



Repertoire of the Practice of the Security Council

2nd Supplement

2022

Department of Political and Peacebuilding Affairs - Security Council Affairs Division
Security Council Practices and Charter Research Branch

Part III

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

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B. Discussion	

***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***

Table 1

Decisions containing implicit references to Article 1 (2)

<i>Decision and date</i>	<i>Provision</i>
<i>The situation concerning Western Sahara</i>	
Resolution 2654 (2022) 27 October 2022	Reaffirming its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, based on compromise, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect (sixth preambular paragraph) Calls upon the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect (para. 4)

B. Discussion relating to Article 1 (2)

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

In 2022, Council members and other Member States and entities continued to express support for the right of the Palestinian people to self-determination at meetings held under the item entitled “The situation in the Middle East, including the Palestinian question”.¹ At one of those meetings, the representative of Kenya stated that the right of self-determination for Palestinians was closely linked to the right of freedom for the exercise of religion.² That

¹ See [S/PV.8950](#), Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cuba, Indonesia, Malaysia, Argentina, Mexico and Egypt (on behalf of the Group of Arab States), and [S/2022/39](#) (record of written statements submitted in connection with the 8950th meeting), Azerbaijan (on behalf of the Non-Aligned Movement), Organization of Islamic Cooperation, and Qatar; [S/PV.9021](#), Kenya, Ireland, Jordan, Lebanon and Algeria; and

interlinkage, he added, inevitably had to form part of the underpinnings of lasting peace between Israelis and Palestinians.

In relation to the question concerning Western Sahara, at a meeting held on 27 October, at which the Council adopted resolution [2654 \(2022\)](#) extending the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), the representative of Kenya, who abstained from the vote on the resolution, regretted that progress in returning MINURSO to its core objective of implementing a referendum for the self-determination of the people of Western Sahara had been limited.³ He noted that resolution [2654 \(2022\)](#) continued a gradual but noticeable shift away from that mandate and would not assist the parties in achieving a just, lasting and mutually acceptable political solution. He also explained that unfortunately the proposals made by the Kenyan delegation during the negotiations had not been taken on board leading to their abstention in the vote. He was concerned that the resolution did not substantivel7f-c002 002a12 7

established the use of that instrument as a legitimate practice to decide on issues of sovereignty and territorial integrity, its validity depended on certain conditions. On that note, he explained that it was unreasonable to assume that populations in areas in conflict were able to freely express their will, and recalled that international practice recommended that referendums on questions of sovereignty be conducted in a transparent manner, without restrictions on the freedom of expression and with the possibility of monitoring by independent observers, which did not seem to have been the case for the regions of Donetsk, Luhansk, Kherson and Zaporizhzhya in Ukraine. The representative of Mexico expressed support for the right to self-determination of peoples as stated in General Assembly resolution [2625 \(XXV\)](#), which also stipulated, in its annex, that the enjoyment and exercise of that right shall not be construed “as

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

During the period under review, two explicit references to Article 1 of the Charter were made in letters from the representative of the Russian Federation addressed to the President of

communications from Member States relating to Cyprus,¹⁷ the India-Pakistani question,¹⁸ the Middle East, including the Palestinian question,¹⁹ Nagorno-Karabakh,²⁰ Ukraine²¹ and Western Sahara.²² In addition, in communications addressed to the President of the Council or brought to the attention of the Council, Member States made reference to referendums which were of relevance to the right of self-determination. For example, such references were found in letters from Georgia, concerning “the so-called referendum on unification with Russia recently announced by the Tskhinvali occupation regime”,²³ and Ukraine, concerning the preparations for the holding of “pseudo-referendums by the occupying administrations of the Russian Federation in the temporarily occupied territories of Ukraine”.²⁴

Moreover, in his reports to the Council regarding the situation in Mali,²⁵ Palestine,²⁶ the situation concerning Western Sahara,²⁷ the situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan,²⁸ the Secretary-General made

In addition, two draft resolutions in relation to the conflict in Ukraine that were put to a vote and failed to be adopted, contained references to Article 2 (4)³² and Article 2³³ of the Charter.

<i>Decision and date</i>	<i>Provision</i>
Resolution 2630 (2022) 12 May 2022	Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the Charter of the United Nations, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation (second preambular paragraph)

Calls for the cessation of support by States to armed groups engaged in destabilising activities in 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 the Democratic Republic of the Congo and Libya (see table 4).

Table 4

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

<i>Decision and date</i>	<i>Provision</i>
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The situation concerning the Democratic Republic of the Congo

Resolution [2666](#)

Security Council (S/2014/136)”,

Russian Federation had been positioned along the border with Ukraine.⁵¹ She conveyed the Secretary-General's strong belief that there should not to be any military intervention in that context and that diplomacy had to prevail, adding that any such intervention by one country in another would be against international law and the Charter of the United Nations

Secretary-General's strong belief that there should not to be any military intervention in that context and that diplomacy had to prevail, adding that any such intervention by one country in another would be against international law and the Charter of the United Nations

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the principles of the Charter of the United Nations and would have called upon the Russian Federation to immediately and unconditionally reverse that decision.⁶¹

Against that backdrop, during the meeting, Council members discussed the prohibition of the use of force in relation to the events unfolding in Ukraine. In this connection, two Council members made two explicit references to Article 2 (4) during the discussion. Speaking before the vote, the representative of Mexico pointed out that the invasion of one sovereign country by another, which constituted a flagrant violation of Article 2, paragraph 4, of the Charter also constituted an act of aggression under the terms of General Assembly resolution [3314 \(XXIX\)](#).⁶² He added that since the establishment of the United Nations, his country had defended the prohibition of the threat or use of force in international relations and would continue to do so in this Organization and in all other forums. The representative of Mexico further condemned the acts of aggression that the Russian Federation had perpetrated against Ukraine and recognized the sovereignty, political independence and territorial integrity of Ukraine. Speaking after the vote, the representative of Ghana said that it had voted in favour of the draft resolution because that act breached Russia's obligation to respect the provisions of Article 2, paragraph 4 of the Charter.⁶³ He further underscored that, by not refraining from the use of force in its relations with Ukraine, the Russian Federation had chosen to violate without justification the sovereignty, political independence and territorial integrity of Ukraine. He added that the actions of the Russian Federation had assailed the purposes and principles of the Charter and threatened the global order and the balance of peace and security. The representative of Ghana also took note of the letter from the Russian Federation submitted to the Council, seeking to indicate that its use of force against Ukraine was in self-defence while dismissing its all-out military action against Ukraine.⁶⁴ In his assessment, Ukraine presented no immediate threat to the Russian Federation. The representative of Ghana also stressed that the use of force as a basis for securing international agreement had no place in the modern international order and was unacceptable. He regretted that, at a time when the world looked to the Council to send a strong message that

⁶¹ Ibid., paras. 5 and 6.

⁶² See [S/PV.8979](#).

⁶³ Ibid.

⁶⁴ Ibid. See also [S/2022/154](#).

threats and use of force against other States were unacceptable, the Council had been unable to do so.

In addition to the above, two broader references to Article 2 were made during the meeting of relevance to the prohibition of the threat or use of force. Speaking after the vote, the representative of Kenya said that his country had voted in favour of the draft resolution to affirm Article 2 of the Charter, according to which 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, and to register Kenya's opposition to the breaching of the territorial integrity of Ukraine by the Russian Federation.⁶⁵ The representative of Ukraine recalled the content of the failed draft resolution and the obligation of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.⁶⁶

Other speakers discussed the importance of the prohibition of the use of force enshrined in Article 2 (4) without explicitly referring to that Article. Speaking before the vote, the representative of the United States, as co-penholder of the draft resolution together with Albania, pointed out that Russia had chosen to invade its neighbour, violate Ukraine's sovereignty, international law, and the Charter of the United Nations. She emphasized that Council members should vote in favour of the draft resolution if they believed in upholding the Charter and supported the right of Ukraine or any State to sovereignty and territorial integrity. Conversely, she said that Council members should vote against or abstain in the voting if they did not uphold the Charter and if they aligned themselves with the aggressive and unprovoked actions of Russia. The representative of Albania, highlighting the unprovoked aggression by the Russian Federation, said that Russia was not only inflicting untold pain and causing an unprecedented humanitarian situation in Europe, but it had also "stained the Charter of the United Nations with innocent blood" and was "burying the Charter under the rubble of destruction" in Kyiv and other cities in Ukraine. He called on the members of the Council to support the draft resolution in order to say no to aggression, unprovoked war and domination of a country by a more powerful one. Expressing grave concern about the Russian military operations against targets in sovereign

⁶⁵ See

Ukrainian territory, the representative of Brazil expressed the view that a line had been crossed and called on the Council to react swiftly to the use of force against the territorial integrity of a Member State. He recalled that during the negotiations on the draft resolution, Brazil had sought balance and to maintain a space for dialogue, while still signaling that the use of force against the territorial integrity of a Member State was not acceptable. He added that the framing of the use of force against Ukraine as an act of aggression in the draft resolution, a precedent that had seldom been used in the Council, would have signaled to the world the gravity of the situation but also downplayed other times when force was used against the territorial integrity of Member States with no equivalent reaction from the Council. No country, he said, elected or non-elected, with or without veto power, should be able to use force against the territorial integrity of another State with no Council reaction. Further, the representative of the United Kingdom dismissed Russia's claims that its invasion of Ukraine was in self-defence as absurd, and expressed her country's intention to hold Russia accountable for its aggression. The representative of Norway expressed deep regret about Russia's veto of the draft resolution and stressed that preventing and ending acts of aggression was a direct responsibility of the Council and a veto cast by the aggressor undermined the purpose of the Council and was a violation of the very foundation of the Charter. She further asserted that, in the spirit of the Charter, as a party to a dispute Russia should have abstained from voting on the draft resolution. She said that Russia's aggression not only violated the independence, sovereignty and territorial integrity of Ukraine but also constituted a serious breach of international peace and security and called on the Russian Federation to completely and unconditionally stop all fighting, withdraw all of its forces from the territory of Ukraine and respect the principles and purposes of the United Nations Charter. The representative of Ireland said that his country had voted in favour of the draft resolution in response to the Russian Federation's flagrant violation of the Charter of the United Nations, international law and the sovereignty and territorial integrity of Ukraine. He added that Russia had launched an unjustified and unprovoked attack on Ukraine and said that its use of the veto in blatant defence of its military aggression was reprehensible. The representative of Ukraine, said that Russia could not justify the offensive and emphasized instead that Russia had to show respect for the core principles enshrined in the Charter, namely, sovereign equality, non-use of force or threat of force against the territorial integrity and political independence of States.

use of force against the territorial integrity or political independence of any State, adding that yet President Putin had invaded Ukraine illegally and without justification. The Minister for Foreign Affairs of Ukraine underlined the principle that no country was allowed to change internationally recognized borders by force, which, he added, Russia had badly damaged. The Federal Minister for Foreign Affairs of Germany stressed the need to live up to the spirit of the Charter, which clearly stated that all members shall refrain from the threat or use of force against the territorial integrity or political independence of any state.

Case 5

Letter dated 13 September 2022 from the Permanent Representative of Armenia ([S/2022/688](#))

In response to the request for an emergency meeting by Armenia,⁶⁹ the Council held its first meeting under the item entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia ([S/2022/688](#))”, on 15 September 2022.⁷⁰

During the meeting, several Council members and the Member States parties to the conflict addressed the recent escalation between Armenia and Azerbaijan in the context of the principles contained in Article 2 (4) of the Charter. In that regard, the representative of Armenia underlined that acts of criminal aggression had been perpetrated by Azerbaijan against the territorial integrity of Armenia, in flagrant violation of international law and the Charter.⁷¹ He recalled that Armenia had repeatedly brought to the attention of the Council that Azerbaijan had engaged in the illegal practice of acquisition of territories by force. He further informed that the most recent attacks demonstrated that, in the absence of proper accountability measures, policies of aggression were likely to continue, and even increase in scope and scale. He added that, emboldened by the results of the use of force in the past, Azerbaijan sought to normalize

⁶⁹ See the letter dated 13 September 2022 from the permanent representative of Armenia ([S/2022/688](#)). In the letter, the representative of Armenia transmitted a letter from the Minister for Foreign Affairs of the Republic of Armenia, with a request to convene an emergency meeting of the Council, on the basis of Article 35, paragraph 1, of the Charter, in relation to the large-scale aggression of Aze

of the United Nations and its provisions relating to the mutual recognition of territorial integrity, the non-use or threat of use of force in the acquisition of territory and the pacific settlement of disputes. The representative of Ireland stressed that all forces had to urgently return to the positions they had held before the regrettable escalation in hostilities and that no forces should remain on the territory of another sovereign State. Similarly, the representative of the United Kingdom urged an immediate and sustained cessation of all military activity and the withdrawal of armed forces to their original positions before the escalation. The representative of France called on Azerbaijan to maintain its forces in their original positions, stressing that the delimitation of the border had to be decided exclusively through negotiations, and that the territorial integrity of Armenia had to

III. Obligation under Article 2, paragraph 5, to refrain from assisting 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.⁷⁶ Subsection A features implicit references made to Article 2 (5) in the decisions of the Council, and subsection B features discussions held by the Council which may be considered relevant for the interpretation of Article 2 (5). Communications addressed to the Council in 2022 did not contain any references to Article 2 (5).

A. Decisions relating to Article 2 (5)

In 2022, the Council did not explicitly invoke Article 2 (5) in its decisions. The Council, however, included language that may be considered of relevance for the interpretation of Article 2 (5) in decisions concerning the situations in the Central African Republic,⁷⁷ Libya,⁷⁸ Somalia,⁷⁹ South Sudan,⁸⁰ and Yemen.⁸¹

⁷⁶ For the practice of the Council relating to assistance by Member States to United Nations action in accordance with the Charter, see part V, sect. II (Article 25) and part VII, sects. V and VI (Articles 43, 45 and 48).

⁷⁷ Resolution [2648 \(2022\)](#), para. 1.

⁷⁸ Resolution [2644 \(2022\)](#), tenth preambular paragraph and para. 1.

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

Article 2, paragraph 7

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

Note

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

A. Decisions relating to Article 2 (7)

In 2022, the Council did not explicitly refer to Article 2 (7) in its decisions. Nonetheless, language used in some Council decisions under country- and region- specific as well as thematic items may be b Tw -2v 2 (a)i (y)2 ofin 1 (1)52 (s)4 (i) of BDC 3 -1T2 (BDC 33 fe)1 3sect[(S)3 (u)2 (b)2dbn

Table 6

Decisions containing implicit references to Article 2 (7), by region and country

<i>Decision and date</i>	<i>Provision</i>
<i>The situation in Afghanistan</i>	
Resolution 2626 (2022) 17 March 2022	Decides further that UNAMA and the Special Representative of the Secretary-General will continue to carry out their mandate in close consultations with all relevant Afghan political actors and stakeholders, including relevant authorities as needed, in support of the people of Afghanistan in a manner consistent with Afghan sovereignty, leadership and ownership, with a particular focus on the priorities laid out below (para. 5)
<i>Peace and security in Africa</i>	
Resolution 2634 (2022) 31 May 2022	Stresses the primary responsibility of the States of the Gulf of Guinea to counter piracy and armed robbery at sea in the Gulf of Guinea and address their underlying causes, in close cooperation with regional and subregional organizations and their international partners (para. 2)
S/PRST/2022/6 31 August 2022	The Security Council reiterates its support for the work of the Peacebuilding Commission, acknowledges the importance of strong coordination, coherence and cooperation with the Peacebuilding Commission and commends the Peacebuilding Commission continued engagement with the countries and regions in Africa in enhancing capacity in the areas of inclusive peacebuilding, socio-economic development, DDR; Security Sector Reform (SSR) and institutions of justice and national reconciliation (para. 2)

Decision and date ***Provision***

and the full, equal, and meaningful participation of women, to deliver durable solutions to Haiti's immediate and long-term challenges (eighteenth preambular paragraph)

Resolution [2653 \(2022\)](#)
21 October 2022

B. Discussion relating to Article 2 (7)

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