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

In 2014 and 2015, the Council explicitly invoked all the above-mentioned articles in a resolution related to the protection of civilians in armed conflict, and discussed the application and interpretation of these articles in discharging its functions in maintaining international peace and security. The Council deliberated on the principle of self-determination as well as on the prohibition of the threat or use of force in connection with the tensions that erupted in Ukraine in 2014 and in particular in the context of the referendum held in Crimea on 16 March 2014. The same two principles were also the subject of Security Council's debates under the agenda item entitled "Maintenance of international peace and security". Finally, speakers also reflected upon the principle of non-intervention by the United Nations in the internal affairs of States during Council's deliberations in relation to the protection of civilians in armed conflict.

## **I. The 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 with regard to the principle of equal rights and self-determination of peoples as enshrined in Article 1 (2) of the Charter of the United Nations and focuses on the actions of the Council in this regard. Subsection A features decisions relevant to the principle enshrined in Article 1 (2). Subsection B delineates references made to Article 1 (2) and the principle of self-determination in Council discussions during the reporting period. Finally, subsection C sets out instances where the principle of self-determination was invoked in the official correspondence of the Council.

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

During the period under review, the Security Council made only one explicit reference to Article 1 (2) of the Charter in resolution [2222 \(2015\)](#) under the agenda item “Protection of civilians in armed conflict”. The meeting at which this resolution was adopted was held under the sub-agenda item “Protection of journalists in conflict situations”. In the preamble of this resolution, the Council reaffirmed “its commitment to the purposes of the Charter as set out in Article 1, paragraphs 1 to 4, of the Charter, and to the principles of the Charter as set out in Article 2, paragraphs 1 to 7, of the Charter,

including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States and respect for the sovereignty of all States”.<sup>1</sup>

In connection with the principle of equal rights and self-determination of peoples included in Article 1 (2), the Council also made reference to the decision by the Ngok Dinka to conduct a “unilateral” community referendum in Abyei and the envisaged referendum in Western Sahara, as featured in table 1 below.

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

<i>Decision and date</i>	<i>Relevant provision</i>
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
Resolution <a href="#">2156 (2014)</a> 29 May 2014	<i>Noting</i> that the continued delay in establishing the temporary institutions and resolving the final status of Abyei contributes to tension in the region, urging all parties to refrain from any unilateral action to aggravate intercommunal relations within the Abyei Area, and expressing concern over the continued implications of what the Peace and Security Council described in its press statement of 6 November 2013 as “the decision by the Ngok Dinka to conduct a unilateral referendum”, (nineteenth preambular paragraph)  <i>See also see resolution <a href="#">2179 (2014)</a>, nineteenth preambular paragraph; resolution <a href="#">2205 (2015)</a>, eighteenth preambular paragraph; resolution <a href="#">2230 (2015)</a>, eighteenth preambular paragraph; and resolution <a href="#">2251 (2015)</a>, eighteenth preambular paragraph</i>
<b>The situation concerning Western Sahara</b>	
Resolution <a href="#">2152 (2014)</a> 29 April 2014	<i>Reaffirming</i> its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect, (third preambular paragraph)  <i>See also resolution <a href="#">2218 (2015)</a>, third preambular paragraph</i>  <i>Calls upon</i> the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and notes the role and responsibilities of the parties in this respect; (para. 7)  <i>See also resolution <a href="#">2218 (2015)</a>, para. 7</i>

<sup>1</sup> Resolution [2222 \(2015\)](#), third preambular paragraph.

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

During the period under review, Article 1 (2) was explicitly invoked only once in the deliberations of the Security Council. At the 7539<sup>th</sup> meeting of the Council, an open debate under the agenda item “Implementation of the note by the President of the Security Council (S/2010/507)”, the representative of Iran, speaking on behalf of the Non-aligned Movement, called upon the Council to fully consider recommendations of the General Assembly on matters relating to international peace and security, “consistent with paragraph 2 of Article 1 of the Charter”.<sup>2</sup>

Furthermore, the situation in Crimea, discussed under two separate agenda items during the period under review,<sup>3</sup> gave rise to a number of discussions in the Council on the question of self-determination under one of the agenda items entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, as featured in case 1 below. In addition, under the Presidency of China, the principles of self-determination and sovereign equality of nations were also the subject of a relevant discussion under the agenda item “Maintenance of international peace and security” (case 2). The principle of self-determination was also mentioned in debates of the Council under other agenda items. However, none of those deliberations amounted to a constitutional discussion on those principles.

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<sup>2</sup> [S/PV.7539 \(Resumption1\)](#), p. 9.

<sup>3</sup> The two agenda items are the following, “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)” and “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)”.

## Case 1

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

At its 7134<sup>th</sup> meeting on 13 March 2014, the Council held an open debate under the above agenda item in connection with the then upcoming referendum in Crimea. Acknowledging that the achievement of the right to self-determination in the form of separation from an existing State was an extraordinary measure, the representative of the Russian Federation opined that, “one must seek the right balance between the principles of territorial integrity and the right to self-determination”. In this regard, he mentioned that such extraordinary measure arose as a result of the legal vacuum created by the “violent coup against the legitimate Government carried out by national radicals in Kiev” and the direct threat to impose their order throughout the territory of Ukraine.<sup>4</sup> By contrast, a number of speakers submitted that the referendum was in violation of the Constitution of Ukraine.<sup>5</sup> The representative of the United States stated that “any referendum on Crimea must be conducted within the bounds of Ukrainian law”,<sup>6</sup> while the representative of the United Kingdom was of the view that the referendum was illegal and it bore “serious implications for the United Nations Charter and international norms”. He urged the Council not to tolerate “any attempt to modify Ukraine’s borders through unlawful means”.<sup>7</sup>

On 15 March 2014, the Council held its 7138<sup>th</sup> meeting under this same agenda item at which draft resolution [S/2014/189](#) was tabled and sponsored by 42 Member States. Ahead of the vote on the draft resolution, the representative of the Russian Federation stated that the philosophy of the sponsors of the draft resolution ran counter to the principle of equal rights and self-determination of peoples, enshrined in Article 1 of the Charter of the United Nations. He added that after the fall of the Soviet Union, for more than 20 years Crimea had attempted to exercise its right to self-determination.<sup>8</sup> The draft resolution, which would have declared that the 16 March 2014 referendum in

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<sup>4</sup> [S/PV.7134](#), p. 15.

<sup>5</sup> *Ibid.*, p. 4 (Luxembourg); p. 6 (United States); p. 7 (United Kingdom); p. 12 (Nigeria); p. 13 (Australia); and p. 17 (Lithuania).

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

<sup>7</sup> *Ibid.*, p. 8.

<sup>8</sup> [S/PV.7138](#), p. 2.

Crimea had “no validity” and could not form the basis for any alteration of the status of Crimea, failed to be adopted due to the negative vote of the Russian Federation.<sup>9</sup>

Five days later, on 19 March 2014, at the 7144<sup>th</sup> meeting, the representative of the Russian Federation stated that “the people of Crimea have fulfilled what is enshrined in the Charter of the United Nations ...—their right to self-determination”.<sup>10</sup> In response, many speakers questioned the validity of the referendum and denounced the annexation of part of Ukraine by the Russian Federation.<sup>11</sup>

## Case 2

### **Maintenance of international peace and security: Reflect on history, reaffirm the strong commitment to the purposes and principles of the Charter of the United Nations**

On 23 February 2015, under the presidency of China, the Council held its 7389<sup>th</sup> meeting under the agenda item entitled “Maintenance of international peace and security” and the following sub-agenda item, “Reflect on history, reaffirm the strong commitment to the purposes and principles of the Charter of the United Nations”. Several speakers affirmed the importance of the principle of self-determination. For example, the representative of the Russian Federation urged the Member States to recognize the right of people to independently decide their future without external interference.<sup>12</sup> Reflecting on the history since the end of World War II, the representative of Chad commended the international community’s support for the right to self-determination, paving the way for the United Nations to serve as a framework for the independence of new States.<sup>13</sup> The representative of Angola regarded the right to self-determination as one of the key principles embodied in the Charter to shape a new type of relations among States in the post-war era.<sup>14</sup> The representative of Cuba asserted that the denial of peoples’ right to self-determination seriously violated the right to peace, adding that the philosophy of

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<sup>9</sup> Draft resolution [S/2014/189](#), para. 5.

<sup>10</sup> [S/PV.7144](#), p. 8.

<sup>11</sup> *Ibid.*, p. 6 (Ukraine), p. 6 (France), p.11 (Republic of Korea), p. 11 (United States), p.13 (Australia), United Kingdom (p. 15), p. 16 (Lithuania), Luxembourg (p. 17), and p.17 (Jordan).

<sup>12</sup> [S/PV. 7389](#), p. 6.

<sup>13</sup> *Ibid.*, p. 23.

<sup>14</sup> *Ibid.*, p. 18.



regime change was “a clear attack against peoples’ self-determination”.<sup>15</sup> The representative of Mexico opined that the self-determination of peoples was one of the principles on which collective security was based.<sup>16</sup> The representative of Pakistan stressed that the fulfilment of the inalienable rights of all peoples, especially the right to self-determination, could lead to uniform implementation of Security Council resolutions.<sup>17</sup>

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

During the period under review, no explicit reference was made to Article 1 (2) in the communications of the Council. However, the principle of self-determination was invoked in many communications addressed to or brought to the attention of the Council. The largest number of communications related to Western Sahara,<sup>18</sup> the Middle East, including the Palestinian question<sup>19</sup> and Nagorno-Karabakh.<sup>20</sup> A few references were also made to the right of self-determination in the report of the Secretary-General on the situation concerning Western Sahara.<sup>21</sup> In addition, in a letter dated 12 February 2015 from the permanent representative of the Russian Federation addressed to the Secretary-General, reference was made to “the right to linguistic self-determination”.<sup>22</sup>

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<sup>15</sup> Ibid., p. 37.

<sup>16</sup> Ibid., p. 40.

<sup>17</sup> Ibid., p. 34.

<sup>18</sup> See, for example [S/2015/240](#), pp. 2-3; [S/2015/256](#), annex; [S/2015/515](#), annex, p. 5; [S/2015/786](#); [S/2015/804](#), annex and [S/2015/888](#), annex.

<sup>19</sup> See, for example, [S/2014/347](#), p. 1; [S/2014/514](#), annex; [S/2015/213](#), p. 3; [S/2015/497](#), annex, p. 2; [S/2015/521](#), p. 4; [S/2015/616](#), p. 3; [S/2015/861](#), p. 3 and [S/2015/925](#), p.4.

<sup>20</sup> See, for example, [S/2014/577](#), p. 1; [S/2015/71](#), p. 2; [S/2015/259](#), p. 2 and [S/2015/781](#), annex.

<sup>21</sup> See, for example, [S/2014/258](#) and [S/2015/246](#).

<sup>22</sup> [S/2015/110](#), annex II, p. 4.

## **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. The section is structured in three subsections. Subsection A highlights explicit and implicit references to Article 2 (4) in decisions adopted by the Council. Subsection B deals with constitutional discussions relating to the threat or use of force. Subsection C covers material containing explicit and implicit references to the principle enshrined in Article 2 (4) in the communications of the Council.

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

During the period under review, the Security Council made only one explicit reference to Article 2 (4) of the Charter in a resolution, also featured in Section I.A above, adopted under the agenda item “Protection of civilians in armed conflict“. Indeed, in the third paragraph of the preamble of resolution [2222 \(2015\)](#), the Council reaffirmed its commitment to the principles enshrined in Article 2, paragraphs 1 to 7, of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States and respect for the sovereignty of all States.

During the period under review, in a number of its decisions, the Security Council underlined the principles of Article 2 (4) by (1) reaffirming the prohibition of the threat

or use of force in international relations, (2) reiterating the importance of good neighbourliness and non-interference by States in the internal affairs of others, (3) calling for the cessation of support by States to armed groups engaged in destabilizing national and regional peace and security, and (4) calling on parties to withdraw all military forces from a disputed area or occupied territories. The four themes are covered under the headings 1 to 4 below.

*1. Affirmation of the prohibition of the threat or use of force in international relations*

During 2014 and 2015, the Council stressed, as in previous periods, the importance of the prohibition of the threat or use of force against other Member States through many of its decisions, in particular concerning the situation in the Middle East, and the territorial boundary issues between the Sudan and South Sudan (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>Relevant provision</i>
<b>The situation in the Middle East</b>	
Resolution <a href="#">2163 (2014)</a> 25 June 2014	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>Also see <a href="#">PRST/2014/19</a>, para. 1; resolution <a href="#">2192 (2014)</a>, third preambular paragraph; resolution <a href="#">2229 (2015)</a>, third preambular paragraph; and resolution <a href="#">2257 (2015)</a>, third preambular paragraph</i>
<a href="#">S/PRST/2015/7</a> 19 March 2015	The Security Council expresses its deep concern following the recent incidents which occurred across the Blue Line and in the United Nations Interim Force in Lebanon's (UNIFIL) area of operations. The Security Council stresses that such violence and the presence of unauthorized weapons in the UNIFIL area of operations violates resolution 1701 and the cessation of hostilities. It underlines the risk that such events could lead to a new conflict that none of the parties or the region can afford. It urges all parties to make every effort to ensure that the cessation of hostilities is sustained, exercise maximum calm and restraint and refrain from any action or rhetoric that could jeopardize the cessation of hostilities or destabilize the region (third paragraph)
Resolution <a href="#">2216 (2015)</a> 14 April 2015	Demands that all Yemeni parties, in particular the Houthis, fully implement resolution 2201 (2015), refrain from further unilateral actions that could undermine the political transition in Yemen, and further demands that the Houthis immediately and unconditionally:  ... (e) refrain from any provocation or threats to neighbouring States, including through acquiring surface-surface missiles, and stockpiling weapons in any bordering territory of a neighbouring State; (para. 1(e))

<i>Decision and date</i>	<i>Relevant provision</i>
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
<a href="#">Resolution 2156 (2014)</a> 29 May 2014	<i>Reiterating</i> that the territorial boundaries of States shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means (third preambular paragraph)
	<i>See also resolution 2205 (2015)</i> , third preambular paragraph; <i>resolution 2230 (2015)</i> , third preambular paragraph; and <i>resolution 2251 (2015)</i> , third preambular paragraph
	<i>Stressing</i> that both countries will have much to gain if they show restraint and choose the path of dialogue instead of resorting to violence or provocations (eleventh preambular paragraph)
	<i>See also resolution 2205 (2015)</i> , twelfth preambular paragraph; <i>resolution 2230 (2015)</i> , twelfth preambular paragraph; and <i>resolution 2251 (2015)</i> , twelfth preambular paragraph

## *2. Reiteration of the principles of good neighbourliness, non-interference and regional cooperation among States*

In 2014 and 2015, the Council reiterated in several of its decisions the principles enshrined in Article 2 (4) of good-neighbourliness, non-interference and regional cooperation, in particular with regard to the situations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, the Middle East and the Sudan and South Sudan. In those decisions the Council also reaffirmed its commitment to the sovereignty, independence and territorial integrity of those States.

Table 3

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

<i>Decision and date</i>	<i>Relevant provision</i>
<b>The situation in the Central African Republic</b>	
<a href="#">Resolution 2134 (2014)</a> 28 January 2014	<i>Reaffirming</i> 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)
	<i>See also resolution 2149 (2014)</i> , second preambular paragraph; <i>resolution 2196 (2015)</i> , second preambular paragraph; and <i>resolution 2217 (2015)</i> , second preambular paragraph
<b>The situation in Côte d'Ivoire</b>	
<a href="#">Resolution 2153 (2014)</a> 29 April 2014	<i>Reaffirming</i> its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation (second preambular paragraph)
	<i>See also resolution 2162 (2014)</i> , second preambular paragraph; <i>resolution 2219 (2015)</i> , second preambular paragraph; and <i>resolution 2226 (2015)</i> , second preambular paragraph

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

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<i>Decision and date</i>	<i>Relevant provision</i>
<a href="#">Resolution 2136 (2014)</a> 30 January 2014	<i>Reaffirming</i> its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC as well as all States in the region and emphasizing the need to respect fully the principles of non-interference, good neighbourliness and regional cooperation (second preambular paragraph)  <i>See also resolution <a href="#">2147 (2014)</a>, third preambular paragraph; resolution <a href="#">2198 (2015)</a>, second preambular paragraph; and resolution <a href="#">2211 (2015)</a>, third preambular paragraph</i>
<hr/> <b>The situation in Liberia</b>	
<a href="#">Resolution 2190 (2014)</a> 15 December 2014	<i>Affirming</i> its strong commitment to the sovereignty, independence, territorial integrity and unity of Liberia and recalling the principles of good-neighbourliness, non-interference and regional cooperation (second preambular paragraph)  <i>See also resolution <a href="#">2239 (2015)</a>, second preambular paragraph</i>
<hr/> <b>The situation in the Middle East</b>	
<a href="#">S/PRST/2014/18</a> 29 August 2014	The Security Council urges all the parties in Yemen to adhere to resolving their differences through dialogue and consultation, reject acts of violence to achieve political goals, refrain from provocation, and fully abide by resolutions 2014 (2011), 2051 (2012) and 2140 (2014). Furthermore, the Security Council calls on all Member States to refrain from external interference which seeks to foment conflict and instability and instead to support the political transition (second paragraph)
<a href="#">S/PRST/2015/7</a> 19 March 2015	The Security Council expresses deep concern at all violations of Lebanon's sovereignty and calls on all parties to fully respect Lebanon's sovereignty, territorial integrity, and political independence within its internationally recognized borders, in accordance with the relevant Security Council resolutions (sixth paragraph)
<a href="#">S/PRST/2015/8</a> 22 March 2015	The Security Council supports the legitimacy of the President of Yemen, Abdo Rabbo Mansour Hadi, and calls upon all parties and Member States to refrain from taking any actions that undermine the unity, sovereignty, independence and territorial integrity of Yemen, and the legitimacy of the President of Yemen (fourth paragraph)  <i>See also resolution <a href="#">2216 (2015)</a>, eighth preambular paragraph</i>  The Security Council calls on all member States to refrain from external interference which seeks to foment conflict and instability and instead to support the political transition (twenty-fourth paragraph)  <i>See also resolution <a href="#">2201 (2015)</a>, para. 9</i>
<hr/> <b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
Resolution <a href="#">2138 (2014)</a> 13 February 2014	<i>Reaffirming</i> its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, to the full and timely implementation of resolution 1591 (2005) and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region (second preambular paragraph)  <i>See also resolution <a href="#">2200 (2015)</a>, second preambular paragraph</i>
Resolution <a href="#">2148 (2014)</a> 3 April 2014	<i>Recalling</i> the importance of the principles of the peaceful settlement of international disputes, good neighbourliness, non-interference and cooperation in the relations among States in the region (third preambular paragraph)  <i>See also resolution <a href="#">2173 (2014)</a>, third preambular paragraph; and resolution <a href="#">2228 (2015)</a>, third preambular paragraph</i>

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<i>Decision and date</i>	<i>Relevant provision</i>
Resolution <a href="#">2155 (2014)</a> 27 May 2014	<i>Reaffirming</i> 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)  <i>See also resolution <a href="#">2187 (2014)</a>, second preambular paragraph; resolution <a href="#">2223 (2015)</a>, second preambular paragraph; resolution <a href="#">2241 (2015)</a>, second preambular paragraph; and resolution <a href="#">2252 (2015)</a>, second preambular paragraph</i>
Resolution <a href="#">2156 (2014)</a> 29 May 2014	<i>Reaffirming</i> 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 United Nations Charter, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation (second preambular paragraph)  <i>See also resolution <a href="#">2179 (2014)</a>, second preambular paragraph; resolution <a href="#">2205 (2015)</a>, second preambular paragraph; resolution <a href="#">2230 (2015)</a>, second preambular paragraph; and resolution <a href="#">2251 (2015)</a>, second preambular paragraph</i>

### *3. 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, in several decisions concerning in particular the Central Africa region and the Democratic Republic of the Congo, the Council called upon governments to cease support for illegal armed groups engaged in undermining peace and stability (see table 4).

Table 4

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

<i>Decision and date</i>	<i>Relevant provision</i>
<b>The Central African region</b>	
<a href="#">S/PRST/2014/25</a> 10 December 2014	The Security Council expresses concern with the statements in the Secretary-General report on UNOCA and the LRA (S/2014/812) that the bulk of the LRA has moved from CAR to the northeast of the Democratic Republic of the Congo (DRC), but continues to carry out attacks against communities in the east of CAR. The Council calls upon the affected States to ensure that the LRA does not find safe haven in their territory, in accordance with international law. The Council takes note that the presence of some senior LRA leaders in the disputed Kafia Kingi enclave, on the border between CAR, South Sudan and Sudan continues to be reported. The Council takes note that the Government of Sudan has denied this. The Council welcomes the invitation extended to the AU to verify reports of LRA presence in Kafia Kingi, and encourages the AU Commission and the AU Peace and Security Council to verify the allegations. The Council expresses its continued concern that the gravity of the national crisis in the CAR and strongly condemns the LRA's opportunistic cooperation in CAR with other armed groups including some ex-Séléka combatants (fifth paragraph)

<i>Decision and date</i>	<i>Relevant provision</i>
<a href="#">S/PRST/2015/12</a> 11 June 2015	The Security Council expresses concern that the LRA continues to pose a regional security threat, particularly in CAR and DRC. The Council calls upon the affected States to ensure that the LRA does not find safe haven in their territory, in accordance with international law. The Council takes note that the presence of some senior LRA leaders in the disputed Kafia Kingi enclave, on the border between CAR, South Sudan and Sudan continues to be reported. The Council takes note that the Government of Sudan has denied this. The Council welcomes the invitation extended to the AU to verify reports of LRA presence in Kafia Kingi, and urges the AU Commission and the AU Peace and Security Council to verify the allegations. The Council expresses its continued concern that the gravity of the national crisis in the CAR and strongly condemns the LRA's opportunistic cooperation in CAR with other armed groups including some ex-Séléka combatants (tenth paragraph)
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution <a href="#">2198 (2015)</a> 29 January 2015	Calls upon all States, especially those in the region, to take effective steps to ensure that there is no support, in and from their territories, for armed groups in the DRC, stressing the need to address the networks of support, financing and recruitment of armed groups active in the DRC, as well as the need to address the ongoing collaboration between FARDC elements and armed groups at a local level, and calls upon all States to take steps to hold accountable, where appropriate, leaders and members of the FDLR and other armed groups residing in their countries (para. 12)
Resolution <a href="#">2211 (2015)</a> 26 March 2015	Reiterates the importance of implementing the PSC Framework to the achievement of long term stability of eastern DRC and the region, urges all signatory States of the PSC Framework to continue to fully and promptly implement their commitments in good faith, including not harbouring war criminals, and calls on the Government of DRC, which has the primary responsibility for safeguarding the DRC's sovereignty and territorial integrity, to make further meaningful progress in implementing its commitments under the PSC Framework (para. 14)

#### *4. Calls on parties to withdraw all military forces from a disputed area or occupied territories*

During the review period, the Council adopted a decision, on 11 August 2015, urging the Government of Israel to expedite withdrawing its army from northern Ghajar, located on the border between Lebanon and Israel.<sup>23</sup> In addition, in connection with the agenda item “Reports of the Secretary-General on the Sudan and South Sudan”, the Council adopted two resolutions calling for the progressive withdrawal of foreign forces from South Sudan.<sup>24</sup>

<sup>23</sup> Resolution [2236 \(2015\)](#), para 9.

<sup>24</sup> Resolutions [2155 \(2014\)](#), twentieth preambular paragraph; and [2206 \(2015\)](#), para. 3.

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

During the period under review, Article 2 (4) of the Charter was explicitly invoked five times during the course of five Council meetings.<sup>25</sup> These invocations as well as the references to the principles of non-use of force and non-interference were the subject of a series of deliberations at the Council under two agenda items, namely “Maintenance of international peace and security” and “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, as featured in cases 3 and 4 below.

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

At the Council’s 7105<sup>th</sup> meeting on 29 January 2014, the representative of the Democratic Republic of the Congo stated that since the establishment of the United Nations, “war and the use of force were supposed to be banished from relations between States ... and Article 2, paragraph 4, establishes the principle of the prohibition of the use of force”. He went on to add that, however, “once one goes outside the framework of self-defen[s]e and Security Council-approved actions, any use of force becomes illegitimate and is a threat to peace, be it a breach of peace or an act of aggression under Chapter VII of the Charter of the United Nations.”<sup>26</sup> The representative of Brazil asserted that the key provisions on the use of force of the United Nations Charter represented the single most important conquest of the international community in preventing wars and that the Security Council remained the central authority responsible for upholding those provisions.<sup>27</sup> The representative of Bangladesh regretted that, although prohibited by the Charter, the use or threat of force in the political field continued to sow skepticism in the minds of people regarding the effectiveness of the United Nations.<sup>28</sup>

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<sup>25</sup> See, under the agenda item “Maintenance of international peace and security” [S/PV.7105](#), p. 71 (Democratic Republic of the Congo); and [S/PV.7389](#), p. 99 (Switzerland); under the agenda item “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, [S/PV.7134](#), p. 3 (Ukraine); [S/PV.7138](#), p. 6 (Lithuania); and [S/PV.7253](#), p. 3 (Lithuania).

<sup>26</sup> [S/PV.7105](#), p. 71.

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

<sup>28</sup> *Ibid.*, p. 68.



During the Council's 7389<sup>th</sup> meeting on 23 February 2015, numerous speakers made references to the principle of the prohibition of the threat or use of force against the territorial integrity or political independence of States, as enshrined in Article 2 (4).<sup>29</sup> For example, the representative of Switzerland opined that "the prohibition of the use of force, as set on in Article 2, paragraph 4, of the Charter is of fundamental importance".<sup>30</sup> The representative of Ecuador stressed that efforts to achieve the purposes of the United Nations must be carried out in conformity of Article 2 of the Charter, in particular the principles of sovereign equality and non-intervention in the internal affairs of States, the respect for which, he added, should be the first concern of the Council.<sup>31</sup> Furthermore, the representative of Poland stated with reference to the crisis in Ukraine that the country was actually facing "external military aggression" and that the values enshrined in the Preamble and in Article 2 of the Charter were being "seriously compromised".<sup>32</sup>

#### Case 4

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

On 3 March 2014, at the 7125<sup>th</sup> meeting, the representative of the United Kingdom, citing the principle enshrined in Article 2 (4), stated that "in assuming control of a sovereign part of Ukraine", the Russian Federation had violated Article 2 of the Charter of the United Nations.<sup>33</sup> The representative of Nigeria called on all concerned to abide by the provisions of the Charter, particularly Article 2, and to refrain from the use of force against the territorial integrity of any State.<sup>34</sup> Similarly, the representative of

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<sup>29</sup> See [S/PV.7389](#), pp. 4-5 (China); p. 6 (Russian Federation); pp. 7-8 (Venezuela (Bolivarian Republic of)); p. 10 (Malaysia); pp. 12-13 (Nigeria); p.14 (United States); p. 17 (Spain); pp. 18-19 (Angola); p. 21 (Jordan); p. 23 (Chad); p. 24 (Chile); pp. 26-27 (Serbia); p. 28 (Ukraine); p. 32 (Sweden); p. 32 (Brazil); pp. 32-33 (Pakistan); p. 35 (European Union); p. 36 (Germany); p. 37 (Cuba); p. 38 (Colombia); p. 39 (South Korea); p. 43 (Australia); p. 50 (Japan); p. 50 (Syrian Arab Republic); p. 52 (South Africa); p. 53 (Kazakhstan); pp. 55-56 (Iran (Islamic Republic of ) on behalf of the Non-aligned Movement); p. 57 (Zimbabwe on behalf of Southern African Development Community); p. 60 (Canada); p. 64 (Albania); p. 65 (Turkey); p. 69 (Romania); p. 71 (Thailand); p. 72 (Burundi); pp. 75-76 (Uruguay); p. 79 (Hungary); p. 80 (Egypt); p. 85 (Nicaragua); p. 86 (Vietnam); p. 87 (Georgia); p. 90 (Azerbaijan); p. 91 (Latvia); p. 92 (Armenia); p. 98 (Kenya); and p. 100 (Morocco).

<sup>30</sup> *Ibid.*, p. 99.

<sup>31</sup> *Ibid.*, p. 77.

<sup>32</sup> *Ibid.*, p. 59.

<sup>33</sup> [S/PV.7125](#), p. 7.

<sup>34</sup> *Ibid.*, p. 11.

Argentina recalled States' obligation to settle international disputes peacefully in respect of the principles contained in Article 2 of the Charter.<sup>35</sup>

During the Council's 7134<sup>th</sup> meeting on 13 March 2014, the representative of Ukraine, invited under Rule 37 of the Provisional Rules of Procedures of the Security Council, expressed his strong belief that Article 2 (4) of the Charter "[was] not questioned by anyone" and that there existed "a chance to resolve this conflict in a peaceful manner".<sup>36</sup>

At the 7138<sup>th</sup> meeting on 15 March 2014, a day prior to the referendum of Crimea, after the Council had failed to adopt a draft resolution,<sup>37</sup> the representative of Lithuania, citing the text of Article 2 (4) in its entirety, stated that by vetoing the draft resolution, the Russian Federation was challenging the very principles on which the United Nations was built.<sup>38</sup> The representative of the United States opined that the draft resolution was grounded in principles that provided the foundation for international stability and law, Article 2 of the Charter of the United Nations, the prohibition of the use of force to acquire territory and respect for the sovereignty, independence, unity and territorial integrity of Member States.<sup>39</sup> The representative of Luxembourg stated that the draft resolution, which recalled the purposes and principles of the United Nations set out in Article 2 of the Charter, was "intended to reaffirm the Security Council's support for the sovereignty, independence, unity and the territorial integrity of Ukraine [and the] Security Council should be unanimous in upholding those principles."<sup>40</sup> Expressing similar sentiments, many other speakers noted that the draft resolution reflected the purposes and principles of the United Nations,<sup>41</sup> in particular the principle of sovereignty, territorial integrity, and independence of Member States<sup>42</sup> as well as States' obligation to refrain from the threat or use of force in international relations.<sup>43</sup> The representative of

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<sup>35</sup> Ibid., p. 11.

<sup>36</sup> [S/PV.7134](#), p. 3.

<sup>37</sup> [S/2014/189](#).

<sup>38</sup> [S/PV.7138](#), p. 6.

<sup>39</sup> Ibid., p. 3.

<sup>40</sup> Ibid., p. 10.

<sup>41</sup> Ibid., p. 5 (United Kingdom); p. 8 (Chile); p.8 (Argentina); p. 8-9 (Australia); p.10 (Chad); p. 10 (Luxembourg); and p. 10 (Jordan).

<sup>42</sup> Ibid., p. 5 (United Kingdom); p. 6 (Lithuania); p. 7 (Rwanda); p. 8 (Chile); p.8 (Argentina); p. 9 (Australia); p.10 (Chad); p. 10 (Luxembourg); and p. 10 (Jordan).

<sup>43</sup> Ibid., p. 6 (Lithuania); p. 8 (Chile); p. 9 (Australia); and p.10 (Chad).

France opined that the Russian Federation’s vetoing of the draft resolution was tantamount to vetoing the Charter of the United Nations.<sup>44</sup>

While several speakers expressed explicit support for respecting Ukraine’s sovereignty and territorial integrity<sup>45</sup> and non-interference of the country’s internal affairs,<sup>46</sup> the representative of China, who had abstained at the vote, stated that his country “always respects the sovereignty and territorial integrity of all States”, while noting that “foreign interference is also a significant factor” contributing to the violence and crisis in Ukraine.<sup>47</sup> In addition, the representative of Nigeria said her country was “fundamentally opposed to the threat or use of force in settling international disputes” and to unilateral “secession or forceful excision of territory” designed to alter the configuration of States in their internationally recognized boundaries.”<sup>48</sup> Similarly, the representative of Luxembourg stated that the referendum was “intended to change the status of the Ukrainian territory against the will of Ukraine”.<sup>49</sup> Furthermore, she regarded the Russian Federation’s decision to authorize the use of the Russian armed forces on Ukrainian territory and the subsequent actions undertaken as “a flagrant violation of international law”.<sup>50</sup> The representatives of Lithuania and Australia urged the Russian Federation to withdraw its forces.<sup>51</sup>

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

The official correspondence of the Security Council from 2014 to 2015 included three explicit references to Article 2 (4) of the Charter and one implicit reference where Article 2 was invoked in its entirety.

In a letter dated 13 March 2014 addressed to the President of the Security Council, the permanent representative of Ukraine transmitted an address adopted by the

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<sup>44</sup> Ibid., p. 5 (France).

<sup>45</sup> Ibid.,; p. 6 (Lithuania); p. 9 (Australia); p. 9 (Republic of Korea); p. 10 (Chad); and p. 10 (Jordan).

<sup>46</sup> Ibid., p. 8 (Argentina); p. 9 (Republic of Korea).

<sup>47</sup> Ibid., p. 7.

<sup>48</sup> Ibid., p. 9.

<sup>49</sup> Ibid., p. 10.

<sup>50</sup> Ibid., p. 11.

<sup>51</sup> Ibid., p. 7 (Lithuania); and p. 9 (Australia).

Parliament of Ukraine, calling upon the United Nations to examine the situation in Crimea. The address made reference to the violations by the Russian Federation of principles of international law, stipulated by the United Nations Charter, citing among others, Articles 2 (3) and (4) of the Charter.<sup>52</sup>

In a letter dated 23 October 2014 to the Secretary-General, the Permanent Representative of the United Arab Emirates rejected Iran's sovereignty claims over the islands of Lesser Tunb, Greater Tunb and Abu Musa, adding that the occupation of Iranian forces on Greater Tunb and Lesser Tunb was "in contravention of the United Nations Charter, Article 2, paragraph 4".<sup>53</sup>

The permanent representative of Lebanon, in identical letters dated 10 June 2015 to the Secretary-General and the President of the Security Council, indicated, with reference to certain allegations made by Israeli officials, that these allegations contravened "Article 2, paragraph 4 of the Charter, which provides that all Members shall refrain 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".<sup>54</sup>

On 23 February 2015, the Permanent Representative of the Syrian Arab Republic addressed identical letters to the Secretary-General and the President of the Security Council, which stated that the Turkish Government's relocation of the tomb of Sulayman Shah from Qal'at Ja'bar to a different location, both of which were in Syria, was in violation of international law and conventions, in particular Article 2 of the Charter, "under which 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, is prohibited."<sup>55</sup>

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<sup>52</sup> [S/2014/186](#), p. 2.

<sup>53</sup> [S/2014/759](#), p.1.

<sup>54</sup> [S/2015/428](#), p. 2.

<sup>55</sup> [S/2015/132](#), pp. 2-3.

### **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**

This section is pertinent to 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. During the period under review, there was no reference made to Article 2 (5) in the deliberations of the Council that construed to constitutional discussions. The official correspondence of the Council did not contain any material with explicit or meaningful implicit bearings on Article 2 (5) either. Therefore, this section only deals with decisions relating to Article 2 (5).

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

During the period under review, Article 2 (5) was explicitly invoked only once in a resolution on protection of civilians in armed conflict, in which the Security Council reaffirmed its commitment to the principles as set out in Article 2, paragraphs 1 to 7, of the Charter.<sup>56</sup> The Council also adopted several decisions which may have an implicit bearing on the principle enshrined in Article 2 (5), as reflected in table 5 below, in connection with the situation concerning the Democratic Republic of the Congo, the situation in Libya and Threats to international peace and security caused by terrorist acts.

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<sup>56</sup> [Resolution 2222 \(2015\)](#), third preambular paragraph.

Table 5  
**Decisions of the Security Council containing provisions relating to Article 2 (5)**

<i>Decision and date</i>	<i>Relevant provision</i>
<b>The situation concerning the Democratic Republic of the Congo</b>	
<a href="#">S/PRST/2014/22</a> 5 November 2014	The Security Council further recalls that the swift neutralisation of the FDLR is a top priority in bringing stability to and protecting the civilians of the DRC and the Great Lakes region, in line with the wider commitments made in the Peace, Security and Cooperation (PSC) Framework for the DRC and the region. The Security Council recalls that leaders and members of the FDLR were among the perpetrators of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, and recalled that the FDLR is a group under United Nations sanctions, operating in the DRC, and which has continued to promote and commit ethnically based and other killings in Rwanda and in the DRC. The Security Council reiterates its call on the region to comply with the commitments under the PSC Framework and to neither tolerate nor provide assistance or support of any kind to armed groups and to neither harbor nor provide protection of any kind to persons accused of violations of international humanitarian law and violations and abuses of human rights, in particular war crimes, crimes against humanity, acts of genocide, or persons falling under the United Nations sanctions regime. The Security Council further reiterates its readiness to consider targeted sanctions against any individual or entity found to be supporting the FDLR or any other armed group in the DRC (second paragraph)
<b>The situation in Libya</b>	
Resolution <a href="#">2214 (2015)</a> 27 March 2015	Reaffirming its resolution 1373 (2001) and in particular its decisions that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists (eight preambular paragraph)
<b>Threats to international peace and security caused by terrorist acts</b>	
Resolution <a href="#">2133 (2014)</a> 27 January 2014	Reaffirms its resolution 1373 (2001) and in particular its decisions that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists (para. 1)  <i>See also resolution <a href="#">2170 (2014)</a>, para. 11; Resolution <a href="#">2199 (2015)</a>, eleventh preambular paragraph; and resolution <a href="#">2253 (2015)</a>, tenth preambular paragraph</i>  Further reaffirms its decision in resolution 1373 (2001) that all States shall prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons; (para. 2)
Resolution <a href="#">2170 (2014)</a> 15 August 2014	Recalls its decision in resolution 2161 (2014) that all States shall ensure that no funds, financial assets or economic resources are made available, directly or indirectly for the benefit of ISIL, ANF, or any other individuals, groups, undertakings and entities associated with Al-Qaida, by their nationals or by persons within their territory, and reaffirms its decision in resolution 1373 (2001) that all States shall prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, or for the benefit of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons (para. 12)

#### **IV. Non-intervention in 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**

This section concerns the practice of the Security Council concerning the principle of non-intervention of the United Nations in internal affairs of States enshrined in Article 2 (7) of the Charter. In the period from 2014 to 2015, the Council made one explicit reference as well as several implicit references to Article 2 (7) in its decisions, as illustrated in Subsection A below. Subsection B features the deliberations of the Council touching upon the principle enshrined in Article 2 (7). Finally, Subsection C provides a brief summary of explicit references to Article 2 (7) in the correspondence of the Council.

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

From 2014 to 2015, Article 2 (7) was explicitly referred to only once in a resolution, as featured in other subsections above, adopted under the agenda item entitled “Protection of civilians in armed conflict”.<sup>57</sup> There were no implicit references to Article 2 (7) in the decisions of the Council during the period under review.

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<sup>57</sup> Resolution [2222 \(2015\)](#), third preambular paragraph.

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

From 2014 to 2015, Article 2 (7) was explicitly invoked twice in the Council's deliberations. During a discussion under the agenda item entitled "Maintenance of international peace and security", the representative of Papua New Guinea reaffirmed his country's "support for the principle of non-interference in the internal affairs of sovereign States, as noted in Article 2, paragraph 7".<sup>58</sup> In another meeting under the agenda item entitled "Implementation of the note by the President of the Security Council (S/2010/507)", the representative of the Holy See noted that while the search for effective juridical means for practical applications of the principle of the responsibility to protect must be one of the most urgent priorities of the United Nations, actions taken in accordance with the responsibility to protect could "lead to conflicts with a strictly literal interpretation" of the principle of non-intervention, as enshrined in paragraph 7 of Article 2 of the Charter.<sup>59</sup>

From 2014 to 2015, Member States made numerous statements of relevance to the interpretation and application of Article 2 (7) of the Charter. However, the majority of them did not lead to constitutional discussions.<sup>60</sup> This notwithstanding, in a meeting held under the agenda item "Protection of civilians in armed conflict" the tension existing between the principle of the responsibility to protect and non-interference in the internal affairs of States were weighed in, as described in case 5 below.

### **Case 5 Protection of civilians in armed conflict**

At the Council's 7109<sup>th</sup> meeting held on 12 February 2014, under the agenda item of "Protection of civilians in armed conflict", the Council heard, among others, the briefing of the Under-Secretary-General for Peacekeeping Operations. In his briefing to

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<sup>58</sup> [S/PV.7389](#), p. 76.

<sup>59</sup> [S/PV.7539\(Resumption1\)](#), p. 8.

<sup>60</sup> See for example, in relation to the situation in the Middle East, including the Palestinian question, [S/PV.7096 \(Resumption1\)](#), p. 22 (Qatar); and [S/PV.7540](#), pp. 5-7 (Palestine); in relation to United Nations peacekeeping operations, [S/PV.7464](#), p. 21 (Venezuela (Bolivarian Republic of)); in relation to the situation in the Middle East, [S/PV.7476](#), p. 4 and p. 6 (Syrian Arab Republic); in relation to the situation in Bosnia and Herzegovina, [S/PV.7481](#), p. 10 (Venezuela (Bolivarian Republic of)); p. 19 (Angola); in relation to the situation in the Democratic People's Republic of Korea, [S/PV.7575](#), p. 16 (Malaysia).



the Council, he stated that peacekeeping was viable ultimately only with the consent of the host Government and thus “should never be confused with non-consensual intervention” under the responsibility to protect framework.<sup>61</sup> Many speakers affirmed that the responsibility to protect civilians rested primarily with the state.<sup>62</sup> The representative of Chile, echoed by the representative of Australia, opined that the international community had a responsibility to protect civilians when states failed or were unable to do so.<sup>63</sup> The representative of Australia further added that such a responsibility should be upheld by the Security Council.<sup>64</sup> Similarly, the representative of Italy noted that when states were too weak or unable to deliver protection, the United Nations needed to “grab hold of the reins”, should Member States so permit.<sup>65</sup>

The representative of Sudan stated that the concept of the responsibility to protect was subject to different interpretations and noted its contradiction with the “principle enshrined in the Charter, namely, respect for national sovereignty and State’s primary responsibility for the protection of their civilians”.<sup>66</sup> The representative of Cuba stated that authorizing field missions to use offensive actions was a delicate and contentious issue, in light of the basic principles governing the operation of peacekeeping missions, including respect for sovereign equality, political independence and territorial integrity of all States, and non-interference in the internal affairs of states. He further stressed that Member States must ensure that those principles were strictly upheld and remove any barriers to their application.<sup>67</sup> The representative of the Syrian Arab Republic, pointing out that the issue of protection of civilians in armed conflict “continued to be used selectively”, emphasized that states were the only actors mandated to maintain their internal security and stability and that the protection of civilians could only be carried out through full commitment to the principles of international law and the provisions of the

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<sup>61</sup> [S/PV.7109](#), p. 7.

<sup>62</sup> *Ibid.*, p. 17 (China); p. 18 (Chile); p. 22 (Rwanda); P. 25 (Jordan); p. 27 (Nigeria) and (Lithuania); p. 30 (Estonia); p. 39 (Switzerland); p. 47 (Pakistan); p. 48 (Syria); p. 51 (Thailand); p. 53 (Italy); p. 61 (Cuba); p. 64 (Botswana); p. 65 (Turkey); p. 73 (Morocco); and p. 80 (Sudan).

<sup>63</sup> *Ibid.*, p. 18 (Chile); p. 13 (Australia).

<sup>64</sup> *Ibid.*, p. 13.

<sup>65</sup> *Ibid.*, p. 53.

<sup>66</sup> *Ibid.*, p. 80.

<sup>67</sup> *Ibid.*, pp. 61-62.

Charter, including the principles of the sovereign equality of States and non-interference in internal affairs.<sup>68</sup>

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

During the period under review, the principle enshrined in Article 2 (7) of the Charter was explicitly invoked four times, all of which were in annexes to letters circulated as official documents of the Security Council, relating to the events in Ukraine, humanitarian deliveries in Syria, and the expulsion of two United Nations staff members from the Sudan, respectively.<sup>69</sup>

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<sup>68</sup> *Ibid.*, p. 48.

<sup>69</sup> In relation to the events in Ukraine, see [S/2014/331](#), annex, p. 20; in relation to humanitarian deliveries in Syria, see [S/2014/426](#), annex, p. 2; in relation to the expulsion of United Nations staff from the Sudan, see [S/2014/951](#), annex, p. 2 and p. 3.