with Security Council resolutions.

In connection with the situation in the Syrian Arab Republic, the representative of Israel noted that Turkey had invaded northern Syria and caused instability in the region. The representative of Croatia, speaking on behalf of Member States of the European Union (EU), recalled that the EU had condemned Turkey’s unilateral incursion into

northeastern Syria in October 2019 and had called for an immediate cessation of hostilities. He added that Turkey's security concerns in northeastern Syria should be addressed through political and diplomatic means and in full accordance with international law and international humanitarian law. The representative of Saudi Arabia also condemned the Turkish military operations in northern Syria. The Permanent Observer of the League of Arab States stated that on 12 October 2019, the Council of Ministers of the League had adopted resolution 8454, condemning fully the Turkish act of military aggression and explicitly calling on the Security Council to intervene to stop it. He reiterated the need to stop Turkey's military aggression in the Syrian Arab Republic and the withdrawal of all Turkish aggressive forces from the Syrian Arab Republic. The representative of Bahrain stressed the need to safeguard the independence of the Syrian Arab Republic, while rejecting the occupation of any part of the Syrian Arab Republic by any foreign force.

Addressing the Iranian attacks on two Saudi ARAMCO oil facilities in September 2019, the representative of Israel blamed Iran for “[getting] the Houthis to claim responsibility” and causing unrest in the region as well as economic instability in the world. The representative of Brazil condemned the attacks “in the strongest terms”, warned that the attacks increased the risk that the Yemeni war could expand into a wider regional conflict, and called on all parties to refrain from any actions that might lead to a further increase in hostilities. The representative of Cuba also condemned the attacks on two oil facilities in Saudi Arabia while indicating that the military threat against the Islamic Republic of Iran had contributed to greater instability in the Middle East. The representative of Saudi Arabia said that the September attacks against Saudi ARAMCO oil facilities using Iranian weapons was an act of aggression in flagrant violation of international rules and norms and against international peace and security. He added that such attacks were in defiance of collective international counter-terrorism efforts and an attempt to intervene in the internal affairs of States in the region. He further urged all countries that called for dialogue to abandon their policies of “exporting their revolutions and creating sectarian pockets in other countries” as a means of interfering in their internal affairs. The Permanent Observer of the League of Arab States underscored that

Iran’s “flagrant” interference in the internal affairs of Arab countries continued, and accused the Islamic Republic of Iran of supporting terrorist organizations and cells that were opposed to the Governments of Arab countries. He further stated that the League of Arab States condemned Iranian interference in the domestic affairs of Arab States, in particular in the Arabian Gulf region and the military actions carried out and supported by the Islamic Republic of Iran against the Kingdom of Saudi Arabia, the United Arab Emirates and in the Gulf of Oman. He also indicated that all countries of the League of Arab States stood in full solidarity with the States of the Arabian Gulf in countering threats and acts of aggression, and affirmed the commitment by Arab States to countering “flagrant” Iranian interference under international law, international legitimacy and the Charter of the United Nations. In response to the statement by the Permanent Observer of the League of Arab States, the representative of the Islamic Republic of Iran rejected all his claims as “fabrications”.

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

The correspondence addressed to the Security Council during 2019 included seven explicit references to Article 2 (4) of the Charter and one implicit reference where Article 2 was broadly invoked with language relating to the principles enshrined in paragraph 4.

In identical letters dated 6 February 2019 to the Secretary-General and the President of the Security Council, the Permanent Representative of the Bolivarian Republic of Venezuela, with reference to the latest developments in the Bolivarian Republic of Venezuela “resulting from the campaign of aggression being waged against [his country]” by the United States and the United Kingdom, stressed that upholding Article 2 (4) of the Charter must be a priority for all States, since it guaranteed peaceful coexistence among nations.<sup>49</sup>

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<sup>49</sup> [S/2019/117](#).

In a letter dated 15 March 2019 addressed to the Secretary-General and the President of the Security Council, the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran indicated that a statement made by the Prime Minister and Defense Minister of Israel on 6 March 2019 at the Haifa navy base regarding the Israeli navy's role in "efforts to block" Iranian petroleum shipping "by any means" constituted a threat to use force inconsistent with the purposes and principles of the United Nations and a "blatant" violation of Article 2 (4) of the Charter, which prohibited the threat or use of force.<sup>50</sup>

In a letter dated 20 June 2019 addressed to the Secretary-General, the Permanent Representative of the Islamic Republic of Iran stated that a United States unmanned aircraft system had conducted an overflight through the Strait of Hormuz to Chabahar port in full stealth mode, and that the aircraft had entered Iranian airspace. He indicated that, acting under Article 51 of the Charter, the Iranian air defence system had targeted the aircraft and underscored that the United States action had been "a provocative act" in blatant violation of international law and the Charter, in particular its Article 2 (4).<sup>51</sup>

In a letter dated 6 August 2019 addressed to the President of the Security Council, the Permanent Representative of the Bolivarian Republic of Venezuela denounced several actions taken by the United States as dangerous actions that undermined the peace and security of the Bolivarian Republic of Venezuela and the region. He also accused the United States military aircraft of not complying with international regulations, with the intention of destabilizing the democratic institutions of the Bolivarian Republic of Venezuela which he described as a military invasion to impose a coup d'état in clear violation of the Charter, in particular paragraph 4 of Article 2.<sup>52</sup>

In a letter dated 19 August 2019 addressed to the Secretary-General, the Chargé d'Affaires a.i. of the Permanent Mission of Azerbaijan accused Armenia of misleading the international community by circulating papers in the name of the "unlawful regime" which it had established in the occupied territory of Azerbaijan, and recalled that the

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<sup>50</sup> [S/2019/241](#).

<sup>51</sup> [S/2019/512](#).

<sup>52</sup> [S/2019/641](#).

Security Council had acknowledged in relevant resolutions that unlawful acts of military force incompatible with the prohibition of the use of armed force in international relations had been committed against Azerbaijan, and that such acts constituted a violation of the sovereignty and territorial integrity of Azerbaijan, specifically as pertained to Article 2, paragraph 4 of the Charter.<sup>53</sup>

In a letter dated 22 August 2019 addressed to the President of the Security Council, the Permanent Representative of Afghanistan reported continued violations of the territory of Afghanistan by the military forces of the Government of Pakistan and reiterated her country's strong condemnation of Pakistan's failure to adhere to its obligations under the principles of the Charter, including Article 2.<sup>54</sup>

In a letter dated 20 September 2019 addressed to the President of the Security Council, the Permanent Representative of the Bolivarian Republic of Venezuela complained that the United States was threatening the use of force to overthrow the constitutional Government of the Bolivarian Republic of Venezuela, in violation of the principles of sovereignty and self-determination of peoples enshrined in the Charter in its Article 2 (4).<sup>55</sup>

In a letter dated 27 December 2019 addressed to the Secretary-General, the Permanent Representative of the Islamic Republic of Iran brought to the attention of the Secretary-General "another wave of inflammatory statements" as well as threats to use force against his country by Israel. The letter cited three recent statements by the Israeli Government as well as others as contained in the letters from the Islamic Republic of Iran, which had been issued as Security Council documents, and claimed that such "hostile" expressions had constituted gross violations of Article 2 (4).<sup>56</sup>

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<sup>53</sup> [S/2019/669](#).

<sup>54</sup> [S/2019/684](#).

<sup>55</sup> [S/2019/765](#).

<sup>56</sup> [S/2019/1003](#).

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

#### *Article 2, paragraph 5*

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

#### **Note**

Section III covers the practice of the Security Council with regard to the principle enshrined in Article 2 (5) of the Charter, in particular, the obligation of Member States to refrain from providing assistance to a State against which the United Nations has taken preventive or enforcement action.<sup>57</sup> Subsection A highlights implicit references made to Article 2 (5) in the deliberations of the Council. The correspondence addressed to the Council in 2019 did not contain any material relating to Article 2 (5).

#### **A. Decisions relating to Article 2 (5)**

During the period under review, Article 2 (5) was not explicitly invoked in the decisions of the Council. The Council, however, included language of relevance to the interpretation of Article 2 (5) in decisions concerning the situations in Libya,<sup>58</sup> the Central African Republic<sup>59</sup> and Somalia<sup>60</sup> as well as in connection with the prevention of the financing of terrorism.<sup>61</sup>

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<sup>57</sup> For the practice of the Security Council relating to assistance by Member States to United Nations action in accordance with the Charter, see part V, sect. II (Article 25) and part VII sect. V and VI (Articles 43, 45 and 48).

<sup>58</sup> Resolution [2486 \(2019\)](#), thirteenth preambular paragraph and para. 4.

<sup>59</sup> Resolution [2488 \(2019\)](#), para. 1.

<sup>60</sup> Resolution [2498 \(2019\)](#), para. 6.

<sup>61</sup> Resolution [2462 \(2019\)](#), paras. 1 and 2.

## **B. Constitutional discussion relating to Article 2 (5)**

Article 2 (5) was not explicitly invoked in the meetings of the Council during 2019. However, implicit references of relevance to the interpretation of Article 2 (5) were made in ten meetings of the Security Council during the review period in relation to a variety of conflicts and situations, including “The situation in Libya” covered in case 5 below.

At the 8536th meeting, held on 30 May 2019 under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, speaking after the adoption of a resolution renewing the South Sudan sanctions regime,<sup>62</sup> the representative of the United States welcomed the leadership of regional actors in encouraging and supporting peace in South Sudan and emphasized that his country was counting on the region to maintain pressure on the parties to implement the peace agreement and to uphold the United Nations arms embargo to prevent the flow of weapons into South Sudan, which would further destabilize the country and the region.<sup>63</sup>

At the 8598th meeting, held on 20 August 2019 under the item entitled “The situation in the Middle East” and concerning the situation in Yemen, the representative of Yemen called on the United Arab Emirates to “immediately cease” providing support to rebellious militias of the Southern Transitional Council and condemned the “continued financial and military support” by the United Arab Emirates to the Southern Transitional forces.<sup>64</sup>

At the 8619th meeting, held on 16 September 2019 under the same item, the representative of Yemen accused the Islamic Republic of Iran of causing “a great deal of damage in Yemen and the region” and having played “a serious sabotaging role” by providing arms and funding to the Houthi militias. At the same meeting, the representative of the United States called on the Islamic Republic of Iran to stop

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<sup>62</sup> Resolution [2471 \(2019\)](#), paras. 1 and 2. For more information on the sanction measures concerning South Sudan, see part VII, sect. III.

<sup>63</sup> [S/PV.8536](#).

<sup>64</sup> [S/PV.8598](#).

providing lethal aid in defiance of the arms embargo outlined in resolution [2216 \(2015\)](#).

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During the 8600th meeting, held on 20 August 2019 under the item entitled “Maintenance of international peace and security”, the representative of the United Arab Emirates, speaking on behalf of the Group of Arab States, stressed the need for the Islamic Republic of Iran to refrain from supporting the groups that fuelled conflicts in Arab Gulf States, and demanded the Islamic Republic of Iran stop supporting the anti-Government militias in Yemen and supplying them with weapons.<sup>66</sup>

At the 8629th meeting, on 2 October 2019, under the item entitled “Peace and security in Africa”, the representative of the United States stated that nations could improve security by adhering to sanctions regimes that supported peace and stability in the Central African Republic, the Democratic Republic of the Congo and South Sudan. She urged all States Members of the United Nations and, in particular, the countries of the region, to uphold resolutions [2254 \(2015\)](#) and [2471 \(2019\)](#) and stressed that preventing the illicit flow of weapons and restricting the travel of sanctioned individuals would promote long-term security.<sup>67</sup>

At its 8647th meeting, on 25 October 2019, under the item entitled “The situation in Somalia”, the representative of the United Kingdom stated that the partial arms embargo was designed not only to allow partners to support Somalia in its security sector reform, but also to prevent Al-Shabaab and other armed groups from getting hold of weapons.<sup>68</sup> Echoing this statement, the representative of France underscored that the arms embargo was vital as it directly impaired the ability of terrorist groups, in particular Al-Shabaab, to acquire weapons and played a useful role in preventing trafficking in arms and ammunition, especially from Yemen. The representative of Kuwait recognized the vital role of the Committee pursuant to resolution [751 \(1992\)](#) in establishing security and stability in Somalia, particularly in the context of implementing the sanctions regime, insofar as this was an effective way to help the Federal Government of Somalia prevent

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<sup>65</sup> [S/PV.8619](#).

<sup>66</sup> [S/PV.8600](#).

<sup>67</sup> [S/PV.8629](#).

<sup>68</sup> [S/PV.8647](#).

weapons from falling into the hands of Al-Shabaab and other terrorist groups, as well as to dry up sources of financing to those groups by imposing the embargo on Somali charcoal.

At the 8690th meeting, held on 18 December 2019 under the item entitled “The situation in the Middle East, including the Palestinian question”, the representative of Israel accused the “Iranian regime” of funding Hamas and the Palestinian Islamic Jihad and of helping them use the funds “provided by some members of the Council” to build terror tunnels and rockets. He also accused the Islamic Republic Iran of providing Hizbullah with kits to convert rockets into precision-guided missiles in Lebanon as well as arms and training to the Houthi forces in Yemen. He said that the support by the “Iranian regime” of the Houthis was responsible for prolonging the crisis.<sup>69</sup>

## Case 5

### The situation in Libya

At the 8530th meeting, held on 21 May 2019 under the item entitled “The situation in Libya”, the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya reported that many countries were providing weapons to all parties in the conflict and noted that, without a robust enforcement mechanism, the arms embargo on Libya would become “a cynical joke”.<sup>70</sup> At the same meeting, the representative of the Dominican Republic recalled that Member States had the responsibility to comply with provisions of the Libya sanctions regime and refrain from supplying, selling or transferring any type of weaponry and munitions and their related materials, without exception. He further encouraged States that produced and imported weapons, munitions and related materials to take measures to prevent zones of conflict from being the final destination of weapons. The representative of Poland also called on all parties to fully respect the arms embargo and refrain from taking any action that could further undermine the United Nations-facilitated political dialogue.

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<sup>69</sup> [S/PV.8690](#).

<sup>70</sup> [S/PV.8530](#).

At the 8595th meeting, held on 10 August 2019, also under the item entitled “The situation in Libya”, the representative of Peru addressed the issue of the illicit proliferation of weapons in Libya and stressed the importance of “[refraining] from taking steps, including with regards to the arms embargo on Libya”, which would undermine the process of establishing a political dialogue.<sup>71</sup>

At the 8611th meeting, held on 4 September 2019 under the same item, the representative of Peru indicated that the first step to end the crisis in Libya was to ensure strict compliance with the arms embargo imposed by the Council and to refrain from taking measures that could exacerbate the situation.<sup>72</sup> The representative of Germany urged all States to immediately take the measures necessary to ensure the full and strict implementation of the arms embargo, emphasized that non-compliance with the sanctions regime had grave consequences for Libya, and urged all United Nations Member States to immediately halt any arms delivery.

At the 8667th meeting held on 18 November 2019, under the item entitled “The situation in Libya”, the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya expressed concern about the dangers and direct consequences of foreign interference in the country, including growing involvement of mercenaries. He opined that the insertion of those experienced fighters had naturally led to an intensification in the violence. He further noted that violence was facilitated by Libya’s plethora of Al-Qadhafi-era arms as well as by continued shipments of war materiel brought into the country in breach of the arms embargo.<sup>73</sup> At the same meeting, the representative of Germany called upon all United Nations Member States to immediately halt any arms deliveries to Libya, stressing that the illicit flow of arms needed to stop. Similarly, the representative of Belgium emphasized that the arms embargo must be respected by all; the delivery of arms had to stop and the recruitment of combatants, including foreign mercenaries and elements engaging in terrorist and criminal activities that were listed by the Council, should also stop. The representative of

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<sup>71</sup> [S/PV.8595](#).

<sup>72</sup> [S/PV.8611](#).

<sup>73</sup> [S/PV.8667](#).

Libya stated that many States had violated resolution [1970 \(2011\)](#) by supplying the aggressor forces attacking the city of Tripoli with sophisticated weapons, such as fighter drones and offensive weapons that even some States did not possess.

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

### *Article 2, paragraph 7*

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

### **Note**

Section IV concerns the practice of the Security Council in relation to the principle of non-intervention by the United Nations in the internal affairs of States enshrined in Article 2 (7) of the Charter. Subsection A features 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 of the Council.

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

In 2019, Article 2 (7) was not explicitly or implicitly referred to in decisions of the Council. This notwithstanding, language used in some Council decisions under country-specific and thematic items was of relevance for the interpretation and application of Article 2 (7).

Regarding country-specific items, in a resolution adopted under the item entitled “The situation in Afghanistan”, the Council decided that the United Nations Assistance Mission in Afghanistan and the Special Representative of the Secretary-General, within their mandate and in a manner consistent with Afghan sovereignty, leadership and ownership, would continue to lead and coordinate the international civilian efforts, in full

cooperation with the Government of Afghanistan.<sup>74</sup> Under the item entitled “The situation in Guinea-Bissau”, the Council adopted a resolution reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Guinea-Bissau, emphasizing that the Bissau-Guinean authorities had the primary responsibility for the provision of stability and security throughout the country, and underscoring the importance of national ownership to implement inclusive political, peace and security related initiatives.<sup>75</sup> Also under the item entitled “The situation in Mali”, the Council adopted a resolution, reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Mali, emphasized that the Malian authorities had primary responsibility for the provision of stability, security and protection of civilians throughout the territory of Mali.<sup>76</sup> In a resolution adopted under the item entitled “The situation in the Middle East”, the Council called on the Government of Lebanon to facilitate the access by the United Nations Interim Force in Lebanon to the Blue Line in line with Council resolution [1701 \(2006\)](#), while respecting the Lebanese sovereignty.<sup>77</sup> In a presidential statement issued under the same item, the Council determined that the launch of the Syrian-owned and Syrian-led Constitutional Committee should be the beginning of the political process to end the Syrian conflict in line with Security Council resolution [2254 \(2015\)](#) and reaffirmed the Council’s strong commitment to the sovereignty, independence, unity, and territorial integrity of the Syrian Arab Republic.<sup>78</sup>

Concerning thematic items, the Council adopted a resolution under the item entitled “Protection of civilians in armed conflict”, reaffirming the full respect for the sovereignty and territorial integrity of States in accordance with the Charter.<sup>79</sup> Also under the item entitled “Threats to international peace and security”, the Council adopted a resolution reaffirming its commitment to the sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations, stressing

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<sup>74</sup> Resolution [2489 \(2019\)](#), para. 5.

<sup>75</sup> Resolution [2458 \(2019\)](#), third preambular paragraph.

<sup>76</sup> Resolution [2480 \(2019\)](#), second preambular paragraph. See also resolution [2484 \(2019\)](#), second preambular paragraph.

<sup>77</sup> Resolution [2485 \(2019\)](#), para. 15.

<sup>78</sup> [S/PRST/2019/12](#), first, second and fifth paragraphs.

<sup>79</sup> Resolution [2475 \(2019\)](#), twelfth preambular paragraph.

that Member States had the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism.<sup>80</sup>

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

During the period under review, Article 2 (7) was explicitly invoked four times in the Council’s deliberations. At a meeting held on 10 April 2019, under the item entitled “The situation in the Bolivarian Republic of Venezuela”, with reference to Article 2 (7), the representative of the Bolivarian Republic of Venezuela questioned the legal basis for the United States to intervene in what were essentially matters having to do with his country’s domestic jurisdiction.<sup>81</sup> At a meeting under the item entitled “The situation in Burundi” held on 14 June 2019, the representative of Burundi, referring to the upcoming electoral process in the country in 2020, underscored that support for the elections could only be provided at the request of the Government of Burundi and that any attempt to create a new role or redefine an existing role in favour of the United Nations rather than Burundians in Burundi’s 2020 electoral process would encroach on national sovereignty and be a flagrant violation of the Charter, which stated in Article 2 that nothing contained in it should authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any state. The representative of Burundi further specified that his country would remain opposed to any attempt at foreign interference at any time, anywhere and under any circumstances, whether by a State or a regional or international organization.<sup>82</sup>

At a meeting under the item entitled “The situation in the Middle East”, held on 27 June 2019, the representative of the Syrian Arab Republic indicated that “the only way” for the United Nations to avoid the same fate as the League of Nations was to ensure that countries abide by the resolutions of the Council and the provisions of the Charter, in particular paragraphs 1, 4 and 7 of Article 2.<sup>83</sup> At a meeting under the item entitled “Non-proliferation” held on 19 December 2019, the representative of the Islamic

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<sup>80</sup> Resolution [2482 \(2019\)](#), ninth preambular paragraph.

<sup>81</sup> [S/PV.8506](#).

<sup>82</sup> [S/PV.8550](#).

<sup>83</sup> [S/PV.8567](#).

Republic of Iran invoked explicitly Article 2 (7). He said that raising Iran’s internal affairs at that meeting was in gross violation of the very basic principles upon which the Organization was founded. He elaborated that paragraph 7 of Article 2 of the Charter clearly prohibited the Organization’s intervention or interference in the internal affairs of States.<sup>84</sup>

Beyond the explicit references outlined above, speakers at several other meetings of the Council engaged in relevant discussions for the interpretation and application of Article 2 (7), namely in the context of the crisis in the Sudan (case 6), in relation to the cross-border humanitarian operations in the context of the conflict in the Syrian Arab Republic (case 7) and in relation to reconciliation processes more generally (case 8). In addition, in 2019, Member States made numerous statements of relevance to the interpretation and application of Article 2 (7) of the Charter without engaging in constitutional discussions.<sup>85</sup>

### **Case 6** **Reports of the Secretary-General on the Sudan and South Sudan**

At its 8549th meeting, held on 14 June 2019 under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, the Council was briefed on the situation in Darfur by the Under-Secretary-General for Peace Operations and the Assistant Secretary-General for Human Rights. During the discussion following the briefings, several Council members expressed opposition to using the Council to discuss the political crisis in the Sudan, arguing that such action could amount to interference by the Council in the internal affairs of the country. Specifically, the representative of the Russian Federation expressed astonishment at the decision of some Council members to

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<sup>84</sup> [S/PV.8695](#).

<sup>85</sup> See, for example, under the item entitled “Peacebuilding and sustaining peace”, [S/PV.8579](#); under the item entitled “Protection of civilians in armed conflict”, [S/PV.8534](#); under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, [S/PV.8513](#); under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, [S/PV.8499](#); under the item entitled “The situation in the Middle East”, [S/PV.8520](#) and [S/PV.8628](#); under the item entitled “Threats to international peace and security”, [S/PV.8573](#); and under the item entitled “United Nations peacekeeping operations”, [S/PV.8508](#).

use a meeting not to discuss the parameters for withdrawing a peacekeeping operation but to voice their opinions of the domestic political situation in the Sudan, despite the Council's appeal in its 11 June 2019 press statement for refraining from external interference in the Sudan. He further emphasized his country's position that the resolution of the internal crisis in the Sudan was a matter for the Sudanese people themselves, adding that outside pressure and interference were "unacceptable" and would only exacerbate the disagreements.<sup>86</sup> The representative of South Africa, underlining the primacy of African-led initiatives in the quest for a lasting solution to the crisis in the Sudan, underscored that the Sudanese should chart their own path to peace, devoid of interference. The representative of Indonesia similarly reaffirmed the principle of non-interference and respect for the sovereignty of the Sudan and underlined the primacy of African-led initiatives in finding a solution to the crisis. The representative of Equatorial Guinea demanded that the international community refrain from interfering in the political process in the Sudan, and stressed that any action by third parties, including the Security Council, must be in line with the interests of the Sudanese people and within the parameters set by the Peace and Security Council of the African Union. The representative of Kuwait also stressed that the situation in the Sudan was "an internal affair" that did not merit interference, in accordance with the Charter of the United Nations, and called for the discussion to be restricted to the subject matter on the agenda for the meeting, including UNAMID.

Speaking after Council members, the representative of the Sudan criticized the decision by some Council members to discuss the internal political affairs of the Sudan during the meeting, and emphasized that such action was in contravention with the procedures of the Security Council and with the Charter which, he recalled, specified "when the Security Council [could] and [could not] interfere in the internal affairs of a country". He further clarified that the events that had been taking place in the Sudan since December 2018 remained an internal affair that neither the Council nor any of its members had any mandate or right to discuss, and expressed hope that the Council would

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<sup>86</sup> [S/PV.8549](#).

not interfere with the mediation efforts of the African Union and the Intergovernmental Authority on Development, or in the political internal affairs of the Sudan.

### **Case 7**

#### **The situation in the Middle East**

On 14 November 2019, at its 8664th meeting held under the item entitled “The situation in the Middle East”, the representative of China stressed that the cross-border humanitarian operations in the Syrian Arab Republic needed to fully respect the country’s sovereignty, take on board the views of the Syrian Government, strictly follow the requirements of Council resolutions and prevent abuse of cross-border authorizations. He added that operations should be conducted in compliance with the United Nations guiding principles on humanitarian relief, the relevant provisions of international law and the principles of neutrality, impartiality and non-politicization.<sup>87</sup>

The representative of the Syrian Arab Republic, also in relation to the cross-border humanitarian operations mechanism mandated for the first time by resolution [2165 \(2014\)](#), stressed that the attempts to renew that mandate reflected a sad reality in the Council, underscoring the need to put an end to promoting the violation of Syrian sovereignty through useless cross-border operations and offices that were hostile to his country. The representative of the United Kingdom responded that the resolution was there precisely because of sovereignty and territorial integrity.

### **Case 8**

#### **Peacebuilding and sustaining peace**

At its 8668th meeting, held on 19 November 2019 under the item entitled “Peacebuilding and sustaining peace”, the Council considered, for the first time, the subitem entitled “The role of reconciliation in maintaining international peace and

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<sup>87</sup> [S/PV.8664](#).

security” at the initiative of the United Kingdom, which held the presidency for the month.<sup>88</sup> During the meeting, the representative of China stated that respect for national sovereignty was the primary prerequisite for reconciliation and that the support and assistance of the international community must be based on respect for national sovereignty and ownership, as well as independence, unity and territorial integrity.<sup>89</sup>

Several speakers recognized or emphasized the importance of national ownership in reconciliation processes.<sup>90</sup> The representative of Indonesia added that for reconciliation to work, it must be nationally driven and not imposed from the outside.<sup>91</sup> Similarly, the representative of Romania stressed that reconciliation should be nationally-owned since sustainable peace could not be imposed from the outside.<sup>92</sup> The representative of Brazil noted that national ownership was essential to ensuring that reconciliation processes relate to the unique circumstances of each country. He further underscored that the Council had a responsibility to support nationally-led reconciliation efforts and that it was paramount that the Council guaranteed that the support of the United Nations for reconciliation efforts be fully aligned with nationally-defined peacebuilding and development priorities.<sup>93</sup> The representative of Japan highlighted three qualities necessary for supporting lasting reconciliation process, including sustainable frameworks allowing for the building of strong institutions with broad national ownership. The representative of the Russian Federation referred to the concept note for the meeting, recalling that it rightly pointed out that during post-conflict peacebuilding, it was important that both Government and society recognize their national ownership of lasting peace.

The representative of Kenya stressed that the role of the international community should be one of support, at the request of respective Member States of the United Nations, in order to build the capacities of national and grass-roots conflict resolution and

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<sup>88</sup> A concept note for the meeting was circulated in the letter dated 11 November 2019 from the Permanent Representative of the United Kingdom addressed to the Secretary-General ([S/2019/871](#)).

<sup>89</sup> [S/PV.8668](#).

<sup>90</sup> *Ibid.*, Kuwait and Indonesia; and [S/PV.8668 \(Resumption 1\)](#), Rwanda, Egypt, Romania, Bangladesh and Sri Lanka.

<sup>91</sup> [S/PV.8668](#).

<sup>92</sup> [S/PV.8668 \(Resumption 1\)](#).

<sup>93</sup> [S/PV.8668](#).

reconciliation initiatives. The representative of Morocco stated that while it was important to draw on the broad pool of experiences and expertise in reconciliation, what ensured the success of any process based on past events was national ownership.<sup>94</sup> On a similar note, the representative of Canada stated that successful reconciliation processes relied first and foremost on national ownership and domestic leadership.

Noting that national sovereignty was discussed over and over in the Council, the representative of Germany opined that national sovereignty should be respected, but within the limits imposed by the Charter of the United Nations. National ownership could be guaranteed only by including everyone, especially marginalized groups and civil society, and by promoting and protecting the human rights of all.<sup>95</sup>

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

During the period under review, one explicit reference to Article 2 (7) was found in communications brought to the attention of the Security Council. In a letter dated 4 December 2019 addressed to the Secretary-General, the Permanent Representative of the Islamic Republic of Iran declared that resolution 8418 adopted by the Council of the League of Arab States on 10 September 2019 on the “so-called Iranian interference in the internal affairs of Arab States” was in fact a clear manifestation of interference in the internal affairs of the Islamic Republic of Iran. The letter suggested that all decisions contained in that resolution ran counter to the purposes and principles of the United Nations and contradicted, in particular, Article 2 (7) of the Charter.<sup>96</sup>

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<sup>94</sup> [S/PV.8668 \(Resumption 1\)](#).

<sup>95</sup> [S/PV.8668](#).

<sup>96</sup> [S/2019/927](#).