
Part III
**Purposes and principles of the Charter of
the United Nations**

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Introductory note

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

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

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

Article 1, paragraph 2

[The Purposes of the United Nations are:]

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

Note

Section I concerns the practice of the Council regarding the principle of equal rights and self-determination of peoples as enshrined in Article 1 (2) of the Charter of the United Nations. Subsection A features decisions relevant to the principle enshrined in Article 1 (2). Subsection B describes the references

made to the principle of self-determination in Council discussions during the reporting period. Subsection C sets out instances in which the principle of self-determination was invoked in communications addressed to the Council.

A. Decisions relating to Article 1 (2)

During the period under review, the Council did not explicitly invoke Article 1 (2) in its decisions. However, several implicit references in its decisions are relevant to 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
The situation in Western Sahara	
Resolution 2414 (2018) 27 April 2018	<p>Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect (fourth preambular paragraph)</p> <p><i>See also resolution 2440 (2018), 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 notes the role and responsibilities of the parties in this respect (para. 3)</p> <p><i>See also resolution 2440 (2018), para. 4</i></p> <p>Affirms its full support for the intention of the Secretary-General and his Personal Envoy in this context to relaunch the negotiations with a new dynamic and a new spirit with the aim of reaching a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations (para. 13)</p>

B. Constitutional discussions relating to Article 1 (2)

During the period under review, Article 1 (2) was not explicitly invoked in the deliberations of the Council. However, speakers made references to the

principle of self-determination in the context of both country-specific and thematic discussions.

At the 8183rd meeting, held on 20 February under the item entitled “The situation in the Middle East, including the Palestinian question”, the President of the State of Palestine asserted that the State of

Palestine would “present any agreement reached with Israel to a general referendum among our people so as to respect democracy and strengthen legitimacy”.¹ At the same meeting, several speakers expressed support for the right of the Palestinian people to self-determination.² Similar references to the principle of self-determination were made by speakers at other meetings held under the same item.³

On 21 February, at the 8185th meeting, held under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”, the Secretary-General stated that the Charter’s principles – namely, the non-use of force, the peaceful settlement of disputes, non-intervention, cooperation, self-determination and the sovereign equality of Member States – remained the foundation of international relations.⁴ The representatives of Kuwait and the United States echoed his statement, both recalling the need to respect the principles and purposes of the Charter, including equal rights and the right to self-determination.⁵ The representative of

Kuwait lamented that those principles and purposes were “flagrantly flouted” in ways that undermined not only regional peace and security, but also international security in general.⁶

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

In connection with the situation in eastern Ukraine, at the 8270th meeting, held on 29 May 2018 under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, the representative of the Russian Federation recalled that the provisions of the Minsk agreements included “residents’ right to linguistic self-determination, broad self-governance and support for cross-border cooperation with Russia”.⁸ At the same meeting, the representative of the United States accused the Russian forces of seizing the Parliament building in Crimea back in 2014 and imposing an “illegitimate referendum on the people”.⁹

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

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

¹ S/PV.8183, p. 10.

² Ibid., p. 20 (Kazakhstan), p. 23 (Poland) and p. 28 (Kuwait).

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

⁴ S/PV.8185, p. 2. The Council had before it a concept note annexed to a letter dated 1 February 2018 from the representative of Kuwait to the Secretary-General (S/2018/85) and a summary of the debate was circulated after the meeting in a communication from the representative of Kuwait (S/2018/318).

⁵ S/PV.8185, p. 7 (Kuwait, Deputy Prime Minister and Minister for Foreign Affairs) and p. 12 (United States).

⁶ Ibid., p. 7.

⁷ S/PV.8254, p. 25.

⁸ S/PV.8270, p. 23.

⁹ Ibid., p. 16.

¹⁰ See S/PV.8246, p. 2 (United States), p. 3 (Ethiopia), pp. 5–6 (Sweden), p. 6 (United Kingdom), p. 7 (Kuwait), pp. 7–8 (Plurinational State of Bolivia), p. 8 (Netherlands) and p. 9 (Peru); and S/PV.8387, p. 2 (United States), p. 4 (Sweden and United Kingdom), p. 5 (Ethiopia), p. 7 (Netherlands and Peru) and p. 8 (Plurinational State of Bolivia).

Case 1
Maintenance of international peace and security

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

At the meeting, the representative of Qatar underscored that it was essential to avoid any undermining of international peace and security and uphold Article 1 of the Charter and stressed the need to respect the right of people to self-determination.¹² The representative of Uruguay emphasized the importance of not losing sight of the principles of non-intervention and self-determination in dealing with internal conflicts.¹³ The representative of Armenia stressed that “equal rights and self-determination for peoples” were fundamental principles enshrined in the Charter and that the right to self-determination by freely determining one’s political status and freely pursuing one’s economic, social and cultural development belonged to all peoples. He added that the right to self-determination should not be “restricted, suspended or turned into an issue of territorial dispute”, that the principle of that right was a “binding and universally

recognized fundamental norm of international law for all States, with no exceptions” and that its implementation derived from international obligations assumed by States.¹⁴

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 made in the communications addressed to the Council. However, 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,¹⁵ the Middle East, including the Palestinian question,¹⁶ Nagorno-Karabakh¹⁷ and the India-Pakistan question.¹⁸ In his reports to the Council pursuant to resolution 2367 (2017), regarding the 2017 referendum for Iraqi Kurdistan,¹⁹ and on the situation concerning Western Sahara,²⁰ the Secretary-General also made references to the principle of self-determination.

¹¹ The Council had before it a concept note annexed to a letter dated 3 May 2018 from the representative of Poland to the Secretary-General (S/2018/417/Rev.1), and a summary of the debate was circulated after the meeting in a communication from the representative of Poland (S/2018/560).

¹² S/PV.8262, p. 58.

¹³ Ibid., pp. 68–69.

¹⁴ Ibid., pp. 87–88.

¹⁵ See, for example, S/2018/306, annex; S/2018/673, annex; S/2018/711, annex; S/2018/761, annex; S/2018/908, annex; and S/2018/910/Rev.1, enclosure.

¹⁶ See, for example, S/2018/458; S/2018/470; and S/2018/858.

¹⁷ See, for example, S/2018/77; S/2018/124, annex III; S/2018/150, annex; and S/2018/433, annex.

¹⁸ See, for example, S/2018/308, annex; and S/2018/695, annex.

¹⁹ S/2018/42, paras. 19, 20 and 36.

²⁰ S/2018/277, paras. 17, 21, 29, 53, 72 and 77; and S/2018/889, paras. 17, 23, 64 and 86.

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

Article 2, paragraph 4

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

Note

Section II covers the practice of the Council concerning the principle of the prohibition of the threat

or use of force under Article 2 (4) of the Charter. Subsection A includes implicit references to Article 2 (4) in decisions adopted by the Council. Subsection B highlights constitutional discussions relating to the threat or use of force. Subsection C features explicit references in communications to the Council to the principle enshrined in Article 2 (4), as well as implicit invocations of Article 2, including language relating to the principles enshrined in paragraph 4.

A. Decisions relating to Article 2 (4)

During the period under review, the Council did not adopt any decision containing explicit references to Article 2 (4). In a number of its decisions, however, the Council underlined the principles of Article 2 (4) by (a) reaffirming the prohibition of the threat or use of force in international relations; (b) reiterating the importance of good-neighbourliness and non-interference by States in the internal affairs of others; (c) calling for the cessation of support by States to armed groups engaged in destabilizing national and

regional peace and security; and (d) calling upon parties to withdraw all military forces from a disputed area. The four themes are covered below.

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

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

Table 2

Decisions in which the Council affirmed the prohibition of the threat or use of force in international relations

Decision and date

Provision

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

Resolution 2416 (2018)
15 May 2018

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, and underscoring that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the Agreement and not by the unilateral actions of either party (third preambular paragraph)

Also see resolution 2445 (2018), third preambular paragraph

The situation in the Middle East

Resolution 2426 (2018)
29 June 2018

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)

Also see resolution 2450 (2018), third preambular paragraph

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 advantage of the liaison function of the United Nations Disengagement Observer Force regularly to address issues of mutual concern, as appropriate, 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)

Also see resolution 2450 (2018), para. 2

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

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

with regard to the situations in the Central African Republic, the Democratic Republic of the Congo, Libya and South Sudan and the 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 in which the Council affirmed the principle of good-neighbourliness, non-interference and regional cooperation among States

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2399 (2018) 30 January 2018	Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic, and recalling the importance of the principles of non-interference, good-neighbourliness and regional cooperation (second preambular paragraph) <i>Also see resolution 2448 (2018), second preambular paragraph</i>
S/PRST/2018/14 13 July 2018	The Security Council reaffirms its strong commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic, and recalls the importance of the principles of non-interference, good-neighbourliness and regional cooperation (final paragraph)
The situation concerning the Democratic Republic of the Congo	
Resolution 2409 (2018) 27 March 2018	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>Also see resolution 2424 (2018), second preambular paragraph</i> Welcomes the renewed commitment of all the signatory States to the Peace, Security and Cooperation Framework towards its full implementation, as expressed in the communiqué of the eighth high-level meeting of the Regional Oversight Mechanism, held in Brazzaville on 19 October 2017, reaffirms that the 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 Framework, including not interfering in the internal affairs of neighbouring countries, neither tolerating nor providing assistance or support of any kind to armed groups, and neither harbouring nor providing protection of any kind to persons accused of war crimes, crimes against humanity or acts of genocide (para. 23)
The situation in Libya	
S/PRST/2018/11 6 June 2018	The Security Council calls on all Libyans to improve the atmosphere for national elections by all means possible, including by working constructively towards the unification of the military and economic institutions of Libya; unified and strengthened national security forces, under civilian government authority; and the unifying of the Central Bank of Libya, and recalls the need for Member States to cease support to and official contact with parallel institutions that claim to be the legitimate authority but are outside of the Libyan Political Agreement, as stipulated by it (sixth paragraph)
Reports of the Secretary-General on the Sudan and South Sudan	
Resolution 2406 (2018) 15 March 2018	Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of South Sudan, and recalling the importance of the principles of non-interference, good-neighbourliness and regional cooperation (second preambular paragraph)
Resolution 2429 (2018) 13 July 2018	Recalling the importance of the principles of the peaceful settlement of international disputes, good-neighbourliness, non-interference and cooperation in the relations among States in the region (third preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution 2445 (2018) 15 November 2018	Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the 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)
	<i>Also see resolution 2416 (2018), second preambular paragraph</i>

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 situations in Burundi²¹ and the Democratic Republic of the Congo.²²

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

²² Resolution [2409 \(2018\)](#), para. 23.

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

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

Table 4

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

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

B. Constitutional discussions relating to Article 2 (4)

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

At the 8175th meeting, held on 6 February under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the representative of Mexico expressed concern about the use of references to Article 51 of the Charter by some

States to address threats to international peace and security with military action, which, he stated, “coupled with the ambiguous language of recent Council resolutions”, ran the risk of a “de facto broadening of exceptions to the general prohibition on the use of force, as set out in Article 2, paragraph 4 of the Charter”.²³ The representative of Brazil stressed the need to devote more attention to the working methods of the Council as they related to the use of force, and in particular, the invocation of self-defence under Article 51. In that connection, he considered it critical

²³ [S/PV.8175](#), p. 58.

that States provide sufficient information regarding the attack based on which self-defence was being invoked to allow for the appraisal of the proportionality and necessity of interventions.²⁴

At the 8181st meeting, held on 14 February 2018 under the item entitled “The situation in the Middle East”, the representative of the Syrian Arab Republic opened his statement by noting that Article 2 (1), (4) and (7) of the Charter provided for respect for the principle of the sovereign equality of all Member States and provided that all Members should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.²⁵

At the 8203rd meeting, held on 14 March 2018 under the item entitled “Letter dated 13 March 2018 from the Chargé d’affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2018/218)”, the representative of the United Kingdom said that the Russian Federation was responsible for the nerve agent attack in Salisbury against Sergei Skripal in what the United Kingdom considered to be “an unlawful use of force and a violation of Article 2 of the Charter”.²⁶ In reference to the letter from the United Kingdom, the representative of the Russian Federation said that it contained threats to a sovereign State and permanent member of the Council that were “contrary to international law and Article 2, paragraph 4, of the Charter.”²⁷

At the 8270th meeting, held on 29 May under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, the Minister for Foreign Affairs of the Netherlands stated that “the illegal annexation of Crimea and the active, destabilizing role of Russia in Donbass” went directly against Article 2 (4) of the Charter.²⁸ At the 8410th meeting, held on 26 November under the same item, the representative of the United Kingdom stated that the illegal annexation of Crimea by the Russian Federation “constituted a deliberate violation of international agreements and commitments, including Article 2 of the Charter”.²⁹

At the 8432nd meeting, held on 19 December also under the item entitled “The situation in the Middle East”, the representative of Lebanon condemned the “constant violations” of Lebanese sovereignty by Israel by land, air and sea, in contravention of resolution 1701 (2006) and of “a key provision” of Article 2 (4) of the Charter.³⁰

Cases 2 to 5 below, which cover relevant deliberations of the Council under the items entitled “Maintenance of international peace and security” and “Threats to international peace and security”, feature the remaining 11 explicit invocations of Article 2 (4), as well as 4 broader invocations of Article 2, including language relating to paragraph 4, and several implicit references to the principles of the non-use of force and non-interference. Also, Article 2 (4) was implicitly invoked at various other Council meetings during the reporting period.³¹

³⁰ S/PV.8432, p. 14.

³¹ See, for example, under the item entitled “Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe”, S/PV.8200, pp. 4–5 (Sweden), p. 5 (Plurinational State of Bolivia), p. 11 (Poland) and p. 14 (United Kingdom); under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, S/PV.8340, p. 6 (Russian Federation), p. 14 (Kazakhstan) and p. 22 (Bolivarian Republic of Venezuela), and S/PV.8414, p. 56 (Islamic Republic of Iran), p. 62 (Brazil) and p. 68 (Azerbaijan); under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, S/PV.8410, p. 2 (Under-Secretary-General for Political Affairs), p. 3 (United States), pp. 3–4 (United Kingdom), pp. 4–5 (France), p. 5 (Poland), p. 6 (Sweden), p. 7 (Kazakhstan and Peru), p. 8 (Kuwait), p. 9 (Netherlands and China), pp. 10–12 (Ukraine) and pp. 13–14 (Russian Federation); under the item entitled “Maintenance of international peace and security”, S/PV.8293, p. 8 (Kazakhstan), p. 9 (China), p. 18 (Plurinational State of Bolivia), p. 24 (Equatorial Guinea), p. 25 (Kuwait), pp. 33–34 (Egypt), p. 36 (Greece), p. 38 (Syrian Arab Republic), p. 45 (League of Arab States), p. 47 (Qatar), p. 51 (Libya), p. 54 (Bahrain) and p. 55 (Iraq), and S/PV.8334, p. 18 (Kazakhstan), p. 31 (Islamic Republic of Iran), p. 53 (Sri Lanka), pp. 66–67 (Azerbaijan) and pp. 74–75 (Bahrain); under the item entitled “Protection of civilians in armed conflict”, S/PV.8264, p. 26 (Russian Federation), p. 36 (Pakistan) and pp. 75–76 (Syrian Arab Republic); under the item entitled “The situation in the Middle East”, S/PV.8373, p. 10 (China), p. 11 (Peru), p. 12 (Kazakhstan), p. 17 (Equatorial Guinea), p. 18 (Russian Federation), p. 19 (Plurinational State of Bolivia), pp. 20–22 (Syrian Arab Republic), p. 22 (Jordan) and p. 25 (Saudi Arabia), and S/PV.8406, p. 9 (Peru), pp. 12–13 (Plurinational State of Bolivia) and p. 13 (Russian Federation); under the item entitled “The situation in the Middle East, including the Palestinian question”, S/PV.8244, p. 53 (Cuba) and p. 64 (Bahrain).

²⁴ Ibid., pp. 24–25. For more information on the practice concerning Article 51 and the right to self-defence, see part VII, sect. X.

²⁵ S/PV.8181, p. 10.

²⁶ S/PV.8203, p. 2.

²⁷ Ibid., p. 8.

²⁸ S/PV.8270, p. 8.

²⁹ S/PV.8410, p. 4.

Case 2 Maintenance of international peace and security

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

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

rights up front, and other intrusive instruments” in order to achieve unilateral goals. He further disapproved of the “new phenomenon” of States accusing other countries of interference, while persistently engaging in such interference themselves.³⁶ The representative of the Plurinational State of Bolivia categorically rejected the use or threat of use of force unless it was in full compliance with Chapter VII of the Charter and the multilateral system underpinning the Organization. He condemned States that claimed that their interests prevailed over others and were willing to use their military power to protect those interests, and noted that breaches of the purposes and principles of the Charter included not only intervention but also the threat of the use of force. He concluded by stating that justice existed to promote coexistence by emphasizing peace and dialogue and not force or other unilateral actions.³⁷

The representative of Peru expressed concern about the “unsystematic manner” in which the Charter was often interpreted. He pointed out that the Charter principles of sovereignty, territorial integrity and non-interference often conflicted with principles of justice and the obligation of States to act in accordance with the Charter itself, including in the area of human rights. While noting that this tended to result in an impasse, he reiterated that the principles of Article 2 were geared towards collective action and emphasized that the Charter required State cooperation, while still respecting sovereignty, “to carry out the purposes listed in Article 1”.³⁸ On a similar note, the Minister for Foreign Affairs of Côte d’Ivoire stated that the growing number of inter-State conflicts and civil wars was “straining the United Nations peacekeeping system”. He noted that this raised the question of the legitimacy, legality and necessity of the use of force to prevent a civilian massacre without prior authorization from the Council.³⁹ The Minister for Foreign Affairs of Poland stated that acts undertaken without respect for Article 2 diminished the significance of the Charter and the global peace architecture. He added that, as the Council had proved “to be a guardian of the purposes and principles of the Charter”, the Council should therefore be considered the “ultimate custodian” of the principle of the territorial sovereignty of States and the prohibition of the threat or use of force.⁴⁰

³² The Council had before it a concept note annexed to a letter dated 1 February 2018 from the representative of Kuwait to the Secretary-General (S/2018/85), and a summary of the debate was circulated after the meeting in a communication from Kuwait (S/2018/318).

³³ S/PV.8185, p. 2.

³⁴ Ibid., p. 7.

³⁵ Ibid. p. 14.

³⁶ Ibid., pp. 22–23.

³⁷ Ibid., pp. 28–29.

³⁸ Ibid., p. 19.

³⁹ Ibid., p. 11.

⁴⁰ Ibid., p. 9.

Case 3
Maintenance of international peace and security

At the 8262nd meeting, held on 17 May 2018, at the initiative of Poland, which held the presidency for the month, the Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding international law within the context of the maintenance of international peace and security”.⁴¹ Numerous speakers underlined the paramount importance of the principles of the non-use of force and non-intervention.⁴² The representative of the European Union emphasized that all States must refrain from actions that were in violation of Article 2 (4) of the Charter, which prohibited the threat or use of force.⁴³ The representative of Peru referred to the prohibition against the use of force as “one of the cornerstones of the international order”. However, he expressed concern that some countries were testing arguments and interpretations that were “ultimately alien to international law”.⁴⁴ Likewise, the representative of the Plurinational State of Bolivia criticized the “reinterpretation, redefining or selective application of the provisions” of the Charter and other international instruments by some States. He noted that this was “reflected in interventions, occupations, regime-change policies and the application of unilateral coercive measures”, which, in flagrant violation of the sovereignty, independence and territorial integrity of States, had “led to humanitarian disasters” and “destroyed entire nations under the rationale of enforcing international law”. He specified that Article 2 (4) of the Charter was “very clear” in calling upon Member States to refrain from the threat or use of force against the territorial or political independence of

any State and further noted that one could “clearly not claim to defend international law by violating international law”.⁴⁵ The representative of Sri Lanka underscored that upholding international law within the context of the maintenance of international peace and security required “absolute adherence to Article 2 of the Charter”, which included the prohibition of the threat or use of force.⁴⁶

The representative of the Russian Federation noted that the principles of good faith and cooperation among States were being increasingly replaced by military, sanctions-based or political pressure, “taking the world back to an era before the Charter, when all disputes between States were resolved by force”. Mentioning Article 2 (4), he specified that military force against a State was only permitted when sanctioned by the Council or in self-defence. More explicitly, he criticized the United States and its coalition partners for their presence in the Syrian Arab Republic as they had not been invited by the Government of the Syrian Arab Republic and condemned the coalition’s strikes on the country on 14 April 2018 as illegal. He noted that only the United Kingdom had “attempted” to validate its actions, using the concept of “humanitarian intervention as essential to preventing the suffering of the Syrian people”. The representative of the Russian Federation rejected, however, this justification and claimed that to use humanitarian intervention as a justification for an armed attack on a sovereign State was “absurd”.⁴⁷ The representative of the Islamic Republic of Iran complained that certain Member States tended to use intimidation and the use or threat of force to impose their will on others, especially in the case of the Middle East. He stated that unilateral measures, in the form of illegal recourse to war, occupation, aggression and denial of the sovereignty of Member States, were “obvious manifestations of the rule of power, not the rule of law”.⁴⁸ The representative of the Bolivarian Republic of Venezuela accused the United States of conducting a “systematic campaign of acts of aggression” against his country, stressing that the adoption and implementation of unilateral coercive measures, including even the threat of military intervention, were in flagrant violation of international law and the purposes and principles of the Charter.⁴⁹

The representative of the United States criticized the argument that a nation’s sovereignty precluded

⁴¹ The Council had before it a concept note annexed to a letter dated 3 May 2018 from the representative of Poland to the Secretary-General (S/2018/417/Rev.1), and a summary of the debate was circulated after the meeting in a communication from the representative of Poland (S/2018/560).

⁴² S/PV.8262, p. 19 (Peru), p. 20 (China), p. 22 (Sweden), p. 25 (Côte d’Ivoire), p. 30 (Ethiopia), p. 34 (Latvia), p. 35 (Indonesia), p. 36 (Georgia), p. 42 (Greece and Liechtenstein), pp. 44–45 (Brazil), p. 47 (Mexico), p. 53 (Islamic Republic of Iran), p. 55 (European Union), p. 58 (Qatar), pp. 60–61 (Ukraine), p. 62 (African Union), p. 68 (Uruguay), p. 71 (Morocco), p. 74 (Sri Lanka), pp. 75–76 (Azerbaijan), p. 76 (Lebanon), p. 77 (Cuba), p. 79 (Cyprus), p. 81 (Turkey), p. 82 (Bolivarian Republic of Venezuela, on behalf of the Non-Aligned Movement) and p. 84 (Viet Nam).

⁴³ Ibid., p. 55.

⁴⁴ Ibid., pp. 19–20.

⁴⁵ Ibid., pp. 23–24.

⁴⁶ Ibid., p. 74.

⁴⁷ Ibid., pp. 26–27.

⁴⁸ Ibid., pp. 53–54.

⁴⁹ Ibid., p. 83.

outside action even when people were suffering. While recognizing the sovereignty of her country and that of other nations, she noted that joining the United Nations itself was a freely chosen act of sovereignty. She further stated that Governments could not use sovereignty as a shield when they committed mass atrocities, spread weapons of mass destruction or perpetrated acts of terrorism and added that, in such instances, the Council must be prepared to act.⁵⁰

The representative of Brazil referred to the reinterpretation of the law on self-defence and problematic readings of Article 2 (4) of the Charter. He expressed disagreement with applying self-defence as a response to non-State actors. He further emphasized that Article 51 was an exception to Article 2 (4) and that self-defence must be interpreted as a response to an armed attack undertaken by, or somehow attributable to, a State. The representative of Brazil went on to note that Article 2 (4) did not envisage the use of force as a “self-help mechanism” or as a response to violations of general international law, and expressed disagreement with the tendency to unilaterally resort to force for protecting human rights or forestalling international crimes. He rejected the viewpoint that Article 2 (4) prohibited the use of force only when it went against the territorial integrity or political independence of a State and stressed that the aim of Article 2 (4) was to reinforce the prohibition of the use of force. He added that a resolve to stop human rights violations and defeat terrorism could not allow States to ignore international law.⁵¹ Other States also expressed concern about ambiguities regarding Article 2 (4). The representative of Cyprus, for example, urged States to refrain from actions in violation of Article 2 (4) and expressed concerns about attempts to “open the door of Article 51” to address the threat of terrorism in response to armed attacks by non-State actors.⁵² Likewise, the representative of Mexico expressed concern over what his country considered to be a lack of legal clarity regarding whether the use of force against non-State actors was permissible and stated that the Council should analyse the responsibilities of States under the Charter.⁵³

During the debate, numerous States specifically referred to the annexation of Crimea by the Russian Federation as illegal and/or an act of aggression,⁵⁴ or a

violation of sovereignty and territorial integrity.⁵⁵ The Minister for Foreign Affairs of Latvia considered the annexation a violation of the fundamental principle of territorial integrity and highlighted the need for a rules-based system so that powerful countries did not annex parts of other countries, or whole countries, on false pretexts.⁵⁶ The Minister for Foreign Affairs of Lithuania referred to the actions of the Russian Federation as blatant breaches of the Charter.⁵⁷ Likewise, the First Deputy Minister for Foreign Affairs of Georgia asserted that the Russian Federation had been illegally occupying two regions of Georgia, namely, Abkhazia and Tskhinvali/South Ossetia. He also affirmed that the aggression against Georgia was not an isolated incident and that similar patterns had been identified later in Ukraine and could be repeated elsewhere.⁵⁸ The representative of France warned against States recognizing any annexation, such as the illegal annexation of Crimea, resulting from a territorial acquisition obtained by the threat or use of force.⁵⁹ The representative of the Russian Federation, however, referred to the issue of Crimea as “settled”. He further argued that the way it had become part of the Russian Federation had been in full compliance with international law and specifically the right to self-determination.⁶⁰ The representative of Ukraine defined the occupation by the Russian Federation of territories in Ukraine as an act of aggression against his country both in Crimea and Donbass and a worrying trend of the revanchist policy of the Russian Federation of using military force against other States.⁶¹

Furthermore, the representative of Cyprus criticized what his country believed to be the threat of the use of force in the Eastern Mediterranean by Turkey, accusing Turkey of interfering with his country’s inherent and inalienable sovereign rights to explore and exploit its offshore natural resources.⁶² The representative of Turkey responded by justifying his country’s right to intervene under the Treaty of Guarantee between Greece, Turkey and the United Kingdom.⁶³ The representative of Cyprus, in reply to the statement by the representative of Turkey, called the actions of Turkey on the island an act of aggression and stressed that no country could lawfully intervene in

⁵⁰ Ibid., p. 17.

⁵¹ Ibid., pp. 44–45.

⁵² Ibid., pp. 79–80.

⁵³ Ibid., p. 47.

⁵⁴ Ibid., p. 12 (Poland), p. 18 (United Kingdom), p. 22 (Sweden), p. 29 (France) and p. 66 (Norway).

⁵⁵ Ibid., p. 12 (Poland), p. 33 (Lithuania), p. 34 (Latvia), pp. 60–61 (Ukraine) and p. 63 (Germany).

⁵⁶ Ibid., p. 34.

⁵⁷ Ibid., p. 33.

⁵⁸ Ibid., p. 37.

⁵⁹ Ibid., p. 29.

⁶⁰ Ibid., p. 27.

⁶¹ Ibid., p. 61.

⁶² Ibid., p. 80.

⁶³ Ibid., p. 81.

another country unless it did so in accordance with explicit provisions of the Charter.⁶⁴ Similarly, the representative of Azerbaijan cited his country's experiences with facing "armed aggression" and referenced several Council resolutions in which the Council had acknowledged that such acts had constituted violations of the sovereignty and territorial integrity of Azerbaijan. He demanded the withdrawal of occupying forces in the Nagorno-Karabakh region and the restoration of the sovereignty and territorial integrity of his country.⁶⁵ The representative of Djibouti affirmed that his country continued to face the threat to international peace and security created by the unlawful use of force by Eritrea against his country in 2008. He added that threats of force continued to emanate from Eritrea and the risk of violent confrontation was high.⁶⁶

Case 4 Maintenance of international peace and security

At its 8395th meeting, held on 9 November 2018, at the initiative of China, which held the presidency for the month, the Council held an open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Strengthening multilateralism and the role of the United Nations".⁶⁷ During the meeting, several speakers affirmed their commitment to the purposes and principles enshrined in the Charter, including those of non-interference in the internal affairs of other States,⁶⁸ and the prohibition of the use of force.⁶⁹ Some Member States also underlined the links between multilateralism and those principles. In that regard, the representative of the Russian Federation indicated that the Charter outlined the principles of multilateralism, including the key elements for a "polycentric" world order and the basic principles and norms of international relations, from the sovereign equality of States and the prohibition of interference in their internal affairs to the ban on the use of force in international relations without the

permission of the Council or beyond the limits of self-defence. He added that the people had the right to determine their future without outside interference in their internal affairs.⁷⁰ The representative of the Plurinational State of Bolivia stated that the main strength of multilateralism derived from the degree of attachment to, and respect for, the purposes and principles of the Charter. He further emphasized that any measure adopted unilaterally by one State to the detriment of another, with the use of force or other coercive measures, was illegal and contrary to the purposes and principles of the Charter.⁷¹ The representative of Equatorial Guinea stated that multilateralism was necessary in order to preserve, *inter alia*, dialogue, non-interference in the internal affairs of other States and international equality among States.⁷² The representative of Cuba asserted that the purposes and principles of the Charter formed the basis of multilateralism and the international system. He further argued that the principles of international law enshrined in the Charter, including refraining from the threat or use of force and the peaceful settlement of disputes, must continue to be the foundation of international law and should always guide the actions of States and international relations.⁷³ The representative of Brazil noted that the alternatives to multilateralism were grim and involved fragmentation, unilateralism and more frequent use of force. He also recalled that the prohibition of the use of force was the rule and that self-defence was an exception.⁷⁴ The representative of Mexico stressed that multilateralism could not be called into question just because one or more countries violated the Charter with the threat of the use of force, and the representative of Lithuania indicated that inaction by the Council and the international community encouraged aggression and the use of force and threatened the multilateral system, which was based on international law.⁷⁵

The representative of Liechtenstein underscored that a key aspect of the Charter, and therefore a fundamental task of the Council, was to enforce the rules governing the use of force. He further noted that the Charter had made the use of force illegal except in self-defence or per authorization by the Council. He also indicated that, further to the resolution adopted in December 2017 by the Assembly of States Parties to the Rome Statute of the International Criminal Court, in which the Assembly activated the jurisdiction of the

⁶⁴ *Ibid.*, p. 96.

⁶⁵ *Ibid.*, p. 76.

⁶⁶ *Ibid.*, p. 73.

⁶⁷ The Council had before it a concept note annexed to a letter dated 1 November 2018 from the representative of China to the Secretary-General (S/2018/982).

⁶⁸ S/PV.8395, p. 14 (Russian Federation), p. 17 (Kuwait), pp. 26–27 (Ethiopia), p. 42 (Pakistan), p. 57 (Cuba) and p. 76 (Morocco).

⁶⁹ *Ibid.*, p. 14 (Russian Federation), p. 37 (Bolivarian Republic of Venezuela, speaking on behalf of the Non-Aligned Movement), p. 41 (Australia), p. 52 (African Union), p. 57 (Cuba) and p. 60 (Qatar).

⁷⁰ *Ibid.*, pp. 14–15.

⁷¹ *Ibid.*, p. 25.

⁷² *Ibid.*, p. 22.

⁷³ *Ibid.*, pp. 57–58.

⁷⁴ *Ibid.*, p. 62.

⁷⁵ *Ibid.*, p. 35 (Mexico) and p. 63 (Lithuania).

Court over the crime of aggression, the Council had an additional tool available to enforce a decision on the legality of the use of force when an act of aggression was in manifest violation of the rules of the Charter.⁷⁶

Case 5 Threats to international peace and security

At its 8225th meeting, held on 9 April 2018 under the item entitled “Threats to international peace and security” and the sub-item entitled “The situation in the Middle East”, the Council was briefed on the situation in the Syrian Arab Republic. The Special Envoy of the Secretary-General for the Syrian Arab Republic noted that, on 7 April, reports had emerged of an alleged chemical weapons attack in the Syrian city of Duma. He noted that several States had expressed suspicion that the Government of the Syrian Arab Republic had been responsible for the attack but that the Government, as well as several other States, had questioned the credibility of the allegations and had considered them to be “a fabrication or/and a provocation”.⁷⁷ After the briefing, several Council members underlined their firm opposition to the use or threat of force.⁷⁸ Some stated that there was no military solution to the conflict in the Syrian Arab Republic.⁷⁹ The representative of the Plurinational State of Bolivia rejected unilateral actions, which his country deemed illegal and contrary to the principles of the Charter.⁸⁰

The representative of the Russian Federation stated that his delegation had called the meeting because Washington, “with London and Paris blindly following its lead”, was being confrontational against both the Russian Federation and the Syrian Arab Republic, with threats of the use of force against a sovereign State.⁸¹ The representative of the United States stated that her country would respond to the use of chemical weapons whether the Council discharged its duty or demonstrated its utter and complete failure to protect the people of the Syrian Arab Republic.⁸² Similarly, the representative of France said that his country would assume its full responsibility in the fight against the proliferation of chemical weapons.⁸³

After Council members delivered their statements, the representative of the Syrian Arab Republic accused France, Qatar, Saudi Arabia, Turkey, the United Kingdom and the United States of providing chemical weapons to terrorists in the Syrian Arab Republic. He further accused those Governments of attempting to justify their act of aggression by fabricating evidence that his Government had used chemical weapons against its citizens.⁸⁴

Four days later, at its 8231st meeting, the Council again was convened under the same sub-item. The Secretary-General addressed the Council and noted that the Syrian Arab Republic represented the most serious threat to international peace and security as it involved proxy wars with several national armies. He reiterated that there was no military solution to the conflict and expressed his concern that the inability to reach a compromise regarding the establishment of an accountability mechanism for the alleged chemical attacks in the Syrian Arab Republic could lead to a full-blown military escalation.⁸⁵ After the Secretary-General’s briefing, several Council members also reiterated that there was no military solution to the conflict.⁸⁶ A number of Council members specified their opposition to the threat or use of force unless it fell under the conditions set out in the Charter.⁸⁷ The representative of the Plurinational State of Bolivia stated that Council members were ignoring the main reason that the Council had been convened, namely, that one State had threatened the illegal use of force against another State in violation of the Charter. Expressing concern over constant attacks on multilateralism, he directly quoted Article 2 (4) and warned that it would be very dangerous to fight an alleged violation of international law with another violation of international law and the Charter. He specified that the use of force was only permissible in self-defence in line with Article 51 or, alternatively, when approved by the Council.⁸⁸ Similarly, the representative of Equatorial Guinea stated that a unilateral military response could be counterproductive and would lead to even more suffering and chaos.⁸⁹

The representative of the Russian Federation pointed out that, while the Russian military was in the Syrian Arab Republic on the invitation of the legitimate

⁷⁶ *Ibid.*, p. 30.

⁷⁷ *S/PV.8225*, p. 2.

⁷⁸ *Ibid.*, p. 15 (China), p. 21 (Plurinational State of Bolivia) and p. 22 (Peru).

⁷⁹ *Ibid.*, p. 15 (China), p. 18 (Côte d’Ivoire) and p. 21 (Kuwait and Plurinational State of Bolivia).

⁸⁰ *Ibid.*, p. 21.

⁸¹ *Ibid.*, p. 5.

⁸² *Ibid.*, p. 11.

⁸³ *Ibid.*, p. 13.

⁸⁴ *Ibid.*, p. 26.

⁸⁵ *S/PV.8231*, p. 3.

⁸⁶ *Ibid.*, p. 7 (China), p. 12 (Equatorial Guinea) and p. 20 (Peru).

⁸⁷ *Ibid.*, p. 7 (China), p. 12 (Equatorial Guinea), p. 14 (Plurinational State of Bolivia) and p. 16 (Kazakhstan).

⁸⁸ *Ibid.*, pp. 13–14.

⁸⁹ *Ibid.*, p. 12.

Government of the Syrian Arab Republic, dangerous military preparations were being undertaken for an illegal use of force against a sovereign State in violation of the norms of international law. He went on to say that it was not only the use of force that was forbidden by the Charter, but even threats of its use, such as the threats contained in statements and actions by the United States and its allies, that were forbidden.⁹⁰ The representative of the United States responded by criticizing the use by the Russian Federation of the veto to protect the Syrian Arab Republic and specified that if the United States and its allies chose to act, it would be in defence of an agreed upon principle and international norm.⁹¹ Similarly, the representative of France specified that France could not allow fundamental values and standards of humanity, such as those that emanated from the Charter, to be thwarted without reaction.⁹² The representative of the United Kingdom specified that her country would not sacrifice the international order to the desire of the Russian Federation to protect its ally at all costs.⁹³ After all Council members had spoken, the representative of the Syrian Arab Republic also quoted Article 2 (4) of the Charter. He accused “three permanent members of the Council” of dragging the entire world towards the abyss of war and aggression and further specified that, if France, the United Kingdom and the United States undermined his country’s sovereignty, the Syrian Arab Republic would engage in self-defence, as permitted by Article 51 of the Charter.⁹⁴

On 14 April, at its 8233rd meeting, the Council met for a third time under the same sub-item. The Secretary-General reported to the Council that, on the previous night, France, the United Kingdom and the United States had engaged in air strikes on three military locations in the Syrian Arab Republic.⁹⁵ In that regard, the Council voted on a draft resolution submitted by the Russian Federation condemning the aggression against the Syrian Arab Republic by the United States and its allies in violation of international law and the Charter.⁹⁶ The draft resolution was not adopted, having failed to obtain the required number of votes.⁹⁷

⁹⁰ *Ibid.*, p. 4.

⁹¹ *Ibid.*, p. 6.

⁹² *Ibid.*, p. 9.

⁹³ *Ibid.*, p. 10.

⁹⁴ *Ibid.*, pp. 21–22.

⁹⁵ *S/PV.8233*, p. 2.

⁹⁶ *S/2018/355*, para. 1.

⁹⁷ *S/PV.8233*, pp. 22–23 The draft resolution received three votes in favour (Bolivia (Plurinational State of), China, Russian Federation), eight against (Côte d’Ivoire, France, Kuwait, Netherlands, Poland, Sweden, United Kingdom, United States) and four abstentions (Equatorial Guinea, Ethiopia, Kazakhstan, Peru).

During the meeting, the representative of Poland expressed his country’s support for the strikes of the previous night and the representative of the Netherlands referred to them as understandable.⁹⁸ Conversely, the representative of Ethiopia considered the strikes to be difficult to defend as being consistent with the principles of the Charter.⁹⁹ The representative of Kazakhstan reiterated that military action could only be used when approved by the Council and noted that the strikes of the previous night lacked that approval.¹⁰⁰ The representative of Côte d’Ivoire noted that the use of force had to be approved by the Council to preserve its essential legal authority and to thereby prevent any deviation or abuse.¹⁰¹ The representative of Equatorial Guinea emphasized his country’s opposition to the use of force in international relations and stressed that it was only acceptable when in line with the principles of international law and the provisions of the Charter.¹⁰² The representative of Sweden, while acknowledging the need to address the issue of chemical weapons in the Syrian Arab Republic, underscored that there was an obligation to act consistently with the Charter and international law.¹⁰³ The representative of Peru stated that any response to the situation in the Syrian Arab Republic had to be consistent with the Charter, international law and Council resolutions.¹⁰⁴

The representative of China noted that any unilateral military action that circumvented the Council was in violation of the purposes and principles of the Charter and international law.¹⁰⁵ Likewise, the representative of the Plurinational State of Bolivia rejected the threat or use of force without prior Council authorization and expressly referred to the strikes as a breach of the Charter. He stated that all unilateral actions ran counter to international law and that such actions were attacks on multilateral organizations, the Council, the Charter and the international community.¹⁰⁶

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

⁹⁸ *Ibid.*, p. 11 (Poland) and p. 13 (Netherlands).

⁹⁹ *Ibid.*, p. 16.

¹⁰⁰ *Ibid.*, p. 10.

¹⁰¹ *Ibid.*, p. 18.

¹⁰² *Ibid.*, p. 17.

¹⁰³ *Ibid.*, p. 12.

¹⁰⁴ *Ibid.*, p. 18.

¹⁰⁵ *Ibid.*, p. 10.

¹⁰⁶ *Ibid.*, p. 14.

States learned that it was the Charter that governed the international code of conduct on the use of force.¹⁰⁷ The representative of the United States responded by pointing to the unique threat of chemical weapons. She indicated that the coalition had acted to deter future chemical weapons use and further asserted that the United States and its allies were not going to permit the use of such weapons without consequence.¹⁰⁸ The representative of France claimed that his country's actions were fully in line with the objectives and values of the preamble of the Charter and necessary to address the violations by the Syrian Arab Republic of its obligations stemming from the law, treaties and its own commitments.¹⁰⁹

The representative of the United Kingdom outlined that the legal basis for its use of force against the Syrian Arab Republic was the concept of humanitarian intervention and emphasized her country's view that it could not be illegal to use force to prevent the killing of such numbers of innocent people. She argued that, on an exceptional basis, the use of force was permitted if there was evidence – generally accepted by the international community as a whole – of extreme humanitarian distress and it was objectively clear that, if lives were to be saved, there was no practicable alternative. She noted, however, that the use of force had to be necessary, proportional and limited to the aim of relieving that humanitarian distress.¹¹⁰ The representative of the Russian Federation stated that the United Kingdom was trying to “substitute” the Charter. He reiterated that the Russian Federation and other countries had rejected the concept of humanitarian intervention precisely because they did not want it used as a justification to violate the Charter.¹¹¹ In response, the representative of the United Kingdom repeated that humanitarian intervention under the legal framework she outlined was fully within the principles and purposes of the United Nations.¹¹²

In response to statements by Council members, the representative of the Syrian Arab Republic accused France, the United Kingdom and the United States of flagrant violations of the principles of international law and the Charter.¹¹³

¹⁰⁷ Ibid., p. 3.

¹⁰⁸ Ibid., pp. 5–6.

¹⁰⁹ Ibid., p. 9.

¹¹⁰ Ibid., p. 7.

¹¹¹ Ibid., p. 25.

¹¹² Ibid.

¹¹³ Ibid., pp. 19–22.

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

The correspondence addressed to the Council during 2018 included eight explicit references to Article 2 (4) of the Charter and three implicit references in which Article 2 was broadly invoked, including language relating to the principles enshrined in paragraph 4.

In identical letters dated 1 February 2018 to the Secretary-General and the President of the Council, the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic condemned the military activities of Turkey in the northern Syrian Arab Republic, calling them “a flagrant attack against the territorial integrity of the Syrian Arab Republic and a violation of the provisions of the Charter”, and indicated that such activities violated in particular Article 2 (4).¹¹⁴

On 16 February, the Permanent Representatives of Liechtenstein and Switzerland addressed a letter to the President of the Council in which they noted that, with the International Criminal Court's jurisdiction over the crime of aggression taking legal effect on 17 July 2018, the Council would soon have a new tool at its disposal that would complement the prohibition of the illegal use of force enshrined in Article 2 (4) of the Charter. They added that, if the Court's new jurisdiction was incorporated diligently into the Council's toolbox, the Council's power to refer to Court matters relating to the crime of aggression would have tremendous potential to deter the illegal use of force in the future.¹¹⁵

In response to a letter dated 26 March 2018 from the Permanent Representative of Saudi Arabia addressed to the President of the Council, in which Saudi Arabia had referred to the Islamic Republic of Iran as the Houthis' “sponsors” and had accused the Islamic Republic of Iran of providing the Houthis with ballistic missiles,¹¹⁶ the Permanent Representative of the Islamic Republic of Iran, in identical letters dated 29 March to the Secretary-General and the President of the Council, said that the usual scenario for the political and military authorities of Saudi Arabia had been to “repeat their unfounded assumptions and allegations followed by the threat of use of force against a United Nations Member State in clear defiance of Article 2 (4) of the Charter”.¹¹⁷

¹¹⁴ S/2018/82.

¹¹⁵ S/2018/130.

¹¹⁶ S/2018/266.

¹¹⁷ S/2018/278.

On 11 April, the Permanent Representative of the Syrian Arab Republic addressed identical letters to the Secretary-General and the President of the Council in response to threats made by France, the United Kingdom and the United States to use military force against the Syrian Arab Republic. The Permanent Representative stated that the Council was required to “exercise its mandates under Article 1, paragraph 1, and Article 2, paragraph 4, of the Charter, in maintaining international peace and security, the suppression of acts of aggression or other breaches of the peace and in ensuring that all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State”.¹¹⁸

On 19 September, the Permanent Representative of the Islamic Republic of Iran addressed a letter to the Secretary-General in response to “inflammatory statements” by the Prime Minister of Israel on 29 August, “threatening Iran with nuclear annihilation”, which the Islamic Republic of Iran considered “a serious violation of international law, in particular Article 2 (4) of the Charter”.¹¹⁹

In a letter dated 12 September addressed to the President of the Council, the Permanent Representative of the Syrian Arab Republic informed the President of the Council of “violations” committed by the Netherlands “against its obligations and responsibilities”, in particular with regard to Article 2 of the Charter, which set out “the duty of each Member State not to interfere in the internal affairs of other Member States”, by providing support and financing to terrorist armed groups in the Syrian Arab Republic.¹²⁰

In response to identical letters dated 26 October 2018 from the Permanent Representative of Israel to the Secretary-General and the President of the Council on the activities of Hizbullah in Lebanon,¹²¹ the Chargé

d'affaires a.i. of the Permanent Mission of Lebanon, in identical letters dated 12 November to the Secretary-General and the President of the Council, referred to the allegations contained in the letter from Israel as threats that violated Article 2 (4) of the Charter.¹²²

On 27 November 2018, the Permanent Representative of Ukraine addressed a letter to the Secretary-General transmitting a statement by the Foreign Ministry of Ukraine in reaction to the incident between Russian and Ukrainian vessels in the Sea of Azov, calling the incident an “act of armed aggression of the Russian Federation against Ukraine, as defined, in particular, in Article 2 of the Charter”.¹²³ In a subsequent letter dated 10 December addressed to the Secretary-General, the Permanent Representative of Ukraine transmitted an address by the parliament of Ukraine to, inter alia, the United Nations, referring to the same incidents in similar terms.¹²⁴

In a letter dated 24 December 2018 addressed to the Secretary-General and the President of the Council, the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran indicated that, at a press conference on 29 November, the special representative of the United States for the Islamic Republic of Iran had threatened the Islamic Republic of Iran by stating that the United States had “the military option on the table” and would “not hesitate to use military force”, in clear violation of Article 2 (4) of the Charter.¹²⁵ In another letter also dated 24 December 2018 addressed to the Secretary-General and the President of the Council, the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran called the “hostile policies and practices, as well as the threats, plots and plans” of Israel against the Islamic Republic of Iran “illegal” and blatant violations of Article 2 (4) of the Charter.¹²⁶

¹¹⁸ S/2018/332.

¹¹⁹ S/2018/859.

¹²⁰ S/2018/839.

¹²¹ S/2018/960.

¹²² S/2018/1018.

¹²³ S/2018/1053, annex.

¹²⁴ S/2018/1112, annex.

¹²⁵ S/2018/1155.

¹²⁶ S/2018/1156.

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

Article 2, paragraph 5

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

Note

Section III covers the practice of the Council with regard to the principle enshrined in Article 2 (5) of the Charter, in particular the obligation of Member States to refrain from providing assistance to a State against which the United Nations has taken preventive or enforcement action.¹²⁷ 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

¹²⁷ For the practice of the Council relating to assistance by Member States to United Nations action in accordance with the Charter, see part V (Article 25) and part VII (Articles 43 and 49).

Libya¹²⁸ and the Central African Republic.¹²⁹ While Article 2 (5) was not explicitly invoked in meetings of the Council during 2018, implicit references of relevance to the interpretation of Article 2 (5) were made at two meetings of the Council during the review period. At a meeting held under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”, the representative of Japan called upon all Member States to “immediately stop supplying refined petroleum products” to the Democratic People’s Republic of Korea.¹³⁰ At a meeting held under the item entitled “The situation in the Middle East”, the representative of the United States accused the Islamic Republic of Iran of providing weapons and associated material to the Houthi movement in Yemen, in contravention of the arms embargo provisions set out in resolution 2216 (2015) and in violation of resolution 2231 (2015).¹³¹ The correspondence addressed to the Council in 2018 did not contain any material relating to Article 2 (5).

¹²⁸ Resolution 2434 (2018), eighteenth preambular paragraph.

¹²⁹ Resolution 2399 (2018), para. 1.

¹³⁰ S/PV.8353, p. 23.

¹³¹ S/PV.8439, p. 4.

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

Article 2, paragraph 7

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

Note

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

provides a brief summary of explicit references to Article 2 (7) in the correspondence addressed to the Council.

A. Decisions relating to Article 2 (7)

In 2018, Article 2 (7) was not explicitly referred to in the decisions of the Council. However, in two decisions 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 for Afghanistan would continue to lead and coordinate the international civilian efforts within their mandate and in a manner consistent with Afghan sovereignty, leadership and ownership,¹³² and reaffirmed its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan

¹³² Resolution 2405 (2018), paras. 6 and 7.

and underscored its support to the Afghan electoral process as a fully Afghan-led and Afghan-owned process.¹³³ In a resolution adopted under the item entitled “The situation in the Central African Republic”, the Council emphasized the need for the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to act in full respect of the sovereignty, territorial integrity and unity of the Central African Republic while carrying out its mandate.¹³⁴ Also, in a resolution adopted under the item entitled “United Nations peacekeeping operations”, the Council reaffirmed its commitment to and respect for the principles of political independence, sovereign equality and territorial integrity of all States in conducting all peacekeeping activities.¹³⁵ In a presidential statement issued under the item entitled “Peacebuilding and sustaining peace”, the Council again reaffirmed the same commitment in conducting both peacekeeping and peacebuilding activities.¹³⁶

B. Constitutional discussions relating to Article 2 (7)

During the period under review, Article 2 (7) was explicitly invoked three times during the deliberations of the Council. At a meeting held on 14 February 2018 under the item entitled “The situation in the Middle East”, the representative of the Syrian Arab Republic opened his statement invoking, *inter alia*, Article 2 (7), adding that no provision of the Charter authorized the United Nations to intervene in matters that were essentially within the domestic jurisdiction of any State.¹³⁷ At a meeting held on 17 October under the same item, the representative of the Syrian Arab Republic recalled the language of Article 2 (7) and indicated that some Council members seemed “to have forgotten about it”.¹³⁸ Article 2 (7) was also explicitly referenced during a meeting held under the item entitled “The situation in Burundi”, which is the subject of case 6. Article 2, including language relating to the principles enshrined in paragraph 7, was broadly invoked once, as featured in case 7. The Council also addressed the relationship between the mandates of peacekeeping operations and the need to respect the sovereignty of host States enshrined in Article 2 (7), as discussed in case 8. Furthermore, in 2018, Member

States made numerous statements of relevance to the interpretation and application of Article 2 (7) of the Charter without engaging in constitutional discussions.¹³⁹

Case 6 The situation in Burundi

At its 8189th meeting, held on 26 February 2018 under the item entitled “The situation in Burundi”, the Council was briefed on the situation in Burundi by the Special Envoy of the Secretary-General for Burundi. In addressing the content of the report of the Secretary-General on the situation in the country,¹⁴⁰ and specifically the concerns raised on the decision of the Government of Burundi to hold a referendum on a constitutional amendment, the Special Envoy stressed that such expression of concern could not be interpreted as interference in the country’s internal affairs by denying the country its sovereign right to amend its own Constitution.¹⁴¹ The representative of Equatorial Guinea stated that the situation in Burundi was an internal matter that must be resolved through a genuine and inclusive political negotiation process

¹³⁹ See, for example, under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, [S/PV.8414](#), p. 17 (Russian Federation), p. 20 (United Kingdom), pp. 37–38 (Bolivarian Republic of Venezuela, on behalf of the Non-Aligned Movement), pp. 54–55 (Cuba) and p. 57 (Islamic Republic of Iran); under the item entitled “Maintenance of international peace and security”, [S/PV.8262](#), p. 17 (United States), p. 24 (Plurinational State of Bolivia), pp. 68–69 (Uruguay), p. 69 (Kenya) and p. 72 (Austria), and [S/PV.8346](#), p. 15 (Russian Federation) and p. 17 (Plurinational State of Bolivia); under the item entitled “Peace and security in Africa”, [S/PV.8407](#), p. 7 (China), p. 27 (Egypt) and p. 46 (Bolivarian Republic of Venezuela, on behalf of the Non-Aligned Movement); under the item entitled “Protection of civilians in armed conflict”, [S/PV.8264](#), p. 26 (Russian Federation) and p. 59 (Bolivarian Republic of Venezuela, on behalf of the Non-Aligned Movement); under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, [S/PV.8290](#), p. 9 (China) and p. 19 (Ethiopia); under the item entitled “The situation concerning Iraq”, [S/PV.8184](#), p. 10 (Iraq); under the item entitled “The situation concerning the Democratic Republic of the Congo”, [S/PV.8318](#), p. 17 (Plurinational State of Bolivia), p. 18 (China), p. 19 (Russian Federation) and p. 21 (Democratic Republic of the Congo); and under the item entitled “Threats to international peace and security”, [S/PV.8412](#), p. 8 (Russian Federation), p. 10 (Kuwait), p. 16 (China), p. 17 (Ethiopia), p. 18 (Plurinational State of Bolivia) and pp. 20–21 (Iraq).

¹⁴⁰ [S/2018/89](#).

¹⁴¹ [S/PV.8189](#), p. 2.

¹³³ [S/PRST/2018/15](#), fifth paragraph.

¹³⁴ Resolution 2448 (2018), para. 53.

¹³⁵ Resolution 2447 (2018), fifth preambular paragraph.

¹³⁶ [S/PRST/2018/20](#), fourth paragraph.

¹³⁷ [S/PV.8181](#), p. 10.

¹³⁸ [S/PV.8373](#), p. 21.

among Burundians. He also stressed that, as a sovereign country, Burundi enjoyed the right to adopt any legislative initiative that it deemed appropriate, noted that many countries had gone through similar constitutional processes that had been considered internal affairs and emphasized that the case of Burundi should not be treated differently.¹⁴² The representative of Peru considered the proposed revision of the Constitution to be a matter that fell within the country's domestic sovereignty while underlining the importance of the initiative being conducted in an inclusive manner with the broad participation of the population.¹⁴³ The representative of Burundi noted that the United Nations and its Member States were in no way empowered to discuss the constitutional affairs of sovereign States and criticized the report of the Secretary-General for having flagrantly violated the principle of respect for the sovereign equality of States enshrined in Article 2 (7) of the Charter. He further noted that the contents of the report constituted an interference in the domestic affairs of Burundi and cautioned the Council against such variance in the interpretation of the Charter.¹⁴⁴

Case 7
Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security

At its 8340th meeting, held on 5 September 2018 under the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security", the Council discussed the situation in Nicaragua. During the meeting, the representatives of the Russian Federation, the Plurinational State of Bolivia and the Bolivarian Republic of Venezuela argued against the discussion of domestic matters of sovereign States by the Council.¹⁴⁵ The representative of the Russian Federation added that the meeting was a "blatant interference in the affairs of a sovereign State", which had discredited and replaced the notion of preventive diplomacy.¹⁴⁶ While expressing support for the principle of preventive diplomacy, the representative of Kazakhstan cautioned against external influence in the internal affairs of independent countries.¹⁴⁷ The representative of Kuwait emphasized

his country's full commitment to the principles stipulated in Article 2 of the Charter, which called for respecting the sovereignty of States and refraining from interfering in their internal affairs.¹⁴⁸ The representative of the Plurinational State of Bolivia expressed his opposition to the holding of the meeting based on the Charter, which clearly established the principle of non-interference in the internal affairs of Member States. He further emphasized that, if the international community truly wished to help Nicaragua to resolve its problems, it had to do so in the framework of the Charter, respect the sovereignty, independence and territorial integrity of Nicaragua and condemn any interference, interventionism or policy of regime change.¹⁴⁹ The Minister for Foreign Affairs of Nicaragua asserted that the inclusion of the meeting on the Council's agenda was a clear interference in the internal affairs of Nicaragua and a violation of the Charter.¹⁵⁰

The representatives of Ethiopia and China also rejected any involvement of the Council in the situation in Nicaragua, and while the former asserted that the situation at the current stage remained "an internal matter of Nicaraguans", the latter reiterated its call for adherence to the principle of non-interference in the internal affairs of countries.¹⁵¹

Case 8
United Nations peacekeeping operations

At the 8218th meeting, held on 28 March 2018 under the item entitled "United Nations peacekeeping operations", the representative of China underscored the need to adhere to the purposes and principles of the Charter and, in that regard, to fully respect the sovereignty of host countries and avoid arbitrarily taking over responsibilities that fell under the purview of national sovereignty.¹⁵² The Vice-Minister for Foreign Affairs of the Bolivarian Republic of Venezuela, speaking on behalf of the Non-Aligned Movement, and the representative of Cuba also emphasized that peacekeeping operations must be carried out in strict compliance with the purposes and principles of the Charter, including the respect for the sovereignty, territorial integrity and independence of States, as well as non-interference in their internal affairs.¹⁵³ Similarly, the representative of El Salvador stated that the principles enshrined in the Charter,

¹⁴² Ibid., pp. 5–6.

¹⁴³ Ibid., p. 10.

¹⁴⁴ Ibid., p. 11.

¹⁴⁵ S/PV.8340, p. 6 (Russian Federation), p. 16 (Plurinational State of Bolivia) and p. 22 (Bolivarian Republic of Venezuela).

¹⁴⁶ Ibid., p. 6.

¹⁴⁷ Ibid., p. 14.

¹⁴⁸ Ibid., p. 7.

¹⁴⁹ Ibid., pp. 17–18.

¹⁵⁰ Ibid., p. 20.

¹⁵¹ Ibid., p. 15 (Ethiopia) and p. 18 (China).

¹⁵² S/PV.8218, p. 25.

¹⁵³ Ibid., p. 34 (Bolivarian Republic of Venezuela) and pp. 74–75 (Cuba).

especially the principles of the sovereignty, territorial integrity and independence of States and of non-intervention in internal affairs, were fundamental to promoting international peace and security. She added that respect for the principles of peacekeeping was essential to the success of operations on the ground.¹⁵⁴ The representative of Viet Nam asserted that respect for international law and the Charter, including the principles of non-intervention in the internal affairs of sovereign States and the consent of the parties, should serve as the foundation for all United Nations peacekeeping operations.¹⁵⁵

The representative of the Plurinational State of Bolivia underscored that a preventive approach was indispensable to an appropriate design and understanding of mandates, whatever their nature, with regard to the sovereignty, independence and territorial integrity of States, promoting national ownership and without using the approach as an intervention tool.¹⁵⁶ The representative of Nepal noted that peacekeeping operations should be complementary to inclusive domestic political processes, thereby ensuring their own impartiality and credibility and supporting domestic capacity-building, and cautioned against undermining the host country's sovereignty or its prerogative of initiating a nationally led peace process.¹⁵⁷ The representative of the Philippines

affirmed that, if the politics of peacekeeping were not national, they amounted to "foreign interference".¹⁵⁸

At the 8349th meeting, held on 12 September under the same item, the representative of the Plurinational State of Bolivia stressed that peacekeeping operations must respect the rule of law, independence, sovereignty and territorial integrity of each of the countries in which they operated and indicated that peacekeeping operations should neither be seen nor used as intervention forces.¹⁵⁹ The representatives of Kuwait and China also reiterated the need for peacekeeping operations to respect the sovereignty of host countries.¹⁶⁰

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

During the period under review, the principle enshrined in Article 2 (7) of the Charter was explicitly invoked once in communications addressed to the Council, in a letter dated 3 May 2018 from the Permanent Representative of Saudi Arabia transmitting a resolution adopted by the Council of the League of Arab States with regard to Iranian intervention in the internal affairs of Arab States.¹⁶¹

¹⁵⁴ Ibid., p. 57.

¹⁵⁵ Ibid., p. 80.

¹⁵⁶ Ibid., p. 28.

¹⁵⁷ Ibid., p. 58.

¹⁵⁸ Ibid., p. 56.

¹⁵⁹ S/PV.8349, p. 22.

¹⁶⁰ Ibid., p. 14 (Kuwait) and p. 23 (China).

¹⁶¹ S/2018/423, annex.