

# *Digest of state practice: 1 January – 30 June 2024*

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Nessa, J. J. ORCID: <https://orcid.org/0000-0002-6461-0073>, Kleczkowska, A. ORCID: <https://orcid.org/0000-0003-4621-6336>, Hasar, S. ORCID: <https://orcid.org/0000-0003-2673-5008>, Bagheri, S. ORCID: <https://orcid.org/0000-0002-9398-8067>, Svcevic, M., Hayyar, M. E., Gul, Y. E., Alghoozi, L., Almasri, T. T. A., Etezazian, S., Velenczei, D. V., Ullah, I., Campos, B. and Grimmig, A. (2024) Digest of state practice: 1 January – 30 June 2024. *Journal on the Use of Force and International Law*, 11 (1-2). pp. 373-436. ISSN 2053-1710 doi: 10.1080/20531702.2024.2417592 Available at <https://centaur.reading.ac.uk/120109/>

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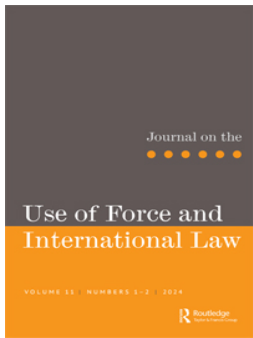
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## Digest of state practice: 1 January – 30 June 2024

Jasmin Johurun Nessa <sup>a</sup>, Agata Kleczkowska <sup>b</sup> and Seyfullah Hasar <sup>c</sup>

<sup>a</sup>University Teacher, University of Liverpool, Liverpool, UK; <sup>b</sup>Institute of Law Studies, Polish Academy of Sciences, Warsaw, Poland; <sup>c</sup>International Law, Dicle University, Diyarbakir, Turkey

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### General Editors\*

Jasmin Johurun Nessa, University Teacher, University of Liverpool, United Kingdom

Agata Kleczkowska, Assistant Professor, Institute of Law Studies, Polish Academy of Sciences, Poland

Seyfullah Hasar, Assistant Professor of International Law, Dicle University, Turkey

### Regional coordinators

*Europe:* Saeed Bagheri

*Sub-Saharan Africa:* Marko Svcevic

*Middle East and North Africa:* M. Emre Hayyar, Yunus Emre Gul, Layal Alghoozi, Taha T. A. Almasri and Sina Etezazian

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*Americas:* Bernardo Campos and Alexander Grimmig

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**CONTACT** Jasmin Johurun Nessa  [jasminn@liverpool.ac.uk](mailto:jasminn@liverpool.ac.uk)

\*Suggestions and input for future Digests of state practice can be sent to Agata Kleczkowska [agata.kleczkowska@inp.pan.pl](mailto:agata.kleczkowska@inp.pan.pl) at any time. All websites accessed 10 October 2024.

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### 1. Europe

#### 1.1. Russia – Ukraine: Russian aggression against Ukraine

The Russian aggression against Ukraine has continued during the current reporting period. As previously, a number of states condemned the illegal use of force by Russia, called for the respect of the territorial integrity and political independence of Ukraine, as well as expressed support for Ukraine's right to self-defence.<sup>1</sup> Moreover, states also highlighted that Belarus, Iran<sup>2</sup> and North Korea provided weapons and military equipment, including missiles and drones, to Russia.<sup>3</sup>

During the current reporting period, states also discussed cases of Ukrainian strikes conducted in the territory of Russia. One such airstrike took place on 30 December 2023 in the city of Belgorod in the Russian Federation. At least 25 civilians were reportedly killed, and more than 100 others were injured.<sup>4</sup> While some states recognised the attack as the manifestation of Ukraine's right to self-defence,<sup>5</sup> Russia claimed instead that it was

an obvious war crime by the Kyiv junta — a strike with cluster bombs on a children's skating rink and a Christmas fair in Belgorod. There were no military facilities nearby, and the time and place of the strike, as well as the cluster munition itself, had been picked deliberately to increase the number of civilian casualties, including women and children.<sup>6</sup>

On 7 February 2024 military transport plane Ilyushin Il-76 came down in the Russian border region of Belgorod, killing everyone on board.

<sup>1</sup>See, e.g. statements made by states during the UN Security Council meetings: UNSC Verbatim Record, UN Doc S/PV.9526 (10 January 2024), UN Doc S/PV.9533 (22 January 2024), UN Doc S/PV.9537 (25 January 2024), UN Doc S/PV.9544 (6 February 2024), UN Doc S/PV.9546 (12 February 2024), UN Doc S/PV.9557 (23 February 2024), UN Doc S/PV.9570 (8 March 2024), UN Doc S/PV.9573 (12 March 2024), UN Doc S/PV.9578 (15 March 2024), UN Doc S/PV.9585 (22 March 2024), UN Doc S/PV.9600 (11 April 2024), UN Doc S/PV.9601 (12 April 2024), UN Doc S/PV.9604 (15 April 2024), UN Doc S/PV.9610 (19 April 2024), UN Doc S/PV.9619 (26 April 2024), UN Doc S/PV.9625 (14 May 2024), UN Doc S/PV.9629 (20 May 2024), UN Doc S/PV.9647 (7 June 2024), UN Doc S/PV.9658 (14 June 2024), UN Doc S/PV.9660 (18 June 2024).

<sup>2</sup>Iran refuted allegations concerning the sale, export or transfer of arms to Russia in contravention of its international obligations (Letter dated 24 May 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/409 (24 May 2024)).

<sup>3</sup>See, e.g. statements made by states during the UN Security Council meetings: UNSC Verbatim Record, UN Doc S/PV.9526 (n 1), UN Doc S/PV.9533 (n 1), UN Doc S/PV.9557 (n 1), UN Doc S/PV.9570 (n 1), UN Doc S/PV.9578 (n 1), UN Doc S/PV.9585 (n 1), UN Doc S/PV.9591 (28 March 2024), UN Doc S/PV.9600 (n 1), UN Doc S/PV.9601 (n 1), UN Doc S/PV.9625 (n 1), UN Doc S/PV.9629 (n 1), UN Doc S/PV.9643 (31 May 2024), S/PV.9647 (n 1), UN Doc S/PV.9653 (12 June 2024), UN Doc S/PV.9658 (n 1), UN Doc S/PV.9660 (n 1), UN Doc S/PV.9666 (24 June 2024), UN Doc S/PV.9676 (28 June 2024).

<sup>4</sup>UN Doc S/PV.9526 (n 1) 2.

<sup>5</sup>See e.g. statement made by France, *ibid.*, 18.

<sup>6</sup>UNSC Verbatim Record, UN Doc S/PV.9532 (12 January 2024) 4.

According to the Russian Ministry of Defence, the plane carried 65 Ukrainian prisoners of war, six Russian crewmen and three Russian soldiers on board.<sup>7</sup> Russia accused the Ukrainian Armed Forces of taking down the plane. Since, according to Russia, Ukraine targeted the plane with the use of the Patriot air defence system, 'Washington is a direct accomplice in the crime'.<sup>8</sup> Ukraine did not comment directly on the matter.<sup>9</sup>

During another UN Security Council meeting, Ukraine also described how the 'conflict-prevention toolbox' should look. Thus, these tools

must be sharp enough to discourage anyone from aggression and the use of force in relations between States, except in the case of self-defence, as the Charter of the United Nations clearly states. Let me name just a few such tools. They include isolation rather than appeasement, exclusion rather than face-saving options, economic pressure rather than business as usual and military assistance to those who — through self-defence — are defending the principles of the Charter and democracy and international law.<sup>10</sup>

## **1.2. Czech Republic: position paper on the application of international law in cyberspace**

On 27 February 2024, the Czech Republic published its Position Paper on the Application of International Law in Cyberspace. The paper states that '[t]he prohibition of the threat or use of force contained in the UN Charter is deliberately general and encompasses any means and methods used (whether kinetic or cyber means). Thus, the prohibition of the threat or use of force applies also in cyberspace'.<sup>11</sup> Consequently, 'cyber operation conducted in cyberspace could amount to the use of force under Article 2(4) of the UN Charter when the effects of the operation are comparable to those of a conventional character'.<sup>12</sup> To this end, the paper highlights that

[w]hether activities in cyberspace, attributable to a State under international law, violate the prohibition of the threat or use of force as contained in Article 2(4) of the UN Charter needs to be assessed on case-by-case basis. Activities conducted by cyber means that do not amount to a threat or use of force may still amount to a violation of sovereignty or a prohibited intervention into internal or external affairs. In the context of cyber operations, the Czech Republic is of the view that factors offered by the Tallinn Manual 2.0, such as severity, immediacy, directness, invasiveness, measurability of effects, military character, State involvement

<sup>7</sup>Zelenskyy says Russia 'playing with lives' of Ukrainian POWs after crash', *Al Jazeera* (24 January 2024) <[www.aljazeera.com/news/2024/1/24/russian-military-plane-crashes-near-ukraine-border](https://www.aljazeera.com/news/2024/1/24/russian-military-plane-crashes-near-ukraine-border)>.

<sup>8</sup>UN Doc S/PV.9544 (n 1) 4.

<sup>9</sup>Zelenskyy says' (n 7).

<sup>10</sup>UNSC Verbatim Record, UN Doc S/PV.9574 (Resumption 1) (13 March 2024) 3.

<sup>11</sup>Ministry of Foreign Affairs of the Czech Republic, 'Position paper on the application of international law in cyberspace' (27 February 2024) <[https://mzv.gov.cz/file/5376858/\\_20240226\\_\\_\\_CZ\\_Position\\_paper\\_on\\_the\\_application\\_of\\_IL\\_cyberspace.pdf](https://mzv.gov.cz/file/5376858/_20240226___CZ_Position_paper_on_the_application_of_IL_cyberspace.pdf)>, para 25.

<sup>12</sup>*Ibid*, para 26.

or presumptive legality of the cyber operation in question represent important criteria in the process of evaluation when deciding whether an act may be characterized as an unlawful use of force.<sup>13</sup>

Moreover, ‘cyber operations attributable to a State and amounting to an unlawful use of force under Article 2(4) of the UN Charter may also constitute an “armed attack”, under Article 51 of the UN Charter’.<sup>14</sup> According to the Paper, a cyber operation could amount to an armed attack under Article 51 of the UN Charter if it is ‘comparable in its scale and effect to an attack by conventional means (kinetic operations) in terms of its gravity, such as fatalities, damage and destruction’.<sup>15</sup> Moreover, self-defence does not have to be ‘limited to cyber means and cyber domain, even if the armed attack was so conducted’.<sup>16</sup> In the case of cyber operation, States can also exercise collective self-defence ‘at the request of the victim State and within the scope of such a request’.<sup>17</sup>

### 1.3. Austria: position paper on cyber activities and international law

During the current reporting period, Austria also published its position paper on cyber activities under international law. It mentions, *inter alia*, links between cyber activities and *jus ad bellum*:

A cyber activity constitutes a threat or use of force if its scale and effects are or would be comparable to those of a kinetic threat or use of force. For instance, a cyber activity that leads to injury, death or significant physical damage constitutes an unlawful use of force. Cyber activities causing non-physical damage may also constitute an unlawful use of force. Moreover, a cyber activity could either be part of a wider operation using force with kinetic means, an independent use of force with physical effects, or an independent use of force without physical effects.<sup>18</sup>

The paper also states that under some circumstances, cyber operations may be qualified as an armed attack and allow for self-defence:

In response to a cyber activity constituting an armed attack a state may exercise its inherent right of self-defence. The response to such a cyber activity is not limited to cyber means. Similarly, the response to an armed attack using kinetic means may include cyber means. The response must be necessary and proportionate in order to end the attack. ...

<sup>13</sup>*Ibid*, para 25.

<sup>14</sup>*Ibid*, para 28.

<sup>15</sup>*Ibid*, para 29.

<sup>16</sup>*Ibid*, para 30.

<sup>17</sup>*Ibid*.

<sup>18</sup>‘Position Paper of the Republic of Austria: Cyber Activities and International Law’ (April 2024) 6, <[https://docs-library.unoda.org/Open-Ended\\_Working\\_Group\\_on\\_Information\\_and\\_Communication\\_Technologies\\_-\\_2021/Austrian\\_Position\\_Paper\\_-\\_Cyber\\_Activities\\_and\\_International\\_Law\\_\(Final\\_23.04.2024\).pdf](https://docs-library.unoda.org/Open-Ended_Working_Group_on_Information_and_Communication_Technologies_-_2021/Austrian_Position_Paper_-_Cyber_Activities_and_International_Law_(Final_23.04.2024).pdf)>.



A cyber operation constitutes an armed attack if, as in the kinetic context, it causes significant death or injury to persons, or substantial material damage or destruction. This is, however, also context-dependent and subject to a case-by-case analysis. An armed attack can also consist of a series of attacks.<sup>11</sup> Likewise, while one cyber activity in isolation may not constitute an armed attack, several cyber activities may still constitute such an attack if, taken together, they are sufficiently grave to reach the threshold of an armed attack.<sup>19</sup>

The position paper also notes that since most cyber activities are carried out by non-state actors,

it is important to note that acts of non-state actors can amount to an armed attack in the sense of Art. 51 UN Charter, provided that the following two conditions are fulfilled: (1) there is a 'transboundary element', e.g. the non-state actor operates from the jurisdiction of another state; and (2) the other state is harbouring or otherwise substantially supporting the operations of the non-state actor under its jurisdiction, or is unable, as a consequence of the complete absence of state authority and effective control over the respective territory, to prevent or suppress the non-state actor's operations.<sup>20</sup>

## 2. Africa

### 2.1. Common African position on the application of international law in cyberspace

In a Communiqué adopted on 29 January 2024, the AU Peace and Security Council adopted 'the Common African Position on the Application of International Law to the Use of Information and Communication Technologies in Cyberspace'.<sup>21</sup> The position was later endorsed by the AU Assembly in a Decision adopted on 17–18 February 2024.<sup>22</sup>

The position paper described the prohibition on the threat or use of force as 'a rule of jus cogens and a fundamental and cardinal rule of general international law that is also a cornerstone of the U.N. Charter' and confirmed that it applies in cyberspace.<sup>23</sup> It further stated that

<sup>19</sup>*Ibid.*, 7.

<sup>20</sup>*Ibid.*, 7–8.

<sup>21</sup>AU Peace and Security Council, 'Communiqué', PSC/PR/COMM.1196 (29 January 2024) para 4 <[www.peaceau.org/en/article/communique-of-the-1196th-meeting-of-the-peace-and-security-council-held-on-29-january-2024-considering-the-draft-common-african-position-on-the-application-of-international-law-to-the-use-of-information-and-communication-technologies-in-the-cyberspace](https://peaceau.org/en/article/communique-of-the-1196th-meeting-of-the-peace-and-security-council-held-on-29-january-2024-considering-the-draft-common-african-position-on-the-application-of-international-law-to-the-use-of-information-and-communication-technologies-in-the-cyberspace)>.

<sup>22</sup>AU Assembly, 'Decision on the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa', Assembly/AU/Dec.868(XXXVII) (17–18 February 2024) para 46 <[https://au.int/sites/default/files/decisions/44015-ASSEMBLY\\_AU\\_DEC\\_866\\_-\\_902\\_XXXVII\\_E.pdf](https://au.int/sites/default/files/decisions/44015-ASSEMBLY_AU_DEC_866_-_902_XXXVII_E.pdf)>.

<sup>23</sup>AU, 'Common African Position on the Application of International Law to the Use of Information and Communication Technologies in Cyberspace' <<https://papsrepository.africa-union.org/bitstream/handle/123456789/2022/1196%20AU%20Common%20Position%20Adopted%20Version%20-%20EN.pdf?sequence=11&isAllowed=y>>.

39. The prohibition on the use of force admits only two exceptions: the use of force in self-defense if an armed attack occurs, and the use of force that is authorized by the UN Security Council acting under Chapter VII of the UN Charter. The African Union affirm that this rule applies to the use of armed force by States. The African Union is of the view that cyber operations would fall within the scope of the prohibition of the use of force when the scale and effects of the operation are comparable to those of a conventional act of violence covered by the prohibition. In particular, a cyber operation, depending on its scale and effect, would amount to use of force if it is expected to cause physical damage, injury, or death, that is comparable to the use of force by an act covered by the prohibition.

40. For example, a cyber operation that destroys, inflicts damage, or permanently disables critical infrastructure or civilian objects within a State, may be considered as amounting to a use of force under international law. Similarly, a cyber operation that targets a military asset by destroying, damaging, or deactivating a missile defense system, could constitute a violation of the prohibition on the use of force. The determination of whether a cyber-operation or a cyber-operation that is executed in combination with the use of non-cyber weapons constitutes a use of force should be undertaken on a case-by-case basis.<sup>24</sup>

On armed attack, the paper stated that

41. The African Union underscores that there is a distinction between the gravest forms of the use of force that constitute an armed attack, which entitle the injured State to invoke the right to individual or collective self-defense in accordance with Article 51 of the U.N. Charter, and less grave forms of the use of force. Whether a particular cyber operation constitutes a use of force or amounts to an armed attack should be determined on a case-by-case basis. That determination should be thoroughly substantiated on the basis of an assessment of the scale and effects of the particular cyber operation. Generally, the criterion of scale requires an examination of elements such as the duration of the attack, the nature of the targets attacked, the locations of the targets attacked, and the types of weapons used, while the criterion of effects measures the extent of the damage caused by the attack.

42. The African Union takes note of the views that assert that States have a right to exercise self-defense against imminent threats of the use of force. This is a controversial question on which there is a paucity of judicial precedent and a lack of unanimity among highly qualified publicists. The African Union is of the view that this matter requires further study and deliberation between States taking into consideration both the unique characteristics of cyberspace and cyber-operations and the implications that any rules that may emerge in relation to this question may have for the integrity of the prohibitions on the threat or use of force. In this regard, the Member States of the African Union emphasize that, from a legal perspective, the Article 51 of the U.N. Charter permits States to use force in individual or collective self-defense 'if an armed attack occurs' against a U.N. Member State.

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<sup>24</sup>*Ibid.*

Furthermore, the African Union underscores that, from a policy perspective, the maintenance of international peace and security favors the continued adoption of a restrictive interpretation of the exceptions to the prohibition on the use of force.<sup>25</sup>

In relation to non-state actors, it stated that

43. The prohibition on the threat or use of force addresses States in their international relations. Therefore, this rule and the exceptions thereto do not apply to the conduct of non-State actors that is not attributable to States. Accordingly, the African Union affirms that the right of self-defense is triggered solely if an armed attack is attributable to a State according to the applicable rules of customary international law of State responsibility.

44. The African Union notes that arming and training non-State actors could amount to a violation of the prohibition on the threat or use of force. This applies to the provision of technical assistance or training to non-State actors that engage in acts amounting to the threat or use of force through ICTs against another State.

45. In this context, the African Union reiterates that, by virtue of their territorial sovereignty, all States are under an obligation to exercise due diligence as reflected in Section III above and to ensure that their territory is not knowingly used to violate the rights of other States through acts that constitute a threat or use of force, whether such acts are undertaken by organs of the State or non-State actors acting under the direction, control, or instruction of the State.<sup>26</sup>

Regarding the use of force, the paper concluded by stating that

46. Conduct that does not amount to a violation of the prohibition on the threat or use of force may, depending on the circumstances, constitute a breach of other rules of international law, especially the obligation to respect the territorial sovereignty of States and the prohibition on intervention in the internal or external affairs of States.<sup>27</sup>

## **2.2. Niger: further developments after ECOWAS' threat of force to restore constitutional order**

As reported in the previous Digest, upon ECOWAS' threat of force to restore constitutional order in Niger after a *coup d'état* against President Bazoum, Burkina Faso and Mali pledged support to the coup leaders in the event of any military intervention against Niger.<sup>28</sup> The relations between Niger, Burkina Faso and Mali culminated in the establishment of the Alliance of Sahel States, which is dedicated to collective defence and mutual assistance

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<sup>25</sup>*Ibid.*

<sup>26</sup>*Ibid.*

<sup>27</sup>*Ibid.*

<sup>28</sup>Jasmin Johurun Nessa, Agata Kleczkowska and Seyfullah Hasar (eds), 'Digest of state practice: 1 July – 31 December 2023' (2024) 11 *Journal on the Use of Force and International Law* 1.

against terrorism and organised crime.<sup>29</sup> During the reporting period of this Digest, on 28 January 2024, the three states announced their decision to withdraw from ECOWAS.<sup>30</sup> The withdrawal statement accused ECOWAS of becoming a threat to its member states under the influence of foreign powers and failing to assist the three states in their struggle against terrorism and insecurity.<sup>31</sup> In response, ECOWAS urged the three states to resort to dialogue, negotiation, and mediation to address their concerns.<sup>32</sup> In a further step, on 6 March 2024, the three states announced the creation of a joint armed force to counter security challenges across their territories.<sup>33</sup>

In another development concerning Niger, on 16 March 2024, a spokesperson for the Nigerien government announced the immediate revocation of 'the agreement concerning the status of United States military personnel and civilian employees of the American Department of Defense on the territory of the Republic of Niger'.<sup>34</sup> He expressed Niger's regrets for 'the intention of the American delegation to deny the sovereign Nigerien people the right to choose their partners and types of partnerships capable of truly helping them fight against terrorism'.<sup>35</sup> He also denounced 'the condescending attitude accompanied by the threat of retaliation from the head of the American delegation towards the Nigerien government and people'.<sup>36</sup> He further claimed that the presence of US troops in Niger was illegal and violated constitutional and democratic rules because it was unilaterally imposed in 2012.<sup>37</sup>

While US officials initially claimed that they had not received a formal withdrawal request from Niger and were rather receiving mixed signals,<sup>38</sup> they ultimately announced on 20 April 2024 that both states agreed to begin planning for the withdrawal of American troops.<sup>39</sup> This

<sup>29</sup>*Ibid.*

<sup>30</sup>Letter dated 31 January 2024 from the representatives of Burkina Faso, Mali and the Niger to the United Nations addressed to the President of the Security Council, UN Doc S/2024/120 (5 February 2024).

<sup>31</sup>*Ibid.*

<sup>32</sup>ECOWAS, 'Final Communiqué – Extraordinary Summit of The ECOWAS Authority of Heads Of State and Government on The Political, Peace and Security Situation in The Region' (25 February 2024) paras 35–6 <[www.ecowas.int/final-communique-extraordinary-summit-of-the-ecowas-authority-of-heads-of-state-and-government-on-the-political-peace-and-security-situation-in-the-region/](http://www.ecowas.int/final-communique-extraordinary-summit-of-the-ecowas-authority-of-heads-of-state-and-government-on-the-political-peace-and-security-situation-in-the-region/)>.

<sup>33</sup>'Junta-led Sahel states to form joint force to fight insurgents', *Reuters* (7 March 2024) <[www.reuters.com/world/africa/junta-led-sahel-states-form-joint-force-fight-insurgents-2024-03-07/](http://www.reuters.com/world/africa/junta-led-sahel-states-form-joint-force-fight-insurgents-2024-03-07/)>.

<sup>34</sup>Boureima Balima and Bate Felix, 'Niger revokes military accord with US, junta spokesperson says', *Reuters* (17 March 2024) <[www.reuters.com/world/africa/niger-revokes-military-accord-with-us-junta-spokesperson-says-2024-03-16/](http://www.reuters.com/world/africa/niger-revokes-military-accord-with-us-junta-spokesperson-says-2024-03-16/)>.

<sup>35</sup>*Ibid.*

<sup>36</sup>*Ibid.*

<sup>37</sup>*Ibid.*

<sup>38</sup>Tara Copp, 'US says it has not received a formal request by Niger junta to leave military bases', *AP* (22 March 2024) <<https://apnews.com/article/niger-junta-coup-america-troops-terrorism-caa65fde198df5e62121d7e6b6558b6c>>.

<sup>39</sup>Jack Thompson And Sam Mednick, 'The US military will begin plans to withdraw troops from Niger', *AP* (20 April 2024) <<https://apnews.com/article/niger-us-military-withdrawal-junta-9e8a63bca3b8f1cc7fc3e8638dcfb702>>.

announcement coincided with the arrival of Russian military trainers in Niger to bolster the country's air defences.<sup>40</sup>

Meanwhile, upon the instructions of the Authority of Heads of State and Government on 24 February 2024,<sup>41</sup> ECOWAS intensified its efforts to activate a Standby Force to combat terrorism and respond to unconstitutional changes of power in member states.<sup>42</sup>

### **2.3. Democratic Republic of Congo – Rwanda: accusations of aggression and support for armed groups**

During the reporting period of this Digest, the Democratic Republic of Congo (DRC) and Rwanda continued to exchange various accusations regarding aggression and support for armed groups.<sup>43</sup> During the UN Security Council meeting of 20 February 2024, the DRC representative stated that there is a 'war raging between the Rwandan army coalition — composed of the Rwanda Defence Force (RDF) and the Mouvement du 23 mars (M-23) — and [the Armed Forces of the DRC] on Congolese soil'.<sup>44</sup> The representative accused Rwanda of carrying out aggression against the DRC, 'illegally occupying part of the Congolese territory and ... providing various types of support to the M-23 terrorist group in order to destabilize' the DRC.<sup>45</sup>

The representative of Rwanda, in turn, accused the Armed Forces of the DRC of arming, working with, and providing logistical, operational and financial support to the Rwandan 'genocidal' force, Forces démocratiques de libération du Rwanda (FDLR), and its splinter groups that target their fellow Kinyarwanda-speaking citizens.<sup>46</sup> The representative stated that it is the responsibility of the DRC to protect the rights of the Kinyarwanda-

<sup>40</sup>Jessica Donati, 'Russian military trainers arrive in Niger as relations deteriorate with the US', *AP* (13 April 2024) <<https://apnews.com/article/niger-russia-military-trainers-18d6435d00e7790de9ee53e24bfc7ba>>.

<sup>41</sup>ECOWAS, 'Final Communique' (n 32) para 40.

<sup>42</sup>See ECOWAS, 'ECOWAS intensifies efforts to fight terrorism and insecurity in the west African subregion' (11 March 2024) <[www.ecowas.int/ecowas-intensifies-efforts-to-fight-terrorism-and-insecurity-in-the-west-african-subregion/](http://www.ecowas.int/ecowas-intensifies-efforts-to-fight-terrorism-and-insecurity-in-the-west-african-subregion/)>; ECOWAS, 'ECOWAS Moves to Improve and Strengthen Its Standby Force and Logistics Depot' (5 June 2024) <[www.ecowas.int/ecowas-moves-to-improve-and-strengthen-its-standby-force-and-logistics-depot/](http://www.ecowas.int/ecowas-moves-to-improve-and-strengthen-its-standby-force-and-logistics-depot/)>; ECOWAS, 'Meeting Of Ministers of Defence and Ministers of Finance for the Activation of a Regional Force to Fight Acts of Terrorism and Unconstitutional Change of Power' (30 June 2024) <[www.ecowas.int/meeting-of-ministers-of-defence-and-ministers-of-finance-for-the-activation-of-a-regional-force-to-fight-acts-of-terrorism-and-unconstitutional-change-of-power/](http://www.ecowas.int/meeting-of-ministers-of-defence-and-ministers-of-finance-for-the-activation-of-a-regional-force-to-fight-acts-of-terrorism-and-unconstitutional-change-of-power/)>. For ECOWAS' prior plans to establish the Standby Force, see Jasmin Johurun Nessa, Seyfullah Hasar and Agata Kleczkowska (eds), 'Digest of state practice: 1 July – 31 December 2022' (2023) 10 *Journal on the Use of Force and International Law* 104, 125.

<sup>43</sup>See UNSC Verbatim Record, UN Doc S/PV.9553 (20 February 2024); UNSC Verbatim Record, UN Doc S/PV.9590 (27 March 2024); UNSC Verbatim Record, UN Doc S/PV.9615 (24 April 2024).

<sup>44</sup>UN Doc S/PV.9553, *ibid*, 13.

<sup>45</sup>*Ibid*, 15. See also 'DR Congo accuses Rwanda of airport 'drone attack' in restive east', *Al Jazeera* (17 February 2024) <[www.aljazeera.com/news/2024/2/17/dr-congo-accuses-rwanda-of-airport-drone-attack-in-restive-east](http://www.aljazeera.com/news/2024/2/17/dr-congo-accuses-rwanda-of-airport-drone-attack-in-restive-east)>.

<sup>46</sup>*Ibid*, 15–16.

speaking Congolese and other minorities.<sup>47</sup> The representative also noted that 'Rwanda has been cautious and has avoided responding to the provocative acts by the Congolese Government, including shelling on Rwandan territory, violation of Rwandan airspace by Congolese fighter jets, cross-border shooting by' the Armed Forces of the DRC.<sup>48</sup> The representative also warned that Rwanda takes seriously the statements by the Presidents of the DRC and Burundi 'to cause regime change, and the direct support to the FDLR genocidal force' and stressed 'that any force that directly or indirectly collaborates and supports the genocidal FDLR is considered belligerent to Rwanda'.<sup>49</sup> The representative added that if the DRC 'continues to support the genocidal FDLR and other anti-Rwanda elements, Rwanda's defensive and preventive mechanisms will remain in place to guard against violations of our borders and airspace and counter any spillover into Rwanda to ensure total security for our territory'.<sup>50</sup>

In response to allegations of supporting the FDLR, the DRC representative asserted that it is the Rwandan Defence Force using the FDLR soldiers to lay hands on the DRC's strategic minerals and claimed that 'the FDLR in no way pose a threat to Rwanda's security'.<sup>51</sup> The representative also stated that 'Rwanda will say that it is in the Democratic Republic of the Congo ... because there is a risk of genocide being committed and because it must protect the Congolese Tutsi'.<sup>52</sup> The representative, however, denied that Rwanda has such a right, stating that the DRC takes measures to safeguard Rwandan speakers' rights and, in any case, Congolese problems 'will only be resolved by Congolese people and within our national borders, without any external interference'.<sup>53</sup>

The Rwandan representative also criticised the recent deployment of the Southern African Development Community Mission to the DRC (SAMIDRC) saying that it 'further complicates the already dire situation' and it 'is not a neutral force, as evidenced by the selective application of its mandate, whereby it is targeting only one armed group, the M-23, and at the same time fighting alongside other armed groups embedded within the FARDC [the Armed Forces of the DRC], including the genocidal FDLR'.<sup>54</sup> As reported in the previous Digest, the SADC had announced that SAMIDRC was deployed to support the DRC government to restore

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<sup>47</sup>*Ibid*, 16.

<sup>48</sup>*Ibid*, 17.

<sup>49</sup>*Ibid*, 17.

<sup>50</sup>*Ibid*, 17. See also Ministry of Foreign Affairs and International Cooperation of Rwanda, 'Rwanda Clarifies Security Posture' (18 February 2024) <[www.minaffet.gov.rw/updates/news-details/rwanda-clarifies-security-posture](http://www.minaffet.gov.rw/updates/news-details/rwanda-clarifies-security-posture)> ('Rwanda reserves the right to take any legitimate measures to defend our country, so long as this threat exists.')

<sup>51</sup>*Ibid*, 14.

<sup>52</sup>*Ibid*, 14.

<sup>53</sup>*Ibid*, 14.

<sup>54</sup>*Ibid*, 16.

peace and security in the eastern DRC ‘in accordance with the principle of collective self-defence and collective action outlined in the SADC Mutual Defence Pact’.<sup>55</sup> The AU Peace and Security Council ‘endorse[d]’ the Mission in a Communiqué on 4 March 2024.<sup>56</sup>

Furthermore, the Rwandan representative criticised joint operations between the United Nations Organization Stabilization Mission in the DRC (MONUSCO) and the Armed Forces of the DRC ‘with the allied groups, among them the genocidal FDLR’, saying that they ‘are also a matter of concern to Rwanda’ as ‘Rwanda takes this alliance and its intended goal very seriously’.<sup>57</sup>

In response, the DRC representative criticised Rwanda for taking ‘its audacity too far, to the point of opposing the deployment of MONUSCO and the SADC’, saying that

by virtue of the sovereignty of the Democratic Republic of the Congo, its Government is free to resort, according to its security needs, to a bilateral or multi-lateral partnership, and no one has the right to prevent it from doing so or to criticize its sovereign choices.<sup>58</sup>

In a letter dated 31 May 2024 addressed to the President of the UN Security Council transmitting their final report, the UN Group of Experts on the DRC found that heavy fighting continued between, on the one side, M-23 and the Rwanda Defence Force, and, on the other side, the Armed Forces of the DRC, Burundi National Defence Force, the FDLR and other armed groups. Meanwhile, private military companies and the SADC troops provided operational and military support to the Armed Forces of the DRC.<sup>59</sup>

During the UN Security Council meetings, some states criticised and condemned both Rwanda, for its direct involvement with troops in the conflict and its support to M-23, and the DRC, for its support to the FDLR.<sup>60</sup> Some states named neither Rwanda nor the DRC in their

<sup>55</sup>Nessa, Kleczkowska and Hasar (n 28). See also South African Government News Agency, ‘SA deploys 2900 troops to eastern DRC’ (13 February 2024) <[www.sanews.gov.za/south-africa/sa-deploys-2900-troops-eastern-drc](http://www.sanews.gov.za/south-africa/sa-deploys-2900-troops-eastern-drc)> reporting the forthcoming deployment of at least 2900 South African troops ‘to assist in the fight against illegal armed groups’ in the eastern DRC ‘in line with fulfilling South Africa’s international obligation towards’ the SADC mission to support the DRC.

<sup>56</sup>Letter dated 13 March 2024 from the Permanent Representative of Mozambique to the United Nations addressed to the President of the Security Council, UN Doc S/2024/236 (18 March 2024).

<sup>57</sup>UN Doc S/PV.9553 (n 43) 16.

<sup>58</sup>*Ibid.*, 14. See also Letter dated 19 February 2024 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council, UN Doc S/2024/190 (27 February 2024).

<sup>59</sup>Letter dated 31 May 2024 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council, UN Doc S/2024/432 (4 June 2024) 2.

<sup>60</sup>See UN Doc S/PV.9553 (n 43); UN Doc S/PV.9590 (n 43); UN Doc S/PV.9615 (n 43). See also US Department of State, ‘Escalation of Hostilities in Eastern Democratic Republic of the Congo’ (17 February 2024) <[www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo/](https://www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo/)>; ‘France urges Rwanda to end support for M23 rebels, pull troops out of DR Congo’, *France 24* (20 February 2024) <[www.france24.com/en/africa/20240220-france-urges-rwanda-to-end-all-support-to-m23-rebels-pull-troops-out-of-dr-congo/](https://www.france24.com/en/africa/20240220-france-urges-rwanda-to-end-all-support-to-m23-rebels-pull-troops-out-of-dr-congo/)>; ‘Rwanda must halt ‘support’ for M23 rebels, withdraw



criticism.<sup>61</sup> Likewise, in a press statement on 20 June 2024, without naming any state, the members of the UN Security Council condemned, and demanded the cessation of, foreign military support provided to M-23 and other armed groups operating in the DRC, and demanded immediate withdrawal of any external party from the DRC. They also condemned, and demanded the cessation of, support to certain armed groups such as FDLR.<sup>62</sup>

Regional diplomatic efforts for a peaceful resolution of the conflict led to the DRC agreeing to present a plan to neutralise the FDLR, contingent upon Rwanda's withdrawal of its forces from the eastern DRC.<sup>63</sup>

#### **2.4. Burundi: Burundi accuses Rwanda of supporting rebels**

As reported in the previous Digest, Burundi accused Rwanda of backing a Burundian armed rebel group based in eastern Congo, known as RED-Tabara, which were behind an attack in Burundi.<sup>64</sup> During this reporting period, in response to Rwanda's backing of the group, Burundi suspended diplomatic relations with Rwanda and closed their border.<sup>65</sup> Furthermore, the Burundian government accused Rwanda again for the attacks by RED-Tabara against Burundi in February and in May,<sup>66</sup> saying that '[t]hese terrorists were recruited, trained and even equipped with weapons in Rwanda and by Rwanda'.<sup>67</sup> Rwandan officials denied the allegations on both occasions.<sup>68</sup>

#### **2.5. Somalia: US airstrikes continued**

During the reporting period of this Digest, US Africa Command continued to issue statements, with similar wording, announcing the conduct of airstrikes against al-Shabaab in Somalia. The statement dated 23 January 2024, for example, announced that '[a]t the request of the Federal Government of Somalia, U.S. Africa Command conducted a collective self-defense airstrike with two engagements against the al Shabaab terrorist group on

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troops from DR Congo, says Macron', *France 24* (30 April 2024) <[www.france24.com/en/europe/20240430-macron-urges-rwanda-to-halt-support-for-m23-rebels-withdraw-troops-from-dr-congo](https://www.france24.com/en/europe/20240430-macron-urges-rwanda-to-halt-support-for-m23-rebels-withdraw-troops-from-dr-congo)>.

<sup>61</sup> See UN Doc S/PV.9553 (n 43); UN Doc S/PV.9590 (n 43); UN Doc S/PV.9615 (n 43).

<sup>62</sup> Security Council Press Statement on Democratic Republic of the Congo, UN Doc SC/15739 (20 June 2024) <<https://press.un.org/en/2024/sc15739.doc.htm>>.

<sup>63</sup> United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General, UN Doc S/2024/482 (20 June 2024) para 7.

<sup>64</sup> Nessa, Kleczkowska and Hasar (n 28).

<sup>65</sup> Eloge Willy Kaneza, 'An official in Burundi says rebels kill 9 people and accuses Rwanda of backing the group', *AP* (26 February 2024) <<https://apnews.com/article/burundi-rebel-attack-killings-rwanda-7b5d7cbd8e0f212b4b8e04988b8e0626>>.

<sup>66</sup> *Ibid*; 'Burundi accuses Rwanda of rebel grenade attacks in the capital', *VOA* (12 May 2024) <[www.voaafrica.com/a/burundi-accuses-rwanda-of-rebel-grenade-attacks-in-the-capital/7607921.html](https://www.voaafrica.com/a/burundi-accuses-rwanda-of-rebel-grenade-attacks-in-the-capital/7607921.html)>.

<sup>67</sup> 'Burundi accuses Rwanda of rebel grenade attacks in the capital', *ibid*.

<sup>68</sup> Kaneza (n 65); Evelyn Musambi, 'Rwanda denies involvement in grenade attack blamed on Burundi rebels', *AP* (31 May 2024) <<https://apnews.com/article/rwanda-burundi-relations-redtabara-rebels-a7f601d7d630c9015737384e80f10a1c>>.



Jan. 21'.<sup>69</sup> The statement also emphasised al-Shabaab's 'will and capability to attack U.S. forces and threaten U.S. security interests', adding that 'U.S. Africa Command, alongside its partners, continues to take action to prevent this malicious terrorist group from planning and conducting attacks on civilians'.<sup>70</sup>

Another statement announced the conduct of an airstrike against ISIS militants '[i]n coordination with the Federal Government of Somalia' on 31 May 2024.<sup>71</sup> The statement also emphasised ISIS's 'plot against U.S. homeland and personnel and interests around the world, as well as regional partners, and others globally', adding that 'U.S. Africa Command, alongside its partners, continues to take action to prevent this terrorist group from planning and conducting attacks, which disproportionately harms civilians'.<sup>72</sup>

## **2.6. Somalia: transition from ATMIS to a new AU-led mission**

On 20 June 2024, the AU Peace and Security Council adopted a Communiqué concerning the replacement of the African Union Transition Mission in Somalia (ATMIS), whose mandate is set to conclude by 31 December 2024, with a new AU-led mission. Expressing concern that the ongoing drawdown of ATMIS 'could leave a gap for Al Shabaab to re-organize, and conduct asymmetric attacks', the Communiqué supported the request by Somalia for 'a phased approach to the Phase 3 Drawdown of ATMIS'.<sup>73</sup> The Communiqué also 'endorse[d] the establishment of a new African Union-led Mission for Somalia in support of the FGS [Federal Government of Somalia] for post-ATMIS security arrangements that should be UN-authorized and emphasize

<sup>69</sup>US Africa Command, 'Federal Government of Somalia, AFRICOM target al Shabaab' (23 January 2024) <[www.africom.mil/pressrelease/35392/federal-government-of-somalia-africom-target-al-shabaab](http://www.africom.mil/pressrelease/35392/federal-government-of-somalia-africom-target-al-shabaab)>.

See also US Africa Command, 'Federal Government of Somalia, AFRICOM target al Shabaab' (26 January 2024) <[www.africom.mil/pressrelease/35401/federal-government-of-somalia-africom-target-al-shabaab](http://www.africom.mil/pressrelease/35401/federal-government-of-somalia-africom-target-al-shabaab)>; US Africa Command, 'Somali, U.S. forces engage insurgents in support of the Federal Government of Somalia' (14 February 2024) <[www.africom.mil/pressrelease/35411/somali-us-forces-engage-insurgents-in-support-of-the-federal-government-of-somalia](http://www.africom.mil/pressrelease/35411/somali-us-forces-engage-insurgents-in-support-of-the-federal-government-of-somalia)>; US Africa Command, 'Federal Government of Somalia, AFRICOM target al-Shabaab' (28 February 2024) <[www.africom.mil/pressrelease/35418/federal-government-of-somalia-africom-target-al-shabaab](http://www.africom.mil/pressrelease/35418/federal-government-of-somalia-africom-target-al-shabaab)>; US Africa Command, 'U.S. forces engage insurgents in support of the Federal Government of Somalia' (4 March 2024) <[www.africom.mil/pressrelease/35423/us-forces-engage-insurgents-in-support-of-the-federal-government-of-somalia](http://www.africom.mil/pressrelease/35423/us-forces-engage-insurgents-in-support-of-the-federal-government-of-somalia)>; US Africa Command, 'Federal Government of Somalia, AFRICOM target al-Shabaab' (12 March 2024) <[www.africom.mil/pressrelease/35436/federal-government-of-somalia-africom-target-al-shabaab](http://www.africom.mil/pressrelease/35436/federal-government-of-somalia-africom-target-al-shabaab)>.

<sup>70</sup>US Africa Command, 'Federal Government of Somalia, AFRICOM target al Shabaab' (23 January 2024) *ibid.*

<sup>71</sup>US Africa Command, 'U.S. Forces conduct strike targeting ISIS' (31 May 2024) <[www.africom.mil/pressrelease/35499/us-forces-conduct-strike-targeting-isis](http://www.africom.mil/pressrelease/35499/us-forces-conduct-strike-targeting-isis)>.

<sup>72</sup>*Ibid.*

<sup>73</sup>AU Peace and Security Council, 'Communiqué PSC/PR/COMM.1217 (20 June 2024) paras 9–10 <[www.peaceau.org/en/article/communique-of-the-1217th-meeting-of-the-psc-held-on-20-june-2024-on-the-report-of-the-african-union-commission-on-the-joint-strategic-assessment-for-the-post-atmis-security-arrangement-for-an-au-led-mission-in-somalia](http://www.peaceau.org/en/article/communique-of-the-1217th-meeting-of-the-psc-held-on-20-june-2024-on-the-report-of-the-african-union-commission-on-the-joint-strategic-assessment-for-the-post-atmis-security-arrangement-for-an-au-led-mission-in-somalia)>.

[d] that the new AU-led Mission should', among others, 'focus on supporting FGS to further degrade Al Shabaab and provide security and prioritize the protection of civilians in Somalia' and 'engage in counter terrorism operations'.<sup>74</sup>

In Resolution 2741 adopted on 28 June 2024, taking note of Somalia's request for continued support with the development of its security sector, taking note of the above-mentioned decision of the AU Peace and Security Council on a phased approach to the Phase 3 Drawdown of ATMIS, and acting under Chapter VII of the UN Charter, the UN Security Council extended its authorisations concerning ATMIS until 12 August 2024, authorised the AU Member States 'to continue to deploy up to 14,626 uniformed personnel ... to ATMIS until 30 June 2024, and to complete the African Union-Federal Government of Somalia agreed drawdown of 2,000 ATMIS personnel by this date', and further authorised the AU Member States 'to deploy up to 12,626 uniformed personnel ... to ATMIS from 1 July 2024 until 12 August 2024'.<sup>75</sup> The Council also recognised 'the work done by the African Union and Somalia so far to establish an agreed concept of operations for an African Union-led peace support operation to follow ATMIS'.<sup>76</sup>

## **2.7. Somalia: tensions with Ethiopia over Ethiopia's agreement with Somaliland**

On 1 January 2024, Ethiopia, a landlocked country, signed a memorandum of understanding with Somaliland, the breakaway region of Somalia, to have access to the Red Sea through one of Somaliland's ports.<sup>77</sup> The details of the agreement have not been made public but a national advisor to the Ethiopian Prime Minister said that the deal could enable Ethiopia to access a 'leased military base' on the sea.<sup>78</sup> The Foreign Ministry of Somaliland later issued a statement saying that the 'historic agreement ensures Ethiopia's access to the sea for their naval forces, reciprocated by formal recognition of the Republic of Somaliland', while Ethiopia did not comment on this aspect of the agreement.<sup>79</sup>

In a statement, the Somali government described the agreement as 'null and void' and a violation of its sovereignty, adding that it 'considers this action as an aggression and ... is an impediment to the good neighbourliness,

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<sup>74</sup>*Ibid.*, para 13.

<sup>75</sup>UNSC Res 2741, UN Doc S/RES/2741 (28 June 2024) paras 1-3.

<sup>76</sup>*Ibid.*, para 8.

<sup>77</sup>Kalkidan Yibeltal, 'Ethiopia signs agreement with Somaliland paving way to sea access', *BBC* (2 January 2024) <[www.bbc.com/news/world-africa-67858566](https://www.bbc.com/news/world-africa-67858566)>.

<sup>78</sup>*Ibid.*

<sup>79</sup>*Ibid.*

peace and stability of the region'.<sup>80</sup> The League of Arab States<sup>81</sup> and the Intergovernmental Authority on Development<sup>82</sup> expressed support for Somalia, accusing Ethiopia of violating the sovereignty and territorial integrity of Somalia. Furthermore, in a resolution adopted on 17 January 2024, the Council of the League of Arab States decided to 'reaffirm the legitimate right of the Federal Republic of Somalia to defend its territory in accordance with Article 51 of the Charter of the United Nations and the relevant articles of the Charter of the League of Arab States; and support Somalia with regard to any measures that it decides to take in order to respond, within the framework of international law, to any attempted aggression against it'.<sup>83</sup>

In a letter dated 26 January 2024 to the UN, Ethiopia stated that the memorandum of understanding it signed with Somaliland covers several areas of cooperation and 'paves the way for Ethiopia to secure access to a sea outlet based on commercial bases and mutually acceptable terms', and it is in line with international norms and practice.<sup>84</sup>

In response, in a letter dated 29 January 2024 to the UN, Somalia accused Ethiopia of hiding 'its intention to establish a permanent military base in Somalia', adding that 'the declaration to recognize the "independence" of the separatist group in Somalia constitutes a grave violation of Ethiopia's obligations under fundamental principles of international law to respect Somalia's sovereignty, territorial integrity and political independence, enshrined in Article 2 of the Charter'.<sup>85</sup>

Furthermore, during the UN Security Council meeting of 19 February 2024, the Somali representative stated that 'Ethiopia's establishment of a military base in Somalia amounts to a declaration of war on Somalia and its people', warning that this 'will certainly inspire the rise of ethnic separatist groups in the Horn of Africa, particularly in countries where there are constitutional provisions for a path to secession, such as in the case of Ethiopia'.<sup>86</sup> The representative also confirmed that Somalia 'reserves its full

<sup>80</sup>Mohamud Abdiiaziz Abdisamad and Kalkidan Yibeltal, 'Somalia calls Ethiopia-Somaliland agreement act of aggression', *BBC* (2 January 2024) <[www.bbc.com/news/world-africa-67861390](https://www.bbc.com/news/world-africa-67861390)>.

<sup>81</sup>Identical letters dated 12 January 2024 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/716-S/2024/57 (15 January 2024).

<sup>82</sup>Letter dated 23 January 2024 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council, UN Doc S/2024/82 (23 January 2024).

<sup>83</sup>Identical letters dated 26 January 2024 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/751-S/2024/97 (31 January 2024) para 1.

<sup>84</sup>Letter dated 26 January 2024 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council, UN Doc S/2024/102 (26 January 2024).

<sup>85</sup>Identical letters dated 29 January 2024 from the Permanent Representative of Somalia to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/109 (29 January 2024).

<sup>86</sup>UNSC Verbatim Record, UN Doc S/PV.9551 (19 February 2024) 18.

inherent right to self-defence in order to respond to threats presented by violations of its territorial integrity and unity, in accordance with the provisions of international law'.<sup>87</sup>

In parallel with these developments, Somalia signed an agreement with Turkey on defence cooperation on 9 February 2024.<sup>88</sup> After the endorsement of the agreement by the Somali cabinet and parliament on 21 February 2024, the Somali President told reporters that the agreement entails Turkey to help Somalia defend its coastline and rebuild its naval forces.<sup>89</sup> The Deputy Defence Minister of Somalia stated that '[w]ith this pact, Turkey will protect the Somali coast from pirates, terrorists ... anyone that violates our maritime borders like Ethiopia'.<sup>90</sup>

## 2.8. Sudan: Sudan accuses the UAE of aggression over its support for the RSF

In its final report transmitted to the President of the UN Security Council in a letter dated 15 January 2024, the UN Panel of Experts on the Sudan found that the allegations that the Rapid Support Forces (RSF) — a paramilitary group fighting the Sudan's regular army since April 2023 — has been acquiring weapons and ammunition from outside through various supply lines, particularly from the United Arab Emirates (UAE) through Chad, were credible.<sup>91</sup> The Panel also noted that 'the transfers of arms and ammunition into Darfur constituted violations of the arms embargo'.<sup>92</sup>

During the UN Security Council meetings, and in letters to the UN, the Sudanese government accused the UAE of aggression against Sudan.<sup>93</sup> The letter dated 28 March 2024 was quite comprehensive in detailing the alleged actions of the UAE and the violations it committed.<sup>94</sup> In that letter, the Sudanese government claimed that the UAE planned and executed

<sup>87</sup>*Ibid.*

<sup>88</sup>Dilara Hamit, 'Türkiye, Somalia sign agreement on defense, economic cooperation', *Anadolu Agency* (9 February 2024) <[www.aa.com.tr/en/world/turkiye-somalia-sign-agreement-on-defense-economic-cooperation/3132095](https://www.aa.com.tr/en/world/turkiye-somalia-sign-agreement-on-defense-economic-cooperation/3132095)>.

<sup>89</sup>'Somalia Endorses Defense Deal With Turkey', *The Defense Post* (22 February 2024) <[www.thedefensepost.com/2024/02/22/somalia-defense-deal-turkey/](https://www.thedefensepost.com/2024/02/22/somalia-defense-deal-turkey/)>.

<sup>90</sup>*Ibid.*

<sup>91</sup>Letter dated 15 January 2024 from the Panel of Experts on the Sudan addressed to the President of the Security Council, UN Doc S/2024/65 (15 January 2024) paras 41–52.

<sup>92</sup>*Ibid.*, para 49.

<sup>93</sup>UNSC Verbatim Record, UN Doc S/PV.9538 (29 January 2024); UNSC Verbatim Record, UN Doc S/PV.9581 (19 March 2024); UNSC Verbatim Record, UN Doc S/PV.9611 (19 April 2024); UNSC Verbatim Record, UN Doc S/PV.9656 (13 June 2024); Letter dated 28 March 2024 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council, UN Doc S/2024/276 (4 April 2024); Letter dated 26 April 2024 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council, UN Doc S/2024/345 (30 April 2024); Letter dated 6 May 2024 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council, UN Doc S/2024/362 (6 May 2024).

<sup>94</sup>UN Doc S/2024/276, *ibid.*

a large-scale war of aggression against Sudan by using, inciting, and directly supporting with weapons and material, the RSF and other mutinous militias and mercenary groups recruited from nine different States.<sup>95</sup>

The letter also claimed that the conduct of the UAE contravenes the UN Security Council resolution 1591 (2005) and violates Article 8 of the Charter of the League of Arab States, which provides, among others, that every state member of the League shall refrain from any action aimed at changing the government of another state.<sup>96</sup> According to the letter, the UAE has 'committed an indirect act of aggression by sending armed bands or mercenaries from States in the region to the Sudan', in accordance with Article 3, item (g) of the annex to the General Assembly resolution 3314 (XXIX) of 14 December 1974 concerning the definition of aggression.<sup>97</sup>

The letter furthermore claimed that the parties to the aggression against Sudan are not only the UAE and the RSF but also Chad, 'which acts as a transit zone for weapons and mercenaries' and 'allows its territory, particularly the airports of Am Djarass and Abéché, to be used to transport weapons and materiel and to evacuate injured Rapid Support Forces militiamen to the Zayed Military Hospital in Abu Dhabi'.<sup>98</sup>

The letter also noted that '[t]he perpetrators of the Emirati aggression and intervention in Sudanese internal affairs were officials in a position effectively to exercise control over or to direct the political or military action of a State' and that '[t]he Sudan fully reserves the right to defend itself and resort to international litigation with a view to gaining compensation and reparations for the losses caused by the Emirati aggression, and to ensure that those responsible are held to account at the international level'.<sup>99</sup> The letter also made comments on the collective security mechanism enshrined in the UN Charter, stating that

the Charter provides that a State facing aggression has the right to defend itself in a sustained and uninterrupted manner until the aggression is repelled, particularly when the international community declines to assist the targeted State, as the State is thereby restoring the balance of international peace and security. That State also has the right to appeal for the assistance of any other State that agrees to extend it. Such an appeal need not necessarily take place within the context of the collective security order enshrined in the Charter, provided that an armed attack has taken place and that the targeted State's appeal for assistance is made in exercise of the right of self-defence, to put a stop to an act of aggression that breaches the peace and undermines regional and international security.<sup>100</sup>

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<sup>95</sup>*Ibid.*

<sup>96</sup>*Ibid.*

<sup>97</sup>*Ibid.* See also UN Doc S/2024/345 (n 93) additionally mentioning 'the core principles of peremptory norms (jus cogens) of international law' and the AU Non-Aggression and Common Defence Pact.

<sup>98</sup>*Ibid.*

<sup>99</sup>*Ibid.*

<sup>100</sup>*Ibid.*

The letter also called the UN Security Council to take certain measures against the UAE at its disposal in accordance with Articles 41 and 42 of the Charter.<sup>101</sup>

In its letters to the UN, the UAE denied the allegations made by the Sudan as ‘unfounded and fabricated accusations, gross misrepresentations of the facts on the ground and malicious propaganda’ and claimed ‘[t]here is no evidence to substantiate or validate any of the claims made’.<sup>102</sup> It claimed that the UAE ‘remains strictly neutral in the current conflict and does not provide support or guidance to any of the parties’ and it ‘respects the sovereignty of other States and refrains from interfering in any way in the internal affairs of other States’.<sup>103</sup>

In a Communiqué adopted on 21 June 2024, the AU Peace and Security Council condemned ‘all forms of external interference’ in the conflict and directed ‘the PSC Sub-Committee on Sanctions ... to identify all external actors supporting the warring factions militarily, financially and politically, as well as make proposals on how to contain each of them within a stipulated timeframe not exceeding three (3) months from June 2024’.<sup>104</sup>

## **2.9. South Sudan: UN Security Council renews UNMISS mandate for another year**

In Resolution 2729 adopted on 29 April 2024, acting under Chapter VII of the UN Charter, the UN Security Council decided to extend the mandate of the United Nations Mission in South Sudan (UNMISS) for one year, until 30 April 2025.<sup>105</sup> The Council authorised ‘UNMISS to use all necessary means to implement its mandate’ which is designed, among others, ‘to advance a multiyear strategic vision to prevent a return to civil war and an

<sup>101</sup>*Ibid.*

<sup>102</sup>Letter dated 25 April 2024 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2024/336 (26 April 2024). See also Letter dated 20 March 2024 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2024/252 (21 March 2024); Letter dated 21 April 2024 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2024/326 (22 April 2024); Letter dated 26 June 2024 from the Chargée d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2024/510 (27 June 2024).

<sup>103</sup>*Ibid.*

<sup>104</sup>AU Peace and Security Council, ‘Communiqué’ PSC/HoSG/COMM.1218 (21 June 2024) para 19 <[www.peaceau.org/en/article/communiqué-of-the-1218th-meeting-of-the-psc-held-at-the-level-of-heads-of-state-and-government-on-21-june-2024-on-consideration-of-the-situation-in-sudan](https://www.peaceau.org/en/article/communiqué-of-the-1218th-meeting-of-the-psc-held-at-the-level-of-heads-of-state-and-government-on-21-june-2024-on-consideration-of-the-situation-in-sudan)>. See also Identical letters dated 24 April 2024 from the Permanent Representative of Sierra Leone to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/338 (30 April 2024) para 11 <[https://documents.un.org/symbol-explorer?s=S/2024/338&i=S/2024/338\\_1715015358363](https://documents.un.org/symbol-explorer?s=S/2024/338&i=S/2024/338_1715015358363)>, transmitting a Communiqué adopted by the AU Peace and Security Council.

<sup>105</sup>UNSC Res 2729, UN Doc S/RES/2729 (29 April 2024) para 1.

escalation of violence in South Sudan'.<sup>106</sup> The mandate of the Mission includes the protection of civilians, creating the conditions conducive to the delivery of humanitarian assistance, supporting the Implementation of the Revitalized Agreement and Peace Process, and monitoring, investigating, and reporting on violations of international humanitarian law and violations and abuses of human rights.<sup>107</sup>

During the meeting concerning the adoption of the resolution, the representative of China, which abstained in the voting along with Russia, made, among others, the following explanation:

[T]he primary responsibility for the protection of civilians rests with the country concerned, and peacekeeping missions should not overstep their mandate or overemphasize the use of force. The repeated push by the penholder to give UNMISS an offensive mandate will not only put peacekeepers at risk but will also ultimately jeopardize the Mission's cooperation with South Sudan. The principles of the consent of the parties, impartiality and the non-use of force except in self-defence or defence of the mandate are consensus views reached by all parties in the long-term practice of peacekeeping operations. They should be respected rather than overstepped.<sup>108</sup>

### **2.10. Burundi: deployment of troops by Russia's Africa Corps**

On 24 January 2024, Africa Corps, reportedly 'a paramilitary structure created by the Russian Ministry of Defense' to replace the private military company Wagner Group, published a statement on its *Telegram* channel announcing the deployment to Burkina Faso of '[a] Russian contingent of 100 people' that 'will ensure the safety of the country's leader, Ibrahim Traoré, and the Burkinabe people from terrorist attacks'.<sup>109</sup> According to the statement, '[i]n the near future, units will be replenished with another 200 military personnel from Russia'.<sup>110</sup>

### **2.11. Ethiopia: Eritrea denies claims that its troops are still in Ethiopia**

As reported in a previous Digest, despite a ceasefire agreement in November 2022 between the Ethiopian government and the Tigray forces that mandated the withdrawal of foreign troops from the Tigray region, reports suggested that the Eritrean troops that have been supporting the Ethiopian

<sup>106</sup>*Ibid*, para 2 and 3.

<sup>107</sup>*Ibid*, para 3.

<sup>108</sup>UNSC Verbatim Record, UN Doc S/PV.9620 (29 April 2024) 3.

<sup>109</sup>John A Lechner and Sergey Eledinov, 'Is Africa Corps a Rebranded Wagner Group?', *Foreign Policy* (7 February 2024) <<https://foreignpolicy.com/2024/02/07/africa-corps-wagner-group-russia-africa-burkina-faso/>>.

<sup>110</sup>*Ibid*.

government against the Tigray forces have not left the country.<sup>111</sup> During this reporting period, the UN Assistant Secretary-General for Human Rights stated in her speech to the UN Human Rights Council on 28 February 2024 that her Office had credible information that the Eritrean forces continued to remain in Tigray and ‘commit[ted] cross-border violations, namely abductions, rape, looting of property, arbitrary arrest, and other violations of physical integrity’, adding that the continued presence of Eritrean troops ‘in the Tigray region [was] contrary to the Cessation of Hostilities Agreement signed in November 2022 that called for the withdrawal of international forces from Ethiopian territory’.<sup>112</sup>

The Eritrean Embassy in the UK and Ireland denied in a statement posted on the social media platform X on 28 February 2024 the reports accusing Eritrea of continuing to maintain its troops in several parts of the Tigray region. It accused the Tigray People’s Liberation Front (TPLF) of trying to reclaim ‘once again, Badme and other Eritrean sovereign territories that it had occupied for almost two decades in flagrant breach of the EEBC Award of 13 April 2002’, adding that the presence of Eritrean troops in the Tigray region actually refers to ‘the sovereign Eritrean territories that the TPLF had illegally occupied for two decades with impunity. Eritrean troops are otherwise inside Eritrean sovereign territories with no presence in Ethiopian sovereign land’.<sup>113</sup>

### 3. Middle East and North Africa

#### 3.1. US and UK – Yemen: self-defence claims

##### 3.1.1. Discussion of December 2023 strikes

In January 2024, the UN Security Council discussed attacks against the vessels in the Red Sea conducted by the Houthi in December 2023. During one of them, on 31 December 2023, Houthi militants attacked a Maersk Hangzhou container vessel with missiles and small boats.<sup>114</sup> The container issued a distress call, which was responded to by the US army — helicopters from the USS Eisenhower and Gravelly issued verbal calls to the Houthi boats, which reacted by firing upon the US helicopters with crew-served

<sup>111</sup>Agata Kleczkowska and Seyfullah Hasar (eds), ‘Digest of state practice: 1 January – 30 June 2023’ (2023) 10 *Journal on the Use of Force and International Law* 299, 310.

<sup>112</sup>OHCHR, ‘Dire human rights situation in Eritrea’ (28 February 2024) <[www.ohchr.org/en/statements-and-speeches/2024/03/dire-human-rights-situation-eritrea](https://www.ohchr.org/en/statements-and-speeches/2024/03/dire-human-rights-situation-eritrea)>. See also ‘Eritrean Troops Accused of Abducting Farmers, Stealing Livestock in Ethiopia’s Tigray’, VOA (2 February 2024) <[www.voanews.com/a/eritrean-troops-accused-of-abducting-farmers-stealing-livestock-in-ethiopia-s-tigray/7468248.html](https://www.voanews.com/a/eritrean-troops-accused-of-abducting-farmers-stealing-livestock-in-ethiopia-s-tigray/7468248.html)>.

<sup>113</sup>Embassy of the State of Eritrea to UK & Ireland on X platform (28 February 2024) <<https://x.com/ERUK1991/status/1762881308588454355>>.

<sup>114</sup>‘Maersk pauses Red Sea sailings after Houthi attack on container ship’, *CNBC* (31 December 2023) <[www.cnn.com/2023/12/31/maersk-pauses-red-sea-sailings-after-houthi-attack-on-container-ship.html](https://www.cnn.com/2023/12/31/maersk-pauses-red-sea-sailings-after-houthi-attack-on-container-ship.html)>.



weapons and small arms. The US Navy returned fire, sinking three of the four small boats, and killing the crews.<sup>115</sup> The US justified its action by the right to self-defence, claiming that '[i]t is long established that States have a right to defend merchant and commercial vessels from attacks.'<sup>116</sup>

The US position was supported by, *inter alia*, the UK,<sup>117</sup> and criticised by Russia. Japan and the US submitted a draft resolution, the third paragraph of which stated the following:

Affirms the exercise of navigational rights and freedoms by merchant and commercial vessels, in accordance with international law, must be respected, and takes note of the right of Member States, in accordance with international law, to defend their vessels from attacks, including those that undermine navigational rights and freedoms; ...<sup>118</sup>

Russia, however, suggested deleting the reference to the right of Member States to defend their ships as relating 'to the non-existent norms on the right to defend one's vessels',<sup>119</sup> and to replace it with the phrase, 'and in that regard takes note of applicable rights of Member States in accordance with international law.'<sup>120</sup> The Russian amendment was not adopted. Since Russia (as well as Algeria, China and Mozambique) abstained during the voting on the draft resolution, the draft was adopted as resolution 2722 (2024).<sup>121</sup>

After the voting, Russia once again highlighted that

this resolution cannot be seen as legitimizing the actions in the Red Sea of the so-called coalition consisting of the United States and its satellites. We note that operative paragraph 3 does not establish a right of States to defend their ships from attacks — that does not exist. All activities under that paragraph, as stated in the paragraph itself, must be carried out strictly within the framework of existing international law.<sup>122</sup>

### 3.1.2. Initial strikes (11 January 2024)

On 11 January 2024, the UK, claiming to be acting in self-defence, conducted precision strikes against Houthi military targets in Yemen.<sup>123</sup>

<sup>115</sup>US Central Command, 'Iranian-backed Houthi small boats attack merchant vessel and U.S. Navy helicopters in Southern Red Sea' (31 December 2023) <[www.centcom.mil/MEDIA/STATEMENTS/Statements-View/Article/3644468/iranian-backed-houthi-small-boats-attack-merchant-vessel-and-us-navy-helicopter/](http://www.centcom.mil/MEDIA/STATEMENTS/Statements-View/Article/3644468/iranian-backed-houthi-small-boats-attack-merchant-vessel-and-us-navy-helicopter/)>.

<sup>116</sup>UNSC Verbatim Record, UN Doc S/PV.9527 (10 January 2024) 4 (United States).

<sup>117</sup>*Ibid.*, 6.

<sup>118</sup>Japan and United States of America: draft resolution, UN Doc S/2024/37 (10 January 2024).

<sup>119</sup>UN Doc S/PV.9527 (n 116) 2.

<sup>120</sup>*Ibid.*

<sup>121</sup>*Ibid.*, 5.

<sup>122</sup>*Ibid.*, 5.

<sup>123</sup>Letter dated 12 January 2024 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council, UN Doc S/2024/55 (15 January 2024).

The UK reported that these strikes were a response to armed attacks carried out by Houthi militants against British vessels, including the Royal Navy destroyer *HMS Diamond*, and were part of ongoing hostilities that began in November 2023.<sup>124</sup> The UK asserted that the ‘freedom of navigation really matters’,<sup>125</sup> and stated that Houthi attacks posed a ‘severe economic threat’<sup>126</sup> to global food security and supply lines by spiking ‘the availability and prices of food and energy, which would inevitably hit the world’s poorest the hardest’.<sup>127</sup>

Similarly, the US, in a separate letter, also invoked the right of self-defence under Article 51 to justify its strikes on Houthi facilities, which it claimed were in response to ‘a series of armed attacks by Houthi militants over the last few months, including several attacks against United States Navy ships in the Red Sea’.<sup>128</sup> The US asserted that the strikes were ‘conducted to degrade and disrupt the ongoing pattern of attacks threatening’ the US, and to ‘deter the Houthi militants from conducting further attacks threatening merchant and commercial vessels transiting the Red Sea’.<sup>129</sup> The US stated that the strikes were part of coordinated action with other states, including the United Kingdom, Australia, and Bahrain.<sup>130</sup>

In response, Yemen, without explicitly mentioning the US or the UK, stated that it was ‘following with great concern the military escalation in

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<sup>124</sup>*Ibid.* See also UK Foreign, Commonwealth & Development Office, ‘Summary of the UK Government Legal Position: The legality of UK military action to target Houthi facilities in Yemen on 12 January 2024’ (12 January 2024) <[www.gov.uk/government/publications/summary-of-the-uk-government-legal-position-the-legality-of-uk-military-action-to-target-houthi-facilities-in-yemen/summary-of-the-uk-government-legal-position-the-legality-of-uk-military-action-to-target-houthi-facilities-in-yemen](https://www.gov.uk/government/publications/summary-of-the-uk-government-legal-position-the-legality-of-uk-military-action-to-target-houthi-facilities-in-yemen/summary-of-the-uk-government-legal-position-the-legality-of-uk-military-action-to-target-houthi-facilities-in-yemen)>; UK Foreign, Commonwealth & Development Office, ‘Houthi attacks on vessels in the Red Sea must stop: UK statement at the UN Security Council’ (12 January 2024) <[www.gov.uk/government/speeches/houthi-attacks-on-vessels-in-the-red-sea-must-stop-uk-statement-at-the-un-security-council](https://www.gov.uk/government/speeches/houthi-attacks-on-vessels-in-the-red-sea-must-stop-uk-statement-at-the-un-security-council)>.

<sup>125</sup>UK Foreign, Commonwealth & Development Office, ‘We’ve sent an unambiguous message to the Houthis: your attacks have to stop. Article by the Foreign Secretary’ (13 January 2024) <[www.gov.uk/government/speeches/weve-sent-an-unambiguous-message-to-the-houthis-your-attacks-have-to-stop-article-by-the-foreign-secretary](https://www.gov.uk/government/speeches/weve-sent-an-unambiguous-message-to-the-houthis-your-attacks-have-to-stop-article-by-the-foreign-secretary)>.

<sup>126</sup>UK Foreign, Commonwealth & Development Office, ‘We call on the Houthis to cease these attacks immediately: UK statement at the UN Security Council’ (3 January 2024) <[www.gov.uk/government/speeches/we-call-on-the-houthis-to-cease-these-attacks-immediately-uk-statement-at-the-un-security-council](https://www.gov.uk/government/speeches/we-call-on-the-houthis-to-cease-these-attacks-immediately-uk-statement-at-the-un-security-council)>.

<sup>127</sup>UK Foreign, Commonwealth & Development Office, ‘We will not stand by and allow the Houthis to threaten civilian vessels: UK statement at the UN Security Council’ (10 January 2024) <[www.gov.uk/government/speeches/we-will-not-stand-by-and-allow-the-houthis-to-threaten-civilian-vessels-uk-statement-at-the-un-security-council](https://www.gov.uk/government/speeches/we-will-not-stand-by-and-allow-the-houthis-to-threaten-civilian-vessels-uk-statement-at-the-un-security-council)>.

<sup>128</sup>Letter dated 12 January 2024 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2024/56 (15 January 2024).

<sup>129</sup>*Ibid.*, 2.

<sup>130</sup>*Ibid.* See also US, The White House, ‘Statement from President Joe Biden on Coalition Strikes in Houthi-Controlled Areas in Yemen’ (11 January 2024) <[www.whitehouse.gov/briefing-room/statements-releases/2024/01/11/statement-from-president-joe-biden-on-coalition-strikes-in-houthi-controlled-areas-in-yemen/](https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/11/statement-from-president-joe-biden-on-coalition-strikes-in-houthi-controlled-areas-in-yemen/)>.

our country and the southern Red Sea', and reaffirmed that Yemen 'alone has the sovereign right to enhance the security and safety of the Red Sea on the Yemeni coast'.<sup>131</sup>

Russia challenged the legality of these airstrikes in a letter dated 22 January 2024, arguing that the actions violated Article 2(4) of the UN Charter, and rejected the claims of self-defence under Article 51, asserting that no concrete evidence was provided to support the alleged attacks on US or UK military vessels.<sup>132</sup> Furthermore, Russia contended that there was no legal basis under the United Nations Convention on the Law of the Sea (UNCLOS) for the use of force to ensure freedom of navigation, and argued that Security Council Resolution 2722 (2024) did not create any 'right to defend commercial vessels' by way of the use of force.<sup>133</sup>

### 3.1.3. Further strikes (22 January 2024)

In a series of reports submitted to the UN Security Council, both the UK and the US detailed further strikes carried out on 22 January 2024 in response to the ongoing threats posed by Houthi militants to British and American ships operating in the Red Sea and surrounding waterways. The UK reported to the Security Council that it had conducted additional precision strikes against Houthi military targets on 22 January 2024, which were framed as necessary and proportionate in light of the continued threat to British ships.<sup>134</sup>

The US also reported its participation in the 22 January strikes, alongside the UK and with the support of several other states.<sup>135</sup> The US justified the strikes as necessary for the defence of its forces and commercial shipping, consistent with the inherent right of self-defence under Article 51 of the UN Charter.<sup>136</sup> The US also noted that Denmark and New Zealand had joined the multinational coalition in supporting

<sup>131</sup>Yemen Ministry of Foreign Affairs, 'Press Release: Government Holds Houthi Militia Responsible for Dragging the Country into a Military Confrontation with misleading claims.' (12 January 2024) <[www.mofa-ye.org/Pages/25465/](http://www.mofa-ye.org/Pages/25465/)>.

<sup>132</sup>Letter dated 22 January 2024 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/90 (22 January 2024).

<sup>133</sup>*Ibid.*

<sup>134</sup>Letter dated 26 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council, UN Doc S/2024/103 (26 January 2024).

<sup>135</sup>US, The White House, 'Letter to the Speaker of the House and President pro tempore of the Senate consistent with the War Powers Resolution (Public Law 93-148)' (24 January 2024) <[www.whitehouse.gov/briefing-room/presidential-actions/2024/01/24/letter-to-the-speaker-of-the-house-and-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution-public-law-93-148-11/](https://www.whitehouse.gov/briefing-room/presidential-actions/2024/01/24/letter-to-the-speaker-of-the-house-and-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution-public-law-93-148-11/)>; Letter dated 26 January 2024 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2024/108 (29 January 2024).

<sup>136</sup>*Ibid.*

further operations in response to the ongoing threat posed by the Houthis.<sup>137</sup>

### 3.1.4. Continued strikes (3 February 2024)

The UK and US continued their military actions in Yemen, with further strikes reported on 3 February 2024.<sup>138</sup> It was claimed that these strikes were in response to continued attacks on British ships in the Red Sea, including the Royal Navy destroyer *HMS Diamond* and the oil tanker *Marlin Luanda*.<sup>139</sup> The UK asserted that the strikes were necessary and proportionate, carried out in exercise of its right to individual self-defence under Article 51 of the UN Charter, and warned that the UK remained prepared to take further measures in self-defence against the Houthis to protect its ships from ongoing threats or attacks.<sup>140</sup>

The US informed the Security Council that it had also conducted additional strikes against Houthi militants on 3 February 2024, and that these strikes were part of a multinational operation involving the UK and supported by Australia, Bahrain, Canada, Denmark, the Netherlands, and New Zealand.<sup>141</sup> The US, once again, emphasised that these actions were taken in the exercise of its inherent right of self-defence, as reflected in Article 51 of the UN Charter, and aimed to degrade the Houthis' ability to carry out further attacks against US Navy ships in the region.<sup>142</sup> The US maintained that these strikes were narrowly tailored to address the specific threat posed by the Houthis and did 'not constitute a shift in our approach to other conflicts'.<sup>143</sup>

### 3.1.5. States' reactions and allegations against Iran

Russia strongly opposed the US and UK airstrikes in Yemen, raising significant concerns about their legality under international law. On 31 January 2024, Russia condemned the strikes, asserting that they were reminiscent

<sup>137</sup>*Ibid.*, 2.

<sup>138</sup>Letter dated 5 February 2024 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council, UN Doc S/2024/136 (6 February 2024).

<sup>139</sup>*Ibid.*

<sup>140</sup>*Ibid.* See also UK Foreign, Commonwealth & Development Office, 'The Yemeni people deserve nothing less than recovery and sustainable peace: UK statement at the UN Security Council' (14 February 2024) <[www.gov.uk/government/speeches/the-yemeni-people-deserve-nothing-less-than-recovery-and-sustainable-peace-uk-statement-at-the-un-security-council](https://www.gov.uk/government/speeches/the-yemeni-people-deserve-nothing-less-than-recovery-and-sustainable-peace-uk-statement-at-the-un-security-council)>.

<sup>141</sup>US, The White House, 'Letter to the Speaker of the House and President pro tempore of the Senate consistent with the War Powers Resolution (Public Law 93-148)' (5 February 2024) <[www.whitehouse.gov/briefing-room/presidential-actions/2024/02/05/letter-to-the-speaker-of-the-house-and-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution-public-law-93-148-14/](https://www.whitehouse.gov/briefing-room/presidential-actions/2024/02/05/letter-to-the-speaker-of-the-house-and-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution-public-law-93-148-14/)>; Letter dated 6 February 2024 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2024/141 (6 February 2024).

<sup>142</sup>*Ibid.*

<sup>143</sup>*Ibid.*

of past NATO bombings in places like Yugoslavia, Iraq, and Libya.<sup>144</sup> Russia criticised the coalition for shamelessly exploiting the concept of self-defence to justify its actions without proper Security Council authorisation.<sup>145</sup> In further statements, Russia consistently rejected the use of Article 51 to justify these strikes.<sup>146</sup> Iraq emphasised the importance of maintaining freedom of navigation in international waters but condemned the assault on Yemen and the violation of Yemen's sovereignty.<sup>147</sup>

During the 3 January 2024 Security Council meeting, the US justified its actions in sinking three Houthi boats in the Red Sea as an act of self-defence and emphasised Iran's role in enabling these attacks by supplying advanced weapons systems, such as unmanned aerial systems and ballistic missiles.<sup>148</sup> In the same meeting, Israel echoed similar concerns, stressing the alleged pivotal role of Iran in supporting not only the Houthis but also other armed groups, like Hezbollah, which it claimed would not exist without Iranian backing.<sup>149</sup> Iran categorically rejected the allegations made by both the US and Israel, accusing them of using the Security Council platform to divert attention from Israel's actions in Palestine.<sup>150</sup> Iran emphasised that the claims about its involvement in Red Sea incidents lacked evidence and accused the US and Israel of deflecting from the real issue: the ongoing violence and alleged genocide in Gaza.<sup>151</sup>

At another Security Council meeting in January 2024, the US reiterated its position it is 'long established that States have a right to defend merchant and commercial vessels from attacks. That is what the United States and the United Kingdom did yesterday when our ships came under attack by the Houthis'.<sup>152</sup> However, Russia warned that equating the protection of commercial vessels with self-defence risks creating a dangerous precedent, arguing the US and its allies were 'loosely interpreting the right to defend their ships' under the guise of self-defence.<sup>153</sup>

At a further Security Council meeting in January 2024, the US, once again, claimed that its strikes aimed to 'disrupt and degrade the Houthis's ability to continue their reckless attacks against vessels and commercial shipping in the Red Sea and the Gulf of Aden', and that the strikes were exercised under the US' 'inherent right to self-defence, as reflected in Article 51 of

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<sup>144</sup>UNSC Verbatim Record, UN Doc S/PV.9540 (31 January 2024) 15–6 (Russia).

<sup>145</sup>*Ibid.*

<sup>146</sup>UNSC Verbatim Record, UN Doc S/PV.9603 (15 April 2024) 13–4 (Russia); UNSC Verbatim Record, UN Doc S/PV.9623 (13 May 2024) 11 (Russia).

<sup>147</sup>Iraq Ministry of Foreign Affairs, 'Statement' (12 January 2024) <<https://mofa.gov.iq/2024/41894/>>.

<sup>148</sup>UNSC Verbatim Record, UN Doc S/PV.9525 (3 January 2024) 4 (United States).

<sup>149</sup>*Ibid.*, 14 (Israel).

<sup>150</sup>Letter dated 8 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/33 (8 January 2024).

<sup>151</sup>*Ibid.*

<sup>152</sup>UNSC Verbatim Record, UN Doc S/PV.9527 (10 January 2024) 4 (United States).

<sup>153</sup>*Ibid.*, 6 (Russia).

the Charter'.<sup>154</sup> The US also emphasised that without Iran's provision of advanced weaponry and intelligence, the Houthis 'would struggle to effectively track and strike commercial vessels navigating shipping lanes through the Red Sea and the Gulf of Aden'.<sup>155</sup> The UK echoed the US justification, stating 'limited, necessary and proportionate action in self-defence' was undertaken.<sup>156</sup> During the same meeting, Russia countered these claims, stating that 'mass strikes by the United States and the United Kingdom against the territory of Yemen have nothing to do with the right to self-defence under Article 51'.<sup>157</sup> Russia further argued that the right to self-defence does not extend to the protection of commercial vessels or freedom of navigation:

Let me underscore that there is no legal basis for their attacks on sovereign Yemen. What right to self-defence could London and Washington refer to while being thousands of miles away from their own borders? Since when did that right extend to commercial vessels — especially when those vessels fly the flag of a third country, as was confirmed by the Permanent Representative of the United States herself? One thing is clear: the self-proclaimed 'coalition' has no legitimate mandate for armed activities. It is one thing to defend commercial shipping, attacks on which are unacceptable. However, it is completely different from disproportionately and illegally bombing another State.<sup>158</sup>

In response, Iran condemned the US and UK strikes as acts of 'military aggression' against Yemen, which it argued 'also blatantly violates Yemen's sovereignty'.<sup>159</sup> Iran rejected allegations of its involvement in the Houthi attacks and accused the US and its allies' invocation of the right of self-defence under Article 51 of the Charter as misleading and lacking any legal foundation.<sup>160</sup> Iran underscored that the root causes of instability in the Red Sea are linked to 'the ongoing genocide and barbaric massacres that are being committed by the Israeli regime and fully supported by the United States against the innocent Palestinian people in the Gaza Strip and the West Bank'.<sup>161</sup>

In February 2024, the US reiterated its right to self-defence under Article 51 of the UN Charter in response to Houthi attacks on US naval vessels in the

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<sup>154</sup>UNSC Verbatim Record, UN Doc S/PV.9532 (12 January 2024) 5 (United States).

<sup>155</sup>*Ibid*, 6 (United States).

<sup>156</sup>*Ibid*, 4 (United Kingdom).

<sup>157</sup>*Ibid*, 3 (Russia).

<sup>158</sup>*Ibid*, 11 (Russia).

<sup>159</sup>Letter dated 15 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/64 (15 January 2024). See also Iran Ministry of Foreign Affairs, 'Iran condemns US Britain's 'arbitrary move' to bomb Yemen' (12 January 2024) <<https://en.mfa.gov.ir/portal/newsview/738166>>.

<sup>160</sup>UN Doc S/2024/64, *ibid*.

<sup>161</sup>*Ibid*, 2.

Red Sea.<sup>162</sup> The US described its strikes on Houthi positions as ‘necessary and proportionate measures’ to disrupt and degrade the Houthis’ capacity to threaten commercial shipping and disrupt global trade.<sup>163</sup> The UK echoed the US position during the same meeting, asserting that the Houthi attacks had disrupted shipping in the Red Sea, which was driving up global shipping costs and exacerbating the humanitarian crisis in Yemen.<sup>164</sup> The UK maintained that the strikes were necessary and proportionate under international law, emphasising the coalition’s coordinated efforts with other states.<sup>165</sup> Iran rejected the US allegations of its involvement in the Houthi attacks, and argued that the invocation of self-defence by the US and the UK was ‘to justify their illegal actions is misleading and lacks legitimacy under international law’.<sup>166</sup>

During a 14 March 2024 Security Council meeting, both the US<sup>167</sup> and the UK<sup>168</sup> accused Iran of supplying arms to the Houthis in violation of the arms embargo. In response, once again, Iran categorically rejected these ‘baseless allegations’, arguing, again, that the ‘invocation of self-defence under Article 51 of the Charter’ by the US and UK to justify their actions ‘is misleading and lacks legitimacy under international law’.<sup>169</sup> Similarly, Russia emphasised that the US and UK justification of self-defence under Article 51 was ‘absolutely untenable’.<sup>170</sup> On another occasion, Russia condemned airstrikes by the US and the UK on ‘the sovereign territory of Yemen’, arguing that these airstrikes were ‘pointless’ in addressing the real threat and, instead, ‘further the spiral of escalation’.<sup>171</sup> Russia highlighted the civilian casualties and damaged infrastructure caused by the airstrikes,<sup>172</sup> raising questions about the proportionality and necessity of these strikes.

During May<sup>173</sup> and June 2024,<sup>174</sup> the US continued to repeat its accusation that Iran was supplying advanced weapons to the Houthis. Iran unequivocally rejected these ‘unfounded allegations’, instead, accusing the US of

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<sup>162</sup>UNSC Verbatim Record, UN Doc S/PV.9548 (14 February 2024) 9 (United States).

<sup>163</sup>*Ibid.*

<sup>164</sup>*Ibid.*, 5 (United Kingdom).

<sup>165</sup>*Ibid.*

<sup>166</sup>Letter dated 19 February 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/175 (19 February 2024).

<sup>167</sup>UNSC Verbatim Record, UN Doc S/PV.9576 (14 March 2024) 8 (United States).

<sup>168</sup>*Ibid.*, 5 (United Kingdom). See also UK Foreign, Commonwealth & Development Office, ‘UK calls on Iran to cease unlawful support for Houthis: UK statement at the UN Security Council’ (14 March 2024) <[www.gov.uk/government/speeches/the-uk-calls-on-iran-to-cease-its-unlawful-support-for-the-houthis](https://www.gov.uk/government/speeches/the-uk-calls-on-iran-to-cease-its-unlawful-support-for-the-houthis)>.

<sup>169</sup>Letter dated 18 March 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/244 (18 March 2024).

<sup>170</sup>UN Doc S/PV.9576 (n 166) 12 (Russia).

<sup>171</sup>UNSC Verbatim Record, UN Doc S/PV.9654 (13 June 2024) 10 (Russia).

<sup>172</sup>*Ibid.*

<sup>173</sup>UNSC Verbatim Record, UN Doc S/PV.9623 (13 May 2024) 7 (United States).

<sup>174</sup>UN Doc S/PV.9654 (n 171) 13 (United States).

‘spreading lies and misinformation’ about Iran to justify ‘ongoing illegal actions and military aggression against Yemen’s sovereignty and territorial integrity’.<sup>175</sup>

### 3.2. US – Iraq and Syria: self-defence claims

#### 3.2.1. US strikes in Iraq (23 January 2024)

The US reported that it conducted military strikes on 23 January 2024 in Iraq, targeting facilities used by militia groups allegedly affiliated with Iran’s Islamic Revolutionary Guard Corps (IRGC).<sup>176</sup> The US alleged that these strikes were in response to attacks on US personnel at Al-Asad airbase in Iraq on 20 January, and were undertaken in the exercise of its inherent right of self-defence under Article 51 of the UN Charter.<sup>177</sup> Additionally, the US stated that it would take further actions in self-defence if it was necessary to respond to future attacks or threats against US nationals, personnel, or facilities.<sup>178</sup>

Prior to this US letter, Iran had already emphasised that no militia groups in Iraq, Syria, or elsewhere operate under Iran’s direct control or on its behalf.<sup>179</sup> Following the US strikes on 23 January 2024, Iran reiterated its categorical rejection of US allegations linking Iran to militia groups in Iraq and Syria, and asserted that the US notification under Article 51 lacked a legal foundation, calling the US military actions illegitimate.<sup>180</sup>

#### 3.2.2. US strikes in Syria (2 February 2024) and allegations against Iran

On 2 February 2024, the US conducted additional aerial strikes in Syria, targeting facilities tied to Iran-aligned militias. Syria condemned the strikes, labelling them a ‘flagrant violation’ of its sovereignty and territorial integrity and accusing the US of supporting terrorist proxies to serve its own agenda.<sup>181</sup> Syria further criticised the Security Council’s inaction, alleging

<sup>175</sup>Letter dated 15 May 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/389 (16 May 2024). See also Letter dated 19 June 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/483 (20 June 2024).

<sup>176</sup>Letter dated 26 January 2024 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2024/101 (26 January 2024).

<sup>177</sup>*Ibid.*

<sup>178</sup>*Ibid.*

<sup>179</sup>Letter dated 2 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/9 (3 January 2024).

<sup>180</sup>Letter dated 29 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/110 (30 January 2024).

<sup>181</sup>Identical letters dated 3 February 2024 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, UN Doc A/78/758-S/2024/132 (6 February 2024).



that US actions were a primary cause of regional instability.<sup>182</sup> Syria reaffirmed its 'inalienable right to defend its sovereignty' and demanded an end to the illegal presence of US forces on its territory, framing the US strikes as a violation of Article 2(4) of the UN Charter.<sup>183</sup>

The US justified its strikes against the facilities in Syria and Iraq, claiming that they were used by the IRGC and affiliated militias.<sup>184</sup> The US claimed that attacks by IRGC-linked groups on US forces had continued, and, in 'response to these attacks and to continuing threats of future attacks', the US exercised its inherent right to self-defence under Article 51 of the UN Charter.<sup>185</sup> The US noted that less than a week earlier, on 28 January, Iran-aligned militia groups in Iraq had attacked a Jordanian facility hosting US forces, resulting in the deaths of three US service members.<sup>186</sup> The US emphasised that the US strikes were necessary and proportionate, asserting its continued right to exercise self-defence, as reflected in Article 51 of the Charter, against such threats, at a time and place of its choosing.<sup>187</sup> The UK fully supported the 'right of the US to self-defence and to respond'.<sup>188</sup>

In response, Syria rejected the US and UK arguments, accusing the US of using 'flimsy pretexts and misleading claims' to justify 'repeated acts of aggression'.<sup>189</sup> Syria argued that as an occupying power, the US had no right to invoke self-defence under Article 51 of the UN Charter, blaming US actions for regional instability and accusing it of supporting terrorist groups such as Da'esh and Al-Nusra Front. Syria linked US policies to broader global conflicts and 'unlimited support for the Israeli occupation entity and its brutal crimes, including the ongoing crime of genocide against the Palestinian people for more than 120 days'.<sup>190</sup> Iran also rejected the US allegations of its involvement through affiliated militias and condemned the February US strikes as illegal, claiming they targeted civilians and essential infrastructure.<sup>191</sup> Iran highlighted that both Syria and Iraq condemned these actions as breaches of their sovereignty and reiterated that the US notification under Article 51 lacked legal basis.<sup>192</sup> Iran condemned the

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<sup>182</sup>*Ibid.*

<sup>183</sup>*Ibid.*

<sup>184</sup>Letter dated 5 February 2024 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2024/135 (5 February 2024).

<sup>185</sup>*Ibid.*

<sup>186</sup>UNSC Verbatim Record, UN Doc S/PV.9542 (5 February 2024) 7 (United States).

<sup>187</sup>*Ibid.* 8 (United States).

<sup>188</sup>*Ibid.* 6 (United Kingdom).

<sup>189</sup>*Ibid.* 12 (Syria).

<sup>190</sup>*Ibid.*

<sup>191</sup>Letter dated 6 February 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/163 (12 February 2024).

<sup>192</sup>*Ibid.*

strikes, characterising them as ‘yet another adventurous move and strategic mistake’, and accusing the US of prioritising the interests of Israel over regional stability, which it was claimed would only escalate tensions.<sup>193</sup>

The tensions persisted in the months following the strikes. In a letter dated 2 April 2024, the US reiterated its right to take steps in self-defence against attacks on its military personnel engaged in operations against Da’esh in Syria and Iraq.<sup>194</sup> The US warned Iran and its proxies against taking advantage of the situation to resume attacks on US personnel, asserting that it would not hesitate to defend its forces.<sup>195</sup>

### 3.3. Iran – Iraq and Syria: self-defence claims

In a letter dated 16 January 2024, Iran informed the Security Council of a series of anti-terrorism operations carried out by Iran in Syria and Iraq, claiming that these operations were in self-defence, in accordance with Article 51 of the UN Charter, and were in response to a recent terrorist attack in Kerman, Iran on 3 January 2024, which was claimed by Da’esh.<sup>196</sup> Iran emphasised that the attacks were necessary and proportionate, and reiterated its commitment to respecting the sovereignty, independence, unity, and territorial integrity of Iraq and Syria.<sup>197</sup>

In a response letter dated 16 January 2024, Iraq condemned the Iranian missile attacks on Erbil as a flagrant violation of Iraqi sovereignty and territorial integrity.<sup>198</sup> Iraq disputed Iran’s justifications for the attack, calling them false pretexts, and emphasised that launching ballistic missiles on civilian areas cannot be justified, regardless of the alleged threats to Iranian national security.<sup>199</sup> Iraq further asserted that it reserved the right to pursue its ‘legal and moral rights’ under international law and called on the Security Council to pressure Iran to desist from such actions.<sup>200</sup> Iraq stressed that the Iranian attack was an aggression against the sovereignty of Iraq.<sup>201</sup>

<sup>193</sup>Iran Ministry of Foreign Affairs, ‘Iran condemns the US military strikes on areas in Iraq and Syria’ (3 February 2024) <<https://en.mfa.gov.ir/portal/newsview/739302>>.

<sup>194</sup>UNSC Verbatim Record, UN Doc S/PV.9593 (2 April 2024) 9 (United States).

<sup>195</sup>*Ibid.*

<sup>196</sup>Letter dated 16 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/71 (16 January 2024).

<sup>197</sup>*Ibid.* See also Iran Ministry of Foreign Affairs, ‘Iran: Missile strikes in Idlib and Erbil in line with defending national sovereignty security’ (16 January 2024) <<https://en.mfa.gov.ir/portal/newsview/738405>>.

<sup>198</sup>Identical letters dated 16 January 2024 from the Chargé d’affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/76 (19 January 2024).

<sup>199</sup>*Ibid.*, 2.

<sup>200</sup>*Ibid.*

<sup>201</sup>Iraq Ministry of Foreign Affairs, ‘Statement’ (16 January 2024) <<https://mofa.gov.iq/2024/41984/>>; Iraq Ministry of Foreign Affairs, ‘Statement’ (16 January 2024) <<https://mofa.gov.iq/2024/41995/>>; Iraq Ministry of Foreign Affairs, ‘Iraq Files a Complaint Against Iran at UN Security Council and United Nations’ (17 January 2024) <<https://mofa.gov.iq/2024/42016/>>.

The League of Arab States expressed strong condemnation of Iran's attack, calling it a blatant violation of Iraq's sovereignty and international law, specifically rejecting 'all justifications and pretexts offered' by Iran for the attack.<sup>202</sup> In response, Iran reasserted that the missile attack on 16 January 2024 was part of anti-terrorist operations targeting terrorist groups based in Iraq and that these actions were in accordance with international law.<sup>203</sup>

### 3.4. Turkey – Iraq: self-defence claims

Tensions between Turkey and Iraq continued to escalate during this reporting period over what Iraq described as repeated violations of its sovereignty by Turkish forces. In letters dated 19 February 2024,<sup>204</sup> and 4 June 2024,<sup>205</sup> Iraq reported that Turkish airspace and territorial violations occurred frequently over several months, with a total of 724 violations in November and December 2023 and an additional 1,438 violations between January and March 2024. Iraq emphasised that these actions violated the principles of good-neighbourliness, international law, and the Charter of the United Nations.

Turkey, in its responses dated 22 February 2024<sup>206</sup> and 6 June 2024,<sup>207</sup> rejected Iraq's allegations and asserted its right to self-defence under Article 51 of the UN Charter. According to Turkey, these military actions were necessary due to the 'vacuum of authority that is exploited by terrorist organisations'. Turkey further justified its operations claiming that it was 'obliged and entitled to take appropriate measures against terrorist threats to its security emanating from Iraq'.

In a further letter dated 26 June 2024, Turkey detailed the threat posed by the PKK, claiming the group had conducted 1,084 attacks against Turkey from Iraqi soil in the past year.<sup>208</sup> Turkey argued that these attacks, coupled with the PKK's recruitment of child soldiers and obstruction of local development, justified Turkey's counter-terrorism operations.<sup>209</sup>

<sup>202</sup>Identical letters dated 26 January 2024 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/751-S/2024/97 (31 January 2024) 5–6.

<sup>203</sup>Letter dated 1 March 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/205 (1 March 2024).

<sup>204</sup>Identical letters dated 19 February 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/178 (21 February 2024).

<sup>205</sup>Identical letters dated 4 June 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/438 (10 June 2024).

<sup>206</sup>Letter dated 22 February 2024 from the Permanent Representative of Türkiye to the United Nations addressed to the President of the Security Council, UN Doc S/2024/185 (23 February 2024).

<sup>207</sup>Letter dated 6 June 2024 from the Permanent Representative of Türkiye to the United Nations addressed to the President of the Security Council, UN Doc S/2024/440 (6 June 2024).

<sup>208</sup>UNSC Verbatim Record, UN Doc S/PV.9669 (Resumption 1) (26 June 2024) 19 (Turkey).

<sup>209</sup>*Ibid.*

Turkey reiterated that it was ‘obliged and entitled to take appropriate measures against direct and imminent terrorist threats posed to its national security by Syria and Iraq, in line with its inherent right to self-defence, as outlined in Article 51 of the Charter of the United Nations and the relevant Security Council resolutions’.<sup>210</sup>

### 3.5. Israel – Syria: continuing hostilities

#### 3.5.1. Allegations of attacks and violations

As in previous Digest reporting periods, Syria repeatedly wrote to the UN Security Council during this period concerning numerous alleged attacks by Israel against Syria, calling upon the UN to put an end to the Israeli occupation of Syrian territory, and to compel Israel to comply with international law.<sup>211</sup>

Also, during this reporting period, Israel reported a ‘comprehensive list’ of Syrian violations of the 1974 Disengagement of Forces Agreement occurring between July to September 2023,<sup>212</sup> October to December 2023,<sup>213</sup> and January to March 2024,<sup>214</sup> documenting breaches of Israeli sovereignty.

<sup>210</sup>*Ibid.*

<sup>211</sup>Identical letters dated 29 December 2023 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/697-S/2023/1065 (3 January 2024); Identical letters dated 7 February 2024 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, UN Doc A/78/769-S/2024/148 (8 February 2024); Identical letters dated 10 February 2024 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, UN Doc A/78/775-S/2024/158 (14 February 2024); Identical letters dated 29 February 2024 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, UN Doc A/78/800-S/2024/201 (5 March 2024); Identical letters dated 19 March 2024 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General of the United Nations and the President of the Security Council, UN Doc A/78/816-S/2024/246 (21 March 2024); Identical letters dated 19 March 2024 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General of the United Nations and the President of the Security Council, UN Doc A/78/817-S/2024/248 (21 March 2024); Identical letters dated 3 May 2024 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, UN Doc A/78/877-S/2024/361 (8 May 2024); Identical letters dated 19 June 2024 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, UN Doc A/78/943-S/2024/481 (25 June 2024); Identical letters dated 27 June 2024 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, UN Doc A/78/953-S/2024/516 (2 July 2024).

<sup>212</sup>Identical letters dated 11 January 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/52 (11 January 2024).

<sup>213</sup>Identical letters dated 21 May 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/396 (21 May 2024).

<sup>214</sup>Identical letters dated 10 June 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/453 (10 June 2024).

### 3.5.2. Israeli missile strike on Damascus (20 January 2024)

Syria conveyed a protest against Israel's missile strike on 20 January 2024, reporting that Israel targeted a residential building in the Mazzah neighbourhood of Damascus, resulting in the destruction of the building, damage to adjacent structures, and the deaths of several civilians.<sup>215</sup> Syria described this as 'a brutal act before which the human conscience trembles. It violated the most basic of human rights, the right to live in safety', and accused Israel of 'repeating what they did in Gaza'.<sup>216</sup> Syria warned that 'continued international silence with regard to the unfettered Israeli death and destruction machine will inexorably lead to dangerous repercussions for the security of the region and the world'.<sup>217</sup>

Iran condemned the Israeli attack, emphasising that the missile strike resulted in the deaths of five Iranian military advisers legally present in Syria at the request of the Syrian government to assist in anti-terrorism efforts.<sup>218</sup> Iran strongly condemned Israel's 'heinous and cowardly act of terrorism', which Iran claimed was 'aimed at diverting attention away from the Israeli regime's atrocities' in Gaza.<sup>219</sup> Iran warned that it 'reserves its inherent right, under international law and the Charter of the United Nations, to respond decisively and proportionately to such acts at the time and place of its choosing'.<sup>220</sup>

## 3.6. Israel – Iran: Damascus airstrikes and response

### 3.6.1. Strikes on Iranian diplomatic premises (1 April 2024)

Iran reported that on 1 April 2024, Israeli missile airstrikes targeted its diplomatic premises in Damascus, Syria, which resulted in the deaths of five Iranian personnel, including senior military advisers.<sup>221</sup> The letter expressed concern that such actions threaten regional peace and security, and called on the Security Council to condemn the attack, prevent future violations, and hold Israel accountable for these violations.<sup>222</sup> While Iran did not explicitly

<sup>215</sup>Identical letters dated 21 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/728-S/2024/87 (23 January 2024).

<sup>216</sup>*Ibid.*

<sup>217</sup>*Ibid.*, 2.

<sup>218</sup>Letter dated 22 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc S/2024/89 (22 January 2024).

<sup>219</sup>*Ibid.*, 2.

<sup>220</sup>*Ibid.* See also Iran Ministry of Foreign Affairs, 'Iranian Foreign Ministry condemns Israel's aggressive raid on Damascus says Tehran reserves right to act in kind over advisors assassination' (20 January 2024) <<https://en.mfa.gov.ir/portal/newsview/738602>>.

<sup>221</sup>Identical letters dated 1 April 2024 from the Permanent Representative of the Syrian Arab Republic to Letter dated 1 April 2024 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/838-S/2024/281 (1 April 2024).

<sup>222</sup>*Ibid.*

invoke self-defence under Article 51 of the UN Charter in this letter, it did assert that it ‘reserves its legitimate and inherent right under international law and the Charter of the United Nations to take a decisive response to such reprehensible acts’.<sup>223</sup> Iran also summoned a Swiss embassy official, representing US interests in Iran, to deliver an ‘important message’, stressing the ‘US government’s responsibility’ for supporting Israel, and holding that the ‘US should be held accountable’.<sup>224</sup>

Syria, too, reported that on 1 April 2024, Israeli forces carried out a missile attack on the Iranian Consulate in Damascus, and condemned the attack as a violation of international law, highlighting Israel’s state terrorism and violations of Syrian sovereignty.<sup>225</sup> Syria described the attack as part of a broader pattern of Israeli aggression against Syrian territory and called for the international community to condemn Israel’s actions, whilst emphasising its right to defend its sovereignty and territorial integrity.<sup>226</sup>

Iraq condemned the targeting of the Iranian diplomatic mission in Syria’s capital by Israel, and stressed that the attack represented a ‘clear and flagrant violation of international law and the sovereignty of Syria’.<sup>227</sup> Brazil also condemned the attack, emphasising the inviolability of diplomatic missions under the Vienna Conventions and recalling that ‘the respect for the sovereignty and territorial integrity of countries is a basic principle of the United Nations Charter and urges all parties involved to exercise maximum restraint’.<sup>228</sup> Turkey condemned the Israeli airstrike on the Iranian Embassy in Damascus, adding that this action further compounds Israel’s ongoing violations of international law.<sup>229</sup>

### 3.6.2. *Iran’s response and self-defence claims (13 April 2024)*

In response to Israel’s ‘armed attack’ on Iranian diplomatic premises in Damascus on 1 April 2024, allegedly resulting in the death of seven Iranian military advisers, Iran reported to the UN Security Council that it launched military strikes on Israeli military objectives on 13 April

<sup>223</sup>*Ibid.* See also Iran Ministry of Foreign Affairs, ‘Iranian Foreign Ministry spokesman strongly condemns Zionist regime’s attack on Iran’s consulate building in Damascus’ (1 April 2024) <<https://en.mfa.gov.ir/portal/newsview/742325>>.

<sup>224</sup>Iran Ministry of Foreign Affairs, ‘Iranian Foreign Minister Hossein Amirabdollahian’s message on X social media platform’ (2 April 2024) <<https://en.mfa.gov.ir/portal/newsview/742378>>.

<sup>225</sup>Identical letters dated 1 April 2024 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, UN Doc A/78/845-S/2024/285 (8 April 2024).

<sup>226</sup>*Ibid.*

<sup>227</sup>Iraq Ministry of Foreign Affairs, ‘Statement’ (1 April 2024) <<https://mofa.gov.iq/2024/44816/>>.

<sup>228</sup>Brazil Ministry of Foreign Affairs, ‘PRESS RELEASE N. 142 Attack at Iranian consulate in Damascus’ (4 April 2024) <[www.gov.br/mre/en/contact-us/press-area/press-releases/attack-at-iranian-consulate-in-damascus](http://www.gov.br/mre/en/contact-us/press-area/press-releases/attack-at-iranian-consulate-in-damascus)>.

<sup>229</sup>Turkey Ministry of Foreign Affairs, ‘No: 53, 2 April 2024, Regarding the Israeli Attack Targeting the Iranian Embassy in Damascus’ (2 April 2024) <[www.mfa.gov.tr/no\\_-53\\_-israil-in--sam-daki-iran-buyukelciligini-hedef-alan-saldirisi-hk.en.mfa](http://www.mfa.gov.tr/no_-53_-israil-in--sam-daki-iran-buyukelciligini-hedef-alan-saldirisi-hk.en.mfa)>.

2024.<sup>230</sup> Iran justified its actions as an exercise of its inherent right to self-defence under Article 51 of the UN Charter, condemning Israel's prior actions as violations of Article 2(4).<sup>231</sup> Iran also reiterated that its strikes were a direct response to Israel's 'recurring military aggressions' and warned that any further attacks by Israel would result in a response by Iran that 'will assuredly and decisively be stronger and more resolute'.<sup>232</sup>

During a UN Security Council meeting on 14 April 2024, Iran reiterated its self-defence claim, as outlined in Article 51 of the Charter, claiming that it was 'precise, targeting only military objectives, and was carried out carefully to minimize the potential for escalation and prevent harm to civilians'.<sup>233</sup> Iran also voiced its frustration with the Security Council, accusing the US, and its allies, of shielding 'Israel from any responsibility for the Gaza massacre', while also 'denying Iran's inherent right to self-defence against the Israeli armed attacks on our diplomatic premises'.<sup>234</sup> Iran added:

... at the same time they have shamefully justified the Israeli massacre and genocide of the defenceless Palestinian people on the same pretext of self-defence, cynically trying to cover up the Israeli regime's atrocities against the people of Palestine through arbitrary and misleading interpretations of the principle of self-defence.

...

Regrettably, the Security Council has failed in its duty to maintain international peace and security. Russia proposed a press statement to denounce this atrocious act, which was backed by China, Algeria and many members, but it was blocked by the United States, the United Kingdom and France. Faced with such circumstances, the Islamic Republic of Iran had no choice but to exercise its inherent right to self-defence under international law.<sup>235</sup>

Israel condemned Iran's missile and drone attacks, characterising them as a serious escalation and a violation of international law.<sup>236</sup> Israel

<sup>230</sup>Letter dated 13 April 2024 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, UN Doc S/2024/305 (16 April 2024).

<sup>231</sup>*Ibid.* See also Iran Ministry of Foreign Affairs, 'The official statement regarding the response to the aggressive action of the Zionist regime' (14 April 2024) <<https://en.mfa.gov.ir/portal/newsview/743288>>; Iran Ministry of Foreign Affairs, 'Iran FM addresses envoys on military response to Israeli regime's aggression' (15 April 2024) <<https://en.mfa.gov.ir/portal/newsview/743404>>; Letter dated 30 April 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/349 (30 April 2024); Letter dated 15 May 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/389 (16 May 2024).

<sup>232</sup>UN Doc S/2024/305 (n 230).

<sup>233</sup>UNSC Verbatim Record, UN Doc S/PV.9602 (14 April 2024) 13 (Iran).

<sup>234</sup>*Ibid.*, 14.

<sup>235</sup>*Ibid.* See also Israel Prime Minister's Office, 'Statement by PM Netanyahu' (14 April 2024) <[www.gov.il/en/pages/spoke-iran140424](http://www.gov.il/en/pages/spoke-iran140424)>.

<sup>236</sup>Identical letters dated 13 April 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/304 (16 April 2024).



highlighted Iran's broader role in destabilising the region through its proxies, such as Hamas and Hezbollah, and called for the UN Security Council to condemn Iran's actions and designate the IRGC as a terrorist organisation.<sup>237</sup> In Israel's follow-up letter to the United Nations on 19 April 2024, Israel emphasised the unprecedented nature of the 13 April 2024 attack, which it claimed was coordinated by Iran and involved simultaneous strikes from its proxies: Hezbollah (launching 164 rockets from Lebanon), the Houthis (launching attack drones from Yemen), and Shiite militias in Iraq (launching attack drones toward Israel).<sup>238</sup> Israel invoked its right to self-defence under international law, stating that it 'reserves the right to take all necessary measures to defend itself and its citizens' against these ongoing acts of hostility and 'malicious attacks by Iran and its proxies'.<sup>239</sup>

### 3.6.2. States' reactions

During the 14 April 2024 Security Council meeting, the US condemned what it called 'reckless Iranian acts' that 'are not inherently defensive actions'.<sup>240</sup> France denounced Iran's 'unprecedented attack' on Israel,<sup>241</sup> and the UK unequivocally condemned, what it called the 'the first direct attack from Iran on Israeli soil'.<sup>242</sup> Mozambique voiced concern over the ongoing cycle of retaliation, warning that Iran's invocation of self-defence under Article 51 had led to an unnecessary 'tit-for-tat cycle of mutual aggression'.<sup>243</sup>

Russia, however, defended Iran's position, underscoring the fact that an attack on a diplomatic mission, such as the one on Iran's consulate in Damascus, is 'considered a *casus belli* under international law'.<sup>244</sup> Russia pointed out the double standards in the Council's response, stating that, had a Western mission had been attacked, retaliation would have been immediate and considered justified.<sup>245</sup> Russia accused Western powers of selectively applying international law, stating:

<sup>237</sup>*Ibid.*

<sup>238</sup>Identical letters dated 19 April 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/324 (22 April 2024).

<sup>239</sup>*Ibid.*, 2. See also Israel Prime Minister's Office, 'PM Netanyahu Meets with British Foreign Secretary David Cameron and with German Foreign Minister Annalena Baerbock' (17 April 2024) <[www.gov.il/en/pages/event-bg170424](https://www.gov.il/en/pages/event-bg170424)>.

<sup>240</sup>UN Doc S/PV.9602 (n 233) 5 (United States). See also US, The White House, 'Statement from President Joe Biden on Iran's Attacks against the State of Israel' (13 April 2024) <[www.whitehouse.gov/briefing-room/statements-releases/2024/04/13/statement-from-president-joe-biden-on-irans-attacks-against-the-state-of-israel/](https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/13/statement-from-president-joe-biden-on-irans-attacks-against-the-state-of-israel/)>.

<sup>241</sup>UN Doc S/PV.9602 (n 233) 6 (France).

<sup>242</sup>*Ibid.*, 7 (United Kingdom).

<sup>243</sup>*Ibid.*, 7 (Mozambique).

<sup>244</sup>*Ibid.*, 9 (Russia).

<sup>245</sup>*Ibid.*



And that is because, for them, everything that concerns Western missions and Western citizens is sacred and must be protected. But when it comes to other States, their citizens and their rights, including the right to self-defence, then that is a different matter, as Western delegations like to say. And they use their favourite arguments, citing a lack of information, engaging in legal sophistry, and so on. Today what we are witnessing in the Security Council is a display of hypocrisy and double standards that is embarrassing to watch.<sup>246</sup>

During the same meeting on 14 April 2024, Syria criticised the hypocrisy and double standards of ‘some Western delegations’ in interpreting the provisions of the UN Charter, particularly Article 51.<sup>247</sup> Syria argued that the US, the UK, and France had repeatedly launched acts of aggression against Syria from thousands of miles away — sometimes acting jointly, sometimes individually — based on a distorted interpretation of Article 51, and highlighted how these same states had consistently blocked the Security Council from discussing such attacks or taking measures to uphold the principles of the Charter.<sup>248</sup> Syria went on to defend Iran’s missile strikes against Israeli military objectives, describing them as a legitimate and necessary exercise of self-defence under Article 51 of the Charter, ‘as conceived by the founding fathers of our Organization and enshrined in Article 51 of the Charter’.<sup>249</sup> According to Syria, the Iranian response was made even more urgent by the refusal of the US, UK, and France to allow the Security Council to issue a press statement condemning Israel’s attack on the Iranian consulate in Damascus.<sup>250</sup>

The leaders of the G7 condemned ‘in the strongest terms Iran’s direct and unprecedented attack against Israel’.<sup>251</sup> In response, Iran rejected the accusations, condemning the G7’s ‘blind support’ for Israel and accusing them of ignoring the ‘root cause of the crisis and instability in West Asia’ — the Israeli occupation of Palestine.<sup>252</sup> Iran further asserted that the G7 should have appreciated Iran’s ‘proportionate and legitimate action in punishing the aggressor’ and warned that as long as ‘the Israeli regime’s crimes and the flagrant breach of international’ continue, there will be no path toward sustainable peace in the region.<sup>253</sup>

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<sup>246</sup>*Ibid.*

<sup>247</sup>*Ibid.*, 16 (Syria).

<sup>248</sup>*Ibid.*

<sup>249</sup>*Ibid.*

<sup>250</sup>*Ibid.*

<sup>251</sup>US, The White House, ‘G7 Leaders’ Statement on Iran’s Attack Against Israel’ (14 April 2024) <[www.whitehouse.gov/briefing-room/statements-releases/2024/04/14/g7-leaders-statement-on-irans-attack-against-israel/](https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/14/g7-leaders-statement-on-irans-attack-against-israel/)>.

<sup>252</sup>Iran Ministry of Foreign Affairs, ‘Iran condemns double standards by Western; US leaders over retaliation against Israel’ (19 April 2024) <<https://en.mfa.gov.ir/portal/newsview/743836>>.

<sup>253</sup>*Ibid.*

### 3.7. Israel – Palestine: escalation and Israel's continued response to the 7 October 2023 Hamas attack

Palestine repeatedly wrote to the UN in January,<sup>254</sup> February,<sup>255</sup> March,<sup>256</sup> April,<sup>257</sup> May<sup>258</sup> and June 2024<sup>259</sup> concerning alleged casualties, injuries

<sup>254</sup>Identical letters dated 3 January 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/978-S/2024/16 (3 January 2024); Identical letters dated 12 January 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/979-S/2024/54 (15 January 2024); Identical letters dated 19 January 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/980-S/2024/84 (22 January 2024); Identical letters dated 31 January 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/981-S/2024/118 (1 February 2024).

<sup>255</sup>Identical letters dated 7 February 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/982-S/2024/147 (12 February 2024); Identical letters dated 9 February 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/983-S/2024/157 (12 February 2024); Identical letters dated 12 February 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/984-S/2024/162 (12 February 2024); Identical letters dated 29 February 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/985-S/2024/202 (5 March 2024).

<sup>256</sup>Identical letters dated 14 March 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/986-S/2024/240 (15 March 2024).

<sup>257</sup>Identical letters dated 4 April 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/987-S/2024/290 (5 April 2024); Identical letters dated 15 April 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/988-S/2024/ (15 April 2024); Identical letters dated 28 March 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/989-S/2024/271 (22 April 2024); Identical letters dated 25 April 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/990-S/2024/341 (26 April 2024).

<sup>258</sup>Identical letters dated 8 May 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/993-S/2024/372 (8 May 2024); Identical letters dated 16 May 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/994-S/2024/390 (16 May 2024); Identical letters dated 24 May 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/995-S/2024/406 (6 June 2024); Identical letters dated 27 May 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/996-S/2024/410 (10 June 2024).

<sup>259</sup>Identical letters dated 9 June 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, A/ES-10/999-S/2024/447 (11 June 2024); Identical letters dated 31 May 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the

and aggression against Palestinian civilians by Israel. In a particular letter dated 27 May 2024, Palestine accused Israel of genocide, stating that Israel's military operations in Gaza specifically targeted civilians, especially children, and described the horrors of bombings, forced displacement, and destruction of so-called safe zones.<sup>260</sup> Palestine's letter portrayed Israel's actions not as legitimate self-defence but as acts of vengeance and annihilation:

Israel, the occupying Power, is perpetrating genocide against the Palestinian people, targeting the entire civilian population but especially children, who are being murdered in cold blood, blown up by bombs, crushed to pieces in their homes, starved to death, incinerated and beheaded before the eyes of the world .... Nothing can ever justify genocide. No act, no attack, no threat can ever justify genocide by whomever, wherever, against any people. Those who continue parroting Israel's claims that it is executing this war against the Palestinian people it is occupying and besieging as a so-called 'war of self-defence', rather than as a war of wanton vengeance, willful aggression and blatant annihilation, will be shamed by history for their complicity in the massacres that Israel and its occupying forces are perpetrating every single day.<sup>261</sup>

Meanwhile, Israel continued its military operations in Gaza in response to the 7 October 2023 Hamas attacks on Israel. Israel reaffirmed its right to defend itself,<sup>262</sup> characterising the conflict as a war between the 'sons of light and the sons of darkness'.<sup>263</sup> It further asserted that it would continue to fight until achieving 'total victory',<sup>264</sup> which, according to Israel, required

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Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/997-S/2024/424 (10 June 2024); Identical letters dated 7 June 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/998-S/2024/451 (10 June 2024); Identical letters dated 28 June 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/1000-S/2024/518 (2 July 2024).

<sup>260</sup> Identical letters dated 27 May 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/996-S/2024/410 (10 June 2024).

<sup>261</sup> *Ibid.*

<sup>262</sup> See, e.g. Israel Prime Minister's Office, 'PM Netanyahu's Comments on the Decision of the International Court of Justice in The Hague' (26 January 2024) <[www.gov.il/en/pages/spoke-hague260124](http://www.gov.il/en/pages/spoke-hague260124)>; Israel Prime Minister's Office, 'Statement by PM Netanyahu' (27 January 2024) <[www.gov.il/en/pages/spoke-press270124](http://www.gov.il/en/pages/spoke-press270124)>; Israel Prime Minister's Office, 'Statement by PM Netanyahu' (15 May 2024) <[www.gov.il/en/pages/spoke-protection150524](http://www.gov.il/en/pages/spoke-protection150524)>; Israel Prime Minister's Office, 'Statement by PM Netanyahu' (20 May 2024) <[www.gov.il/en/pages/spoke-hague200524](http://www.gov.il/en/pages/spoke-hague200524)>.

<sup>263</sup> See, e.g. Israel Prime Minister's Office, 'Statement by PM Netanyahu' (13 January 2024) <[www.gov.il/en/pages/spoke-world130124](http://www.gov.il/en/pages/spoke-world130124)>; Israel Prime Minister's Office, 'PM Netanyahu at the Students of the Bnei David Institutions in Eli: "The testament of the fallen is our mission – total victory."' (30 January 2024) <[www.gov.il/en/pages/event-visit300124](http://www.gov.il/en/pages/event-visit300124)>.

<sup>264</sup> See, e.g. Israel Prime Minister's Office, 'Statement by PM Netanyahu' (11 January 2024) <[www.gov.il/en/pages/spoke-world110124](http://www.gov.il/en/pages/spoke-world110124)>; Israel Prime Minister's Office, 'PM Netanyahu at the Nevatim Air Base: "The war is continuing and it will continue until the end, until we achieve all of its goals."' (17 January 2024) <[www.gov.il/en/pages/event-air170124](http://www.gov.il/en/pages/event-air170124)>; Israel Prime Minister's Office, 'Statement by PM Netanyahu' (23 January 2024) <[www.gov.il/en/pages/spoke-condolences230124](http://www.gov.il/en/pages/spoke-condolences230124)>; Israel Prime Minister's

the complete demilitarisation of Gaza and placing the territory under full Israeli security control.<sup>265</sup> Israel called upon the Security Council to designate Hamas as a threat to international peace and security, and expressed frustration over the Security Council's failure to condemn Hamas' actions.<sup>266</sup>

### 3.7.1. States' reactions

Iran submitted a letter dated 10 January 2024 to the UN detailing a summary of the 'Tehran International Conference on Palestine', held on 23 December 2023, where 'high-ranking officials, ministers, members of Parliaments and political parties, scholars, religious clerics, thinkers and journalists from five continents expressed their views on the ongoing war against the Palestinian people'.<sup>267</sup> The letter emphasised the collective condemnation by participants of Israel's ongoing military operations in Gaza, and addressed Israel's use of prohibited weapons, such as phosphorus bombs and cluster munitions, and raised concerns about threats to use nuclear weapons.<sup>268</sup> It was asserted that these acts could not be justified as self-defence, drawing attention to their impact on civilians, including women, children, medical personnel, and international aid workers.<sup>269</sup>

Russia was also critical of Israel's military operations and, in January, criticised the US and its allies for labelling Israel's ongoing military actions in Gaza as self-defence, referencing the International Court of Justice's 2004

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Office, 'PM Netanyahu: "While we bow our heads in memory of our fallen, we are not relenting – even for a moment – in striving for the goal that has no alternative – achieving total victory."' (23 January 2024) <[www.gov.il/en/pages/spoke-statement230124](https://www.gov.il/en/pages/spoke-statement230124)>; Israel Prime Minister's Office, 'Prime Minister Benjamin Netanyahu: "My main expectation is total victory; there is no substitute for victory."' (23 January 2024) <[www.gov.il/en/pages/event-training230124](https://www.gov.il/en/pages/event-training230124)>; Israel Prime Minister's Office, 'PM Netanyahu: "Here, next to the Gaza Strip, I say as clearly as possible: There is no alternative to deepening our roots and there is no substitute for total victory over our enemies."' (25 January 2024) <[www.gov.il/en/pages/event-planting250124](https://www.gov.il/en/pages/event-planting250124)>; Israel Prime Minister's Office, 'PM Netanyahu Meets with Dutch Prime Minister Mark Rutte' (12 February 2024) <[www.gov.il/en/pages/event-netherlands120224](https://www.gov.il/en/pages/event-netherlands120224)>; Israel Prime Minister's Office, 'Statement by Prime Minister Benjamin Netanyahu' (16 February 2024) <[www.gov.il/en/pages/spoke-condolences160224](https://www.gov.il/en/pages/spoke-condolences160224)>; Israel Prime Minister's Office, 'Statement by PM Netanyahu' (29 February 2024) <[www.gov.il/en/pages/event-press290224](https://www.gov.il/en/pages/event-press290224)>; Israel Prime Minister's Office, 'Statement by Prime Minister Benjamin Netanyahu' (20 March 2024) <[www.gov.il/en/pages/spoke-update200324](https://www.gov.il/en/pages/spoke-update200324)>; Israel Prime Minister's Office, 'PM Netanyahu's Remarks at the Start of the Government Meeting' (7 April 2024) <[www.gov.il/en/pages/spoke-start070424](https://www.gov.il/en/pages/spoke-start070424)>.

<sup>265</sup> Israel Prime Minister's Office, 'Statement by PM Netanyahu' (18 January 2024) <[www.gov.il/en/pages/event-conference180124](https://www.gov.il/en/pages/event-conference180124)>; Israel Prime Minister's Office, 'Statement by PM Netanyahu' (21 January 2024) <[www.gov.il/en/pages/spoke-message210124](https://www.gov.il/en/pages/spoke-message210124)>; Israel Prime Minister's Office, 'Statement by PM Netanyahu' (7 February 2024) <[www.gov.il/en/pages/event-press-conference070224](https://www.gov.il/en/pages/event-press-conference070224)>; Israel Prime Minister's Office, 'PM Netanyahu: "The achievements of the IDF are very impressive. We are on the way to victory. It is within reach. It is a difficult battle, but one we are winning."' (11 February 2024) <[www.gov.il/en/pages/event-1summary110224](https://www.gov.il/en/pages/event-1summary110224)>.

<sup>266</sup> Identical letters dated 19 April 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/325 (22 April 2024).

<sup>267</sup> Letter dated 10 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc A/78/711-S/2024/49 (11 January 2024) 3.

<sup>268</sup> *Ibid.*, 2.

<sup>269</sup> *Ibid.*

advisory opinion, arguing that the ICJ specifically excluded Israel from invoking Article 51 of the UN Charter in relation to actions within the occupied Palestinian territories.<sup>270</sup> Russia accused the US and its allies of cynically misusing the concept of self-defence to justify what Russia described as war crimes,<sup>271</sup> arguing that this selective application of international law undermines its integrity and aligns with a Western-driven 'rules-based world order'.<sup>272</sup>

During a UN Security Council meeting on 23 January 2024, France, while supporting Israel's right to self-defence, expressed its commitment to Gaza's civilians through increased contributions to UNRWA, and emphasised that Israel's right to self-defence must align with international humanitarian law.<sup>273</sup> The UK, at the same meeting, supported Israel's right to self-defence but stressed that 'what is very clear is that the conflict must not go on a moment longer than necessary. We must collectively work for a sustainable ceasefire that will end the shocking destruction'.<sup>274</sup>

Other states took stronger positions during the meeting. Turkey accused the Israeli Prime Minister of running 'military operations to kill civilians in order to extend his political life' and questioned why some states were not talking 'about the security of Palestinians nor the Palestinians' right to self-defence'.<sup>275</sup> Saudi Arabia echoed similar sentiments, rejecting 'Israel's war' under the 'pretext of self-defence' and calling for an immediate ceasefire.<sup>276</sup> Libya, meanwhile, connected the ongoing conflict to 'all the massacres that have been committed to date over more than seven decades in Gaza and the West Bank', condemning any attempts to label Palestinian resistance as terrorism while justifying Israeli actions as self-defence:

That is why Libya will not accept the request to condemn the resistance of the Palestinian people and describe them as terrorists at a time when terrorism by the occupation forces and extremist right is met with silence and justified under the pretext of self-defence. We wonder from whom is the self-defence? Is the oppressor defending itself from the oppressed? Is the aggressor defending itself from the victim? Is the occupier practicing self-defence from the one whose land is usurped? The executioner occupier is now portraying itself as the victim. Has anyone heard of a colonialist and an occupier being a victim?<sup>277</sup>

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<sup>270</sup>UNSC Verbatim Record, UN Doc S/PV.9532 (12 January 2024) 4 (Russia).

<sup>271</sup>*Ibid.*

<sup>272</sup>*Ibid.*

<sup>273</sup>UNSC Verbatim Record, UN Doc S/PV.9534 (23 January 2024) 8 (France).

<sup>274</sup>*Ibid.*, 17 (United Kingdom).

<sup>275</sup>*Ibid.*, 27 (Turkey).

<sup>276</sup>*Ibid.*, 34 (Saudi Arabia).

<sup>277</sup>*Ibid.*, 50 (Libya). See also a further statement made by Libya, UNSC Verbatim Record, UN Doc S/PV.9608 (Resumption 1) (18 April 2024) 12 (Libya), ('Nor will we accept the existing silence or any justification for the terrorism committed by the occupation forces and its extreme right under the pretext of self-defence. What self-defence and against whom? Is it against those whose territories were usurped and occupied? On top of that, the occupier plays the victim even as he is the executioner. How can the

In January, South Africa pointed to the 2004 ICJ advisory opinion, reiterating that an occupying power, like Israel, could not invoke Article 51 in relation to actions within the occupied territories.<sup>278</sup> South Africa argued that the US and Israel's interpretation of self-defence was not supported by international law.<sup>279</sup> In February and May 2024, Russia once again criticised the portrayal of Israel's military actions as legitimate self-defence.<sup>280</sup> Slovenia<sup>281</sup> and Poland<sup>282</sup> added that the right to self-defence could not justify the humanitarian suffering seen in Gaza, particularly the starvation and death of civilians. In April 2024, Peru highlighted the worsening humanitarian crisis in Gaza, and stressed that all parties must adhere to international humanitarian and human rights laws, particularly regarding civilian protection, even when exercising the right of self-defence.<sup>283</sup> Portugal also reaffirmed Israel's right to self-defence within the limits of international law but expressed deep concern over reports of famine and child deaths due to starvation in Gaza, calling for urgent attention to these humanitarian consequences.<sup>284</sup> The US claimed it was 'deeply concerned by the massive internal displacement within Gaza and the risk of forcible displacement from Gaza', warning that, 'Israel must act in compliance with its obligations under international law — full stop'.<sup>285</sup> Despite this, the US reiterated that its commitment to Israel's self-defence remained 'ironclad'.<sup>286</sup>

In three separate letters from Iran to the UN during this reporting period, the Iranian government strongly condemned Israel's military actions in Gaza and Rafah, referring to them as genocidal acts.<sup>287</sup> The letters, dated between February and June 2024, emphasised the large-scale death toll, the targeting of civilians, and the deprivation of food, water, and humanitarian aid. Iran consistently urged the UN to take immediate and decisive action to

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colonizer and the occupier be the victim? Who among us has achieved freedom and independence from a colonizer without resistance, especially when an impasse has been reached and there are no peaceful solutions or justice?').

<sup>278</sup>UNSC Verbatim Record, UN Doc S/PV.9540 (31 January 2024) 23–4 (South Africa).

<sup>279</sup>*Ibid.*

<sup>280</sup>UNSC Verbatim Record, UN Doc S/PV.9559 (27 February 2024) 8 (Russia); UNSC Verbatim Record, UN Doc S/PV.9640 (30 May 2024) 7 (Russia).

<sup>281</sup>UNSC Verbatim Record, UN Doc S/PV.9588 (26 March 2024) 18 (Slovenia).

<sup>282</sup>UNSC Verbatim Record, UN Doc S/PV.9596 (5 April 2024) 24 (Poland); UNSC Verbatim Record, UN Doc S/PV.9608 (Resumption 1) (18 April 2024) 3 (Poland); UNSC Verbatim Record, UN Doc S/PV.9669 (Resumption 1) (26 June 2024) 3–4 (Poland).

<sup>283</sup>UNSC Verbatim Record, UN Doc S/PV.9608 (Resumption 2) (25 April 2024) 14 (Peru).

<sup>284</sup>*Ibid.*, 17 (Portugal).

<sup>285</sup>UNSC Verbatim Record, UN Doc S/PV.9617 (24 April 2024) 6 (United States).

<sup>286</sup>UNSC Verbatim Record, UN Doc S/PV.9650 (10 June 2024) 3 (United States).

<sup>287</sup>Letter dated 19 February 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc A/78/777-S/2024/174 (20 February 2024); Letter dated 13 March 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc A/78/809-S/2024/237 (14 March 2024); Letter dated 10 June 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc A/78/910-S/2024/452 (12 June 2024).

prevent further atrocities, citing the International Court of Justice's provisional measures ordering Israel to halt its military operations and ensure access to aid. Iran further stressed the international community's legal and moral obligation to stop the ongoing genocide, and criticised the US for obstructing Security Council action with its veto power.

### 3.7.2. Regional and organisational appeals

In a letter dated 19 January 2024, Venezuela transmitted a political declaration from the Group of Friends in Defence of the UN Charter.<sup>288</sup> The declaration condemned Israeli military aggression in the Occupied Palestinian Territory, including the attacks against homes, hospitals, schools, refugee camps, and food warehouses, calling for an immediate ceasefire, an end to Gaza's 16-year siege, and accountability for war crimes.<sup>289</sup> It advocated for a 'just, comprehensive and lasting solution' based on Palestinian self-determination, the pre-1967 borders with East Jerusalem as the capital, and the right of return for Palestinian refugees.<sup>290</sup>

In April 2024, the League of Arab States, the Organisation of Islamic Cooperation (OIC) and the Coordinating Bureau of the Non-Aligned Movement (NAM) urged the UN to reconsider Palestine's application for membership, supported by 140 states.<sup>291</sup> Palestine reiterated this request.<sup>292</sup> The Committee on the Admission of New Members reviewed the application in April but failed to reach a unanimous decision, with some members supporting Palestine's statehood and others questioning whether it meets the criteria under Article 4 of the UN Charter.<sup>293</sup>

In April and May 2024, the League of Arab States, chaired by Mauritania and Bahrain respectively, addressed escalating violence in Gaza. Mauritania's letter to the UN conveyed a resolution calling for Chapter VII measures against Israel for its alleged genocide, aggression, and violations of Security Council resolutions.<sup>294</sup> It condemned arms exports to Israel and called for international action to halt the violence, secure a ceasefire, and provide humanitarian aid.<sup>295</sup> Further, the resolution considered the 'continued

<sup>288</sup>Letter dated 19 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General, UN Doc A/78/732 (24 January 2024).

<sup>289</sup>*Ibid.*, para 5.

<sup>290</sup>*Ibid.*

<sup>291</sup>Identical letters dated 2 April 2024 from the Permanent Representatives of Mauritania, Saudi Arabia and Uganda to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/78/846-S/2024/283 (9 April 2024).

<sup>292</sup>Letter dated 3 April 2024 from the Secretary-General addressed to the President of the Security Council, UN Doc A/78/837-S/2024/286 (3 April 2024).

<sup>293</sup>Letter dated 16 April 2024 from the Chair of the Committee on the Admission of New Members addressed to the President of the Security Council, UN Doc S/2024/313 (17 April 2024).

<sup>294</sup>Letter dated 30 April 2024 from the Permanent Representative of Mauritania to the United Nations addressed to the Secretary-General, UN Doc A/78/867-S/2024/351 (30 April 2024).

<sup>295</sup>*Ibid.*, 3.



export of such arms and ammunition to Israel to be participation in [Israel's] aggression against the Palestinian people'.<sup>296</sup> The Bahrain Declaration reaffirmed Arab support for Palestinian statehood, demanded Israel withdraw from Rafah, and condemned attacks on civilians and aid convoys.<sup>297</sup> Both documents underscored the need for international intervention and accountability for Israeli actions.

During the G20 foreign ministers' meeting, several states expressed concern about the forced displacement of over 1.1 million Palestinians in Gaza and called for immediate humanitarian aid access.<sup>298</sup> Many also urged Israel to reconsider its announced operation in Rafah, emphasising the need for a cessation of hostilities, and there was 'virtually unanimous support for the two-State solution as the only possible solution to the conflict between Israel and Palestine'.<sup>299</sup>

### 3.8. Israel – Lebanon: exchange of allegations of violations

Israel and Lebanon continued in their regular exchange, via the UN, of allegations of violations of Security Council Resolution 1701 (2006) and the 'Blue Line'. During this reporting period, Israel wrote to the Security Council alleging Lebanese violations of the Blue Line between Israel and Lebanon for July to September 2023,<sup>300</sup> December 2023 to March 2024,<sup>301</sup> and March to May 2024.<sup>302</sup> Lebanon, on the other hand, transmitted statistical summaries of alleged violations of Lebanese airspace, territorial waters and territory committed by Israel in the period October 2023 to March 2024.<sup>303</sup>

<sup>296</sup>*Ibid.*

<sup>297</sup>Identical letters dated 20 May 2024 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/896/Rev.1S/2024/397Rev.1 (25 July 2024).

<sup>298</sup>Brazil Ministry of Foreign Affairs, 'Press statement by Minister Mauro Vieira at the G20 foreign ministers' meeting – Rio de Janeiro, February 22' (22 February 2024) <[www.gov.br/mre/en/contact-us/press-area/press-releases/press-statement-by-minister-mauro-vieira-at-the-g20-foreign-ministers-meeting-rio-de-janeiro-february-22](http://www.gov.br/mre/en/contact-us/press-area/press-releases/press-statement-by-minister-mauro-vieira-at-the-g20-foreign-ministers-meeting-rio-de-janeiro-february-22)>.

<sup>299</sup>*Ibid.*

<sup>300</sup>Identical letters dated 2 January 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/5 (3 January 2024).

<sup>301</sup>Identical letters dated 8 April 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/300 (9 April 2024).

<sup>302</sup>Identical letters dated 10 June 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/450 (10 June 2024).

<sup>303</sup>Identical letters dated 20 December 2023 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/727-S/2024/91 (23 January 2024); Identical letters dated 28 December 2023 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/749-S/2024/100 (26 January 2024); Identical letters dated 30 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission



In two separate letters to the United Nations dated 8 and 17 April 2024, Israel and Lebanon presented contrasting views regarding an incident involving the injury of three United Nations Truce Supervision Organization (UNTSO) personnel and a Lebanese translator near Rumaysh. Israel accused Hezbollah, referring to them as an 'Iranian-backed proxy', of planting an improvised explosive device that caused the explosion, citing their ongoing attacks in southern Lebanon.<sup>304</sup> In response, Lebanon rejected Israel's allegations, highlighting the 'absence of any concrete evidence linking Lebanese parties to the attack', and framed the accusations as politically motivated to justify Israel's continued aggression against Lebanon.<sup>305</sup>

In a series of letters submitted to the UN this reporting period, Lebanon consistently raised concerns over what it characterised as escalating Israeli military aggression, citing numerous incidents that, according to Lebanon, violated its sovereignty and breached international law. In its letter dated 4 January 2024, Lebanon alleged that Israel had carried out an airstrike on 2 January 2024 in the Madi neighbourhood of Beirut, which killed seven civilians and injured 20.<sup>306</sup> This marked a significant escalation, according to Lebanon, in a string of Israeli violations.

Another letter to the UN from Lebanon, dated 16 January 2024, accused Israel of shelling a Lebanese army post on 5 December 2023, leading to the death of one soldier and injuries to others.<sup>307</sup> Further claims were made in a letter dated 15 February 2024, alleging Israeli drone strikes on 14 February in Nabatiyah and Sawwanah had killed multiple civilians, including women and children, and caused significant material damage.<sup>308</sup> On 21 February 2024,

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of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/802-S/2024/114 (4 March 2024); Identical letters dated 12 March 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/844-S/2024/233 (26 March 2024); Identical letters dated 27 March 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/853-S/2024/268 (22 April 2024); Identical letters dated 24 April 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/858-S/2024/330 (25 April 2024).

<sup>304</sup>Identical letters dated 8 April 2024 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2024/299 (9 April 2024).

<sup>305</sup>Identical letters dated 17 April 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/854-S/2024/317 (22 April 2024).

<sup>306</sup>Identical letters dated 4 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/708-S/2024/24 (8 January 2024).

<sup>307</sup>Identical letters dated 16 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/724-S/2024/72 (22 January 2024).

<sup>308</sup>Identical letters dated 15 February 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/781-S/2024/168 (16 February 2024).

Lebanon responded to claims circulating on an Israeli web page, Alma, that alleged civilian infrastructure was being used for military purposes.<sup>309</sup> Lebanon clarified that the video footage in question showed facilities of the Beirut and Mount Lebanon Water Authority, which had no military use, and warned against Israel using such claims to justify attacks on civilian infrastructure.<sup>310</sup>

Lebanon's complaints continued with a 29 February letter condemning Israeli accusations of arms shipments to Hezbollah as baseless and preemptive, 'without any real support or physical proof', in order to 'justify its war against Lebanon' under the pretext of self-defence.<sup>311</sup> Another letter dated 14 March 2024, highlighted Israeli airstrikes in the Bekaa region, which allegedly targeted residential areas and caused casualties among civilians, further escalating the conflict.<sup>312</sup>

On 26 March 2024, Lebanon accused Israel of jamming the airspace around Beirut's international airport, posing risks to civilian aviation. Lebanon described this as part of 'ongoing Israeli attacks on [Lebanon's] sovereignty, territorial integrity and citizens', and referred to the incident as a 'cyber war that threatens the safety of air navigation and civil aviation'.<sup>313</sup>

In letters dated 28 March 2024<sup>314</sup> and 29 May 2024,<sup>315</sup> Lebanon condemned attacks on humanitarian workers and civilians, including a missile strike on an ambulance centre that killed paramedics, and a drone strike on a school bus in southern Lebanon, which killed a teacher and injured students. Finally, in June 2024, Lebanon submitted a letter transmitting a report from the Netherlands Organisation for Applied Scientific Research, which investigated the killing of photojournalist Isam Abdallah in October 2023 during the 'direct bombardment by Israel on 13 October 2023 of journalists in the town of Alma al-Sha'b as they were covering the Israeli aggression

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<sup>309</sup>Identical letters dated 21 February 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/793-S/2024/181 (16 February 2024).

<sup>310</sup>*Ibid.*

<sup>311</sup>Identical letters dated 29 February 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/801-S/2024/211 (4 March 2024).

<sup>312</sup>Identical letters dated 13 March 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/810-S/2024/235 (14 March 2024).

<sup>313</sup>Identical letters dated 22 March 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/823-S/2024/256 (26 March 2024).

<sup>314</sup>Identical letters dated 28 March 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/835-S/2024/272 (3 April 2024).

<sup>315</sup>Identical letters dated 29 May 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/898-S/2024/416 (31 May 2024).

against Lebanon'.<sup>316</sup> These letters underscore Lebanon's repeated calls for international intervention to halt what it described as continued Israeli violations and aggression.

### 3.8.1. *Accusations of Iranian involvement*

In a letter dated 28 December 2023, Israel detailed a series of rocket and drone attacks from Hezbollah and Palestinian groups along the Blue Line, accusing Iran of backing these groups.<sup>317</sup> In response, Lebanon firmly rejected Israel's accusations and reaffirmed its commitment to international law and Security Council resolution 1701 (2006), accusing Israel of distorting facts to justify its aggression against Lebanese territory since 7 October 2023, 'coinciding with their war on Gaza'.<sup>318</sup> The letter also detailed multiple Israeli military actions, including rocket attacks, airstrikes, and the use of prohibited phosphorus shells, resulting in civilian casualties, displacement, and environmental damage.<sup>319</sup> Lebanon reaffirmed 'its resolute maintenance of its right to self-defence and the restoration of what rightfully belongs to it by legitimate means'.<sup>320</sup>

Iran also responded, in a letter dated 2 January 2024, condemning Israel for ongoing violations of international law, including threats of military force and admissions of involvement in terrorist acts within Iranian territory.<sup>321</sup> Iran highlighted recent statements from Israeli officials, such as Prime Minister Netanyahu and former Prime Minister Bennett, who openly acknowledged Israel's role in attacks on Iranian soil.<sup>322</sup> Iran reiterated 'its legitimate and inherent rights, as stipulated by international law and the Charter of the United Nations, to respond decisively to any threats and unlawful actions originating from the Israeli regime'.<sup>323</sup> On 15 February 2024, Iran reiterated its rejection of Israel's accusations, stating that Israel's claims were baseless and a diversion from its own violations of international law in Lebanon.<sup>324</sup>

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<sup>316</sup>Identical letters dated 19 June 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/938-S/2024/479 (19 June 2024).

<sup>317</sup>Letter dated 28 December 2023 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council, UN Doc S/2023/1059 (3 January 2024).

<sup>318</sup>Identical letters dated 9 January 2024 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/78/712-S/2024/36 (10 January 2024).

<sup>319</sup>*Ibid.*

<sup>320</sup>*Ibid.*, 2.

<sup>321</sup>Letter dated 2 January 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/11 (3 January 2024).

<sup>322</sup>*Ibid.*

<sup>323</sup>*Ibid.*, 2.

<sup>324</sup>Letter dated 15 February 2024 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council, UN Doc S/2024/167 (15 February 2024).

### 3.9. Western Sahara – Morocco: accusation of forcible annexation and aggression

In a letter dated 19 February 2024 to the UN, South Africa transmitted a letter sent by ‘Brahim Ghali, President of the Sahrawi Arab Democratic Republic and Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO)’, addressed to the Secretary-General of the UN.<sup>325</sup> The transmitted letter drew attention to ‘the increasingly dangerous situation in the Occupied Sahrawi Territories owing to the escalation by the occupying state of Morocco of its genocidal war waged against the Sahrawi people since its illegal military occupation of Western Sahara on 31 October 1975, which has intensified since the occupying state violated and torpedoed the 1991 ceasefire on 13 November 2020’.<sup>326</sup> The letter reported the recent actions of ‘the Moroccan repressive forces’, such as ‘demolishing and setting fire to many rural houses and huts owned by Sahrawis on the coast of the occupied city of El Aaiún’ and continued confiscation of ‘vast lands owned by Sahrawis’ and their delivery ‘to Moroccan settlers and foreign investors to impose the Moroccan colonial fait accompli’.<sup>327</sup> The letter concluded that ‘Frente POLISARIO holds the occupying state of Morocco fully responsible for the consequences of its policies of forcible annexation in Occupied Western Sahara, as well as its ongoing war of aggression against the Sahrawi people, which – if left unchecked – will plunge the entire region into more violence and instability’.<sup>328</sup>

## 4. Asia-Pacific

### 4.1. Russia – North Korea: treaty on the comprehensive strategic partnership

On 20 June 2024, North Korea and Russia signed the Treaty on the Comprehensive Strategic Partnership. The text of the treaty was reportedly published by North Korea’s state media,<sup>329</sup> and translated into English by *Sputnik International*.<sup>330</sup>

From the perspective of the Digest, the most crucial is Article 4 which states that

<sup>325</sup>Letter dated 19 February 2024 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council, UN Doc S/2024/177 (20 February 2024).

<sup>326</sup>*Ibid.*

<sup>327</sup>*Ibid.*

<sup>328</sup>*Ibid.*

<sup>329</sup>Jack Kim and Ju-min Park, ‘New North Korea-Russia pact calls for immediate military aid if invaded’, *Reuters* (20 June 2024) <[www.reuters.com/world/north-korea-russia-pact-give-all-available-military-help-if-other-is-invaded-2024-06-20/](https://www.reuters.com/world/north-korea-russia-pact-give-all-available-military-help-if-other-is-invaded-2024-06-20/)>.

<sup>330</sup>Full Text of Russia-North Korea Strategic Agreement’, *Sputnik International* (20 June 2024) <<https://sputnikglobe.com/20240620/full-text-of-russia-north-korea-strategic-agreement-1119035258.html>>.

[i]f one of the Parties is subjected to an armed attack by any state or several states and thus finds itself in a state of war, the other Party will immediately provide military and other assistance with all means at its disposal in accordance with Article 51 of the UN Charter and in accordance with legislation of the Democratic People's Republic of Korea and the Russian Federation.<sup>331</sup>

Some States, including the US, the Republic of Korea, Japan and Ukraine expressed grave concerns with regard to the signing of the Treaty.<sup>332</sup> However, according to Russia,

[t]his arrangement should not arouse national security concerns among any countries that are not planning military aggression against the Democratic People's Republic of Korea. The frenzied — indeed hysterical — reaction of the West suggests that precisely such plans have been thwarted by the conclusion of the Treaty.<sup>333</sup>

Russia also claimed that the Treaty 'fully complies with the Charter of the United Nations and the norms of international law and customary international relations. After all, the Charter of the United Nations, including its Article 51, is the same for everyone'.<sup>334</sup>

#### **4.2. North Korea: launch of reconnaissance satellite**

On 27 May 2024, North Korea conducted what it described as the launch of reconnaissance satellite Malligyong-1-1 aboard the new-type satellite carrier rocket from the Sohae Satellite Launching Station.<sup>335</sup> The launch was condemned by both the UN Secretary General,<sup>336</sup> as well as a number of states due to the use by North Korea of ballistic missile technology in violation of the UN Security Council resolutions. However, according to North Korea,

the launching of a military reconnaissance satellite is not simply an indispensable undertaking for strengthening self-defence capabilities but also a crucial issue of whether it can defend its sovereign right or not. For the international community, whether it upholds the spirit of sovereign equality and non-interference in the internal affairs of States enshrined in the Charter of the United Nations is a fundamental issue. The Security Council should not waste its time and energy debating the exercise of the legitimate right of a sovereign State, given the arbitrary and high-handed practices of specific forces, but should direct its due attention to putting an immediate end to the massacre of civilians

<sup>331</sup>*Ibid.*

<sup>332</sup>UNSC Verbatim Record, UN Doc S/PV.9676 (28 June 2024) 8, 9, 20, 24.

<sup>333</sup>*Ibid.*, 18.

<sup>334</sup>*Ibid.*

<sup>335</sup>UN, 'Democratic People's Republic of Korea's Unannounced, New Satellite Launch, Threatens Peace, Denuclearization Efforts, Speakers Warn Security Council', UN Doc SC/15715 (31 May 2024) <<https://press.un.org/en/2024/sc15715.doc.htm>>.

<sup>336</sup>UN, 'Secretary-General Strongly Condemns Attempted Launch of Ballistic Missile Military Satellite by Democratic People's Republic of Korea', UN Doc SG/SM/22248 (28 May 2024) <<https://press.un.org/en/2024/sgsm22248.doc.htm>>.

in the Gaza Strip, which continues unabated under United States patronage. We would like to make it clear once again that the Democratic People's Republic of Korea's possession of space reconnaissance capabilities is an independent right that can never be abandoned or bartered for anything else. It is an important undertaking of absolute necessity for the defence of State sovereignty and legitimate self-defence.<sup>337</sup>

During the debate within the UN Security Council, China's representative mentioned China and Russia 'jointly introducing a draft resolution on the Peninsula issue' to relieve sanctions adopted against North Korea.<sup>338</sup> In reply to that, the US said that 'China and Russia must understand that walking back on their commitments to uphold Security Council resolutions on the Democratic People's Republic of Korea will force the United States and its allies to take additional steps to defend their security'.<sup>339</sup> North Korea reacted to this last comment by saying that the US 'dared to threaten the Democratic People's Republic of Korea's sovereign activities with war weapons. That is an extremely dangerous act which could induce the just exercise of the right to self-defence of a sovereign State stipulated in the Charter of the United Nations'.<sup>340</sup>

#### 4.3. China – Taiwan: new tensions after China's military drills

Tensions between China and Taiwan continued amid the inauguration of Lai Ching-te as the president of Taiwan on 20 May 2024. The new president urged China to 'cease their political and military intimidation against Taiwan'.<sup>341</sup> Three days after Lai Ching-te was sworn in, the People's Liberation Army announced the immediate beginning of two days of drills surrounding Taiwan and its islands near the Chinese border.<sup>342</sup> On a second day of drills, China conducted mock missile strikes against Taiwan targeting the cities of Taipei, Hualien, Taitung and Kaohsiung.<sup>343</sup> Taiwan accused China of 'irrational provocation and disruption of regional peace and stability'.<sup>344</sup> The drills were also condemned by other counterparts, including the EU (which opposed 'any unilateral actions that change the status quo

<sup>337</sup>UNSC Verbatim Record, UN Doc S/PV.9643 (31 May 2024) 17.

<sup>338</sup>*Ibid*, 9.

<sup>339</sup>*Ibid*, 15.

<sup>340</sup>*Ibid*, 16.

<sup>341</sup>Helen Davidson and Chi-hui Lin, 'Taiwan's new president takes office and calls on China to cease hostile actions', *The Guardian* (20 May 2024) <[www.theguardian.com/world/article/2024/may/20/lai-ching-te-taiwan-new-president](https://www.theguardian.com/world/article/2024/may/20/lai-ching-te-taiwan-new-president)>.

<sup>342</sup>Helen Davidson and Chi-hui Lin, 'China launches 'punishment' drills around Taiwan after inauguration of new president', *The Guardian* (23 May 2024) <[www.theguardian.com/world/article/2024/may/23/china-taiwan-punishment-military-drills-president-inauguration](https://www.theguardian.com/world/article/2024/may/23/china-taiwan-punishment-military-drills-president-inauguration)>.

<sup>343</sup>Helen Davidson and Chi-hui Lin, 'China testing ability to 'seize power' in second day of military drills around Taiwan', *The Guardian* (24 May 2024) <[www.theguardian.com/world/article/2024/may/24/china-military-drills-drills-seize-power-taiwan-president-inauguration](https://www.theguardian.com/world/article/2024/may/24/china-military-drills-drills-seize-power-taiwan-president-inauguration)>.

<sup>344</sup>Davidson and Chi-hui (n 342).

by force or coercion’)<sup>345</sup> and the US (which urged ‘Beijing to act with restraint’).<sup>346</sup>

#### 4.4. Iran – Pakistan: missile and drone attacks

On 16 January 2024, Iran struck with missiles two bases of the Sunni Muslim group Jaish al-Adl in southwestern Pakistan which resulted in the death of two children and injuring three others.<sup>347</sup> Iran claimed that

[t]he action was carried out against the terrorist group’s barracks and headquarters located in the heights of the region, kilometers away from residential areas—a procedure which is part of the inherent duties of the border forces of the Islamic Republic of Iran to ‘proportionately deal’ with any ‘imminent terrorist threat’ against the people and citizens of the country.<sup>348</sup>

Islamabad condemned ‘the unprovoked violation of its airspace by Iran and the strike inside Pakistani territory’, lodged a protest in the Iranian Ministry of Foreign Affairs, and called the Iranian charge d’affaires to its Ministry of Foreign Affairs;<sup>349</sup> ultimately, it also recalled its ambassador from Teheran.<sup>350</sup> On the following day, Pakistan conducted a drone strike against ‘hideouts used by terrorist organisations namely Balochistan Liberation Army (BLA) and Balochistan Liberation Front (BLF)’<sup>351</sup> in Iran’s Sistan-Baluchestan province; nine people were killed in the attack.<sup>352</sup> In reaction, Iran condemned the attack and summoned Pakistani charge d’affaires in Tehran to the Iranian Foreign Ministry,<sup>353</sup> but at the same time, it also said that it adhered to ‘the policy of good neighborliness and brotherhood between the two nations and the two governments of the Islamic Republic

<sup>345</sup>EU External Action, ‘Taiwan: Statement by the Spokesperson on China’s military drills’ (23 May 2024) <[www.eeas.europa.eu/eeas/taiwan-statement-spokesperson-china%E2%80%99s-military-drills\\_en](http://www.eeas.europa.eu/eeas/taiwan-statement-spokesperson-china%E2%80%99s-military-drills_en)>.

<sup>346</sup>US Department of State, ‘PRC Military Drills near Taiwan’ (25 May 2024) <[www.state.gov/prc-military-drills-near-taiwan/](http://www.state.gov/prc-military-drills-near-taiwan/)>.

<sup>347</sup>Gibran Naiyyar Peshimam, ‘Pakistan says Iran violated airspace, killing two children’, *Reuters* (17 January 2024) <[www.reuters.com/world/iran-launches-missiles-baluchi-militant-group-pakistan-state-media-2024-01-16/](http://www.reuters.com/world/iran-launches-missiles-baluchi-militant-group-pakistan-state-media-2024-01-16/)>; Asif Shahzad and Saleem Ahmed, ‘Pakistan recalls envoy from Iran after ‘unprovoked’ missile strikes’, *Reuters* (17 January 2024) <[www.reuters.com/world/asia-pacific/pakistan-recalls-ambassador-iran-after-airspace-violation-2024-01-17/](http://www.reuters.com/world/asia-pacific/pakistan-recalls-ambassador-iran-after-airspace-violation-2024-01-17/)>.

<sup>348</sup>Islamic Republic of Iran, Ministry of Foreign Affairs, ‘The Statement of the Ministry of Foreign Affairs of the Islamic Republic of Iran regarding the recent incidents on the Pakistan border’ (18 January 2024) <<https://en.mfa.gov.ir/portal/newsview/738537>>.

<sup>349</sup>Government of Pakistan, Ministry of Foreign Affairs, ‘Pakistan’s Strong Condemnation of the Unprovoked Violation of its Air Space’ (17 January 2024) <<https://mofa.gov.pk/press-releases/pakistans-strong-condemnation-of-the-unprovoked-violation-of-its-air-space>>.

<sup>350</sup>Shahzad and Ahmed (n 347).

<sup>351</sup>Abdullah Momand, ‘Iran stresses ‘brotherly relations’ following Pakistan’s retaliatory strikes over air-space violation’, *Dawn* (18 January 2024) <[www.dawn.com/news/1806726](http://www.dawn.com/news/1806726)>.

<sup>352</sup>*Ibid.*

<sup>353</sup>Islamic Republic of Iran, Ministry of Foreign Affairs, ‘Iran condemns Pakistan’s raid charge d’affaires being summoned’ (18 January 2024) <<https://en.mfa.gov.ir/portal/newsview/738516>>.

of Iran and Pakistan. It does not allow enemies to strain the amicable and brotherly relations of Tehran and Islamabad'.<sup>354</sup>

On 19 January Pakistan's Foreign Minister Jalil Abbas Jilani and the Foreign Minister of Iran, Hossein Amir-Abdollahian, spoke via phone and agreed to 'de-escalate' tensions.<sup>355</sup>

#### 4.5. Pakistan – India: extraterritorial assassinations

In a letter dated 26 April 2024, the Foreign Minister of Pakistan informed the President of the Security Council about

undeniable evidence pointing towards a systematic campaign orchestrated by India, involving extrajudicial and extraterritorial assassinations carried out on Pakistani territory. ... The arrest of individuals linked to these heinous acts reveals a network that involves Indian nationals and agents operating from third countries. This network, under the direction of identified Indian agents, has been actively engaging in recruitment through social media platforms, financing and controlling the execution of these criminal activities.<sup>356</sup>

Pakistan highlighted that this problem was not limited to this state only, as assassinations or attempted assassinations also took place in Canada and the United States. Pakistan called these developments

a flagrant breach of international law ... including the Charter of the United Nations, the Universal Declaration of Human Rights, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, and the customary international law documented in the International Law Commission's 2001 articles on responsibility of States for internationally wrongful acts. These incidents underscore a disturbing trend of state-sponsored terrorism, directly contravening the principles outlined in the Charter of the United Nations, particularly Article 2 (4), which prohibits the threat or use of force against any State.<sup>357</sup>

The Pakistani communication fits into the media reports emerging in early April 2024 about the Indian government commissioning assassinations of 'individuals in Pakistan as part of a wider strategy to eliminate terrorists living on foreign soil'.<sup>358</sup>

<sup>354</sup>Islamic Republic of Iran (n 348).

<sup>355</sup>Pakistan, Iran agree to 'de-escalate' tensions after tit-for-tat attacks', *Al Jazeera* (19 January 2024) <[www.aljazeera.com/news/2024/1/19/pakistan-to-conduct-national-security-review-amid-standoff-with-iran](https://www.aljazeera.com/news/2024/1/19/pakistan-to-conduct-national-security-review-amid-standoff-with-iran)>.

<sup>356</sup>Letter dated 26 April 2024 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council, UN Doc S/2024/350 (30 April 2024).

<sup>357</sup>*Ibid.*

<sup>358</sup>Hannah Ellis-Petersen, Aakash Hassan and Shah Meer Baloch, 'Indian government ordered killings in Pakistan, intelligence officials claim', *The Guardian* (4 April 2024) <[www.theguardian.com/world/2024/apr/04/indian-government-assassination-allegations-pakistan-intelligence-officials](https://www.theguardian.com/world/2024/apr/04/indian-government-assassination-allegations-pakistan-intelligence-officials)>.



#### 4.6. Afghanistan – Pakistan: clashes in border regions

On 16 March 2024 the armed group Tehreek-e-Taliban Pakistan (TTP) attacked a regional army base in the North Waziristan border district in Pakistan, killing seven soldiers, and wounding many more. According to Pakistan, TTP uses Afghan sanctuaries to stage cross-border attacks against this state, but Taliban authorities always deny allowing Afghan soil to be used by the group.<sup>359</sup>

Pakistani President Asif Ali Zardari commented on the strikes by saying that ‘we will respond to them strongly, regardless of who it is or from which country’.<sup>360</sup> As announced on 17 and 18 March Pakistan conducted attacks against the TTP both in North Waziristan district, and in Khost and Paktika in Afghanistan in the border region,<sup>361</sup> which, according to Taliban sources, resulted in the death of eight women and children.<sup>362</sup> Pakistani sources confirmed that these were ‘retaliatory’ steps against the TTP commanders due to ‘terrorist activities being sponsored and conducted from across border’.<sup>363</sup> The Taliban government, on the other hand, strongly condemned the attacks and called them ‘reckless action a violation of Afghanistan’s sovereignty’; it also announced that Afghanistan’s ‘defence and security forces are ready to respond to any aggressive actions and will defend their territorial integrity at all cost’.<sup>364</sup> According to Afghanistan’s defence ministry, its border forces retaliated in response to the airstrikes, targeting Pakistan’s military points along the border.<sup>365</sup>

#### 4.7. Philippines – China: collision in the South China Sea

On 17 June 2024, Chinese and Philippine ships collided near Second Thomas Shoal in the disputed Spratly Islands in the South China Sea.<sup>366</sup> The confrontation took place when the Philippines military was carrying out the mission to resupply its soldiers stationed on a beached warship.<sup>367</sup>

<sup>359</sup> Ayaz Gul, ‘Suicide Bombers Raid Pakistan Army Base Near Afghan Border, Kill 7’, *VOA News* (16 March 2024) <[www.voanews.com/a/suicide-bombers-raid-pakistan-army-base-near-afghan-border-kill-7/7530489.html](https://www.voanews.com/a/suicide-bombers-raid-pakistan-army-base-near-afghan-border-kill-7/7530489.html)>.

<sup>360</sup> Several killed in Pakistani air strikes on Afghanistan, says Kabul’, *France24* (18 March 2024) <[www.france24.com/en/asia-pacific/20240318-several-killed-in-pakistani-air-strikes-on-afghanistan-says-kabul](https://www.france24.com/en/asia-pacific/20240318-several-killed-in-pakistani-air-strikes-on-afghanistan-says-kabul)>.

<sup>361</sup> *Ibid.*

<sup>362</sup> Abid Hussain, ‘Tensions high after Pakistan launches cross-border attacks into Afghanistan’, *Al Jazeera* (18 March 2024) <[www.aljazeera.com/news/2024/3/18/pakistan-launch-retaliatory-strikes-inside-afghanistan-raising-tensions](https://www.aljazeera.com/news/2024/3/18/pakistan-launch-retaliatory-strikes-inside-afghanistan-raising-tensions)>.

<sup>363</sup> *Ibid.*

<sup>364</sup> Several killed’ (n 360).

<sup>365</sup> *Ibid.*

<sup>366</sup> Kathleen Magramo and Nectar Gan, ‘US blasts ‘aggressive’ China over South China Sea collision with Philippine ship’, *CNN* (18 June 2024) <<https://edition.cnn.com/2024/06/18/asia/us-condemns-china-scs-collision-philippines-intl-hnk/index.html>>.

<sup>367</sup> Nectar Gan and Kathleen Magramo, ‘Only pirates do this’: Philippines accuses China of using bladed weapons in major South China Sea escalation’, *CNN* (20 June 2024) <<https://edition.cnn.com/2024/06/20/asia/philippines-footage-south-china-sea-clash-china-intl-hnk/index.html>>.

The Chinese coastguard claimed that the Philippine transport and replenishment ship ‘deliberately and dangerously’ approached a Chinese ship after it ‘illegally intruded’ into waters near Second Thomas Shoal.<sup>368</sup> In reply, the Philippine military stated that ‘China’s Coast Guard officers “illegally boarded” the Philippine rubber boats, “looted” seven disassembled rifles stored in gun cases, “destroyed” outboard motor, communication and navigation equipment and took the personal cellphones of Filipino personnel’.<sup>369</sup> The military also released footage showing ‘Chinese coast guard officers brandishing an axe and other bladed or pointed tools at the Filipino soldiers and slashing their rubber boat’.<sup>370</sup> Defence Secretary of the Philippines Gilbert Teodoro Jr. said that ‘we have now come to a conclusion that it was not a misunderstanding or an accident. We are not downplaying the incident. It was an aggressive and illegal use of force’.<sup>371</sup>

The Chinese actions were condemned, *inter alia*, by the US which criticised ‘the PRC’s aggressive, dangerous maneuvers near Ayungin (Second Thomas) Shoal’.<sup>372</sup>

## 5. Americas

### 5.1. Cuba: position paper on the application of international law in cyberspace

Cuba submitted its position paper on the application of international law to information and communications technologies in cyberspace to the UN Open-ended Working Group on Information and Communications Technologies on 28 June 2024.<sup>373</sup> The paper, which is in Spanish, denied that a cyber attack can amount to a use of force or armed attack under current international law:

6. The concept of the use of force has been analysed from a perspective that involves the notions of armed violence, coercive force or force of interference. From this point of view, it is understood that only armed physical force is prohibited by Article 2(4) of the United Nations Charter and that the definition of

<sup>368</sup>Neil Jerome Morales and Bernard Orr, ‘China and Philippines quarrel over South China Sea collision’, *Reuters* (17 June 2024) <[www.reuters.com/world/asia-pacific/china-coast-guard-says-philippine-supply-ship-illegally-intruded-waters-second-2024-06-16/](https://www.reuters.com/world/asia-pacific/china-coast-guard-says-philippine-supply-ship-illegally-intruded-waters-second-2024-06-16/)>.

<sup>369</sup>Gan and Magramo (n 367).

<sup>370</sup>*Ibid.*

<sup>371</sup>Darryl John Esguerra, ‘PH: China harassment in Ayungin ‘aggressive, illegal use of force’’, *Philippine News Agency* (24 June 2024) <<https://www.pna.gov.ph/articles/1227528>>.

<sup>372</sup>U.S. Ambassador to the Philippines MaryKay L. Carlson on X platform (17 June 2024) <<https://x.com/USAmbPH/status/1802684168587141177>>.

<sup>373</sup>Republic of Cuba, ‘Documento de posición de la República de Cuba sobre la aplicación del derecho internacional a las tecnologías de la información y comunicación en el ciberespacio’ (La Habana, 28 de junio de 2024) <[https://docs-library.unoda.org/Open-Ended\\_Working\\_Group\\_on\\_Information\\_and\\_Communication\\_Technologies\\_-\\_2021/Documento\\_de\\_posición\\_de\\_Cuba.\\_Aplicación\\_del\\_Derecho\\_Internacional\\_a\\_las\\_TIC\\_en\\_el\\_ciberespacio..pdf](https://docs-library.unoda.org/Open-Ended_Working_Group_on_Information_and_Communication_Technologies_-_2021/Documento_de_posición_de_Cuba._Aplicación_del_Derecho_Internacional_a_las_TIC_en_el_ciberespacio..pdf)>.

armed attack is much more restrictive than that of the use of force. Under current international law, a cyber action does not constitute an armed attack in accordance with Article 2(4), since it lacks the physical characteristics and other requirements that define the aforementioned military attacks, their effects and legal consequences.<sup>374</sup>

The paper compared the malicious use of Information and Communications Technologies (ICT) with 'other contemporary practices, such as the application of sanctions or unilateral coercive measures of financial, economic and political pressure', arguing that '[u]nlike the possible, and often hypothetical, scenarios of damage as a consequence of the unlawful use of ICT, international evidence does confirm the existence of devastating effects from the application of unilateral coercive measures'.<sup>375</sup> As an example of a country subjected to such measures it mentioned the Republic of Cuba, stating that '[t]his aggression' and 'genocidal policy' against Cuba 'would aggravate the international responsibility of the aggressor State and transgressor of international law, significantly more than any hypothetical cyber operation'.<sup>376</sup> Therefore, the paper argued, 'there are no significant legal elements that coherently and non-selectively justify the intention to change the scope of the legal concepts of war, crime of aggression or armed attack, only to justify the use of force in self-defence against a so-called cyber attack and ignore more urgent situations'.<sup>377</sup> It further stated that

11. The covert and illegal use of information and communications technologies, the computer systems of other nations, by individuals, organizations and States, to carry out cyber attacks against third countries, to provoke international conflicts, must be rejected. In this context, international rules preventing the false attribution of cyber attacks by some States to justify their hostile offensive policies must be established.

12. Armed attacks, as regulated in Article 51 of the Charter of the United Nations, are the only action that justifies the exercise of self-defence, as an exception to the jus cogens prohibition on the use of force. In this context, the use of force can only be understood as the use of the armed forces of one State against another and not the use of any type of force, whether economic, commercial, financial, cyber or verbal.

13. The apparent regulatory vacuum regarding cyberspace and the absence of consolidated concepts cannot support a definition of cyberattack that represents an unjustified expansion of the notion of armed attack, to legitimize attacks under the supposed argument of a right to self-defence.

14. The above does not detract from or diminish the existence of the serious risks, concerns and threats that exist in terms of cybersecurity. There are

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<sup>374</sup>*Ibid.* (Translation provided by Regional Coordinators Bernardo Campos and Alexander Grimmig).

<sup>375</sup>*Ibid.*, para 8.

<sup>376</sup>*Ibid.*, para 9.

<sup>377</sup>*Ibid.*, para 10.

concerns about threats related to the possibility of using these technologies and means in the civil and military spheres for purposes not compatible with the Charter of the United Nations, particularly with regard to the maintenance of international peace and security. All this supports the establishment of legally binding norms that regulate the conduct of States and other actors in the matter.

15. Malicious use of ICT may constitute an internationally wrongful act, without this implying that it is equated to the use of force. States should have clear primary international obligations on the matter, that also have an impact on other subjects such as large technology companies and eventual independent actors, potential triggers of an international conflict through the malicious use of ICT.<sup>378</sup>

With respect to the use of force, the paper concluded by stating that

30. It is politically dangerous and legally premature to consider that malicious use of ICT could be comparable to the use of force with the objective of triggering the resort to self-defense, when this is exclusively limited under Article 51 of the United Nations Charter to cases of armed attack.<sup>379</sup>

## **5.2. Guyana – Venezuela: tensions continued over the Essequibo region**

As reported in the previous Digest, the territorial dispute between Guyana and Venezuela over the Essequibo region controlled by Guyana escalated into a new crisis after Venezuela claimed rights over a maritime zone for which Guyana decided to grant drilling licenses for oil exploration.<sup>380</sup> During this reporting period, the crisis continued to intensify with Venezuela reportedly building up its troops near its border with Guyana<sup>381</sup> and approving a law for the creation of a new state in the Essequibo region.<sup>382</sup>

Guyana responded to these developments in a letter dated 5 April 2024 to the UN, stating that the promulgation of ‘the Organic Law for the Defence of Guayana Esequiba’ on 3 April 2024 by the Venezuelan President ‘cements Venezuela’s intent to annex more than two thirds of Guyana’s sovereign territory and make it part of Venezuela’.<sup>383</sup> The letter expressed concern that ‘Venezuela’s next move would be to implement its plan for the seizure of

<sup>378</sup>*Ibid.*

<sup>379</sup>*Ibid.*

<sup>380</sup>Nessa, Kleczkowska and Hasar (n 28).

<sup>381</sup>Luke Taylor, ‘Venezuela building up troops on Guyana border, satellite images show’, *The Guardian* (9 February 2024) <[www.theguardian.com/world/2024/feb/09/venezuela-troops-guyana-border-essequibo-satellite-images](https://www.theguardian.com/world/2024/feb/09/venezuela-troops-guyana-border-essequibo-satellite-images)>.

<sup>382</sup>Deisy Buitrago, ‘Venezuela creates new state in territory under dispute with Guyana’, *Reuters* (21 March 2024) <[www.reuters.com/world/americas/venezuela-creates-new-state-territory-under-dispute-with-guyana-2024-03-21/](https://www.reuters.com/world/americas/venezuela-creates-new-state-territory-under-dispute-with-guyana-2024-03-21/)>.

<sup>383</sup>Letter dated 5 April 2024 from the Permanent Representative of Guyana to the United Nations addressed to the President of the Security Council, UN Doc S/2024/295 (5 April 2024).

our sovereign territory', adding that '[t]his would be a breach of the most fundamental principles of international law enshrined in the Charter of the United Nations, the Charter of the Organization of American States and customary international law'.<sup>384</sup> The letter also stated that '[t]his indisputably unlawful and aggressive act calls into question Venezuela's obligation to abide by the principles' of the Joint Declaration of Argyle for Dialogue and Peace between Guyana and Venezuela, agreed on 14 December 2023.<sup>385</sup>

The letter also denied the Venezuelan President's claim that the US installed 'secret military bases' in the Essequibo region 'to prepare aggressions against the population of Tumeremo, of the south and east of Venezuela, and to prepare an escalation against Venezuela', stating that 'Guyana's priority is peace and that our territory will never ever be used as a platform of war or for war'.<sup>386</sup>

Regarding the adoption of 'the Organic Law for the Defence of Guyana Essequiba', Caribbean Community (CARICOM) Secretariat published a statement on 8 April 2024, stating that with the adoption of the Law, Venezuela 'has: (i) offended "the Joint Declaration of Argyle for Dialogue and Peace between Guyana and Venezuela" of 14 December 2023; (ii) subverted international law; and (iii) signaled a possible embrace of an unworthy aggression to achieve its own articulated goals or purposes'.<sup>387</sup>

Likewise, in a statement on the same day, the Organization of American States (OAS) General Secretariat condemned the approval by Venezuela of the so-called 'Law for the defense of Essequibo,' stating that it 'is absolutely contrary to the most basic principles of international law' and its "legislative" standards recall sad historical episodes that led to annexations by force, military aggression and destruction'.<sup>388</sup> The statement added that 'International Law condemns the crime of aggression, condemns the threat of aggression, condemns unilateral actions to resolve bilateral problems'.<sup>389</sup>

The UN Security Council also published a statement on 15 April 2024, urging the parties 'to comply with the Order of Provisional Measures issued by the International Court of Justice on 1 December 2023' and 'to

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<sup>384</sup>*Ibid.*

<sup>385</sup>*Ibid.*

<sup>386</sup>*Ibid.*

<sup>387</sup>CARICOM, 'Statement On The Unacceptable Escalation Of Tensions And Threats To Regional Peace And Security Occasioned By The Adoption Of "The Organic Law For The Defence Of Guyana Essequiba" On April 3, 2024, By The Bolivarian Republic Of Venezuela' (8 April 2024) <<https://caricom.org/statement-on-the-unacceptable-escalation-of-tensions-and-threats-to-regional-peace-and-security-occasioned-by-the-adoption-of-the-organic-law-for-the-defence-of-guyana-essequiba-on-a/>>.

<sup>388</sup>OAS, 'Statement from the OAS General Secretariat on the so-called "Law for the defense of Essequibo" approved by the Venezuelan Regime' (8 April 2024) <[www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-021/24](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-021/24)>.

<sup>389</sup>*Ibid.*

resolve their differences through peaceful means and to uphold their obligations under international law and the Charter of the United Nations'.<sup>390</sup> The statement also reaffirmed the importance of the prohibition 'on the threat or use of force against the territorial integrity or political independence of another State, as enshrined in Article 2(4) of the Charter of the United Nations'.<sup>391</sup> Guyana welcomed the statement by the Council in a statement on 16 April 2024.<sup>392</sup>

### **5.3. Haiti: Multinational Security Support Mission begins as the US deploys military personnel for embassy security**

As reported in the previous Digest, the UN Security Council authorised the deployment of a Multinational Security Support mission to Haiti led by Kenya to support the efforts of the Haitian National Police in restoring security amid escalating gang violence.<sup>393</sup> During this reporting period, many delegates at the UN Security Council reaffirmed their commitment to the mission and urged its swift deployment.<sup>394</sup> Some states, including Jamaica, Chad, Bangladesh, Barbados, Bahamas and Belize, expressed their interest to provide troops and police forces to the mission.<sup>395</sup>

During the UN Security Council meeting of 25 January 2024, the Russian representative expressed regret that the Council 'still has not received the information it requested on the key parameters of the operation, including the rules governing the use of force', adding that Russia is 'convinced that the intervention, which was agreed under Chapter VII of the Charter of the United Nations, must take place within a clearly defined framework and be fully accountable to the Council'.<sup>396</sup>

During the same Council meeting, the Kenyan representative emphasised that '[i]t is vital to reinforce and extend the State's capabilities in a manner that strengthens the social contract and avoid missions that almost replace the role of the State. In that regard, the Multinational Security Support

<sup>390</sup>Security Council Press Statement on Guyana–Venezuela Situation, UN Doc SC/15665 (15 April 2024) <<https://press.un.org/en/2024/sc15665.doc.htm>>.

<sup>391</sup>*Ibid.*

<sup>392</sup>The Ministry of Foreign Affairs and International Cooperation of Guyana, 'Statement by the Government of Guyana following the issuance by the UN Security Council of a statement on the Guyana–Venezuela situation' (16 April 2024) <[www.minfor.gov.gy/newsroom/statement-government-guyana-following-issuance-un-security-council-statement-guyana](http://www.minfor.gov.gy/newsroom/statement-government-guyana-following-issuance-un-security-council-statement-guyana)>.

<sup>393</sup>Nessa, Kleczkowska and Hasar (n 28).

<sup>394</sup>UNSC Verbatim Record, UN Doc S/PV.9535 (25 January 2024); UNSC Verbatim Record, UN Doc S/PV.9613 (22 April 2024). See also Security Council Press Statement on Haiti, UN Doc SC/15620 (11 March 2024) <<https://press.un.org/en/2024/sc15620.doc.htm>>.

<sup>395</sup>Letter dated 19 March 2024 from the Secretary-General addressed to the President of the Security Council, UN Doc S/2024/262 (25 March 2024); Letter dated 12 February 2024 from the Secretary-General addressed to the President of the Security Council, UN Doc S/2024/263 (25 March 2024); Letter dated 16 May 2024 from the Secretary-General addressed to the President of the Security Council, UN Doc S/2024/393 (17 May 2024).

<sup>396</sup>UN Doc S/PV.9535 (n 394) 15.

Mission represents an innovation by the Security Council and should be embraced as a focal point'.<sup>397</sup>

After delays caused by domestic legal challenges, Kenya finally deployed 400 police officers to Haiti in late June as the first part of the mission.<sup>398</sup> Meanwhile, in a report dated 27 June 2024, the UN Secretary-General called for an extension of the mission beyond October 2024, emphasising that '[t]he robust use of force by a specialized multinational police presence, supported by military assets and supplemented by a range of non-kinetic measures, will remain necessary until the Haitian National Police is able to restore a measurable level of security'.<sup>399</sup>

In another development concerning Haiti, in a notification to Congress on 14 March 2024 under the War Powers Resolution, citing 'heightened security concerns for the United States Embassy' in Haiti, the US President stated that, at his direction, a security force of military personnel was deployed to Haiti on 12 March 2024 to 'protect United States diplomatic personnel and diplomatic facilities'.<sup>400</sup> The notification added that although this force 'is equipped for combat, its movement was undertaken as a precautionary measure solely for the purpose of protecting United States diplomatic facilities and diplomatic personnel'.<sup>401</sup>

## 6. Non-Regional issues

### 6.1. UN Security Council on peace and security in cyberspace

On 20 June 2024, the Republic of Korea organised a high-level debate on peace and security in cyberspace. In the course of the discussion, Ukraine, Latvia and Estonia invoked cyber operations conducted by Russia in relation to the armed conflict in Ukraine. Ukraine observed that it 'has been facing Russia's aggression, including in cyberspace'.<sup>402</sup> It also added that it 'actively cooperates with international partners to develop effective cybercapacity-building, which is fundamental for the exercise of the right to self-defence in cyberspace. In addition, Ukraine has also started to investigate and prosecute cyberattacks as war crimes'.<sup>403</sup> In the same vein, Latvia and Estonia noticed that cyber operations became an integral part of Russia's aggression

<sup>397</sup>*Ibid.*, 21

<sup>398</sup>Marina Daras, Gloria Aradi and Pascal Fletcher, 'Haiti vows to restore order with Kenya-led force's help', *BBC* (26 June 2024) <[www.bbc.com/news/articles/cy7772v3j89o](https://www.bbc.com/news/articles/cy7772v3j89o)>.

<sup>399</sup>United Nations Integrated Office in Haiti: Report of the Secretary-General, UN Doc S/2024/508 (27 June 2024), paras 68–9.

<sup>400</sup>The White House, 'Letter to the Speaker of the House and President pro tempore of the Senate consistent with the War Powers Resolution (Public Law 93-148)' (14 March 2024) <[www.whitehouse.gov/briefing-room/presidential-actions/2024/03/14/letter-to-the-speaker-of-the-house-and-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution-public-law-93-148-16/](https://www.whitehouse.gov/briefing-room/presidential-actions/2024/03/14/letter-to-the-speaker-of-the-house-and-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution-public-law-93-148-16/)>.

<sup>401</sup>*Ibid.*

<sup>402</sup>UNSC Verbatim Record, UN Doc S/PV.9662 (20 June 2024) 28.

<sup>403</sup>*Ibid.*

against Ukraine.<sup>404</sup> Moreover, according to Estonia, it is the UNSC which 'has a substantial role to play in serving as a forum for sharing information on existing and future cyberthreats, as well as raising awareness on the strategic implications of cybersecurity'.<sup>405</sup> One should also mention that during the debate Guyana stated that

there must be accountability and oversight mechanisms to guard against cyberattacks. In that regard, we note recent discussions on whether cyberattacks targeting critical infrastructure, such as medical facilities or power plants, with grave consequences for life, can amount to war crimes, crimes against humanity, genocide and/or the crime of aggression.<sup>406</sup>

## 6.2. UN Security Council draft resolutions on the peaceful use of outer space

On 24 April 2024, the US, Japan and a number of other States introduced a UN Security Council draft resolution,<sup>407</sup> which, according to the US was supposed to 'strengthen and uphold the nuclear non-proliferation and disarmament regime, including in outer space'.<sup>408</sup> The draft resolution, *inter alia*, urged

all States ... to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation.<sup>409</sup>

Originally, the draft resolution did not mention the problems relating to the use of force. To this end, Russia and China suggested introducing a new operative paragraph calling upon all States, and above all those with major space capabilities:

- a. To take urgent measures to prevent for all time the placement of weapons in outer space and the threat or use of force in outer space, from space against Earth and from Earth against objects in outer space;

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<sup>404</sup>*Ibid*, 25, 29.

<sup>405</sup>*Ibid*, 29.

<sup>406</sup>*Ibid*, 10.

<sup>407</sup>Draft resolution: Albania, Antigua and Barbuda, Argentina, Australia, Bahamas, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Cabo Verde, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Montenegro, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Palau, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Timor-Leste, Türkiye, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America, UN Doc S/2024/302 (24 April 2024).

<sup>408</sup>UNSC Verbatim Record, S/PV.9616 (24 April 2024) 2.

<sup>409</sup>UN Doc S/2024/302 (n 407).



- b. to seek through negotiations the early elaboration of appropriate reliably verifiable legally binding multilateral agreements.<sup>410</sup>

The draft amendment was not adopted as it received 7 votes in favour, 7 votes against and 1 abstention.<sup>411</sup>

Russia claimed that it was

in favour of banning the use of force or the threat of the use of force in outer space, from outer space or against outer space. The problem is that our Western partners will not agree to that because they are engaged in the active military exploration of outer space. Let us not allow them to pull the wool over our eyes today, because they are not going to give up on the militarization of outer space.<sup>412</sup>

Japan, however, replied ‘that Russia and China put forward an amendment that sought to divide us’<sup>413</sup> and added that

[w]e have included in our draft resolution many paragraphs that focus on preventing an arms race in outer space and have emphasized the need for further measures to that end. All Council members know our position on the proposal by Russia and China for a treaty in the Conference on Disarmament: it is not verifiable. It would fail to cover threats, such as Russia’s destructive test of an anti-satellite missile from the ground in 2021, and it is inconsistent with the Charter of the United Nations, which permits the use of force in self-defence, where authorized by the Security Council.<sup>414</sup>

Ultimately Russia vetoed draft resolution S/2024/302<sup>415</sup> and in May 2024 submitted a new draft resolution.<sup>416</sup> In the preamble, it recalled ‘the obligation of all States to observe the provisions of the Charter of the United Nations regarding the use or threat of use of force in their international relations, including in their space activities’, as well as recognised

as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, that the legal regime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space, the placement of weapons in outer space and the threat or use of force in outer space ... .

In the eighth paragraph the resolution called upon ‘all States, and above all those with major space capabilities ... [t]o take urgent measures to prevent

<sup>410</sup>UN Doc S/PV.9616 (n 408) 3–4. See also Letter dated 4 June 2024 from the Permanent Representatives of China and the Russian Federation to the United Nations addressed to the Secretary-General, UN Doc A/78/945 - S/2024/436 (28 June 2024) 14.

<sup>411</sup>UN Doc S/PV.9616 (n 408) 5.

<sup>412</sup>*Ibid.*, 10.

<sup>413</sup>*Ibid.*, 5.

<sup>414</sup>*Ibid.*

<sup>415</sup>*Ibid.*

<sup>416</sup>Draft resolution: Belarus, China, Democratic People’s Republic of Korea, Nicaragua, Russian Federation and Syrian Arab Republic, UN Doc S/2024/383 (20 May 2024).

for all time the placement of weapons in outer space and the threat or use of force in outer space, from space against Earth and from Earth against objects in outer space’.

The resolution was not adopted since France, Japan, Malta, the Republic of Korea, Slovenia, the UK and the US voted against it.<sup>417</sup> Nevertheless, they did not claim that the reason behind their decision was because they did not agree that the threat or use of force should be prohibited in outer space. Rather, they claimed that the new Russian draft resolution was ‘[t]he culmination of Russia’s campaign of diplomatic gaslighting and dissembling’;<sup>418</sup> ‘did not take into account legitimate, repeated and shared concerns by a majority of Council members’;<sup>419</sup> ‘was put to a vote without sufficient consultations’;<sup>420</sup> ‘was a cynical attempt to distract attention away from reports that Moscow is developing a new satellite carrying a nuclear device’;<sup>421</sup> and did not ‘effectively address the many challenges associated with the prevention of an arms race in outer space and would, in our view, have ambiguous implications for the security of outer space’.<sup>422</sup>

### 6.3. Mexico’s call for greater transparency in self-defence reporting

During this reporting period, Mexico continued to express concerns about the lack of transparency in how the Security Council manages communications invoking self-defence under Article 51 of the UN Charter.<sup>423</sup> Mexico argued that ambiguous language in recent Council resolutions, coupled with insufficient reporting mechanisms, risks broadening the exceptions to the general prohibition on the use of force under Article 2(4) of the Charter, which could undermine its foundational principles.<sup>424</sup> Mexico argued that the Security Council should not only receive reports of self-defence actions but also provide follow-up and comprehensive reviews of those communications, explaining that robust and transparent reporting processes are essential for maintaining the order and legality enshrined in the UN Charter, particularly in an era of increasingly frequent invocations of self-defence.<sup>425</sup>

Mexico has been advocating since 2018 for the Special Committee on the Charter of the United Nations to address these issues and has emphasised the

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<sup>417</sup>UNSC Verbatim Record, UN Doc S/PV.9630 (20 May 2024) 4.

<sup>418</sup>*Ibid.*, 3 (US).

<sup>419</sup>*Ibid.* (US).

<sup>420</sup>*Ibid.*, 5 (Republic of Korea).

<sup>421</sup>*Ibid.*, 9 (UK).

<sup>422</sup>*Ibid.* (Slovenia).

<sup>423</sup>UNSC Verbatim Record, UN Doc S/PV.9571 (11 March 2024) 28–9 (Mexico).

<sup>424</sup>*Ibid.*

<sup>425</sup>*Ibid.*

urgent need to improve the Council's reporting procedures when states invoke self-defence.<sup>426</sup>

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## ORCID

Jasmin Johurun Nessa  <http://orcid.org/0000-0002-6461-0073>

Agata Kleczkowska  <http://orcid.org/0000-0003-4621-6336>

Seyfullah Hasar  <http://orcid.org/0000-0003-2673-5008>

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<sup>426</sup>See further, Patrick M Butchard and Jasmin Johurun Nessa (eds), 'Digest of state practice: 1 July – 31 December 2021' (2022) 9 *Journal on the Use of Force and International Law* 171, 227–28; Patrick M Butchard and Jasmin Johurun Nessa (eds), 'Digest of state practice: 1 January – 30 June 2021' (2021) 8 *Journal on the Use of Force and International Law* 343, 394–97; Patrick M Butchard (ed), 'Digest of state practice: 1 January – 30 June 2020' (2020) 7 *Journal on the Use of Force and International Law* 357, 406–08; Patrick M Butchard (ed), 'Digest of state practice: 1 January – 30 June 2019' (2019) 6 *Journal on the Use of Force and International Law* 273, 327–28; Patrick M Butchard (ed), 'Digest of state practice: 1 July – 31 December 2018' (2019) 6 *Journal on the Use of Force and International Law* 113, 168–70.