

*Repertoire of the Practice of the Security Council*

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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







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

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

During an open videoconference held on 6 January 2021 in connection with the item entitled “Maintenance of international peace and security” focused on challenges of maintaining peace and security in fragile contexts, the delegation of Azerbaijan, in a statement made on behalf of the Movement of Non-Aligned Countries (NAM), relayed the Movement’s commitment

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South Sudan (see table 3). Furthermore, the Council consistently reaffirmed, in in







*(d) Calls upon parties to withdraw all military forces from a disputed area or occupied territories*

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

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

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

In connection with “The situation in the Middle East, including the Palestinian question”, on 26 January 2021, at an open videoconference, the representative of the Islamic Republic of Iran, in response to the statement by the representative of Israel in connection with Iran’s nuclear programme, underscored that the Islamic Republic of Iran reserved its inherent right to self-defence and to vigorously respond to any threat, including those made that day by the Israeli regime’s representative, in clear violation of Article 2, paragraph 4, of the Charter of the United Nations, requiring the Security Council to hold that regime accountable for such threats.<sup>21</sup> The delegation of the Islamic Republic of Iran made additional references to Article 2 (4) in written statements submitted in connection with Council meetings held under the same item, on 28 July and 19 October 2021.<sup>22</sup> Regarding the meeting held on 28 July, the delegation of the Islamic Republic of Iran made reference to the “continued destabilizing measures and military adventurism of the Israeli regime” in the Middle East region, clear examples of which were the continued occupation of the Syrian Golan and parts of Lebanon, as well as the

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<sup>20</sup> Resolutions [2591 \(2021\)](#), para. 19.

<sup>21</sup> See [S/2021/91](#).

<sup>22</sup> While briefers and Council members participated in-person at these meetings, non-Council members submitted written statements. This was agreed in light of the extraordinary circumstances caused by the COVID-19 pandemic. For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

systematic violation of the sovereignty of those two countries in contravention of international law, in particular Article 2 (4).<sup>23</sup> In connection with the meeting held on 19

the use of force, as enshrined in Article 2 (4).<sup>26</sup> This was an aberration that Mexico could not accept and one that undermined Iraq’s sovereignty and territorial integrity.

Concerning “The situation in the Middle East”, focused on Syria, at an open videoconference held on 15 March 2021, the representative of Mexico reiterated his country’s concern about certain States abusively invoking Article 51 of the Charter to justify the use force without the authorization of the Council.<sup>27</sup> He underscored that such practice ran the risk of de facto increasing exceptions to the general prohibition on the use of force, as contained in Article 2, paragraph 4 of the Charter.

In connection with the “Protection of civilians in armed conflict”, at an open videoconference held on 25 May 2021, the representative of Pakistan emphasized that counter-terrorism measures did not justify setting aside the limitations of Articles 2 (4) and 51 of the Charter of the United Nations on the non-use of force. He added that Council resolutions on counter-terrorism did not authorize the use of force on the territory of other States without the Council’s express authorization, neither did they justify compromising the requirement for proportionality in the use of force.<sup>28</sup>

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

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<sup>26</sup> See [S/PV.8910](#).

<sup>27</sup> See [S/2021/265](#).

<sup>28</sup> See [S/2021/505](#). For more information, see part VII, sect. IV, case 7.

<sup>29</sup> See [S/2021/868](#) (record of written statements submitted in connection with the 8877th meeting, see [S/PV.8877](#)). While briefers and Council members participated in-person at these meetings, non-Council members submitted written statements. This was agreed in light of the extraordinary circumstances caused by the COVID-19 pandemic. For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

principles of the Charter set out in Article 2, including the principles applicable to the United Nations of sovereign equality and non-intervention and the duties of States, primarily the obligation to settle disputes peacefully and the duty to refrain from the threat or use of force.<sup>30</sup>

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

Concerning thematic items, Council members and other delegations addressed the need for regional organizations to respect the principles enshrined in Article 2 (4), particularly the prohibition of the use of force, at an open videoconference held on 19

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<sup>30</sup> See [S/PV.8923](#) (Resumption 1).

<sup>31</sup> See [S/2021/159](#). See also case 1 below.

<sup>32</sup> See, for example, in connection with the item entitled “The situation concerning Iraq”, [S/2021/152](#), France, Estonia, China, India, Kenya, Russian Federation, Saint Vincent and the Grenadines, and Tunisia”K/202-3noce/2. S.8923

April 2021 in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and

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## Case 1

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

On 11 February 2021, Council members held an open videoconference in connection with the situation in eastern Ukraine.<sup>38</sup> During the videoconference, Council members heard briefings by the Under-Secretary-General for Political and Peacebuilding Affairs, the Special Representative of the Organization for Security and Cooperation in Europe Chairperson-in-Office and the Chief Monitor of the Organization for Security and Cooperation in Europe Special Monitoring Mission. Some Council members condemned or called upon the Russian Federation to cease its aggression against Ukraine<sup>39</sup> and/or the occupation or annexation of Ukrainian territories.<sup>40</sup> Several speakers expressed support for or underlined the need to respect



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

The representative of the Russian Federation underscored that instead of implementing the Minsk agreements, Kyiv kept “spinning tales of ongoing Russian aggression” and that Ukraine “blame[d] everything on Russia”.







representative of Armenia underscored that strengthening the cooperation between the United Nations and regional and subregional organizations was key to addressing challenges to security, such as the threat or use of force in the face of destabilizing military build-up in violation of legally binding commitments in the field of arms control



Saint Vincent and the Grenadines encouraged all actors in the international community to comply, in cyberspace, with their international legal obligations including the respect of sovereignty and political independence as enshrined in the Charter. The Ambassador for United Nations Affairs and Cyber Policy of the Ministry of Foreign Affairs of Japan said that States must not violate the sovereignty of another State by cyberoperations, nor intervene in matters within domestic jurisdiction of another State by cyberoperations.

Several participants expressed concerns regarding the use of cyberspace by some States to commit acts of aggression or other acts that challenged the sovereignty of other States or interfered in their internal affairs. The Prime Minister of the Niger pointed out that the digital revolution, which had “

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

Some participants deliberated on the importance of adhering to the prohibition of the use of force vis-à-vis the applicability of international law and international humanitarian law in cyberspace. The Minister for Foreign Affairs of Norway and the delegation of Czech Republic underscored that the applicability of international humanitarian law to cyberspace and information and communications technologies did not legitimize cyberwarfare or promote the militarization of cyberspace, respectively. The delegation of Czech Republic elaborated that, to the contrary, international humanitarian law placed limits on the use of force by requiring all used means and methods of warfare in the context of armed conflict to be employed in accordance with its rules, including the principles of humanity, distinction and the rule of proportionality. The Minister for Foreign Affairs of Norway added that any use of force by States remained governed by the Charter and the relevant rules of customary international law and affirmed that international disputes must be settled by peaceful means, in cyberspace as in all other domains. Stressing that no sphere could remain outside the spectrum of international law, including international humanitarian lawed thau (o8 0 Td(,)Tj8.04 -0 0 8.04 288.48 22 o)-10t.00omreman2 (1



General and circulated as documents of the Council made reference to the use of force in violation of Article 2 in relation to the situation in Cyprus.<sup>57</sup>

Table 5  
**Letters containing explicit references to Article 2(4) of the Charter**

<i>Symbol</i>	<i>Title</i>	<i>Relevant extract</i>
<a href="#">S/2021/72</a>	Letter dated 22 January 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security	









Libya,<sup>59</sup> Somalia,<sup>60</sup> and South Sudan,<sup>61</sup> as well as in connection with the prevention of terrorism.<sup>62</sup>

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

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

volume and the quality of the small arms arsenal acquired by terrorist organizations, indicating that they could not exist without the sponsorship or support of States.

Concerning region- and country-specific items, at open videoconferences and meetings held in connection with the item entitled “The situation in Libya” in 2021, Council members continued to stress the need to cease or refrain from all actions in violation of the arms embargo, including the provision of military support inconsistent with the embargo.<sup>65</sup>

At an open videoconference held on 18 February 2021 in connection with the item entitled “The situation in the Middle East”, the representative of Mexico noted the substantive increase in arms transfers to the Middle East region in recent years, stressing that the uncontrolled flow of those weapons had fueled the violence in Yemen.<sup>66</sup>

Referring to the reports of the Panel of Experts established pursuant to resolution [2140 \(2014\)](#), which he indicated had consistently shown clear evidence of violations of the arms embargo and the use of increasingly sophisticated weapons and delivery systems, the representative of Mexico urged exporting countries to seriously consider the dire consequences for the civilian population of such arms transfers, the end users of which were largely responsible for the humanitarian tragedy in Yemen. The representative of Saint Vincent and the Grenadines called on members to cease the transfer of weapons to parties within Yemen, whether directly or through proxies or third parties, and stressed the need for other forms of assistance that enabled attacks on the different sides to stop.

On 14 December 2021, in a meeting under ti n c o n



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

### *Article 2, paragraph 7*

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

### **Note**

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





regional and sub-regional organisations, in supporting the resource-endowed countries to transform the entire natural resource extraction continuum from illegal exploitation into a legal productive use of natural resources in order to provide legal socio-economic opportunities with a view to contributing to conflict prevention, conflict resolution, peacebuilding and post conflict reconstruction (eleventh paragraph)

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**The situation concerning Iraq**

Resolution [2576 \(2021\)](#)  
27 May 2021

Decides further that the Special Representative of the Secretary-General and UNAMI, taking into account the letter from the Minister of Foreign Affairs of the Government of

Resolution [2591 \(2021\)](#)  
30 August 2021

Further requests UNIFIL, in line with resolution 1701, to take temporary and special measures, that should not be considered as a precedent in the future, to support and assist the Lebanese Armed Forces with the provision of relevant additional non-lethal material (fuel, food and medicine) and logistical support for a limited period of 6 months, within the existing resources and without implications to the increase of the budget level, in the framework of the LAF-UNIFIL joint activities and in compliance with the United Nations Human Rights Due Diligence Policy, and without prejudice to the mandate and its implementation, the concept of operations and rules of engagement of UNIFIL, while fully respecting Lebanese sovereignty and at the request of the Lebanese authorities, and that such support be subject to appropriate and immediate oversight and scrutiny (para. 11)

Table 7

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

Decision and date	Provision
<b>Maintenance of international peace and security</b>	
<a href="#">S/PRST/2021/22</a> 9 November 2021	The Security Council recognises that there can be no sustainable development without peace and no peace without sustainable development, and that the work of the entities of the United Nations development system, in accordance with their respective mandates, through their support for the implementation of the 2030 Agenda for Sustainable Development in countries in conflict and post-conflict situations, contributes to peacebuilding and sustaining peace at the request of those countries and in accordance with their national ownership, plans and priorities (seventh paragraph)
<a href="#">S/PRST/2021/23</a> 16 November 2021	The Security Council further recognizes in the advisory role of the Peacebuilding Commission, in supporting peacebuilding in conflict affected countries with respect for national ownership and the countries' national priorities as an important addition to the capacity of the international community in the broad peacebuilding agenda in accordance with its mandate (eleventh paragraph)
<b>Threats to international peace and security caused by terrorist acts</b>	
<a href="#">S/PRST/2021/1</a> 12 January 2021	The Security Council reaffirms its commitment to the sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations, and stresses that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism (sixth paragraph)
Resolution <a href="#">2617 (2021)</a> 30 December 2021	

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

During the period under review, Article 2 (7) was not explicitly invoked in the Council's deliberations. Nonetheless, during several meetings and open

videoconferences, Council members discussed the principle of non-intervention by the United Nations in the domestic affairs of States enshrined in Article 2 (7).

Concerning country- or region-specific items, the Council addressed matters relevant to the interpretation and application of Article 2 (7) at several meetings held under the item entitled “Peace and security in Africa” (see case 5). In addition, Council members and other Member States also addressed the role of the United Nations vis-à-vis the sovereignty of Iraq, Somalia, and Syria, in discussions in connection with “The situation concerning Iraq”,<sup>68</sup> “The situation in Somalia”<sup>69</sup> and “The situation in the Middle East”,<sup>(he)4 ( hm(,)Tj 12 90 525 Tt)-6 (h.4 Tc 0.004 5( a)i)-2 Bh.4 Tc 70 8.04018.88 550.2 Tm[(6)0.5 mem (,)TJaddes</sup>

In 2021, the Council met several times to address the situation in the Tigray region of Ethiopia at meetings held under the item entitled “Peace and security in Africa”.<sup>74</sup> On 2 July 2021, during her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs informed Council members about the announcement by the Federal Government of Ethiopia on 28 June of a unilateral ceasefire in Tigray, citing the

need to address the humanitarian crisis in the region. The Under-Secretary-General also noted that the Council had held several meetings to address the situation in Tigray, and that the Council had adopted several resolutions on the matter.

in Tigray, rather than having the opposite effect. Speaking on behalf of the three African members of the Security Council as well as Saint Vincent and the Grenadines, the representative of Kenya reiterated their call for the Council to take careful and responsible actions that would encourage humanitarian outreach to suffering people, and not to imperil the situation in Tigray.

Nations staff from the country.<sup>76</sup> Some Council members deliberated on the principles of national sovereignty and non-interference in the internal affairs of States in the context of the provision of humanitarian assistance. In that regard, the representative of China underscored that the international community should continue to provide assistance to Ethiopia while respecting the country's sovereignty and ownership. The representative of the Russian Federation, expressing regret concerning the decision by the Government of Ethiopia to expel United Nations officials, insisted that humanitarian assistance be provided fully in line with General Assembly resolution [46/182](#) and the United Nations guiding principles of humanitarian assistance, as well as international law and national legislation. She stressed the vital need for credible and constructive dialogue and close cooperation with the sovereign Ethiopian authorities, who continued to cover the lion's share of all humanitarian needs in Tigray and in neighbouring regions.

Speaking on behalf of the three African members of the Security Council as well as Saint Vincent and the Grenadines, the representative of Tunisia underlined the obligation of all humanitarian personnel, United Nations personnel and associated personnel to observe and respect the laws of the country in which they were operating, including the principle of non-interference. He further stressed the importance of humanitarian organizations upholding the core principles of neutrality, impartiality and humanity in their humanitarian activities, in full respect of the sovereignty, political independence, territorial integrity and national unity of the host State, in accordance with the Charter. Nevertheless, the representative highlighted the risks of a large-scale famine, which, to a great extent, was being prevented by the aid delivered by the organizations to which the expelled individuals belonged. The representative of Tunisia added that even within their sovereign rights, Governments should observe their domestic and international humanitarian law obligations, and the rights of the Ethiopian people to receive aid in the dire emergency were of

remained convinced that the United Nations humanitarian operations were at all times guided by the principles of humanity, impartiality, neutrality and independence set out in General Assembly resolution [46/182](#). He underscored, however, that when a State or a party to a conflict consented and agreed to the provision of certain humanitarian assistance, the latter could not be subject to discretionary decisions. On the basis of that consent, the parties concerned must allow and facilitate unrestricted access for humanitarian assistance.

With respect to the involvement by the Security Council in the dispute, the representative of Viet Nam underscored that the Ethiopian authorities and all other concerned parties should give the highest priority to the interests of its people. She added that the international community, including the Council, should support all efforts aimed at achieving this end, with full respect for the independence, sovereignty, unity and territorial integrity of Ethiopia. The representative of the Russian Federation expressed certainty that pressure involving the Security Council and threats regarding the adoption of resolutions were counterproductive. The representative of Ethiopia said he was surprised at the convening of the Council meeting and that Ethiopia found it incomprehensible that the Council was discussing the decision of a sovereign State, which had been exercised within the domain of international law and its sovereign prerogative. He underscored that the Government of Ethiopia was not under any legal obligation to provide justifications or explanations for its decisions. Citing General Assembly resolution [46/182](#), which provided that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations, he emphasized that the most fundamental element of the sovereignty of States had to do with their prerogative to determine who entered, remained in and exited their territory. He added that when appealing for support from, or to work with, the United Nations or other humanitarian operators, Ethiopia did not forgo that fundamental right.

## Case 6

### United Nations peacekeeping operations







delegation further suggested that guidelines would need to be established and adhered to, by field missions and all peacekeepers, regarding the collection and the protection of data. The delegation underlined the need for data collection in peace operations to only be used for peacekeeping purposes, with its use, protection and disposal conforming to international laws and norms and host country guidelines. The delegation of Pakistan asserted that using technology to collect, store and access data had always invoked certain sensitivities and concerns, adding that a responsible use of technology, which respected national sovereignty and addressed confidentiality concerns, could expedite the

- [S/2021/285](#) Identical letters dated 22 March 2021 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council To request the Group of Arab States in New York to take the necessary action to transmit the present resolution to the competent United Nations bodies and have it issued as a document of the United Nations, and to request that they include the question on their respective agendas, in accordance with the Charter of the United Nations, Article 2, paragraph 7, which prohibits interference in the internal affairs of States.
- [S/2021/352](#) Letter dated 13 April 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council