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## **Part III**

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

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### **Introductory note**

Part III covers the consideration by the Security Council of Articles contained in Chapter I of the Charter pertaining to the purposes and principles of the United Nations, namely Articles 1 (2), 2 (4), 2 (5) and 2 (7) and consists accordingly of four sections. In section I, material relating to the principle of self-determination of peoples under Article 1 (2) is considered; section II covers material relevant to the prohibition of threat or 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); and finally, section IV concerns the Council's consideration of the principle of non-intervention by the United Nations in the internal affairs of States, as regulated in Article 2 (7).

From 2012 to 2013, on a few occasions, the Council discussed the application and interpretation of Articles 1 (2), 2 (4), 2 (5) and 2 (7) in discharging its function of the maintenance of international peace and security. For instance, the Council discussed the difference between committing terrorist acts and the struggles of people in exercising their right to self-determination. The Council also monitored and addressed incidents of cross-border violence between the Sudan and South Sudan. In addition, the Council deliberated on non-interference in the internal affairs of States in the context of the situation in the Syrian Arab Republic.

## **I. The principle of equal rights and self-determination of peoples under Article 1, paragraph 2**

### *Article 1, paragraph 2*

*[The Purposes of the United Nations are:]*

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

### **Note**

This section concerns the practice of the Security Council with regard to the principle of equal rights and self-determination of peoples as enshrined in Article 1 (2) of the Charter of the United Nations. Its main focus is on actions of the Council, during the reporting period, that are linked with the underlying principle of equal rights and self-determination. Subsection A features decisions relevant to the principle enshrined in Article 1 (2). Since there were no constitutional discussions relating to Article 1 (2), subsection B provides only a brief overview of relevant deliberations of the Council where the principle of self-determination was invoked. Finally, subsection C sets out instances where the principle of self-determination was invoked in the official correspondence of the Council.

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

During the period under review, the Security Council did not explicitly invoke Article 1 (2) in its decisions. However, several references found in decisions could be considered as having an implicit bearing on Article 1 (2), as reflected in table 1. Those implicit references were made in connection with the referendum on self-determination held in Southern Sudan from 9 to 15 January 2011 and the envisaged referendum in Western Sahara.

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

<i>Decision and date</i>	<i>Relevant provision</i>
<b>Reports of the Secretary-General on the Sudan and South Sudan</b> <sup>1</sup>	
<a href="#">Resolution 2046 (2012)</a> 2 May 2012	<i>Welcoming</i> the continuing efforts of the African Union to support Sudan and South Sudan in addressing the legacy of conflict and bitterness in Sudan, notably through the conclusion of the January 2005 Comprehensive Peace Agreement (CPA), its implementation, in particular the holding of the referendum on self-determination of South Sudan, and the negotiations on post-secession relations, (nineteenth preambular paragraph)
<b>The situation concerning Western Sahara</b>	
<a href="#">Resolution 2044 (2012)</a> 24 April 2012	<i>Reaffirming</i> its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect, (third preambular paragraph)  <i>See also</i> <a href="#">resolution 2099 (2013)</a> , <i>third preambular paragraph</i>  <i>Calls</i> upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect; (para. 7)  <i>See also</i> <a href="#">resolution 2099 (2013)</a> , <i>para. 7</i> .

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

During the period under review, Article 1(2) was not explicitly invoked in the deliberations of the Security Council. While the principle of self-determination was mentioned quite frequently,<sup>2</sup> such references seldom gave rise to a constitutional discussion. For instance, at the 6900<sup>th</sup> meeting on 15 January 2013 on the agenda item

<sup>1</sup> Pursuant to the note by the President of the Security Council dated 11 November 2013 ([S/2013/657](#)), as from that date, the wording of the item “Reports of the Secretary-General on the Sudan” was revised to read “Reports of the Secretary-General on the Sudan and South Sudan”.

<sup>2</sup> See for example, in connection with the situation in the Middle East, including the Palestinian question, [S/PV.6706](#), p. 6 (Palestine); p. 11 (United States); p. 20 (Pakistan); pp. 24-25 (Azerbaijan); and [S/PV.6706 \(Resumption 1\)](#), p. 3 (Australia); p. 11 (Bangladesh); p. 15 (Iceland); p. 22 (Kazakhstan, on behalf of OIC); p. 26 (Saudi Arabia); and p. 30 (Benin); and [S/PV.7007](#), p. 7 (Palestine); p. 14 (Argentina); p. 40 (Syrian Arab Republic); p. 42 (Japan); p. 44 (Djibouti, on behalf of OIC); p. 45 (Iran (Islamic Republic of), on behalf of NAM); p. 51 (Qatar); p. 55 (Cuba); and p. 56 (Peru); in connection with the situation in Timor-Leste, [S/PV.6859](#), p. 7 (South Africa); and in connection with the situation concerning Western Sahara, [S/PV.6758](#), pp. 2-3 (South Africa), and p. 3 (Morocco).

entitled “Threats to international peace and security caused by terrorist acts”, several speakers stated that terrorism should not be equated with the struggle of people in exercise of their right to self-determination.<sup>3</sup>

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

During the period under review, one explicit reference was made to Article 1 (2) in the communications to the Council. In response to a letter dated 5 October 2012 from the representative of Argentina addressed to the President of the Security Council,<sup>4</sup> the representative of the United Kingdom conveyed in his letter of 18 October 2012 that his Government attached great importance to the principle of self-determination, as set out in Article 1(2) of the Charter and that the principle underlined the position of the United Kingdom in the context of the sovereignty of the Falkland Islands. Therefore, there could be no negotiations on the sovereignty of the islands unless and until such time as the Islanders so wished.<sup>5</sup>

Furthermore, a few references were made to the right of self-determination in the report of the Secretary-General on the situation concerning Western Sahara<sup>6</sup> and in the report of the Security Council mission to the Sudan conducted in May 2011.<sup>7</sup> The principle of self-determination was also invoked in a large number of communications addressed to, or brought to the attention of the Security Council, including communications from Member States in connection with the Middle East, including the Palestinian question,<sup>8</sup> and Nagorno-Karabakh.<sup>9</sup>

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<sup>3</sup> [S/PV.6900 \(Resumption 1\)](#), p. 10 (Iran (Islamic Republic of), on behalf of NAM); p. 34 (Cuba) and p. 37 (Saudi Arabia).

<sup>4</sup> [S/2012/763](#).

<sup>5</sup> [S/2012/776](#).

<sup>6</sup> [S/2012/197](#), pp. 1-4, 20-23.

<sup>7</sup> [S/2013/221](#), pp. 5 and 9.

<sup>8</sup> See, for example, identical letters dated 18 April 2012 and 17 June 2013 from the representative of Palestine to the Secretary-General and the President of the Security Council ([S/2012/188](#), p. 1 and [S/2013/353](#), p. 2, respectively).

<sup>9</sup> See, for example, letter dated 31 May 2012 from the representative of Armenia to the Secretary-General ([S/2012/377](#), p. 3) and letter dated 16 August 2013 from the representative of Azerbaijan to the Secretary-General ([S/2013/501](#), pp. 2-4).

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

### *Article 2, paragraph 4*

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

### **Note**

This section features the practice of the Security Council concerning the principle of the prohibition of the threat or use of force under Article 2 (4) of the Charter. The section is organized under three subheadings: decisions adopted by the Council which might have an implicit bearing on Article 2 (4) are featured in subsection A; constitutional discussions relating to the use or threat of use of force are covered in subsection B; and material relevant to the principle enshrined in Article 2 (4) found in the official correspondence of the Council is set out in subsection C.

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

From 2012 to 2013, the Security Council adopted no decision containing an explicit reference to Article 2 (4). However, by a number of its decisions, the Council reaffirmed the principle of non-threat or non-use of force in international relations; reiterated the importance of good neighbourliness and non-interference by States in the internal affairs of others; called for the cessation of support by States to armed groups engaged in destabilizing peace and security; and called on parties to withdraw from a disputed area, as illustrated below.

1. *Affirmation of the principle of the non-threat or non-use of force in international relations*

From 2012 to 2013, the Council stressed the importance of the principle of non-threat or non-use of force among States in several decisions concerning peace and security in Africa, cross-border violence between the Sudan and South Sudan, and threats to international peace and security caused by terrorist acts (see table 2).

Table 2

**Decisions affirming the principle of the non-threat or non-use of force in international relations**

<i>Decision and date</i>	<i>Relevant provision</i>
<b>Peace and security in Africa</b>	
<a href="#">S/PRST/2013/4</a> 15 April 2013	... The Council recalls articles 33 and 34 of the Charter and reaffirms its commitment to the settlement of disputes by peaceful means and the promotion of necessary preventive action in response to disputes or situations, the continuation of which is likely to endanger the maintenance of international peace and security (first paragraph)
<a href="#">S/PRST/2013/5</a> 13 May 2013	The Security Council also reaffirms that Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State... (eighth paragraph)
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
<a href="#">S/PRST/2012/5</a> 6 March 2012	... The Council urges the two countries to implement and respect the letter and spirit of their February 10 Memorandum of Understanding on Non-Aggression and Cooperation, which was agreed under the auspices of the AU High-level Implementation Panel (AUHIP) (first paragraph)
<a href="#">Resolution 2046 (2012)</a> 2 May 2012	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, (third preambular paragraph)  <i>See also <a href="#">resolution 2047 (2012)</a>, third preambular paragraph, <a href="#">resolution 2075 (2012)</a>, third preambular paragraph, and <a href="#">resolution 2104 (2013)</a>, third preambular paragraph, <a href="#">resolution 2126 (2013)</a>, third preambular paragraph</i>
<b>Threats to international peace and security caused by terrorist acts</b>	
<a href="#">S/PRST/2012/17</a> 4 May 2012	The Security Council reaffirms that Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state... (ninth paragraph)  <i>See also <a href="#">S/PRST/2013/1</a>, eighth paragraph.</i>



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

During the two-year period under review, the Council underlined the principle enshrined in Article 2 (4) by recalling the principles of good-neighbourliness, non-interference and regional cooperation in several decisions concerning the situations in the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, and the Sudan and South Sudan, while also reaffirming its commitment to the sovereignty, independence and territorial integrity of those States.

Table 3

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

<i>Decision and date</i>	<i>Relevant provision</i>
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
<a href="#">Resolution 2035 (2012)</a> 17 February 2012	<i>Reaffirming</i> its commitment to the cause of peace throughout Sudan, to the sovereignty, independence, unity and territorial integrity of Sudan, to the full and timely resolution of outstanding Comprehensive Peace Agreement (CPA) issues, <i>welcoming</i> the Doha Document for Peace in Darfur, and <i>recalling</i> the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region, (second preambular paragraph)  <i>See also</i> <a href="#">resolution 2046 (2012)</a> , fourth preambular paragraph, <a href="#">resolution 2063 (2012)</a> , third preambular paragraph, <a href="#">resolution 2075 (2012)</a> , second preambular paragraph, <a href="#">S/PRST/2012/12</a> , second paragraph, <a href="#">S/PRST/2012/19</a> , second paragraph, <a href="#">resolution 2091 (2013)</a> , second preambular paragraph, <a href="#">resolution 2104 (2013)</a> , second preambular paragraph, <a href="#">resolution 2113 (2013)</a> , third preambular paragraph, and <a href="#">resolution 2126 (2013)</a> , second preambular paragraph.
<b>The situation in Cote d’Ivoire</b>	
<a href="#">Resolution 2045 (2012)</a> 26 April 2012	<i>Reaffirming</i> its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d’Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation, (second preambular paragraph)  <i>See also</i> <a href="#">resolution 2062 (2012)</a> , second preambular paragraph, <a href="#">resolution 2101 (2013)</a> , second preambular paragraph, and <a href="#">resolution 2112 (2013)</a> , second preambular paragraph.
<b>The situation in the Central African Republic</b>	
<a href="#">Resolution 2127 (2013)</a> 5 December 2013	<i>Reaffirming</i> its strong commitment to the sovereignty, independence, territorial integrity and unity of the CAR, and recalling the importance of the principles of good-neighbourliness and regional cooperation, (second preambular paragraph)
<b>The situation in the Democratic Republic of the Congo</b>	
<a href="#">Resolution 2053 (2012)</a> 27 June 2012	<i>Reaffirming</i> its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo, (second preambular paragraph)  <i>See also</i> <a href="#">resolution 2076 (2012)</a> , second preambular paragraph, <a href="#">resolution 2078 (2012)</a> , second preambular paragraph, and <a href="#">resolution 2098 (2013)</a> , second preambular paragraph;

*3. Calls for the cessation of support by States to armed groups engaged in destabilizing national and regional peace and security*

In several decisions adopted in 2012 concerning the Sudan and South Sudan and the Democratic Republic of the Congo, the Council called upon governments to cease support for illegal armed groups engaged in undermining peace and stability (see table 3).

Table 4

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

<i>Decision and date</i>	<i>Relevant provision</i>
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
<a href="#">S/PRST/2012/5</a> 6 March 2012	The Security Council expresses grave concern about reports of repeated incidents of cross-border violence between Sudan and South Sudan, including troop movements, support to proxy forces, and aerial bombardments, and views the situation as a serious threat to international peace and security... (first paragraph)
<a href="#">Resolution 2046</a> (2012) 2 May 2012	Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, including troop movements, the seizure and occupation of Heglig, support to proxy forces, and Sudanese Armed Forces aerial bombardments, (sixth preambular paragraph)
<b>The situation concerning the Democratic Republic of the Congo</b>	
<a href="#">Resolution 2053</a> (2012) 27 June 2012	Condemns recent mutiny led by Bosco Ntaganda and all outside support to all armed groups and demands that all forms of support to them cease immediately; (para. 9)
<a href="#">S/PRST/2012/22</a> 19 October 2012	The Security Council... reiterates its strong condemnation of any and all external support to the M23. In this regard, the Security Council expresses deep concern at reports indicating that such support continues to be provided to the M23 by neighbouring countries. The Security Council demands that any and all outside support to the M23 as well as other armed groups cease immediately. (fifth paragraph)
<a href="#">Resolution 2076</a> (2012) 28 November 2012	Expresses deep concern at reports indicating that external support continues to be provided to the M23, including through troop reinforcement, tactical advice and the supply of equipment, causing a significant increase of the military abilities of the M23, and reiterates its demand that any and all outside support to the M23 cease immediately; (para. 4)
	<i>See also <a href="#">resolution 2078</a>, para. 8.</i>
<a href="#">Resolution 2098</a> (2013) 28 March 2013	Further taking note of the report of the Secretary-General S/2013/96 and reiterating its strong condemnation of any and all external support to the M23, including through troop reinforcement, tactical advice and the supply of equipment and materiel, (eleventh preambular paragraph)
<b>Threats to international peace and security</b>	
<a href="#">S/PRST/2012/16</a> 25 April 2012	... The Security Council reaffirms that Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, and shall also give the UN every assistance in any action it takes in accordance with the UN Charter, and shall refrain from giving assistance to any State against which the UN is taking preventive or enforcement action. (fifth paragraph)

*4. Calls on parties to withdraw all military forces from a disputed area*

During the period under review, and following the seizure and occupation of the town of Heglig and its oil fields in Sudan by the Sudan People's Liberation Army (SPLA), on 12 April 2012 the Council adopted a presidential statement by which it demanded a complete, immediate, and unconditional end to all fighting; withdrawal of the SPLA from Heglig; end to the Sudanese Air Force (SAF) aerial bombardments; end to repeated incidents of cross-border violence between the Sudan and South Sudan; and an end to support by both sides to proxies in the other country.<sup>10</sup> Subsequently, on 2 May 2012, acting under Chapter VII of the Charter, the Council decided that the Sudan and South Sudan should unconditionally withdraw all of their armed forces to their side of the border, in accordance with previously adopted agreements, including the Agreement on the Border Monitoring Support Mission of 30 July 2011.<sup>11</sup> On 31 August 2012, the Council adopted a presidential statement by which it commended the Government of South Sudan for its formal acceptance of the African Union roadmap but called on it to withdraw any forces located to the north of the Safe Demilitarized Border Zone (SDBZ) centre line as called for by the 29 June 2011 Agreement between the Government of the Sudan, the Government of Southern Sudan on Border Security and the Joint Political and Security Mechanism.<sup>12</sup>

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

During the period under review, Article 2 (4) of the Charter was explicitly invoked twice. At a meeting held on 17 October 2012 concerning the promotion and strengthening of the rule of law in the maintenance of international peace and security, the representative of Argentina noted that in the evolution of the international community towards a permanent international criminal justice system based on the International Criminal Court, the crime of aggression was nothing but the corollary of the prohibition

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<sup>10</sup> [S/PRST/2012/12](#), first paragraph.

<sup>11</sup> [Resolution 2046 \(2012\)](#), para. 1 (ii). See also resolutions [2047\(2012\)](#), para. 5, and [2075 \(2012\)](#) para. 5.

<sup>12</sup> [S/PRST/2012/19](#), tenth paragraph.

of the threat or the use of force, as provided for in Article 2 (4) of the Charter.<sup>13</sup> Also, at a meeting on 20 November 2012 concerning the situation in the Democratic Republic of the Congo, in the context of the alleged involvement of troops of the Rwandan army in the deteriorating situation in North Kivu, the representative of the Democratic Republic of the Congo called on the Council to state that once again Rwanda had circumvented “the sacrosanct principle” enshrined in Article 2 (4) of the Charter.<sup>14</sup>

Furthermore, the deliberations of the Council contained a few instances of implicit references to the principle enshrined in Article 2 (4), without those references giving rise to a constitutional discussion on the Article itself.<sup>15</sup>

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

The official correspondence of the Security Council from 2012 to 2013 included one explicit reference to Article 2 (4) of the Charter. In identical letters dated 6 May 2013 to the Secretary-General, the President of the General Assembly and the President of the Security Council, concerning the reports on the Israeli air strikes against Syria on 3 and 5 May 2013, the representative of the Islamic Republic of Iran indicated that “these blatant acts of aggression” were serious violations of international law, particularly the norms and principles enshrined in the Charter of the United Nations, including its Article 2 (4) on the prohibition of the use of force against any Member State.<sup>16</sup>

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<sup>13</sup> S/PV.6849 (Resumption 1), p. 12.

<sup>14</sup> S/PV.6866, p. 3.

<sup>15</sup> See for instance, in connection with the situation concerning the Democratic Republic of the Congo [S/PV.6873](#), p. 3 (Democratic Republic of the Congo) and p. 6 (Rwanda); and in connection with the Sudan, [S/PV.6764](#), p. 6 (Colombia), p. 7 (Morocco), p. 10 (Azerbaijan) and p. 10 (South Sudan).

<sup>16</sup> [S/2013/270](#).

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

#### *Article 2, paragraph 5*

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

#### **Note**

This section concerns the practice of the Security Council with regard to the principle enshrined in Article 2 (5) of the Charter, particularly regarding the obligation of Member States to refrain from giving assistance to a State against which the United Nations has taken preventive or enforcement action. Since there was no material relating to Article 2 (5) in the communications and deliberations of the Council in the period under review, this section includes one sub-section only dealing with decisions relating to Article 2 (5).

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

During the period under review, there were no explicit references to Article 2 (5) of the Charter in the decisions of the Security Council. However, the Council adopted several decisions which might have an implicit bearing on the principle enshrined in Article 2 (5), as reflected in table 5.

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

<i>Decision and date</i>	<i>Relevant provision</i>
<b>Peace and Security in Africa</b>	
<a href="#">S/PRST/2013/5</a> 13 May 2013	The Security Council also reaffirms that Member States...shall also give the United Nations every assistance in any action it takes in accordance with the United Nations Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action. (eighth paragraph)
<b>The situation in the Great Lakes region</b>	
<a href="#">S/PRST/2013/11</a> 25 July 2013	... The Security Council calls on all countries of the region to respect the sovereignty and territorial integrity of neighbouring countries, not to interfere in the internal affairs of neighbouring countries, not to harbour persons accused of violations of international humanitarian law and human rights law or persons listed by United Nations sanctions regimes, and promote accountability. The Security Council calls on all countries of the region neither to tolerate nor provide assistance or support of any kind to armed groups. (third paragraph)
<b>The situation in the Middle East</b>	
<a href="#">Resolution 2118 (2013)</a> 27 September 2013	Recalling the obligation under resolution 1540 (2004) that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use weapons of mass destruction, including chemical weapons, and their means of delivery, (ninth preambular paragraph)  Reaffirms that all Member States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, and calls upon all Member States, in particular Member States neighbouring the Syrian Arab Republic, to report any violations of this paragraph to the Security Council immediately; (para. 18)
<b>Threats to international peace and security</b>	
<a href="#">S/PRST/2012/16</a> 25 April 2012	The Security Council reaffirms that Member States shall...also give the UN every assistance in any action it takes in accordance with the UN Charter, and shall refrain from giving assistance to any State against which the UN is taking preventive or enforcement action. (fifth paragraph)
<b>Threats to international peace and security caused by terrorist acts</b>	
<a href="#">S/PRST/2012/17</a> 4 May 2012	The Security Council reaffirms that Member States...shall also give the UN every assistance in any action it takes in accordance with the UN Charter, and shall refrain from giving assistance to any State against which the UN is taking preventive or enforcement action. (ninth paragraph)  The Security Council reiterates the obligation of Member States to refrain from providing any form of support, active or passive, to entities or persons involved in or associated with terrorist acts, including by suppressing recruitment of members of terrorist groups, consistent with international law, and eliminating the supply of weapons to terrorists. (eleventh paragraph)
<a href="#">S/PRST/2013/1</a> 15 January 2013	The Security Council [also reaffirms that Member States] shall also give the United Nations every assistance in any action it takes in accordance with the United Nations Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action. (eighth paragraph)

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

##### *Article 2, paragraph 7*

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

##### **Note**

This section concerns the practice of the Security Council in relation to the principle of non-intervention of the United Nations in internal affairs of States under Article 2 (7) of the Charter. In the period from 2012 to 2013, the Council made no explicit reference to that Article in its decisions or in its official correspondence. However, Article 2 (7) was explicitly invoked, and the principle of non-intervention discussed, in meetings held in connection with the situation in the Middle East and the protection of civilians, as illustrated in the subsection.

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

From 2012 to 2013, Article 2 (7) was explicitly invoked once in a meeting held in connection with the protection of civilians in armed conflict (see case 1 below). The principle enshrined in Article 2 (7) was touched upon implicitly in the deliberations of the Security Council in the same meeting and also in meetings on the agenda item entitled “The situation in the Middle East”, as illustrated by case 2.

## Case 1

### Protection of civilians in armed conflict

At its 6917<sup>th</sup> meeting, on 12 February 2013, concerning the protection of civilians in armed conflict, several speakers indicated that while national authorities had the primary responsibility to protect civilians, the Council should be able to act strongly if national authorities failed to do so.<sup>17</sup> The representative of Guatemala noted that conflicts were increasingly of an intra-State nature rather than between two States. This made intervention by the Council more difficult, as conflicts were the internal affairs of sovereign States, even if those States were not upholding their primary obligation of protecting their own citizens. He added that when such situations arose, the established principle of non-intervention must be superseded by the common commitment and responsibility to protect civilian populations from mass violations and atrocities inflicted on them by their own Governments.<sup>18</sup> The representative of China pointed out that the concern and help of the international community should not replace the responsibility and obligation of the country concerned, and stressed that it was essential to comply with the purposes and principles of the Charter, in particular such principles as respecting national sovereignty, unity and territorial integrity.<sup>19</sup> The representative of the Islamic Republic of Iran, speaking on behalf of the Non-Aligned Movement, emphasized that respect for the principles of the sovereign equality, political independence and territorial integrity of all States and of non-intervention must be upheld by humanitarian actors, who should seek the consent of the host country for access to its territory.<sup>20</sup> The representative of the Syrian Arab Republic stated that civilians in armed conflict would never be protected without strict respect for the principles of international law and the provisions of the Charter, in particular the principles of respect for the sovereignty of States, sovereign equality among States, and non-interference in the internal affairs of States, which included ending actions by countries that infringed upon the sovereignty and territorial

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<sup>17</sup> [S/PV.6917](#), p. 8 (Republic of Korea); p. 13 (United States); p.14 (United Kingdom); [S/PV.6917 \(Resumption 1\)](#), p. 55(New Zealand); and p. 64 (Turkey).

<sup>18</sup> *Ibid.*, p. 21.

<sup>19</sup> *Ibid.*, p. 25.

<sup>20</sup> [S/PV.6917 \(Resumption 1\)](#), p. 10.



integrity of other States, as well as military interventions or invasions.<sup>21</sup> The representative of India underscored that in the protection of civilians, respect for the fundamentals of the Charter of the United Nations and the sovereignty and territorial integrity of Member States was necessary. He added that the United Nations had a mandate to intervene only in situations where there was a threat to international peace and security.<sup>22</sup> The representative of Venezuela referred to recent history which showed that military intervention and external support for armed groups were not conducive to protecting civilians or preventing armed conflict. He also expressed his country's firm opposition to the concept of the responsibility to protect, which, he opined, had served to undermine the sovereignty and independence of States and had been used to overthrow legitimate Governments.<sup>23</sup> The representative of Ecuador noted that paragraph 2 (7) of the Charter provided with absolute clarity that no provision of the Charter should authorize the United Nations to intervene in matters within the domestic jurisdiction of any State. He further stated that any action by the international community to protect civilians in conflict situations should strictly adhere to the purposes and principles of the Charter of the United Nations, including full respect for the sovereignty of States.<sup>24</sup>

## Case 2

### The situation in the Middle East

At its 6710<sup>th</sup> meeting, on 31 January 2012, concerning the situation in the Middle East, and in particular a request by the League of Arab States (LAS) that the Council support the latest Arab initiative on an integrated plan for a peaceful settlement of the Syrian crisis,<sup>25</sup> the representative of Qatar, speaking in his capacity as the Chairman of the Arab Ministerial Committee on Syria of the Council of Ministers of LAS indicated that the LAS was calling for the Council to adopt concrete economic pressure on the Syrian regime and not calling for military intervention or a regime change, which was a

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<sup>21</sup> Ibid., pp. 18-19.

<sup>22</sup> Ibid., p. 31.

<sup>23</sup> Ibid., p. 45.

<sup>24</sup> Ibid., p. 58.

<sup>25</sup> [S/2012/71](#), enclosure 1. Also for more information about the meeting, see Part I study titled "The situation in the Middle East".

matter that LAS believed the Syrian people should decide.<sup>26</sup> The Secretary-General of LAS further noted that LAS was attempting to avoid any foreign intervention, particularly military intervention.<sup>27</sup> The representative of the Syrian Arab Republic stated that Syrian patriotism rejected external intervention and stressed that Syria's sovereignty, independence and territorial integrity were a red line. Making reference to a draft resolution circulated by Morocco,<sup>28</sup> the representative of France dismissed allegations that there was a plan for military intervention in the Syrian Arab Republic and noted that nothing in the draft resolution could be construed as an authorization of the use of force.<sup>29</sup> The representative of Guatemala noted that non-intervention in the internal affairs of sovereign States and respect for their territorial integrity were cardinal principles of Guatemala's foreign policy, but also acknowledged the obligation of all States to observe certain norms of conduct in relation to their own populations, adding that governments that flagrantly violated those norms exposed themselves to the consequences.<sup>30</sup> The representatives of Morocco and Pakistan rejected the possibility of a military intervention in preserving the sovereignty and territorial integrity of the Syrian Arab Republic.<sup>31</sup> The representative of the Russian Federation rejected any sanctions and any attempts to employ the instruments of the Council to fuel conflict or justify any eventual foreign military interference and noted that the Council could not impose parameters for an internal political settlement.<sup>32</sup> The representative of China stated his country's opposition to the use of force to resolve the Syrian issue, as well as practices, such as forcibly pushing for regime change, that violated the purposes and principles of the United Nations Charter and the basic norms that govern international relations.<sup>33</sup> The President, in his capacity as representative of South Africa, stated that military intervention to resolve political conflicts had unintended consequences for both the country in question and the region, something that the Middle East could not afford. He

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<sup>26</sup> [S/PV.6710](#), p. 5.

<sup>27</sup> *Ibid.*, p. 6.

<sup>28</sup> Not circulated as an official document.

<sup>29</sup> [S/PV.6710](#), p. 16.

<sup>30</sup> *Ibid.*, p. 18.

<sup>31</sup> *Ibid.*, p. 21 (Morocco) and p. 23 (Pakistan).

<sup>32</sup> *Ibid.*, p. 24.

<sup>33</sup> *Ibid.*, p. 25.

also called for the commitments and principles expressed by the LAS delegation and others in the meeting to be better and more fully expressed in future drafts.<sup>34</sup>

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<sup>34</sup> Ibid., p. 30.