
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 2022, Council members and other participants in Council discussions deliberated on the principle of self-determination in the context of the Palestinian question, the situation concerning Western Sahara and the referendums held in the occupied regions of Ukraine. Council members addressed the application and interpretation of Article 2 (4) of the Charter concerning the prohibition of the use or threat of use of force and non-interference in the internal affairs of other States at meetings held in connection with the escalation of hostilities on the Armenia-Azerbaijan border and the situations in Iraq, the Golan, Libya, the Syrian Arab Republic and Ukraine, as well as in the context of promoting common security through dialogue and cooperation. Council members also discussed the obligation of States to refrain from giving assistance to any State or non-State actor against which the United Nations was taking preventive or enforcement action pursuant to Article 2 (5) in connection with the situations in the Democratic Republic of the Congo, Libya, Ukraine and Yemen. Furthermore, Council members reflected on the principles enshrined in Article 2 (7) during discussions concerning the renewals of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali and of the sanctions regime imposed on the Democratic Republic of the Congo, as well as during a high-level open debate focused on strengthening accountability and justice for serious violations of international law.

During the period under review, the Council did not adopt any decision containing explicit references to Articles 1 (2), 2 (4), 2 (5) or 2 (7) of the Charter. Nonetheless, part III includes Council decisions featuring language relating to the principles enshrined in those Articles. In addition, it includes explicit invocations of Articles 1 (2), 2 (4) and 2 (7) found 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) of the Charter in its decisions. However, language found in one Council decision, adopted in connection with the envisaged referendum in Western Sahara, is of relevance to the interpretation and application of Article 1 (2) (see table 1).

Table 1
Decisions containing implicit references to Article 1 (2) of the Charter, 2022

| <i>Decision and date</i> | <i>Provision</i> |
|--|--|
| The situation concerning Western Sahara | |
| Resolution 2654 (2022) 27 October | 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. Discussions 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 of Palestinians was closely linked to the right to the free exercise of religion.² That 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,³ 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 had abstained from the vote on the resolution, expressed regret 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. 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 that had been made by his delegation during the negotiations had not been taken on board, which was why Kenya had abstained in the vote. He expressed concern that the resolution did not substantively reflect the Council’s commitment, as had been the case in previous resolutions, to 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. He also emphasized that, underlying the United Nations recognition of the right to self-determination through a properly implemented referendum was the Charter, which held that all peoples have the unquestionable and inalienable right to self-determination. The representative of the Russian Federation, who had also abstained from voting, stressed that the formula for a final settlement should be based on mutually acceptable outcomes that would contribute to a fair political resolution of the situation in Western Sahara for both Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro and should provide for the self-determination of the people of Western Sahara in the framework of procedures that were consistent with the purposes and principles of the Charter.

With respect to the situation in Ukraine, on 27 September, at a meeting held under the item entitled “Maintenance of peace and security of Ukraine”, Council members deliberated on the right to self-determination in the context of the referendums carried out by authorities of the Russian Federation in the occupied regions of Donetsk, Luhansk, Kherson and Zaporizhzhia (see case 1).

Case 1 Maintenance of peace and security of Ukraine

On 27 September, the Security Council held a meeting under the item entitled “Maintenance of peace and security of Ukraine”.⁴ Council members heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs, who informed the Council that the de facto authorities in the regions of Donetsk, Luhansk, Kherson and Zaporizhzhia had conducted so-called referendums in which Ukrainians had been asked whether they approved their regions joining the Russian Federation. She added that voting had taken place in polling centres while the de facto authorities accompanied by soldiers had also gone door to door with ballot boxes. She emphasized that those exercises, which had been held during active armed conflict

¹ See [S/PV.8950](#) (Mexico and Egypt (on behalf of the Group of Arab States)); [S/PV.8950 \(Resumption 1\)](#) (Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cuba, Indonesia, Malaysia and Argentina); [S/2022/39](#) (Azerbaijan (on behalf of the Movement of Non-Aligned Countries), Organization of Islamic Cooperation and Qatar); [S/PV.9021](#) (Kenya, Ireland, Jordan, Lebanon and Algeria); [S/PV.9021 \(Resumption 1\)](#) (Malaysia, Pakistan, Bolivarian Republic of Venezuela, Committee on the Exercise of the Inalienable Rights of the Palestinian People and Cuba); [S/PV.9099](#) (Algeria and Jordan); [S/PV.9099 \(Resumption 1\)](#) (Pakistan, Bolivarian Republic of Venezuela, Cuba, Malaysia, Committee on the Exercise of the Inalienable Rights of the Palestinian People, Qatar, Indonesia, Azerbaijan (on behalf of the Movement of Non-Aligned Countries), Argentina and Organization of Islamic Cooperation); [S/PV.9174](#) (China, Lebanon, Egypt, Jordan and Algeria); [S/PV.9174 \(Resumption 1\)](#) (Islamic Republic of Iran, Malaysia, Indonesia, Bolivarian Republic of Venezuela, South Africa, Iraq (on behalf of the Group of Arab States), Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cuba and Azerbaijan (on behalf of the Movement of Non-Aligned Countries)).

² See [S/PV.9021](#).

³ See [S/PV.9168](#).

⁴ See [S/PV.9138](#).

in areas under the control of the Russian Federation and outside the legal and constitutional framework of Ukraine, could not be called a genuine expression of the popular will.

During the ensuing discussion, several Council members stated that they considered the referendums carried out by the Russian Federation in regions of Ukraine to be a “sham”, “illegal” or “illegitimate”.⁵ A number of Council members emphasized that the referendums had no legal effect or impact on the status of the regions in question and on the sovereignty of Ukraine within its internationally recognized borders,⁶ nor did they reflect the will of the Ukrainian people.⁷

Some Council members referred to the right to self-determination in the context of those referendums. In that regard, the representative of Brazil, expressing concern about the holding of the referendums, underscored that the Charter of the United Nations and other international treaties recognized the inalienable right of all peoples to self-determination and to freely decide their political status, and stated that the right to self-determination was a fundamental principle of international law, which was the very basis of the legitimacy of States. He further stated that, while many times in the past, in particular in the context of decolonization, the holding of referendums had been the means chosen for peoples to express their free will and that Council resolutions had 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 of 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 Zaporizhzhia in Ukraine. The representative of Mexico expressed support for the right to self-determination of peoples as stated in General Assembly resolution 2625 (XXV), in which the Assembly had also stipulated, in the annex to the resolution, that the enjoyment and exercise of that right was not to be construed “as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity ... of sovereign and independent States”. Given the gravity of the context in which those so-called referendums had taken place, he further reiterated his delegation’s call for urgent dialogue between the parties, as well as for the strengthening of diplomatic channels to promote confidence-building measures.

By contrast, the representative of the Russian Federation underscored that the referendums had been held under exceptionally transparent conditions, with all electoral norms being fully observed, and stated that soldiers had been protecting the participants in the referendums from likely provocations on the Ukrainian side. He maintained that self-determination was considered a democratic choice only if the West approved of it, and added that, when denying the people of Donbas and the liberated territories of Ukraine their right to self-determination, Western delegations were demonstrating egregious double standards, given that those criticizing the referendum in the Donbas, Kherson and Zaporizhzhia regions had supported the independence of Kosovo and had argued that the territory of Kosovo had had the right to “remedial secession” from Serbia in the case of a real threat to the rights of Kosovar Albanians. He pointed out that, while the Charter stipulated the principle of respect for territorial integrity, such respect under international law was not unconditional. In that regard, he recalled the interpretation of the principle of territorial integrity provided by the General Assembly in its Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, according to which all States should respect the sovereignty and territorial integrity of any State whose Government respected the principle of self-determination of peoples and represented all peoples within its territory.

On 30 September, at a meeting held under the same item,⁸ following the announcement by the Russian Federation of the results of the referendums in support of the integration of the Donetsk, Luhansk, Kherson and Zaporizhzhia regions into the Russian Federation, Council members voted on a draft resolution submitted by Albania and the United States, in which the Council would have condemned

⁵ United States, Albania, Ireland, United Kingdom and France.

⁶ Ireland, Norway and France.

⁷ United States, Albania, Ireland, Ghana and France.

⁸ See [S/PV.9143](#).

the “illegal so-called referenda in regions within Ukraine’s internationally recognized borders”.⁹ The Council failed to adopt the draft resolution owing to the negative vote of the Russian Federation.¹⁰ Prior to the vote, the representative of the Russian Federation informed the Council that treaties had been signed on the accession of those regions into the Russian Federation, adding that there would be no turning back, as the draft resolution had tried to impose.¹¹ He further recalled that the Russian Federation had constructively proposed amendments that many Council members would have supported concerning the fact that it was necessary to respect both the territorial integrity of all Member States and the principle of the self-determination of peoples, in accordance with the Charter. He also indicated that members of the Council had different assessments of the outcome of the referendums, adding that no one could argue with the fact that the free expression of the will of the people was an essential element of a democratic society. After the vote, the representative of the United Arab Emirates, who had voted in favour of the draft resolution, underscored that the referendums held over the past week and the announcement regarding the incorporation of the four regions into the Russian Federation were serious developments in the conflict, which made finding a peaceful resolution more difficult and implicated the territorial integrity, sovereignty and independence of a State Member of the United Nations. While noting that those were core principles of the Charter that were central to peaceful, cooperative and productive relations between States and essential for the security and stability of all, she emphasized that the principle of self-determination was also a fundamental principle enshrined in the Charter, and that any tensions between that principle and the principles of territorial integrity, sovereignty and independence did not need to amount to a zero-sum game.

C. Invocations 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 the Security Council or circulated as a Council document, referring to the principle of self-determination enshrined in Article 1 (2).

In a letter dated 24 February, the representative of the Russian Federation transmitted an address made by the President of the Russian Federation on 24 February, in which the President emphasized that, while the outcomes of the Second World War were sacred, they did not override the right of nations to self-determination as enshrined in Article 1 of the Charter.¹² He added that neither at the founding of the Soviet Union nor after the Second World War had the people living in any of the territories that made up present-day Ukraine been asked how they themselves wanted to build their lives, and underscored that the policy of the Russian Federation was based on the freedom of choice for all to determine their own future and that of their children.

In a letter dated 3 October, the representative of the Russian Federation transmitted an address made by the President of the Russian Federation on 30 September, on the occasion of the signing of the treaties on the accession of the Donetsk, Luhansk, Kherson and Zaporizhzhia regions into the Russian Federation.¹³ In the address, the President reported that referendums had been held, ballots had been counted and the results had been announced, and that the people had made their unequivocal choice. He stated that, following the signing of the treaties, he had no doubt that the Federal Assembly would support the constitutional laws on the accession into the Russian Federation and the establishment of four new regions, as new constituent entities of the Russian Federation, because that was the will of millions of people. According to the President, it was undoubtedly their right, an inherent right sealed in Article 1 of the Charter, which directly stated the principle of equal rights and self-determination of peoples.

During the period under review, the principle of self-determination was invoked in numerous communications addressed to or brought to the attention of the Council, including communications from

⁹ S/2022/720, para. 2.

¹⁰ For more information, see part I, sect. 19.

¹¹ See S/PV.9143.

¹² See S/2022/154, annex.

¹³ See S/2022/738, annex.

Member States relating to Cyprus,¹⁴ the India-Pakistan question,¹⁵ the Middle East, including the Palestinian question,¹⁶ Nagorno-Karabakh,¹⁷ Ukraine¹⁸ and Western Sahara.¹⁹ In addition, in communications addressed to the President of the Security Council or brought to the attention of the Council, Member States made reference to referendums that 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”,²⁰ 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”.²¹

Moreover, in his reports to the Council regarding the situation in Mali,²² the State of Palestine,²³ the situation concerning Western Sahara²⁴ and the situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan,²⁵ the Secretary-General made reference to the principle of self-determination. In addition, references to the right to self-determination were made in a letter from the representatives of China and the Russian Federation, transmitting a joint statement dated 4 February 2022 by the Russian Federation and China on international relations entering a new era and global sustainable development,²⁶ a letter from the representative of the Russian Federation, transmitting a report of the Republika Srpska on recent political developments in Bosnia and Herzegovina,²⁷ and a note verbale from the Permanent Mission of the Bolivarian Republic of Venezuela, transmitting a statement of the Group of Friends in Defence of the Charter of the United Nations for the Arria-formula meeting on the theme “Ongoing protests in Iran”, held on 2 November.²⁸

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 of the United Nations. Subsection A includes implicit references to Article 2 (4) in decisions adopted by the Council. Subsection B highlights discussions relating to the threat or use of force. Subsection C features explicit references to Article 2 (4) in communications to the Council.

¹⁴ See S/2022/599.

¹⁵ See S/2022/90, annex; S/2022/295, annexes I and II; S/2022/296, annex; S/2022/600, annex; S/2022/620, annex; S/2022/759, annex; and S/2022/807, annex.

¹⁶ See S/2022/25; S/2022/114; S/2022/236; S/2022/283; S/2022/364, annex; S/2022/372, enclosure; S/2022/377; S/2022/452; S/2022/466; S/2022/589; S/2022/628; S/2022/662; S/2022/719; S/2022/879; S/2022/905; and S/2022/1035.

¹⁷ See S/2022/37; S/2022/168, annex; and S/2022/988, annex.

¹⁸ See S/2022/337, annex.

¹⁹ See S/2022/339, annex; S/2022/414, annex; S/2022/473; S/2022/555; and S/2022/797, annex.

²⁰ See S/2022/308, annex.

²¹ See S/2022/604, annex.

²² See S/2022/446.

²³ See S/2022/504 and S/2022/945.

²⁴ See S/2022/733.

²⁵ See S/2022/898.

²⁶ See S/2022/212, annex.

²⁷ See S/2022/823, annex.

²⁸ See S/2022/830, annex.

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) of the Charter. 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 or occupied territories. The four themes are covered below.

In addition, two draft resolutions in relation to the conflict in Ukraine that the Council put to a vote and failed to adopt contained references to Article 2 (4)²⁹ and Article 2³⁰ of the Charter.

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

In 2022, the Council stressed the prohibition of the threat or use of force against other Member States in 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 affirming the prohibition of the threat or use of force in international relations, 2022

| <i>Decision and date</i> | <i>Provision</i> |
|--|--|
| The situation in the Middle East | |
| Resolution 2639 (2022) 27 June | Stressing that both parties must abide by the terms of the disengagement of forces agreement of 31 May 1974 between Israel and the Syrian Arab Republic and scrupulously observe the ceasefire (third preambular paragraph) <i>See also resolution 2671 (2022), third preambular paragraph</i> Stresses the obligation on both parties to scrupulously and fully respect the terms of the disengagement of forces agreement of 31 May 1974, calls upon the parties to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation, encourages the parties to take full advantage of the liaison function of the United Nations Disengagement Observer Force (UNDOF) regularly to address issues of mutual concern, as appropriate, and to maintain their liaison with UNDOF to prevent any escalation of the situation across the ceasefire line, as well as to support the enhancement of the UNDOF liaison function, and underscores that there should be no military activity of any kind in the area of separation, including military operations by the Syrian Arab Armed Forces (para. 2) <i>See also resolution 2671 (2022), para. 2</i> |
| Reports of the Secretary-General on the Sudan and South Sudan | |
| Resolution 2630 (2022) 12 May | 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, 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, and recalling prior agreements on the administration and security of the Abyei Area (third preambular paragraph) |

²⁹ See [S/2022/155](#), para. 2.

³⁰ See [S/2022/155](#), first preambular paragraph; and [S/2022/720](#), first preambular paragraph.

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 the Charter of good-neighbourliness, non-interference and regional cooperation with regard to the situations in the Central African Republic, the Democratic Republic of the Congo, Libya, South Sudan and the Sudan, as well as more broadly under the item entitled “Peace and security in Africa” (see table 3). Furthermore, the Council consistently reaffirmed, in many of its decisions concerning country-specific situations, its respect for or commitment to the sovereignty, unity, independence and territorial integrity of States.

Table 3
Decisions affirming the principles of good-neighbourliness, non-interference and regional cooperation among States, 2022

| <i>Decision and date</i> | <i>Provision</i> |
|--|---|
| Peace and security in Africa | |
| S/PRST/2022/6 31 August | 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 the principles of good-neighbourliness, non-interference and regional cooperation (first paragraph) |
| The situation in the Central African Republic | |
| Resolution 2659 (2022) 14 November | 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) |
| The situation concerning the Democratic Republic of the Congo | |
| Resolution 2641 (2022) 30 June | 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 (second preambular paragraph) |
| | <i>See also resolution 2666 (2022), third preambular paragraph</i> |
| The situation in Libya | |
| Resolution 2644 (2022) 13 July | Expresses serious concern over continued violations of the arms embargo, demands full compliance by all Member States with the arms embargo, calls upon all Member States not to intervene in the conflict or take measures that exacerbate the conflict, and reiterates that individuals and entities determined by the Committee established pursuant to resolution 1970 (2011) concerning Libya to have violated the provisions of resolution 1970 (2011) , including the arms embargo, or assisted others in doing so, are subject to designation (para. 5) |
| Reports of the Secretary-General on the Sudan and South Sudan | |
| Resolution 2625 (2022) 15 March | 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 2630 (2022) 12 May | 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) |

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 in which it called 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 the cessation of support by States to armed groups engaged in destabilizing national and regional peace and security, 2022

| <i>Decision and date</i> | <i>Provision</i> |
|--|---|
| The situation concerning the Democratic Republic of the Congo | |
| Resolution 2666 (2022) 20 December | Recalls that the elimination of the threat posed by armed groups requires an integrated regional approach and strong political engagement by the Government of the Democratic Republic of the Congo, the African Union, the East African Community, the International Conference on the Great Lakes Region and the Southern African Development Community, reaffirms its support to national and regional efforts to promote peace and stability in the Democratic Republic of the Congo and the region, building on the commitments made by the countries of the region under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, which remains an essential mechanism to achieve durable peace and stability, stresses the commitments undertaken by the region under the Framework to neither tolerate nor provide assistance or support of any kind to armed groups, strongly condemns all external support to non-State armed actors, including the Mouvement du 23 mars, and calls for an immediate end to such support (para. 15) |
| The situation in Libya | |
| Resolution 2644 (2022) 13 July | <p>Recalling that providing support for armed groups or criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya may constitute acts that threaten the peace, stability and security of Libya (ninth preambular paragraph)</p> <p>Further reiterating its concern about activities which could damage the integrity and unity of Libyan State financial institutions and the National Oil Corporation, and stressing the need for the unification of Libya's institutions, and, in this regard, calling upon Member States to cease support to and official contact with parallel institutions outside of the authority of the Government of Libya (tenth preambular paragraph)</p> <p>Calls upon all parties to implement the ceasefire agreement of 23 October 2020 (S/2020/1043) in full and urges Member States to respect and support the full implementation of the agreement, including through the withdrawal of all foreign forces and mercenaries from Libya without further delay (para. 6)</p> |
| Resolution 2647 (2022) 28 July | <p>Calls upon all parties to implement the ceasefire agreement of 23 October 2020 in full, including the action plan agreed by the 5+5 Joint Military Commission in Geneva on 8 October 2021, which is to be implemented in a synchronized, phased, gradual and balanced manner, and urges Member States to respect and support its full implementation, including through the withdrawal of all foreign forces, foreign fighters and mercenaries from Libya without further delay (para. 8)</p> <p><i>See also resolution 2656 (2022), para. 10</i></p> |

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 Israel and Lebanon.³¹

³¹ Resolution [2650 \(2022\)](#), para. 20.

B. Discussions relating to Article 2 (4)

During the period under review, Article 2 (4) of the Charter was explicitly invoked 11 times at nine Council meetings. References to this provision were made in connection with country- and region-specific as well as thematic items, as elaborated upon below.

A total of 6 of the 11 explicit references to Article 2 (4) of the Charter were made during meetings held under items concerning Ukraine.³² Three additional explicit references were also made to Article 2 (4) relating to the conflict in Ukraine in the context of the following thematic items: “Maintenance of international peace and security”³³ and “Threats to international peace and security”.³⁴

The remaining two explicit references to Article 2 (4) of the Charter were made in connection with the item entitled “Protection of civilians in armed conflict”³⁵ and the newly introduced item entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)” regarding the escalation of hostilities at the Armenia-Azerbaijan border.³⁶

In addition, Article 2 of the Charter was referred to more broadly eight times during seven meetings held by the Council in 2022. Six of the eight references were made at meetings held in connection with items concerning Ukraine.³⁷ The remaining two references were made in connection with the item entitled “Maintenance of international peace and security”.³⁸

Furthermore, language that may be considered of relevance to the application and/or interpretation of Article 2 (4) of the Charter was used at various meetings held in connection with Bosnia and Herzegovina, the Golan, Iraq, Libya and the Syrian Arab Republic.³⁹

³² See, in connection with 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.8979 (Mexico and Ghana); in connection with the item entitled “Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264)”, S/PV.9002 (Mexico); and in connection with the item entitled “Maintenance of peace and security of Ukraine”, S/PV.9104 (Mexico), S/PV.9115 (Mexico) and S/PV.9138 (Mexico).

³³ See S/PV.9220 (Resumption 1) (Austria).

³⁴ See S/PV.9127 (Ireland and Ukraine).

³⁵ See S/PV.8953 (Resumption 1) (Canada).

³⁶ See S/PV.9132 (Armenia).

³⁷ See, in connection with 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.8970 (Ukraine) and S/PV.8979 (Kenya and Ukraine); and in connection with the item entitled “Maintenance of peace and security of Ukraine”, S/PV.9104 (Albania), S/PV.9135 (Mexico) and S/PV.9138 (Norway).

³⁸ See S/PV.9052 (India); and S/PV.9112 (Albania).

³⁹ See, for example, in connection with the item entitled “The situation in Bosnia and Herzegovina”, S/PV.9029 (United Kingdom, Gabon, Ireland, Albania, China, United Arab Emirates, Russian Federation, Norway, United States, Bosnia and Herzegovina, European Union, Serbia and Croatia); in connection with the item entitled “The situation concerning Iraq”, S/PV.9034 (United Arab Emirates, China, Russian Federation, Ireland, India, France, Brazil and Iraq) and S/PV.9100 (Iraq, Türkiye, United States, Ireland, India, Norway, Ghana, Kenya, Russian Federation, United Kingdom, China, Albania and Brazil); in connection with the item entitled “The situation in Libya”, S/PV.8952 (United Kingdom, United Arab Emirates, Kenya (also on behalf of Gabon and Ghana), India and Libya) and S/PV.9162 (Norway, Russian Federation, Kenya (also on behalf of Gabon and Ghana), Mexico, France, China and United Arab Emirates); in connection with the item entitled “The situation in the Middle East”, S/PV.8978 (United Arab Emirates, Kenya (also on behalf of Gabon and Ghana), China, Russian Federation and Islamic Republic of Iran), S/PV.9003 (Russian Federation, France, China, Kenya, Brazil, United Arab Emirates and Islamic Republic of Iran), S/PV.9083 (Russian Federation, United States, China, Brazil, Mexico, Ghana (also on behalf of Gabon and Kenya), France and India) and S/PV.9117 (United States, Mexico, China and Syrian Arab Republic); and in connection with the item entitled “The situation in the Middle East, including the Palestinian question”, S/PV.8950 (Russian Federation, China and Islamic Republic of Iran) and S/PV.8950 (Resumption 1) (Cuba, Syrian Arab Republic and Argentina). For more information on discussions held under the item entitled “The situation in the Middle East” in the context of the right to self-defence under Article 51 of the Charter, see part VII, sect. X.A, case 12.

Concerning thematic items, Council members and other delegations addressed the principles enshrined in Article 2 (4) of the Charter, specifically the need to respect the sovereignty and territorial integrity of States and the prohibition of the threat or use of force, at various meetings held during the reporting period.⁴⁰

Featured below are the most relevant discussions held by the Council in 2022 on the prohibition of the threat or the use of force against the territorial integrity of other States and the inadmissibility of the acquisition of territory by force, whether by means of explicit or implicit references to Article 2 (4) of the Charter. During the period under review, the Council held numerous meetings to address developments in the conflict in Ukraine under the following items: “Threats to international peace and security”,⁴¹ “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)”,⁴² and “Maintenance of peace and security of Ukraine”,⁴³ featured in cases 2 to 4 below.⁴⁴ In addition, case 5 focuses on a discussion concerning the escalation of hostilities at the Armenia-Azerbaijan border held under the item entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)”.

Case 2

Threats to international peace and security

On 31 January, at the initiative of the United States, the Security Council held a meeting under the item entitled “Threats to international peace and security” focused on the situation in Ukraine,⁴⁵ to address actions of the Russian Federation on the border with Ukraine. At the outset of the meeting, the representative of the Russian Federation requested a procedural vote on the proposal of the United States to hold the meeting. The representative of the Russian Federation recalled that, in explaining its proposal to convene the meeting, the United States had underscored that it considered the deployment of Russian troops on Russian territory to be a threat to international peace and security, which, he said, was not only tantamount to unacceptable interference in the domestic affairs of the Russian Federation but also an attempt to mislead the international community on the actual situation in the region and on the reason for current global tensions. At the request of the Russian Federation, the provisional agenda was put to a vote and adopted with 10 votes in favour (Albania, Brazil, France, Ghana, Ireland, Mexico, Norway, United Arab Emirates, United Kingdom and United States), 2 against (China and Russian Federation) and 3 abstentions (Gabon, India and Kenya).⁴⁶

Following the adoption of the agenda, the Council heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs, who expressed great concern over the continuing escalation of tensions and the reports that more than 100,000 troops and heavy weaponry from the Russian Federation were positioned along the border with Ukraine. She conveyed the Secretary-General’s strong belief that

⁴⁰ See, in connection with the item entitled “Briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe”, S/PV.8992 (Norway, Ghana, United Kingdom, France, Brazil, United States, China, Ireland and United Arab Emirates); in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, S/PV.9065 (High Representative of the European Union for Foreign Affairs and Security Policy, United States, China, Mexico, India and United Kingdom); and in connection with the item entitled “Maintenance of international peace and security”, S/PV.9112 (Brazil, Gabon, France, United States, United Kingdom, Norway, Ghana, Ireland, India, Albania, Mexico and China), S/PV.9220 (Ghana, Albania, Pakistan, Armenia and Poland) and S/PV.9220 (Resumption 1) (Egypt, Estonia, Ethiopia, Ecuador, Malta, Saint Lucia (also on behalf of Bahamas, Barbados, Bhutan, Brazil, Cabo Verde, Gambia, Grenada, Guyana, India, Jamaica, Malawi, Mauritius, Federated States of Micronesia, Mongolia, Nauru, Nigeria, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, South Africa, Timor-Leste and Vanuatu), Liechtenstein, Indonesia, Islamic Republic of Iran, Latvia, Viet Nam (on behalf of the Association of Southeast Asian Nations) and Morocco).

⁴¹ For more information on the item, see part I, sect. 34.

⁴² For more information on the item, see part I, sect. 19.A.

⁴³ This item was added in 2022 to the list of matters of which the Council is seized. For more information on the item, see part I, sect. 19.C. For more information on the Council agenda, see part II, sect. II.

⁴⁴ In addition to the meetings featured below, developments in connection with Ukraine were also discussed 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)”.

⁴⁵ See S/PV.8960.

⁴⁶ For more information about the procedural vote on the provisional agenda, see part II.

there should not be any military intervention in that context and that diplomacy should prevail, adding that any such intervention by one country in another would be against international law and the Charter of the United Nations. The Under-Secretary-General reiterated the full commitment of the United Nations to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders.

In the ensuing discussion, Council members and other Member States expressed support for the sovereignty and territorial integrity of Ukraine.⁴⁷ Some participants also underlined more broadly the importance of the principles enshrined in the Charter, including the respect for the sovereignty and territorial integrity of States and the prohibition of the use of force.⁴⁸

Without explicit reference to Article 2 (4) of the Charter, many Council members deliberated on the significance of the prohibition of the use or threat of use of force. The representative of the United States underscored that the actions of the Russian Federation were a threat not only to Ukraine but also to Europe and the international order. She emphasized that Ukraine was a sovereign country and a sovereign people, entitled to determine their own future, without the threat of force, which was a right enshrined by the Charter. She added that if the Russian Federation further invaded Ukraine, the consequences would be horrific. She further pointed out that if former empires had licence to start reclaiming territory by force, it would set the world down a dangerous path. The representative of Albania warned that it would be wrong to consider the threat of a military attack by the Russian Federation against Ukraine as another crisis between the Russian Federation and the West, as it was rather a challenge to the European security order and to the whole international security architecture, which was based on the Charter. He further called upon the Russian Federation and the Council to expressly confirm respect for the sovereignty and territorial integrity of Ukraine. The representative of the United Kingdom stressed that any invasion or act of aggression by the Russian Federation against Ukraine would be a gross breach of international law and of the commitments of the Russian Federation under the Charter, and urged the Russian Federation to make clear in the Council that it would abide by its obligations under the Charter, that it had no plans to invade Ukraine, that it would abstain from the threat or use of force against its neighbour, that it would not further undermine the sovereignty or territorial integrity of Ukraine by military or any other means and that it would stand down its troops. The representative of France underscored that the accumulation of significant military capabilities on the border of a neighbouring sovereign State constituted threatening behaviour and that it raised legitimate questions about the intentions of the Russian Federation, especially since that country had already undermined the territorial integrity of Ukraine in the past. He added that dialogue efforts to address the situation must respect the fundamental principles on which European security was based, as set out in the Charter and the founding documents of the Organization for Security and Cooperation in Europe, including the sovereign equality and territorial integrity of States, the inviolability of borders, non-recourse to the threat or use of force and the freedom of States to choose or modify their own security arrangements. The representative of Mexico said that there were basic principles when addressing the issue, in accordance with the Charter, including the prohibition on the threat or use of force in international relations, the principle of non-intervention and the peaceful settlement of disputes. He explained that, with regard to the first principle, the mere escalation of tensions in Eastern Europe was a potential threat to international peace and security, and that it was therefore within the purview of the Council, pursuant to Article 39 of the Charter.⁴⁹ For that reason, he stressed the importance of trying to avoid any type of action that could be considered hostile by any of the parties, however slight it might seem. He said, however, that the remarks made by the representative of the Russian Federation had been encouraging, as he had been very clear in reiterating that there was no planned invasion of Ukraine, which was a unilateral statement of non-aggression. The representative of Ukraine stated that his country strongly rejected any attempt to use the threat of force as an instrument of pressure to make Ukraine and its partners accept illegitimate demands and emphasized the country's inherent sovereign right to choose its own security arrangements, which, he added, could not be questioned by the Russian Federation. The representative of Lithuania condemned the continued aggressive actions and threats of the Russian Federation against Ukraine and called upon the Russian Federation to de-escalate the situation and abide by international law, immediately stop fuelling the conflict by providing financial and military support to

⁴⁷ Albania, United Kingdom, France, Ireland, Kenya, Mexico, Norway and Lithuania (also on behalf of Estonia and Latvia).

⁴⁸ Brazil, United Arab Emirates and Poland.

⁴⁹ For more information, see part VII, sect. I.

the armed formations that it backed and to withdraw its military troops and materiel from the eastern border of Ukraine and the Crimean peninsula.

By contrast, the representative of the Russian Federation indicated that the deployment of Russian troops within its own territory was being interpreted by the West as a planned military action and even an act of aggression about to be launched without proof to uphold that accusation, and in turn accused the West of whipping up tensions and rhetoric and provoking escalation, as the discussion about the threat of war was provocative in itself.⁵⁰

Case 3

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

On 25 February, following the invasion of Ukraine by the Russian Federation, the Security Council met to vote on a draft resolution submitted by 82 Member States.⁵¹ The Council failed to adopt the draft resolution owing to the negative vote of the Russian Federation.⁵² Under the draft resolution, the Council would have recalled the obligation of all States under Article 2 of the Charter of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, would have deplored in the strongest terms the aggression of the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter, and would have decided that the Russian Federation was to immediately cease its use of force against Ukraine, refrain from any further unlawful threat or use of force against any Member State and immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders.⁵³ Furthermore, the Council would have deplored the decision of 21 February 2022 of the Russian Federation related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine as a violation of the territorial integrity and sovereignty of Ukraine and inconsistent with the principles of the Charter and would have decided that the Russian Federation was to immediately and unconditionally reverse that decision.⁵⁴

Against that backdrop, during the meeting, Council members discussed the prohibition of the use of force in relation to the events unfolding in Ukraine.⁵⁵ In that regard, two Council members made two explicit references to Article 2 (4) of the Charter during the discussion. Speaking before the vote, the representative of Mexico pointed out that the invasion of one sovereign country by another constituted a flagrant violation of Article 2 (4) of the Charter and also constituted an act of aggression under the terms of General Assembly resolution 3314 (XXIX). 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 the Organization and in all other forums. He further condemned the acts of aggression that the Russian Federation had perpetrated against Ukraine and stated that his country recognized the sovereignty, political independence and territorial integrity of Ukraine. Speaking after the vote, the representative of Ghana said that his country had voted in favour of the draft resolution because the invasion of Ukraine by the Russian Federation breached the obligation of the Russian Federation to respect the provisions of Article 2 (4). 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, which had assailed the purposes and principles of the Charter, had threatened the global order and the balance of peace and security. The representative of Ghana also stated that his delegation had taken note of the letter from the Russian

⁵⁰ For more information on the discussions held under this item in the context of Article 51 of the Charter, see part VII, sect. X.A. For information on all meetings held under this item concerning the conflict in Ukraine, see part I, sect. 34.

⁵¹ See [S/2022/155](#).

⁵² The draft resolution received 11 votes in favour (Albania, Brazil, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, United Kingdom and United States), 1 against (Russian Federation) and 3 abstentions (China, India and United Arab Emirates). See [S/PV.8979](#).

⁵³ [S/2022/155](#), first preambular paragraph and paras. 2–4.

⁵⁴ *Ibid.*, paras. 5 and 6.

⁵⁵ See [S/PV.8979](#).

Federation submitted to the Council,⁵⁶ in which the Russian Federation sought to indicate that its use of force against Ukraine was in self-defence while dismissing its all-out military action against Ukraine. He noted that, in his assessment, Ukraine presented no immediate threat to the Russian Federation.⁵⁷ He 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 expressed regret that, at a time when the world looked to the Council to send a strong message that 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 of the Charter in relation to the prohibition of the threat or use of force were made during the meeting. Speaking after the vote, the representative of Kenya said that his country had voted in favour of the draft resolution to affirm Article 2, according to which all Members were to 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 his country's opposition to the breach by the Russian Federation of the territorial integrity of Ukraine. In summarizing the content of the draft resolution, the representative of Ukraine referred to the obligation of all States under Article 2 to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

Other speakers discussed the importance of the prohibition of the use of force enshrined in Article 2 (4) of the Charter 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 the Russian Federation had chosen to invade its neighbour and to violate the sovereignty of Ukraine, international law and the Charter. 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 the Russian Federation. The representative of Albania, highlighting the unprovoked aggression by the Russian Federation, said that the Russian Federation not only was inflicting untold pain and causing an unprecedented humanitarian situation in Europe, but also had "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 upon the members of the Council to support the draft resolution in order to say no to aggression, to unprovoked war and to the domination of a country by a more powerful one. Before the vote, expressing grave concern about the military operations of the Russian Federation against targets in sovereign Ukrainian territory, the representative of Brazil expressed the view that a line had been crossed and called upon 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 attempted to seek balance and to maintain a space for dialogue while still signalling that the use of force against the territorial integrity of a Member State was not acceptable. After the vote, 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, signalled to the world the gravity of the situation but could also downplay other times when force had been 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. The representative of the United Kingdom dismissed the claims of the Russian Federation that its invasion of Ukraine was in self-defence as absurd and expressed her country's intention to hold the Russian Federation accountable for its aggression. The representative of Norway expressed deep regret about the veto of the draft resolution by the Russian Federation. She stressed that preventing and ending acts of aggression was a direct responsibility of the Council and that 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, the Russian Federation should have abstained from voting on the draft resolution. She said that the aggression of the Russian Federation not only violated the independence, sovereignty and territorial integrity of Ukraine but also constituted a serious breach of international peace and security, and called

⁵⁶ S/2022/154.

⁵⁷ See S/PV.8979.

upon the Russian Federation to immediately, completely and unconditionally stop all fighting, withdraw all of its forces from the territory of Ukraine and respect the principles and purposes of the Charter. The representative of Ireland said that his country had voted in favour of the draft resolution in response to the flagrant violation by the Russian Federation of the Charter, international law and the sovereignty and territorial integrity of Ukraine. He added that the Russian Federation had launched an unjustified and unprovoked attack on Ukraine and that its use of the veto in blatant defence of its military aggression was reprehensible. The representative of Ukraine said that the Russian Federation could not justify the offensive and emphasized that the Russian Federation should show respect for the core principles enshrined in the Charter, namely, sovereign equality and the prohibition of the use or threat of use of force against the territorial integrity and political independence of States.

Case 4 Maintenance of peace and security of Ukraine

At a high-level meeting held on 22 September under the item entitled “Maintenance of peace and security of Ukraine”,⁵⁸ the Secretary-General gave a briefing to the Security Council on the most recent developments in relation to the conflict between the Russian Federation and Ukraine. The Secretary-General expressed deep concern about the reports of plans to organize so-called referendums in areas of Ukraine that were not at the time under government control, adding that any annexation of a State’s territory by another State resulting from the threat or use of force was a violation of the Charter of the United Nations and international law.

During the discussion that followed, a number of Council members emphasized that the so-called referendums were inconsistent with the principles enshrined in Article 2 (4) of the Charter. The Minister for Europe and Foreign Affairs of France asserted that the aggression that the Russian Federation had decided to launch alone against Ukraine constituted a flagrant violation of the fundamental norms of the Charter, adding that the principles of the non-use of force, the peaceful resolution of disputes and the respect for the sovereignty and territorial integrity of States had each been blatantly violated. The Prime Minister of Norway underlined that the war of aggression of the Russian Federation against Ukraine constituted a gross violation of international law and the Charter. He condemned the planned so-called referendums in the occupied regions of Ukraine and emphasized that they would have no legal standing or legitimacy and further pointed out that the referendums would in no way affect the sovereignty of Ukraine within its internationally recognized borders. The Secretary of State of the United States indicated that the President of the Russian Federation, Vladimir Putin, had chosen not to work towards achieving a diplomatic solution but instead to render such a solution impossible by seeking to annex more Ukrainian territory through sham referendums. He further emphasized that defending the sovereignty and territorial integrity of Ukraine was about much more than standing up for one nation’s right to choose its own path; it was also about protecting an international order in which no nation could redraw the borders of another by force. The Minister for Europe and Foreign Affairs of Albania condemned the new path of confrontation taken by the Russian Federation by supporting the organization of illegal referendums in four currently occupied Ukrainian territories and stated that those sham referendums were another blatant violation of the independence, sovereignty and territorial integrity of Ukraine and a serious violation of the Charter. The Minister for Foreign Affairs and Defence of Ireland pointed out that the invasion of Ukraine by the Russian Federation was the antithesis of the principles of the Charter, a grave violation of international law and an attempt to change internationally recognized borders by the use of force.

Other speakers recognized the importance of the principles enshrined in Article 2 (4) of the Charter, including the prohibition of the use of force, more broadly in the context of the invasion of Ukraine by the Russian Federation. In that regard, the Minister for Foreign Affairs of Mexico reiterated his country’s position on the conflict, which was based on the constitutional principles of its foreign policy, namely, non-intervention, the peaceful settlement of disputes and a ban on the use or threat of use of force, all of which were in line with the purposes and principles of the Charter. He added that there was no room for ambiguity, that the peaceful coexistence of States depended precisely on respect for all of those principles and that there could be no exceptions. He further noted that, in the preceding few months, Mexico had been clear in reiterating the importance of Article 2 of the Charter, which prohibited the use of force

⁵⁸ See [S/PV.9135](#).

against the territorial integrity and political independence of any State, and underlined the importance of the basic guarantee of being able to live without the threat of being invaded by another country. He stressed that any action that violated that principle was illegal and illegitimate. Recalling that the aggression towards Ukraine disregarded the norms of international law and the principles of the Charter, the Minister for Foreign Affairs and Regional Integration of Ghana emphasized that Ghana did not, and would not, recognize any territory that was unilaterally and forcefully acquired or dismembered from a sovereign entity. She reiterated the call upon the Russian Federation to immediately and unconditionally cease its operations, withdraw its troops from the internationally recognized borders of Ukraine and respect its neighbour's sovereignty and political independence. The Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom recalled that the Members of the United Nations had agreed that the solemn principles of the Charter were vital to international peace and security and had undertaken to refrain from the use or threat of use of force against the territorial integrity or political independence of any State, and yet, he added, Mr. 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, the Russian Federation 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 were to 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 to the United Nations addressed to the President of the Security Council (S/2022/688)

In response to the request for an emergency meeting by Armenia,⁵⁹ the Security Council held its first meeting under the item entitled "Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)", on 15 September.⁶⁰

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 of the United Nations. 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. He recalled that Armenia had repeatedly brought to the attention of the Council the fact that Azerbaijan had engaged in the illegal practice of acquisition of territories by force. He further noted 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 violence and aggression to capture territories by force, and indicated that over the preceding two days Azerbaijan had intruded on and occupied more than 10 km² of the sovereign territory of Armenia. He underscored that the actions of Azerbaijan were in blatant violation of the purposes and principles of the Charter, in particular Article 2 (4), and indicated that the military aggression of Azerbaijan went against the letter and spirit of the trilateral statements of 9 November 2020 and 26 November 2021, on the establishment of a ceasefire and cessation of hostilities and the agreement to take steps to increase the level of stability and security on the Azerbaijani-Armenian border, respectively.⁶¹

The representative of Azerbaijan recalled that the meeting was taking place in the aftermath of a serious military escalation along the undelimited border between Armenia and Azerbaijan and that it had been recklessly provoked by Armenia with the aim of torpedoing the fragile post-conflict normalization process being pursued with the active engagement of relevant international actors, including the members of the Council.⁶² He categorically rejected the allegations made by the representative of Armenia and

⁵⁹ See the letter dated 13 September from the representative of Armenia (S/2022/688), by which he transmitted a letter from the Minister for Foreign Affairs of Armenia to request that an emergency meeting of the Security Council be convened, on the basis of Article 35 (1) of the Charter of the United Nations, in relation to the large-scale aggression of Azerbaijan against Armenia launched on 13 September. For more information on the practice of the Council under Article 35 of the Charter, see part VI, sect. I.A. For more information on the item, see part I, sect. 16.

⁶⁰ See S/PV.9132.

⁶¹ See S/2020/1104, annex; and S/2021/985, annex.

⁶² See S/PV.9132.

added that the Armenian armed forces had committed a large-scale act of military provocation in the direction of the Dashkesan, Kelbajar and Lachin Districts along the Azerbaijan-Armenia border, attempting to plant mines on the roads between the military positions of the Azerbaijani army while taking advantage of the night-time and difficult terrain. He added that the positions of the armed forces of Azerbaijan had been subjected to intense fire and that Azerbaijan had taken adequate and proportionate measures to neutralize the threat against its sovereignty and territorial integrity that were limited and targeted at legitimate military objects. He also expressed the view that the lack of adequate attention and targeted measures to implement the demands of the Council had encouraged Armenia to consolidate the results of its unlawful use of force against Azerbaijan and that the consequences of its aggression therefore remained unaddressed and were being further aggravated.

In that context, several Council members condemned or considered unacceptable the use of force to settle international disputes.⁶³ The representative of Ghana called for the intensification of negotiations on all unresolved issues in order to move the parties closer to a conclusive resolution based on the principles of international law, with due regard to the Charter 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 peaceful settlement of disputes. The representative of Ireland stressed that all forces must urgently return to the positions that they had held before the regrettable escalation of 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 upon Azerbaijan to maintain its forces in their original positions, stressing that the delimitation of the border must be decided exclusively through negotiations and that the territorial integrity of Armenia must be respected in the context of the advance of Azerbaijani forces beyond certain segments of the border.

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

In 2022, six communications from Member States addressed to or brought to the attention of the Council included explicit references to Article 2 (4) of the Charter (see table 5). In addition, communications addressed to the Secretary-General or the President of the Security Council and circulated as documents of the Council made reference to Article 2 in relation to the dispute between Armenia and Azerbaijan,⁶⁴ the situation in Cyprus⁶⁵ and the conflict in Ukraine.⁶⁶

Table 5
Communications containing explicit references to Article 2 (4) of the Charter, 2022

| <i>Symbol</i> | <i>Title</i> | <i>Relevant extract</i> |
|----------------------------|--|---|
| S/2022/173 | Identical letters dated 2 March 2022 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council | The obligation of the occupying power arising from the international law, to ensure the well-being of the population living in the occupied territories is continuously violated by the Russian Federation that has been exercising effective control over Abkhazia and Tskhinvali regions of Georgia. Consequently, these regions suffer from the extreme deterioration of the humanitarian situation and increased human rights violations occurring on daily basis. In full disregard for international law, primarily in violation of article 2 (4) of the United Nations Charter – stating 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, or in any other manner inconsistent with the Purposes of the United Nations” – the Russian Federation is undertaking steps towards the de-facto annexation of Georgia’s two regions. |

⁶³ Gabon, Ireland and Russian Federation.

⁶⁴ See [S/2022/688](#), annex; [S/2022/729](#); and [S/2022/808](#).

⁶⁵ See [S/2022/317](#) and [S/2022/944](#).

⁶⁶ See [S/2022/966](#), annex.

| <i>Symbol</i> | <i>Title</i> | <i>Relevant extract</i> |
|----------------------------|---|---|
| S/2022/225 | Letter dated 14 March 2022 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 | At that meeting, the Israeli regime’s representative misused the Security Council forum, deviated from the Council’s main agenda item and, in flagrant violation of international law and the Charter of the United Nations, specifically its Article 2 (4), explicitly threatened to use force against Iran and its peaceful nuclear programme. |
| S/2022/294 | Letter dated 6 April 2022 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council | Reaffirming the need for strict observation by all states of those principles and their international obligations in the conduct of their international relations, including Article 2 (4) of the United Nations Charter. (Resolution No. 60/48-POL, on peace and security in South Asia, of the Council of Foreign Ministers of the Organization of Islamic Cooperation, second preambular paragraph) |
| S/2022/432 | Letter dated 25 May 2022 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General | In light of the above, Greece solemnly calls upon Turkey to stop questioning Greece’s sovereignty over its Aegean islands, in particular through legally baseless and historically false assertions, to abstain from threatening Greece with war in case it extends its territorial waters beyond the present width of 6 nautical miles, in full contravention of Article 2, paragraph 4, of the Charter of the United Nations, and to refrain from illegal activities in violation of Greece’s sovereignty and sovereign rights in the Aegean and the Eastern Mediterranean. Such practices by Turkey, in addition to betraying adherence to a revisionist mentality totally disconnected from the basic principles governing relations between States, as reflected in the Charter, pose a serious threat to peace and stability in the broader region. |
| S/2022/483 | Identical letters dated 13 June 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council | I should also like to inform you that the Civil Aviation Authority of the Syrian Arab Republic will be filing a formal complaint with the International Civil Aviation Organization (ICAO) for the necessary measures to be taken in accordance with its regulations and obligations. The request filed by the Syrian Arab Republic with ICAO is based on well-established legal principles and provisions that criminalize the targeting of civilian airports and aviation rights under international instruments, notably the Charter of the United Nations, the Convention on International Civil Aviation (Chicago Convention) and annexes thereto, and international humanitarian law. These include the following: I. Article 2, paragraph 4, of the Charter of the United Nations. That Article states 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, or in any other manner inconsistent with the purposes of the United Nations. |
| S/2022/694 | Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General | The actions of Azerbaijan are in blatant violation of the purposes and principles of the Charter of the United Nations, in particular Article 2 (4) of the Charter, in violation of the Helsinki Final Act and in violation of international humanitarian law. Moreover, the military aggression of Azerbaijan goes against the letter and spirit of the trilateral statements signed by the leaders of Azerbaijan, Armenia and the Russian Federation on 9 November 2020, 11 January 2021 and 26 November 2021. The statement of 26 November 2021 in particular stipulates that the sides agreed to “take steps to increase the level of stability and security on the Azerbaijani-Armenian border...”. It is obvious that Azerbaijan attempts to undermine the agreements reached in the trilateral statements. |

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 of the United Nations, 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.⁶⁷ 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 to 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) of the Charter in its decisions. The Council, however, included language that may be considered of relevance to the interpretation of Article 2 (5) in decisions concerning the situations in the Central African Republic,⁶⁸ Libya,⁶⁹ Somalia,⁷⁰ South Sudan⁷¹ and Yemen.⁷²

B. Discussions relating to Article 2 (5)

In 2022, Article 2 (5) of the Charter was not explicitly invoked in any of the Council's meetings. However, implicit references that may be considered of relevance to the interpretation of Article 2 (5) were made at several meetings of the Council during the period under review in connection with the Democratic Republic of the Congo, Libya, Ukraine and Yemen, as elaborated upon below.

At a meeting held on 29 June under the item entitled "The situation concerning the Democratic Republic of the Congo",⁷³ the representative of Rwanda pointed out that the Armed Forces of the Democratic Republic of the Congo was fighting the Mouvement du 23 mars alongside the Forces démocratiques de libération du Rwanda, an alliance which was sanctioned by the Council pursuant to resolution 2078 (2012). He called upon the Council to condemn the alliance and urged the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, through its due diligence, to avoid any military cooperation with the Armed Forces of the Democratic Republic of the Congo, as long as the latter was allied with negative forces.

In 2022, at meetings of the Council held under the item entitled "The situation in Libya", Council members continued to express concern about, or stress the need to cease or refrain from, all actions in violation of the arms embargo, including the provision of military support that was inconsistent with the embargo.⁷⁴

⁶⁷ 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 VII (Articles 43, 45 and 48).

⁶⁸ Resolution 2648 (2022), para. 1.

⁶⁹ Resolution 2644 (2022), tenth preambular paragraph and para. 9.

⁷⁰ Resolutions 2628 (2022), para. 21, and 2662 (2022), paras. 10 and 37.

⁷¹ Resolutions 2625 (2022), para. 18, and 2633 (2022), para. 8.

⁷² Resolution 2624 (2022), para. 21.

⁷³ See S/PV.9081.

⁷⁴ See, for example, S/PV.8952 (Kenya (also on behalf of Gabon and Ghana) and Mexico); and S/PV.9120 (United States and Mexico).

Council members also expressed concern regarding the continued presence of mercenaries in the territory of Libya in contravention of relevant resolutions of the Council.⁷⁵ In that regard, at meetings held under the same item,⁷⁶ the representative of India, who at the time served as Chair of the Committee established pursuant to resolution 1970 (2011) concerning Libya, expressed serious concern about the repeated violations of the arms embargo and cited the report of the Panel of Experts on Libya, in which the Panel had noted the continuous presence of Turkish-backed Syrian fighters in Government of National Unity-Affiliated Forces military camps in Tripoli and had indicated that some of the training provided by Türkiye to the Government of National Unity-Affiliated Forces was military or naval in nature and thus a violation of paragraph 9 of resolution 1970 (2011).⁷⁷

In connection with the conflict in Ukraine, at meetings held under the item entitled “Threats to international peace and security”, Council members expressed concern regarding the use by the Russian Federation of military equipment originating from the Islamic Republic of Iran and the Democratic People’s Republic of Korea, in contravention of Council resolutions. In that regard, at a meeting held on 8 September,⁷⁸ the representative of the United Kingdom said that, as the Russian Federation was struggling to maintain stocks of equipment, exacerbated by component shortages resulting from the international sanctions aimed at ending the war in Ukraine, it was turning to the Islamic Republic of Iran to supply unmanned aerial vehicles and, in a clear violation of United Nations sanctions, to the Democratic People’s Republic of Korea to supply ammunition. In a similar vein, the representative of the United States accused Moscow of purchasing millions of rockets and artillery shells from the Democratic People’s Republic of Korea for use on the battlefield in Ukraine, which, he stated, would be a clear and unequivocal violation of Council resolutions. At a meeting held on 9 December,⁷⁹ the representative of the United Kingdom again pointed out that the Russian Federation was perpetrating the war in Ukraine with weapons sourced from the Islamic Republic of Iran, in violation of resolution 2231 (2015), and was almost certainly seeking to source weaponry from other United Nations-sanctioned States, such as the Democratic People’s Republic of Korea. The representative of France expressed a similar view that the Russian Federation sought to obtain supplies by any means, including in violation of Council resolutions, by using combat drones supplied by the Islamic Republic of Iran as part of its strategy to systematically target the Ukrainian civilian population and its infrastructure. He called upon the Secretariat of the United Nations to investigate those transfers as it was mandated to do, as they constituted a violation of resolution 2231 (2015), and to report back to the Council. During the same meeting, the representatives of Albania, Ireland and the United States also brought to the attention of the Council the issue of the transfer of unmanned aerial vehicles to the Russian Federation by the Islamic Republic of Iran, in violation of the same resolution.

In connection with Yemen, at meetings held under the item entitled “The situation in the Middle East”, speakers continued to express concern about or condemn the illicit transfer of weapons of Iranian origin to the Houthis in violation of the arms embargo.⁸⁰

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.

⁷⁵ See, for example, S/PV.9192 (Norway, United States, France, India, United Arab Emirates, China and Ghana (also on behalf of Gabon and Kenya)).

⁷⁶ See S/PV.9098 and S/PV.9120.

⁷⁷ S/2022/427, paras. 30 and 77.

⁷⁸ See S/PV.9127.

⁷⁹ See S/PV.9216.

⁸⁰ See, for example, S/PV.8946 (United Arab Emirates, United States, Mexico and Yemen).

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) of the Charter in its decisions. Nonetheless, language used in some Council decisions under country- and region-specific as well as thematic items may be considered of relevance to the interpretation and application of Article 2 (7) (see tables 6 and 7).

Table 6
Decisions containing implicit references to Article 2 (7) of the Charter, by region and country, 2022

| <i>Decision and date</i> | <i>Provision</i> |
|--|--|
| The situation in Afghanistan | |
| Resolution 2626 (2022) 17 March | Decides further that the United Nations Assistance Mission in Afghanistan and the Special Representative of the Secretary-General for Afghanistan will continue to carry out their mandate in close consultation 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) |
| Peace and security in Africa | |
| Resolution 2634 (2022) 31 May | 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 | 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's continued engagement with the countries and regions in Africa in enhancing capacity in the areas of inclusive peacebuilding, socioeconomic development, disarmament, demobilization and reintegration, security sector reform and institutions of justice and national reconciliation in line with national peacebuilding priorities, emphasizes that such engagement should continue to be guided by the principles of national ownership and meaningful partnerships with subregional and regional organizations, and all effort must be put to ensure that these projects, while complementing Peacebuilding Fund activities, are appropriately financed and judiciously utilized to ensure sustainability and optimal benefit to the local communities (seventh paragraph) |
| The situation in the Central African Republic | |
| Resolution 2659 (2022) 14 November | Reaffirming the basic principles of peacekeeping, such as consent of the parties, impartiality and non-use of force except in self-defence and defence of the mandate, recognizing that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned, underlining that the mandates that it authorizes are consistent with the basic principles, reiterating that the Security Council expects full delivery of the mandates it authorizes, and recalling in this regard its resolution 2436 (2018) (third preambular paragraph) |
| | Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the Central African Republic, including from international crimes, recognizing the persistent security challenge threatening civilians, also underlining the importance of national efforts to restore State authority in all parts of the country to overcome the threats posed by armed groups (fourth preambular paragraph) |

Decision and date *Provision*

The situation concerning the Democratic Republic of the Congo

Resolution
[2666 \(2022\)](#)
20 December

Reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality and non-use of force except in self-defence and defence of the mandate (second preambular paragraph)

Recalling that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including from international crimes, recognizing the persistent security challenge threatening civilians, also underlining the importance of national efforts to restore State authority in all parts of the country to overcome the threats posed by armed groups (fourth preambular paragraph)

The question concerning Haiti

Resolution
[2645 \(2022\)](#)
15 July

Stressing the primary responsibility of the Government of Haiti to address long-standing drivers of instability and inequality, and to engage with other stakeholders, including civil society, youth and the private sector, and the full, equal and meaningful participation of women, to deliver durable solutions to Haiti's immediate and long-term challenges (penultimate preambular paragraph)

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

Stressing the primary responsibility of the Government of Haiti to address long-standing drivers of instability and inequality (fifth preambular paragraph)

The situation concerning Iraq

Resolution
[2631 \(2022\)](#)
26 May

Requests that the Special Representative of the Secretary-General for Iraq and the United Nations Assistance Mission for Iraq, at the request of the Government of Iraq, shall:

...

(d) Promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law and improve governance in Iraq, in addition to supporting the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant established in resolution [2379 \(2017\)](#) (para. 2 (d))

The situation in Libya

Resolution
[2644 \(2022\)](#)
13 July

Reaffirming its strong commitment to a Libyan-led and Libyan-owned political process, facilitated by the United Nations, to create a path to hold free, fair and inclusive national presidential and parliamentary elections in Libya as soon as possible, and, in this regard, expressing support for the ongoing facilitation of intra-Libyan consultations to create the conditions and circumstances for elections on a constitutional and legal basis (third preambular paragraph)

The situation in Mali

Resolution
[2640 \(2022\)](#)
29 June

Reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Mali, emphasizing that the Malian authorities have primary responsibility for the provision of stability, security and protection of civilians throughout the territory of Mali, urging the Malian authorities to uphold their efforts to meet their obligations in that regard, and expressing great concern at the violent and unilateral actions taken by non-State actors hampering the return of State authority and basic social services (second preambular paragraph)

Reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality and non-use of force except in self-defence and defence of the mandate, recognizing that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned, and recalling its presidential statement of 14 May 2018 ([S/PRST/2018/10](#)) (third preambular paragraph)

Reiterates that the Malian authorities have primary responsibility to protect civilians in Mali, urges these authorities to take expedited action to protect civilians throughout the country and to prevent, minimize and address civilian harm that might result from operations undertaken by the Malian Defence and Security Forces (para. 2)

| <i>Decision and date</i> | <i>Provision</i> |
|--|---|
| Resolution 2649 (2022) 30 August | Reaffirming its strong commitment to the sovereignty, unity and territorial integrity of Mali, emphasizing that the Malian authorities have primary responsibility for the provision of stability and security throughout the territory of Mali, and underscoring the importance of achieving national ownership of peace- and security-related initiatives (second preambular paragraph) |

The situation in the Middle East

| | |
|--|---|
| Resolution 2650 (2022) 31 August | <p>Further requests the United Nations Interim Force in Lebanon, in line with resolution 1701 (2006) and following the letter of the Government of Lebanon of 15 March 2022 addressed to the President of the Security Council as well as per the recommendations of the Secretary-General (S/2022/556), to exceptionally extend temporary and special measures, that should not be considered as a precedent in the future nor a long-term solution, 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 period of six months and no longer than 28 February 2023, within existing resources and without implications for the increase of the budget level, for the joint activities of the Lebanese Armed Forces and the Force 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 the Force, 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)</p> <p>Urges all parties to cooperate fully with the Head of Mission and the Force in the implementation of resolution 1701 (2006), as well as to ensure that the freedom of movement of the Force in all its operations and its access to the Blue Line in all its parts is fully respected and unimpeded, in conformity with its mandate and its rules of engagement, including by avoiding any course of action which endangers United Nations personnel, reaffirms that, pursuant to the status-of-forces agreement between the Government of Lebanon and the United Nations, the Force does not require prior authorization or permission to undertake its mandated tasks and that it is authorized to conduct its operation independently, condemns in the strongest terms all attempts to deny access or restrict the freedom of movement of Force personnel and all attacks on Force personnel and equipment as well as acts of harassment and intimidation of Force personnel and disinformation campaigns against the Force, calls upon the Government of Lebanon to facilitate prompt and full access of the Force to sites requested by the Force for the purpose of swift investigation, including all relevant locations north of the Blue Line related to the discovery of tunnels crossing the Blue Line which the Force reported as a violation of resolution 1701 (2006), in line with resolution 1701 (2006), while respecting Lebanese sovereignty (para. 16)</p> |
|--|---|

The situation in Somalia

| | |
|---|--|
| Resolution 2628 (2022) 31 March | <p>Recalling that the Federal Government of Somalia has the primary responsibility for ensuring security in Somalia, and recognizing Somalia's request for continued international support to enable it to achieve progressively its aim of a secure, stable, peaceful, united and democratic country (second preambular paragraph)</p> <p>Underscores the primary responsibility for protecting civilians of the Somali authorities, and further underscores the importance of protecting civilians in accordance with relevant provisions of international human rights law and international humanitarian law (para. 6)</p> <p>Endorses the African Union Peace and Security Council's decision to reconfigure the African Union Mission in Somalia into the African Union Transition Mission in Somalia, and authorizes, for an initial period of 12 months, the States members of the African Union to take all necessary measures, in full compliance with the obligations of participating States under international law, including international humanitarian law and international human rights law, and in full respect for the sovereignty, territorial integrity, political independence and unity of Somalia, to: ... (para. 22)</p> |
|---|--|

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

| | |
|--|--|
| Resolution 2620 (2022) 15 February | Reaffirming the primary responsibility of the Government of the Sudan to protect civilians across its territory, and acknowledging in this regard the Government of the Sudan's national plan for civilian protection (S/2020/429) and the weapons-collection programme (fifth preambular paragraph) |
|--|--|

| <i>Decision and date</i> | <i>Provision</i> |
|---|---|
| Resolution 2625 (2022) 15 March | Strongly condemning all human rights violations and abuses and violations of international humanitarian law by all parties, including armed groups and national security forces, as well as the incitement to commit such abuses and violations, including those in Tambura, Western Equatoria State, further condemning the harassment, targeting and censorship of civil society, humanitarian personnel and journalists, emphasizing that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable, and that South Sudan's Government bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and expressing concern that despite the signing of the Revitalized Agreement, violations and abuses, including rape and sexual violence, continue to occur, which may amount to international crimes, including war crimes and crimes against humanity (fifteenth preambular paragraph) Recalls its resolution 2086 (2013) , reaffirms the basic principles of peacekeeping, as set forth in presidential statement S/PRST/2015/22 , including consent of the parties, impartiality and non-use of force except in self-defence and defence of the mandate, and recognizes that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned, and that the Security Council expects full delivery of the mandates it authorizes (para. 19) |
| Resolution 2660 (2022) 14 November | Urges the Governments of the Sudan and South Sudan to provide full support to the United Nations Interim Security Force for Abyei in the implementation of its mandate and the deployment of Force personnel, including to facilitate the smooth functioning of all Force bases and Joint Border Verification and Monitoring Mechanism team sites, in line with their primary responsibility as host States and the status-of-forces agreements, and further reiterates that the Abyei Area shall be demilitarized from any forces, as well as armed elements of the local communities, other than the Force and the Abyei Police Service when it is gradually established, and urges the Governments of the Sudan and South Sudan and the local communities to take all necessary steps in this regard (para. 4) |

Table 7
Decisions containing implicit references to Article 2 (7) of the Charter, by thematic issue, 2022

| <i>Decision and date</i> | <i>Provision</i> |
|---|---|
| United Nations peacekeeping operations | |
| S/PRST/2022/5 12 July | The Security Council underscores the importance of peacekeeping as one of the most effective tools available to the United Nations in the promotion and maintenance of international peace and security, and reaffirms the basic principles of peacekeeping, such as consent of the parties, impartiality and non-use of force except in self-defence and defence of the mandate (second paragraph) |

B. Discussions relating to Article 2 (7)

During the period under review, Article 2 (7) of the Charter was explicitly invoked once in the Council's deliberations. At a meeting held on 21 December under the item entitled "The question concerning Haiti",⁸¹ the Editor of *Haiti Liberté* emphasized that the situation in Haiti could not be resolved through foreign intervention, military force or even sanctions, and that the Haitian people, acting with full sovereignty, must be allowed to sort out their own problems. He further called upon the Council to respect the principles enshrined in the Charter, in particular Article 2 (7), which stated that nothing contained in the Charter should authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State.

⁸¹ See [S/PV.9233](#).

In addition, during several meetings of the Council in 2022, held under both country- and region-specific items, its members and other speakers discussed the principle of non-intervention by the United Nations in the domestic affairs of States enshrined in Article 2 (7) of the Charter without explicitly referring to that Article, as described below.

At a meeting held on 29 June under the item entitled “The situation in Mali”,⁸² the representative of the Russian Federation, explaining her country’s abstention in the voting on resolution 2640 (2022) concerning the renewal of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), said that the resolution’s intrusive language on the human rights mandate of MINUSMA would not advance the Malian people’s exercise of their sovereign right to protect their citizens and investigate incidents. The representative of China, who had also abstained, underscored that Member States bore the primary responsibility for the protection and promotion of human rights, and recalled that the Mission’s main task was to assist the Government of Mali in implementing the Agreement on Peace and Reconciliation in Mali and restoring the State’s authority in the north. He added that, in fulfilling its human rights mandate, the Mission should communicate and cooperate closely with the Government and listen carefully to its views. Elaborating on the reasons behind his country’s abstention, he further indicated that resolution 2640 (2022) excessively emphasized the Mission’s human rights-related mandate and did not reflect full respect for the Government’s ownership. The representative of Gabon underscored that the resolution violated the sovereignty of Mali, as it did not take into account the efforts made by the Malian defence forces in honour of their sovereign duty to defend their territory, in conditions that were very often challenging. The representative of Mali recalled that his country had always cooperated in good faith with MINUSMA since its establishment in 2013 but stressed that, in line with the principle of respect for the country’s sovereignty, as well as for coordination and security reasons, the movements of MINUSMA could take place only with the agreement of the competent Malian authorities. He added that Mali was not in a position to guarantee the freedom of movement of MINUSMA in its investigations without the prior agreement of the Government. In that context, he stressed that Mali did not intend to implement the related provisions of resolution 2640 (2022), as the Government of Mali believed that allegations concerning human rights violations were the primary responsibility of the Malian authorities, adding that the Mission’s role was to provide them with the necessary assistance in that regard, rather than replace the Government of Mali.

At a meeting held on 30 June under the item entitled “The situation concerning the Democratic Republic of the Congo”,⁸³ the Council adopted resolution 2641 (2022), by which it renewed the sanctions measures and extended the mandate of the Group of Experts on the Democratic Republic of the Congo.⁸⁴ After the vote, the representative of Ghana, who had abstained from voting, underscored that the remaining notification requirement on certain shipments of arms and related materiel for the Democratic Republic of the Congo, as expressed in resolution 2641 (2022), did not respond to the imperatives for peace in the country, nor was it reflective of its sovereignty.⁸⁵ The representative of Gabon, who had also abstained from voting, expressed regret about the lack of consensus among Council members, emphasizing that it was essential that the international community recalibrated its priorities in the Democratic Republic of the Congo and focused, above all, on the interests of the people, taking into account the national sovereignty of the country.

Council members and other Member States also stressed the need to respect the sovereignty and national ownership of States in the context of the operations of United Nations peacekeeping and special political missions in Somalia and the Sudan, at meetings held under the items entitled “The situation in Somalia”⁸⁶ and “Reports of the Secretary-General on the Sudan and South Sudan”,⁸⁷ as well as in relation

⁸² See [S/PV.9082](#).

⁸³ See [S/PV.9084](#).

⁸⁴ Resolution 2641 (2022), paras. 1, 5 and 8.

⁸⁵ See [S/PV.9084](#).

⁸⁶ See, for example, [S/PV.8965](#) (Ghana (also on behalf of Gabon and Kenya), China and Russian Federation); and [S/PV.9177](#) (Russian Federation and Somalia).

⁸⁷ See, for example, [S/PV.9006](#) (China and United Arab Emirates); and [S/PV.9041](#) (United Arab Emirates).

to the cross-border humanitarian mechanism in the Syrian Arab Republic at meetings held under the item entitled “The situation in the Middle East”.⁸⁸

In 2022, in connection with thematic items, Council members and other Member States also continued to underline the importance of the principles of sovereignty, territorial integrity, political independence and consent of the host States enshrined in Article 2 (7) of the Charter, without making explicit reference to that Article, as described below.

At a high-level open debate held on 2 June under the item entitled “Maintenance of international peace and security”,⁸⁹ Council members and other Member States addressed the principles enshrined in Article 2 (7) of the Charter in the context of a discussion on strengthening accountability and justice for serious violations of international law. The Minister of State for External Affairs of India stated that the responsibility to protect could not be invoked to address all violations of human rights and humanitarian law but must rather be confined to four major crimes – genocide, war crimes, ethnic cleansing and crimes against humanity.⁹⁰ He recalled that practice had shown that the default response of the international community should not be the use of coercive measures imposed on the basis of Chapter VII of the Charter. He also added that the responsibility to protect should not be seen as a pretext for humanitarian intervention and stressed the need to refrain from imposing universal jurisdiction on acts of atrocities alleged to have been committed on the territory of a sovereign State. In his conclusion, he pointed out that accountability for serious violations of international law was a noble objective that should be pursued with due respect for the sovereign equality of States. Stressing that accountability measures should respect the judicial sovereignty of the States concerned, the representative of China noted that States had the primary responsibility for punishing serious crimes, ending impunity and achieving justice, and that adherence to the principle of State ownership was not only an important manifestation of the principles of sovereign equality and non-interference in internal affairs, but also a crucial assurance for the smooth advancement of accountability and the achievement of the desired results.

In addition, those same principles were discussed at meetings held under the item entitled “Protection of civilians in armed conflict” in relation to the delivery of humanitarian assistance,⁹¹ as well as under the item entitled “Peacebuilding and sustaining peace” in connection with the annual report of the Peacebuilding Commission.⁹² Speakers also continued to address the need for the United Nations to uphold the principles of peacekeeping, including the respect for the sovereignty and consent of the host States, at meetings held under the item entitled “United Nations peacekeeping operations”.⁹³

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

In 2022, two communications brought to the attention of the Council included explicit references to Article 2 (7) of the Charter (see table 8). It should be noted, however, that Article 2 (7) concerns the practice of the Council in relation to the principle of non-intervention by the United Nations in the internal affairs of States and not the intervention by Member States in the internal affairs of other States.⁹⁴

⁸⁸ See, for example, [S/PV.8957](#) (China and Syrian Arab Republic).

⁸⁹ See [S/PV.9052](#) and [S/PV.9052 \(Resumption 1\)](#).

⁹⁰ See [S/PV.9052](#).

⁹¹ See [S/PV.8953](#) (China, India and Egypt); [S/2022/54](#) (Azerbaijan); [S/PV.9042](#) (India, China and Algeria); and [S/PV.9042 \(Resumption 1\)](#), (Viet Nam, Georgia and Azerbaijan).

⁹² See [S/PV.9101](#) (China and Russian Federation). For more information on the activities of the Peacebuilding Commission, see part IX, sect. VII.

⁹³ See, for example, [S/PV.9090](#) (India, Russian Federation, China, Morocco and Guatemala).

⁹⁴ For information on the practice of the Council in relation to Article 2 (4) of the Charter, see sect. II above.

Table 8
Communications containing explicit references to Article 2 (7) of the Charter, 2022

| <i>Symbol</i> | <i>Title</i> | <i>Relevant extract</i> |
|----------------------------|--|---|
| S/2022/372 | Identical letters dated 28 April 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council | Request the Group of Arab States in New York to take the necessary action to transmit the present resolution to the relevant 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. (Resolution 8749, on Iranian interference in the internal affairs of Arab States, of the Council of the League of Arab States, para. 27) |
| S/2022/891 | Letter dated 29 November 2022 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 | Consequently, as long as the National Regulation Governing Landing Rights Regarding Provisions of Satellite Services in the Islamic Republic of Iran is not compiled by SpaceX as a legal person under the domestic jurisdiction of the United States Government, its satellite Internet services in the territory of the Islamic Republic of Iran are illegal and considered as intervening in the internal affairs of Iran in accordance with Article 2, paragraph 7, of the Charter of the United Nations, which must be observed by all States Members of the United Nations. |