

Digest of state practice: 1 January – 30 June 2022

Article

Published Version

Creative Commons: Attribution-Noncommercial-No Derivative Works 4.0

Open Access

Butchard, P. M., Nessa, J. J., Kleczkowska, A., Stemeseder, M., Bagheri, S. ORCID: <https://orcid.org/0000-0002-9398-8067>, Pollard, M., Rapp, K., Svcevic, M., Etezazian, S., Abdou, M., Hasar, S., Nolan, T., Al Ghoozi, L., Ismail, H., Lobo, F., Rodríguez Silvestre, F. and Sahni, A. (2022) Digest of state practice: 1 January – 30 June 2022. *Journal on the Use of Force and International Law*, 9 (2). pp. 423-479. ISSN 2053-1710 doi: <https://doi.org/10.1080/20531702.2022.2145004> Available at <https://centaur.reading.ac.uk/116162/>

It is advisable to refer to the publisher's version if you intend to cite from the work. See [Guidance on citing](#).

To link to this article DOI: <http://dx.doi.org/10.1080/20531702.2022.2145004>

Publisher: Taylor & Francis

All outputs in CentAUR are protected by Intellectual Property Rights law, including copyright law. Copyright and IPR is retained by the creators or other copyright holders. Terms and conditions for use of this material are defined in the [End User Agreement](#).

www.reading.ac.uk/centaur

CentAUR

Central Archive at the University of Reading

Reading's research outputs online



Digest of State Practice: 1 January – 30 June 2022

General Editors:, Patrick M. Butchard & Jasmin Johurun Nessa

To cite this article: General Editors:, Patrick M. Butchard & Jasmin Johurun Nessa (2022) Digest of State Practice: 1 January – 30 June 2022, Journal on the Use of Force and International Law, 9:2, 423-479, DOI: [10.1080/20531702.2022.2145004](https://doi.org/10.1080/20531702.2022.2145004)

To link to this article: <https://doi.org/10.1080/20531702.2022.2145004>



© 2022 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 16 Nov 2022.



Submit your article to this journal [↗](#)



Article views: 1318



View related articles [↗](#)



View Crossmark data [↗](#)

Digest of State Practice: 1 January – 30 June 2022

General Editors:* Patrick M. Butchard ^a and Jasmin Johurun Nessa^b

^aSenior Lecturer in Law, International Justice and Human Rights Research Unit, Edge Hill University, Ormskirk, UK; ^bSchool of Law and Social Justice, University of Liverpool, Liverpool, UK

Regional Coordinators:

Europe: Agata Kleczkowska, Markus Stemeseder, Saeed Bagheri

Sub-Saharan Africa: Mike Pollard, Kyle Rapp, Marko Svicevic

Middle East and North Africa: Sina Etezazian, Mahmoud Abdou, Seyfullah Hasar, Thomas Nolan, Layal Al Ghoozi, Hoshman Ismail

Americas: Francisco Lobo, Felipe Rodríguez Silvestre

Non-Regional Issues: Arjun Sahni

Digest Contents:

1. Europe



- *Russia-Ukraine: Russia invades Ukraine*
- *Sweden and Finland seek to join NATO: Russia threatens action*

2. Africa

- *Mali: Task Force Takuba forced to withdraw*
- *Somalia: UN authorises new mission as Al-Shabaab continues to attack*
- *Democratic Republic of Congo-Rwanda: Cross-border tensions reignite over M23 rebel group*
- *Sudan-Eritrea: accusations over the execution of Sudanese soldiers*

3. Middle East

- *Syria -Israel: Accusations of Attacks and Dispute Over the Golan Heights*
- *Syria: Third States' Involvement*
- *Iran: Alleged Violations of Security Council Resolution 2231 (2015) and Claims of Self-Defence*

CONTACT Patrick M. Butchard  Patrick.Butchard@edgehill.ac.uk; Jasmin Johurun Nessa  Jnessa@liverpool.ac.uk

*Suggestions and input for future Digests of State Practice can be sent to J.Nessa@liverpool.ac.uk at any time. All websites accessed 1 October 2022.

© 2022 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way.

- *United Arab Emirates – Iran: Alleged ‘Iran-backed’ Houthi Attack and Accusations of Unlawful Occupation*
- *Saudi Arabia – Alleged Escalation of Attacks by ‘Iranian-backed Houthis’*
- *Lebanon – Israel: Exchange of Allegations of Violations*
- *Iraq – Turkey: Turkey’s Claim of Self-Defence*
- *Israel – Palestine: Escalation of cross-border incidents*

4. Asia

- *Kazakhstan: Collective Security Treaty Organisation sends armed assistance*
- *North Korea: Testing of ballistic missiles and nuclear threat*
- *China–Taiwan: Tensions remain as the US supports Taiwan*

5. Americas

- *Colombia: Alleged Russian and Iranian ‘Foreign Interference on Venezuelan Border*
- *Colombia – Venezuela: Alleged Violation of Colombian Sovereignty*

6. Non-Regional Issues

- *Open-Ended Working Group on Reducing Space Threats: First Session Convened 9–13 May 2022*

1. Europe

Russia-Ukraine: Russia invades Ukraine

Developments prior to Russia’s invasion

The Previous Digest detailed the build-up of Russian troops at Ukraine’s border between July and December 2021, and states’ reactions to this.¹ Even in January and February 2022, Russia continued to deny that their troop movements were hostile, and falsely told the world that these were only ‘military exercises’.² Prior to Russia’s full-scale invasion, developments moved quickly from January 2022.

US and NATO respond to Russia’s draft treaty proposals

For context, it is worth recalling from the previous Digest that on 17 December, Russia proposed two agreements to the US, setting out proposals for security and demands that NATO roll back its deployment in eastern

¹Patrick M Butchard and Jasmin J Nessa, ‘Digest of State Practice: 1 July – 31 December 2021’ (2022) 9(1) *Journal on the Use of Force and International Law* 171, at 172–9.

²For a timeline including other important events surrounding Russia’s intervention not included here, see, Nigel Walker, ‘Ukraine crisis: A timeline (2014 – present)’ UK House of Commons Library: Briefing Paper Number 9476, (1 April 2022) <https://commonslibrary.parliament.uk/research-briefings/cbp-9476/>.

Europe.³ The first was a draft agreement on security measures between Russia and NATO,⁴ the second was a proposed treaty between Russia and the US on the same issues.⁵ The draft Russia-NATO agreement proposed to prohibit the deployment of military forces and weaponry on the territory of other European states beyond those there as of May 1997,⁶ and also sought to prohibit the deployment of land-based intermediate- and short-range missiles in areas allowing them to reach the territory of the other Parties.⁷ This proposal also went further to prohibit any further enlargement of NATO membership, including Ukraine, and restricting military drills.⁸ The draft US-Russia treaty proposed very similar measures, applying similar restrictions to the US too, including on the use and deployment of nuclear weapons outside of the parties territories.

The US and Russia held two sets of talks in January, where they discussed the situation in Ukraine, and Russia's treaty demands.⁹ There were no notable breakthroughs in these meetings, but the US and NATO eventually issued coordinated responses to Russia's proposals on 26 January 2022.¹⁰ The US and NATO sought to keep the responses confidential because, according to the US, 'diplomacy has the best chance to succeed if we provide space for confidential talks'. But the documents were later leaked on the Spanish news website *El País*,¹¹ and comparisons

³For an overview, see for example, Patricia Lewis, 'Russian treaty proposals hark back to post-Cold War era', *Chatham House* (19 December 2021) www.chathamhouse.org/2021/12/russian-treaty-proposals-hark-back-post-cold-war-era; see also, Gabrielle Tétrault-Farber and Tom Balmforth, 'Russia demands NATO roll back from East Europe and stay out of Ukraine', *Reuters* (17 December 2021) www.reuters.com/world/russia-unveils-security-guarantees-says-western-response-not-encouraging-2021-12-17/.

⁴Russia, Ministry of Foreign Affairs, 'Agreement on measures to ensure the security of The Russian Federation and member States of the North Atlantic Treaty Organization' (17 December 2021) https://mid.ru/ru/foreign_policy/rso/nato/1790803/?lang=en.

⁵Russia, Ministry of Foreign Affairs, 'Treaty between The United States of America and the Russian Federation on security guarantees' (17 December 2021) https://mid.ru/ru/foreign_policy/rso/nato/1790818/?lang=en.

⁶Russia, Ministry of Foreign Affairs, 'Agreement on measures to ensure the security of The Russian Federation and member States of the North Atlantic Treaty Organization' (17 December 2021) https://mid.ru/ru/foreign_policy/rso/nato/1790803/?lang=en, Article 4.

⁷*Ibid*, Article 5.

⁸*Ibid*, Article 6.

⁹See, Julian Borger and Andrew Roth, 'US-Russia talks over Ukraine 'useful' but no progress made', *The Guardian* (10 January 2022) www.theguardian.com/us-news/2022/jan/10/ukraine-talks-us-russia-latest; Simon Lewis, 'U.S. and Russia agree to keep talking after meeting on Ukraine', *Reuters* (21 January 2022) www.reuters.com/world/top-diplomats-us-russia-meet-geneva-soaring-ukraine-tensions-2022-01-21/.

¹⁰See, US, Department of State, 'Secretary Antony J. Blinken at a Press Availability' (26 January 2022) www.state.gov/secretary-antony-j-blinken-at-a-press-availability-13/; NATO, 'Press conference by NATO Secretary General Jens Stoltenberg' (26 January 2022) www.nato.int/cps/en/natohq/opinions_191254.htm.

¹¹Hibai Arbide Aza and Miguel González, 'US offered disarmament measures to Russia in exchange for deescalation of military threat in Ukraine', *El País* (2 February 2022) <https://english.elpais.com/usa/2022-02-02/us-offers-disarmament-measures-to-russia-in-exchange-for-a-deescalation-of-military-threat-in-ukraine.html>.

of the Russian, US and NATO positions have been made by the Arms Control Association.¹²

The UK Prime Minister Boris Johnson addressed Russia's proposed treaty in Parliament on 25 January, stating:

The draft treaty published by Russia in December would divide our continent once again between free nations and countries whose foreign and defence policies are explicitly constrained by the Kremlin in ways that Russia would never accept for herself. More than half of Europe, including a dozen or more members of NATO and of the European Union, would be only partially sovereign and required to seek the Kremlin's approval before inviting any military personnel from NATO countries on to their soil. The Czech Republic—at the very heart of Europe, hundreds of miles from Russia—would have to ask the Kremlin for permission if she wanted to invite a company of German infantry to join an exercise or even to help with flood defences.¹³

In a phone call to French President Macron, Russian president Putin said that the US and NATO responses did not address Russia's main security concerns with NATO expansion, and suggested that he would study the responses further before deciding on taking further action.¹⁴ At the time, it was not clear what 'action' Putin was referring to.

On 14 February, Russian TV broadcast a briefing between Russian Foreign Minister Lavrov and President Putin, where they discussed the US and NATO responses to Russia's proposals.¹⁵ Lavrov advised Putin that Russia had received concrete proposals from the US, but that responses from European states and NATO were not satisfactory. Lavrov seemed to stress that, although Russia had warned that it would not allow 'endless negotiations on questions that demand a solution today', he did suggest that diplomacy still had a chance.¹⁶

January: Moves against Ukraine continue

Meanwhile, tensions between Ukraine and Russia continued to rise considerably. On 6 January, Ukraine wrote to the UN Secretary-General and the Security Council, highlighting what it called proof from a Russian court case that

¹²Arms Control Association, 'Russia, U.S., NATO Security Proposals' (March 2022) www.armscontrol.org/act/2022-03/news/russia-us-nato-security-proposals; see also, Claire Mills, 'Ukraine: Russia's "red line"', UK House of Commons Library: Briefing Paper Number 9401, (18 February 2022) <https://commonslibrary.parliament.uk/research-briefings/cbp-9401/>.

¹³UK House of Commons, HC Deb 25 January 2022, vol 707, col 861, <https://hansard.parliament.uk/Commons/2022-01-25/debates/1AB76A45-585A-402C-AD27-2C6B8897B8D0/Ukraine>.

¹⁴Vladimir Soldatkin and Alexander Marrow, 'Putin says West has not addressed key concerns in Ukraine standoff', *Reuters* (28 January 2022) www.reuters.com/world/europe/we-dont-want-wars-russia-sends-less-hawkish-message-ukraine-2022-01-28/.

¹⁵Darya Korsunskaya, Vladimir Soldatkin, Alexander Marrow and Mark Trevelyan, 'Russia's Lavrov urges Putin to allow more time for diplomacy amid Ukraine crisis', *Reuters* (14 February 2022) www.reuters.com/world/europe/russias-lavrov-proposes-russia-continue-diplomatic-work-european-security-push-2022-02-14/.

¹⁶*Ibid.*

recognised the presence of Russian forces within the eastern regions of Ukraine.¹⁷ The case referred to Russian presence in the territories in the Donetsk and Luhansk Regions of Ukraine, and the so-called Donetsk People's Republic and Luhansk People's Republic – territories that had declared themselves as independent states in 2014. Ukraine argued in its letter:

We consider that the abovementioned decision serves as yet another item of proof of Russian direct engagement in the conflict in Donbas as its instigator, undermining the fake Russian narrative of the allegedly “internal nature of the conflict”. By revealing the presence of Russian troops in the occupied territories of the Donetsk and Luhansk Regions of Ukraine, the decision of the Russian court has legally confirmed the status of the Russian Federation as a party to an international armed conflict.¹⁸

Ukrainian government websites were hit by a large-scale cyberattack on 14 January, leaving behind warnings to Ukrainians to ‘be afraid and expect the worst’ written in Russian, Ukrainian, and Polish. While Ukraine's Foreign Ministry said that it was too early to draw conclusions on who conducted the attack, a spokesperson pointed to a “long record of Russian assaults against Ukraine in the past”.¹⁹

22 January: UK shares intelligence on alleged coup plans

On 22 January, in an unprecedented reference to UK intelligence-gathering, the UK Foreign, Commonwealth and Development Office issued a press release that alleged that Russia was planning a coup against the Ukrainian leadership, and to install a pro-Russian leader.²⁰ The press release did not offer detail about how the UK suspected this plot, referring only to possible intelligence sources.²¹ The statement, naming former Ukrainian politicians with which Russia allegedly maintained links, said:

We have information that indicates the Russian Government is looking to install a pro-Russian leader in Kyiv as it considers whether to invade and occupy Ukraine. The former Ukrainian MP Yevhen Murayev is being considered as a potential candidate.

¹⁷Identical letters dated 6 January 2022 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/649–S/2022/11 (11 January 2022).

¹⁸*Ibid.*, 2.

¹⁹Pavel Polityuk, ‘Massive cyberattack hits Ukrainian government websites as West warns on Russia conflict’, *Reuters* (14 January 2022) www.reuters.com/technology/massive-cyberattack-hits-ukrainian-government-websites-amid-russia-tensions-2022-01-14/.

²⁰UK, Foreign, Commonwealth and Development Office, ‘Kremlin plan to install pro-Russian leadership in Ukraine exposed’ (22 January 2022) www.gov.uk/government/news/kremlin-plan-to-install-pro-russian-leadership-in-ukraine-exposed.

²¹Emma Graham-Harrison, Luke Harding and Andrew Roth, ‘Confusion over UK claim that Putin plans coup in Ukraine’, *The Guardian* (22 January 2022) www.theguardian.com/world/2022/jan/22/confusion-over-uk-claim-that-putin-plans-coup-in-ukraine.

We have information that the Russian intelligence services maintain links with numerous former Ukrainian politicians.²²

The UK's allegations were reiterated by Prime Minister Boris Johnson on 25 January in a statement to the UK House of Commons.²³ Prime Minister Johnson said that the UK had 'declassified compelling intelligence' on Russia's 'intent to install a puppet regime in Ukraine'.²⁴ Days later, UK Foreign Secretary Liz Truss made a statement to Parliament outlining the military assistance the UK was providing to Ukraine, including anti-tank missiles and a deployment of teams to train Ukraine's army.²⁵ Liz Truss travelled to Moscow in February, meeting Russian Foreign Minister Sergey Lavrov to express concerns about Russia's 'aggressive policy' towards Ukraine.²⁶ The UK Foreign, Commonwealth, and Development office said that Russia's 'aggressive build-up' on Ukraine's border threatened Ukraine's territorial integrity, reporting that:

... any further Russian invasion of Ukraine would have massive consequences and incur severe costs. Russia needed to deescalate, withdraw its forces from the border and pursue a diplomatic path as NATO allies had offered.

The Foreign Secretary further emphasised that Russian aggression was counterproductive and had increased tensions, to which NATO and Ukraine had to respond. The Foreign Secretary noted the right of every nation to choose its own security arrangements. She rejected the notion that improving one nation's security threatened another's.²⁷

Efforts for a diplomatic solution to the unprecedented tensions continued as UK Defence Secretary Ben Wallace also travelled to Moscow to meet Russian Minister of Defence, General Sergei Shoigu – the first visit of a UK Defence secretary to Moscow since 2001.²⁸ The Russian Minister purportedly gave the UK assurances that Russia would not invade Ukraine.²⁹

²²UK, Foreign, Commonwealth and Development Office, 'Kremlin plan to install pro-Russian leadership in Ukraine exposed' (22 January 2022) www.gov.uk/government/news/kremlin-plan-to-install-pro-russian-leadership-in-ukraine-exposed.

²³UK House of Commons, HC Deb 25 January 2022, vol 707, col 861, <https://hansard.parliament.uk/Commons/2022-01-25/debates/1AB76A45-585A-402C-AD27-2C6B8897B8D0/Ukraine>.

²⁴*Ibid.*, col 862.

²⁵UK House of Commons, HC Deb 31 January 2022, vol 708, col 55, <https://hansard.parliament.uk/Commons/2022-01-31/debates/8FE6C779-7A6B-430E-BA78-715C47D48FBF/RussiaSanctions>.

²⁶UK, Foreign, Commonwealth and Development Office, 'Foreign Secretary's meeting with Russian Foreign Minister Lavrov, 10 February 2022' (10 February 2022) www.gov.uk/government/news/foreign-secretarys-meeting-with-russian-foreign-minister-lavrov-10-february-2022.

²⁷*Ibid.*

²⁸UK, Ministry of Defence, 'Defence Secretary meets Russian counterpart in Moscow' (11 February 2022) www.gov.uk/government/news/defence-secretary-meets-russian-counterpart-in-moscow.

²⁹*Ibid.*

February: Russia seeks support from China, conducts military exercises with Belarus

On 4 February, the Presidents of Russia and China issued a joint statement following a meeting between the two leaders, covering a considerable number of issues. The statement referenced Putin's calls for NATO to cease its 'open door' approach to membership, stating:

The sides believe that certain States, military and political alliances and coalitions seek to obtain, directly or indirectly, unilateral military advantages to the detriment of the security of others, including by employing unfair competition practices, intensify geopolitical rivalry, fuel antagonism and confrontation, and seriously undermine the international security order and global strategic stability. The sides oppose further enlargement of NATO and call on the North Atlantic Alliance to abandon its ideologized cold war approaches, to respect the sovereignty, security and interests of other countries, the diversity of their civilizational, cultural and historical backgrounds, and to exercise a fair and objective attitude towards the peaceful development of other States.³⁰

Amidst the tensions, Russia and Belarus undertook significant military exercises in mid-February, with Russia claiming that the exercises were 'to work out tasks for suppressing and repelling external aggression during a defensive operation, countering terrorism and protecting the interests of the Union State'.³¹ The supposed exercises were due to end on 20 February, but they continued beyond this, and Russian troops remained in Belarus.³²

By 11 February, some reports suggested that as many as 140,000 troops were positioned around Ukraine's eastern borders and in Crimea.³³ A segment of a meeting between Russian Defence Minister Sergei Shoigu and President Putin was televised on 14 February 2022, where Shoigu advised Putin that Russia's 'large-scale' military exercises, including those in Belarus and in the Black Sea, were 'nearing completion'.³⁴ On 15 February reports suggested that Putin confirmed a 'partial' drawdown of Russian forces that had been building up near the Ukrainian border.³⁵ That day, the Russian Defence Ministry spokesperson, Major General Igor

³⁰Russia, The Kremlin, 'Joint Statement of the Russian Federation and the People's Republic of China on the International Relations Entering a New Era and the Global Sustainable Development' (4 February 2022) <http://en.kremlin.ru/supplement/5770#sel=1:21:55F,1:37:3JE>.

³¹Russia, Ministry of Defence, 'Inspection of the Reaction Force of the Union State' (10 February 2022) <https://eng.mil.ru/en/mission/practice/all/rehimost-2022.htm>.

³²Polina Devitt and Mark Trevelyan, 'Russia, Belarus extend huge military exercises – Belarus ministry', *Reuters* (20 February 2022) www.reuters.com/world/europe/russia-belarus-extend-huge-military-exercises-belarus-ministry-2022-02-20/.

³³See, for example, 'Russia-Ukraine Standoff – Daily Briefing | Feb. 11', *The Moscow Times* (11 February 2022) www.themoscowtimes.com/2022/02/11/caucasus-2-a76348.

³⁴Russia, The Kremlin, 'Meeting with Defence Minister Sergei Shoigu' (14 February 2022) <http://en.kremlin.ru/events/president/transcripts/67767>.

³⁵Andrew Roth and Philip Oltermann, 'Russia confirms "partial" withdrawal of troops from Ukraine border', *The Guardian* (15 February 2022) www.theguardian.com/world/2022/feb/15/russia-ukraine-border-troops-withdrawal.

Konashenkov, released a statement giving further details about the joint exercises with Belarus, suggesting that some of the military groups had ‘already begun loading onto rail and road transport and will begin moving to their military garrisons today’.³⁶ As outlined below, Russia’s apparent withdrawal of troops from the border was not evident.

31 January and 17 February: UN Security Council meets

In light of the growing presence of Russian troops at Ukraine’s borders, the US requested that the Security Council meet on 31 January to discuss the situation under the Council’s ‘Threats to international peace and security’ agenda item.³⁷ Despite an attempt by Russia and China to block the meeting from taking place, the meeting proceeded after a procedural vote.³⁸

Russia argued that considering Russia’s action in its own territory a threat to international peace and security was ‘tantamount not only to unacceptable interference in the domestic affairs of our State’.³⁹ The US argued that ‘Russia’s aggression today not only threatens Ukraine; it also threatens Europe’.⁴⁰ While warning about the ‘largest mobilisation of troops in Europe’ in decades, US also made the accusation that Russian intelligence was spreading disinformation ‘to paint Ukraine and Western countries as the aggressors to fabricate a pretext for attack’.⁴¹

Russia called the US’s accusations ‘hysteria’,⁴² and insisted that no threat of an invasion of Ukraine has been made by Russia.⁴³ The Russian representative also reiterated their demand that ‘Ukraine must not join NATO and no foreign troops should be deployed on its territory. Both of these are elements of an overdue agreement that could radically improve the military-political situation in Europe and the world as a whole’.⁴⁴

At this meeting, Ukraine detailed its concerns about the increasing numbers of Russian troops on Ukraine’s border, in Crimea, and the military exercises in Belarus and the Black Sea.⁴⁵ Ukraine also reiterated that they would not launch any military attacks themselves.⁴⁶ On the threat of force, Ukraine said:

³⁶Russia, Ministry of Defence, ‘Statement of the Russian Defence Ministry spokesperson, Major General Igor Konashenkov, on the return of formations and military units to permanent locations’ (15 February 2022) https://eng.mil.ru/en/news_page/country/more.htm?id=12408929@egNews.

³⁷UNSC Verbatim Record, UN Doc S/PV.8960 (31 January 2022).

³⁸UN Meetings Coverage, ‘Situation along Russian Federation-Ukraine Border Can Only Be Resolved through Diplomacy, Political Affairs Chief Tells Security Council’, UN Press Release SC/14783 (31 January 2022) <https://press.un.org/en/2022/sc14783.doc.htm>.

³⁹UNSC Verbatim Record (31 January 2022) (n 37), 2 (Russia).

⁴⁰*Ibid*, 4 (United States).

⁴¹*Ibid*, 5.

⁴²*Ibid*, 2 and 11 (Russia).

⁴³*Ibid*, 11.

⁴⁴*Ibid*, 12.

⁴⁵*Ibid*, 17 (Ukraine).

⁴⁶*Ibid*, 18.

Ukraine strongly rejects any attempt to use the threat of force as an instrument of pressure to make Ukraine and our partners accept illegitimate demands. There is no room for compromise on principal issues.⁴⁷

On this point, Ukraine said its most principled position was that Ukraine has the sovereign right to choose its own security arrangements, including treaties of alliance, arguing ‘that right is enshrined in many international legal instruments to which Russia itself is also a party’.⁴⁸

Russia called a further meeting of the Security Council on 17 February as part of its Presidency of the Council, where members of states’ Foreign Ministries took part.⁴⁹ Many of the same arguments were repeated at this meeting, including Russia’s suggestion that Ukraine was failing to comply with the Minsk agreements on a peaceful settlement in eastern Ukraine,⁵⁰ and denying again that Russia was going to attack Ukraine.⁵¹ The US reiterated the evidence of Russian media spreading false alarms and pretexts for invasion,⁵² but urged Russia to stick to its word and attempting to resolve the matter through diplomacy.⁵³ The UK supported this, as well as the mechanisms and the Special Monitoring Mission of the Organisation for Security and Cooperation in Europe (OSCE).⁵⁴ On the use of force, the UK said that ‘Russia will say that it has the right to move its forces within its own territory, but no one has the right to threaten the use of force’.⁵⁵

Other states called for de-escalation and diplomacy, and a return to implementing the Minsk agreements.⁵⁶ Ukraine, referring to the Russian State Duma’s call for Russia to recognise Luhansk and Donetsk as independent states, said that any official recognition would be tantamount to Russia’s deliberate termination of the Minsk agreements.⁵⁷ Ukraine went further in its allegations against Russia to suggest that the military build-up ‘has been coupled with a blockade by Russia of large parts of the Black Sea under the pretext of naval exercises’.⁵⁸

⁴⁷*Ibid.*

⁴⁸*Ibid.*

⁴⁹UNSC Verbatim Record, UN Doc S/PV.8968 (17 February 2022).

⁵⁰*Ibid.*, 10–1 (Russia).

⁵¹*Ibid.*, 12.

⁵²One purported pretext included the fact that Russia had fast-tracked applications for Russian citizenship for those living in the Donbas regions. See, for example, ‘Russia has issued 720,000 fast-track passports in separatist-held areas of eastern Ukraine’, *Euronews* (17 February 2022) www.euronews.com/2022/02/17/russia-has-issued-720-000-fast-track-passports-in-separatist-held-areas-of-eastern-ukraine.

⁵³*Ibid.*, 12–3 (United States).

⁵⁴*Ibid.*, 13–4 (United Kingdom).

⁵⁵*Ibid.*, 14.

⁵⁶See, for example, *ibid.*, 16 (Brazil), 16–7 (Ireland), 17 (India), 17–8 (Kenya), 18 (United Arab Emirates), 19–20 (Ghana), 20 (Mexico), 21 (China), 22 (Albania), 23 (France), 23–4 (Gabon), and 29 (Germany).

⁵⁷*Ibid.*, 26 (Ukraine).

⁵⁸*Ibid.*, 27.

15–22 February: Russia recognises Luhansk and Donetsk as independent states

Despite Russia's continued assurances, the situation escalated further when the Russian State Duma voted to request that President Putin should recognise the self-declared independent states of the Donetsk People's Republic and the Luhansk People's Republic.⁵⁹ President Putin then gave a lengthy 1-hour television address on Russian TV on 21 February 2022, where he questioned the existence of Ukraine as an independent state, and where he also announced that Russia would immediately recognise 'the independence and sovereignty of the Donetsk People's Republic and the Lugansk People's Republic',⁶⁰ while asking the Federal Assembly to ratify two new Treaties of Friendship and Mutual Assistance. These were then signed by the President later that day.⁶¹

President Putin also signed two executive orders recognising the independence of these two entities.⁶² But in doing so, the orders also provided that Russia's Defence Ministry should send Russian forces to Luhansk and Donetsk to 'perform peacekeeping functions'.⁶³ As the 'Treaties of Friendship' were ratified within hours, President Putin then requested the Federation Council to 'approve a resolution authorising the use of the Armed Forces of the Russian Federation abroad on the basis of the generally accepted principles and norms of international law'.⁶⁴

When Putin held a national Security Council meeting at the Kremlin on 21 February, there was a notably awkward exchange between President Putin and the Director of the Russian Foreign Intelligence Service, Sergei Naryshkin.⁶⁵ When Putin pushed Naryshkin to 'speak plainly' about whether he

⁵⁹Anton Zverev and Tom Balmforth, 'Russia's parliament asks Putin to recognise breakaway east Ukrainian regions', *Reuters* (15 February 2022) www.reuters.com/world/europe/russias-parliament-asks-putin-recognise-breakaway-east-ukrainian-regions-2022-02-15/.

⁶⁰Russia, The Kremlin, 'Address by the President of the Russian Federation' (21 February 2022) <http://en.kremlin.ru/events/president/transcripts/67828>.

⁶¹See, Russia, The Kremlin, 'Signing of documents recognising Donetsk and Lugansk People's Republics' (21 February 2022) <http://en.kremlin.ru/events/president/news/67829>; see also, Russia, The Kremlin, 'President signed Federal Law On Ratifying the Treaty of Friendship, Cooperation and Mutual Assistance Between the Russian Federation and the Donetsk People's Republic' (22 February 2022) <http://en.kremlin.ru/events/president/news/67835>; Russia, The Kremlin, 'President signed Federal Law On Ratifying the Treaty of Friendship, Cooperation and Mutual Assistance Between the Russian Federation and the Lugansk People's Republic' (22 February 2022) <http://en.kremlin.ru/events/president/news/67834>.

⁶²Russia, Decree of the President of the Russian Federation of February 21, 2022 No. 71 'On the recognition of the Donetsk People's Republic' (22 February 2022) <http://publication.pravo.gov.ru/Document/View/0001202202220002>; Russia, Decree of the President of the Russian Federation of February 21, 2022 No. 72 'On the recognition of the Luhansk People's Republic' (22 February 2022) <http://publication.pravo.gov.ru/Document/View/0001202202220001>.

⁶³See also, Maria Kiselyova, 'Putin orders Russian forces to "perform peacekeeping functions" in eastern Ukraine's breakaway regions', *Reuters* (22 February 2022) www.reuters.com/world/europe/putin-orders-russian-peacekeepers-eastern-ukraines-two-breakaway-regions-2022-02-21/.

⁶⁴Russia, The Kremlin, 'Vladimir Putin submits proposal to Federation Council to approve resolution authorising use of Armed Forces abroad' (22 February 2022) <http://en.kremlin.ru/events/president/news/67836>.

⁶⁵Russia, The Kremlin, 'Security Council Meeting: Transcript' (21 February 2022) <http://en.kremlin.ru/events/president/news/67825>.

supported recognising the new republics, Naryshkin said ‘I support the proposal to have the Donetsk and Lugansk people’s republics become part of the Russian Federation’.⁶⁶ Putin retorted that, ‘We are not talking about this, we are not discussing this. We are talking about recognising their independence or not’.⁶⁷ At the time of writing, Russia had already annexed the territories in question, alongside other parts of Ukraine.⁶⁸

States react to Russia’s recognition

There was a notably strong reaction to Russia’s recognition of the eastern regions of Ukraine as independent, as well as to Russia’s deployment of so-called ‘peacekeepers’ to the Donbass.

The UN Security Council met late on 21 February to discuss the developments.⁶⁹ In the meeting, the US called Putin’s deployment of so-called peacekeepers ‘nonsense’,⁷⁰ as well as rejecting Putin’s argument that the West would supply Ukraine with nuclear weapons.⁷¹ The US joined several other states in labelling the recognition of Donetsk and Luhansk as independent a violation of Ukraine’s territorial integrity.⁷² India, China, and the United Arab Emirates called for diplomacy, without giving an explicit view on Russia’s actions.⁷³ Russia, in this meeting, justified its position by referring to Ukraine ‘shelling’ the Donbass and ‘provocations against Donetsk and Luhansk’, and accusing Ukraine of building up its own troops in the Donbas.⁷⁴ Ukraine retorted that Russia’s troops had already been in the ‘occupied areas of Donbas since 2014’.⁷⁵ Ukraine stressed its inherent right to self-defence under Article 51 of the UN Charter, but reiterated that Ukraine was committed to a peaceful path.⁷⁶ On calling for the Security Council to respond, Ukraine said:

The Security Council has been tasked with maintaining that peace and security, under Article 24 of the Charter. Pursuant to Article 39, the

⁶⁶*Ibid.*

⁶⁷*Ibid.*

⁶⁸Russia, The Kremlin, ‘Signing of treaties on accession of Donetsk and Lugansk people’s republics and Zaporozhye and Kherson regions to Russia’ (30 September 2022) <http://en.kremlin.ru/events/president/news/69465>.

⁶⁹UNSC Verbatim Record, UN Doc S/PV.8970 (21 February 2022).

⁷⁰*Ibid.*, 2 (United States).

⁷¹*Ibid.*

⁷²*Ibid.*, 4 (Albania, also calling the Russian deployed peacekeepers ‘aggressors’), 4–5 (France), 6 (United Kingdom), 7 (Mexico), 7 (Ireland, also calling the recognition ‘a flagrant violation of international law’), 8 (Kenya), 9 (Ghana, although not explicitly labelling the recognition itself as a violation, expressing concern at any action that violates Ukraine’s territorial integrity), 10 (Gabon), 10–1 (Norway, referring to the principle of sovereign equality), 13–4 (Ukraine), 14–5 (Germany).

⁷³*Ibid.*, 5 (India), 5–6 (Brazil), 8 (UAE), 11 (China).

⁷⁴*Ibid.*, 11–2 (Russia).

⁷⁵*Ibid.*, 13.

⁷⁶*Ibid.*

Security Council shall make recommendations or decide what measures shall be taken to maintain or restore international peace and security. The delegation of Ukraine calls on the Security Council members to exercise those duties.⁷⁷

The UN Secretary-General was unequivocal in publicly labelling Russia's decision as being 'a violation of the territorial integrity and sovereignty of Ukraine and inconsistent with the principles of the Charter of the United Nations'.⁷⁸ The statement also reiterated that the UN remains 'fully supportive of the sovereignty, independence and territorial integrity of Ukraine, within its internationally recognised borders'.⁷⁹

The UN General Assembly met under the agenda item titled 'The situation in the temporarily occupied territories of Ukraine' on 23 February 2022, where most states gave their immediate reaction to Russia's recognition and deployment into the Donbass.⁸⁰ At this plenary session, the Secretary-General repeated his concerns, and went on to add that Russia's actions were also inconsistent with the Declaration on Friendly Relations, and the international legal principles it set out:

The so-called "Friendly Relations Declaration" was adopted during the General Assembly session that marked the twenty-fifth anniversary of the United Nations. Having been cited repeatedly by the International Court of Justice as representing international law, it sets out several vital principles that are highly relevant to today's meeting. In particular, I would highlight the principle of the sovereign equality of States and the affirmation that the territorial integrity and political independence of States are inviolable. Other General Assembly resolutions also fully support the sovereignty, political independence and territorial integrity of Ukraine within its internationally recognized borders.⁸¹

The Secretary-General also publicly criticised Putin's executive order and its assertion that Russian forces would be 'peacekeepers',⁸² stating that it was a 'perversion of the concept of peacekeeping' and argued:

The principles of the UN Charter are not an a la carte menu. They cannot be applied selectively. Member States have accepted them all and they must apply them all. I am also concerned about the perversion of the concept of

⁷⁷*Ibid.*, 14.

⁷⁸UN Geneva, 'Statement attributable to the Spokesperson for the Secretary-General – on Ukraine' (21 February 2022) www.ungeneva.org/en/news-media/press-release/2022/02/statement-attributable-spokesperson-secretary-general-ukraine.

⁷⁹*Ibid.*

⁸⁰UN General Assembly Verbatim Record, 58th Plenary Meeting, 23 February 2022, UN Doc A/76/PV.58 (23 February 2022); and UN General Assembly Verbatim Record, 59th Plenary Meeting, 23 February 2022, UN Doc A/76/PV.59 (23 February 2022).

⁸¹UN General Assembly Verbatim Record, 58th Plenary Meeting, 23 February 2022, UN Doc A/76/PV.58 (23 February 2022), 2.

⁸²United Nations Secretary-General, 'Secretary-General's opening remarks at press encounter on Ukraine' (22 February 2022) www.un.org/sg/en/content/sg/speeches/2022-02-22/opening-remarks-press-encounter-ukraine.

peacekeeping. I am proud of the achievements of UN Peacekeeping operations in which so many Blue Helmets have sacrificed their lives to protect civilians. When troops of one country enter the territory of another country without its consent, they are not impartial peacekeepers. They are not peacekeepers at all.⁸³

At the General Assembly, Ukraine accused Russia sending at least 46 military vessels to the Black Sea and the Sea of Azov, calling it ‘an attack on the global freedom of navigation – one of the cared principles of international law’.⁸⁴ Ukraine also said that they had observed Russian forces ‘significantly increase their shelling of Ukrainian territory and infrastructure’ in the Donbas.⁸⁵ Ukraine reiterated that ‘Ukraine will not hesitate to exercise its inherent right of self-defence, as outlined in Article 51 of the Charter of the United Nations, in response to the armed attacks of the Russian Federation’.⁸⁶

Many states at the General Assembly condemned Russia’s recognition itself – some states labelled it a violation of Ukraine’s territorial integrity and sovereignty,⁸⁷ or similarly referred to Russia’s measures as contradicting the ‘principles of the UN Charter’.⁸⁸ The same states tended to also refer to Russia’s wider actions as ‘aggressive’ or an ‘act of aggression’.⁸⁹ Some states made more cautious or more nuanced statements at the Assembly, generally expressing concern over the situation, and encouraging respect for international law, the prohibition of force, and sovereignty and territorial integrity.⁹⁰ Syria supported Russia, reiterating accusations against Ukraine, and

⁸³*Ibid.*

⁸⁴UNGA 58th Plenary Meeting (2022) (n 80), 4.

⁸⁵*Ibid.*

⁸⁶*Ibid.*, 6.

⁸⁷See, for example: UNGA 58th Plenary Meeting (2022) (n 80), 7 (Germany), 8 (European Union, North Macedonia, Montenegro, Albania, Bosnia and Herzegovina, Iceland, Norway, Georgia and Monaco), 11 (Denmark, Estonia, Finland, Iceland, Latvia, Norway, Sweden, and Lithuania), 14 (Japan), 14–5 (US), 17 (Turkey), 17 (Costa Rica), 18–9 (France), 19 (Albania), 20 (Liechtenstein), 22–3 (Canada), 24–5 (Netherlands), 25 (Switzerland), 26–7 (New Zealand), 27 (Italy); UNGA 59th Plenary Meeting (2022) (n 80), 1 (Czech Republic), 2 (Australia), 3 (Chile), 4 (Romania), 4 (Bulgaria), 7–8 (Palau), 8 (Guatemala), 9 (Peru), 11 (Slovakia), 12 (Austria), 13 (South Korea), 14 (Belgium), 15 (Slovenia), 17 (Ireland), 17 (Malta), 18 (Luxembourg), 19 (Spain), 20 (Micronesia), 21 (Greece), 23 (Portugal), 24–5 (Cyprus), 26 (Samoa).

⁸⁸See, for example: UNGA 58th Plenary Meeting (2022) (n 80), 7 (United Kingdom), 7 (Germany), 8 (European Union, North Macedonia, Montenegro, Albania, Bosnia and Herzegovina, Iceland, Norway, Georgia and Monaco), 11 (Denmark, Estonia, Finland, Iceland, Latvia, Norway, Sweden, and Lithuania), 14 (Japan), 14 (US), 16 (Georgia), 17 (Costa Rica), 18–9 (France), 19 (Albania), 20–1 (Liechtenstein), 22–3 (Canada), 23–4 (Poland), 24 (Croatia), 24–5 (Netherlands), 25 (Switzerland), 27 (Italy); UNGA 59th Plenary Meeting (2022) (n 80), 1 (Czech Republic), 2 (Moldova), 3 (Chile), 4 (Romania), 4 (Bulgaria), 5–6 (Montenegro), 7–8 (Palau), 9 (Uruguay), 9 (Peru), 11 (Slovakia), 13 (South Korea), 14 (Belgium), 14 (Colombia), 15 (Slovenia), 18 (Luxembourg), 19 (Spain), 22–3 (Marshall Islands), 23 (Portugal), 24–5 (Cyprus), 25 (Dominican Republic), 26 (Samoa).

⁸⁹*Ibid.*

⁹⁰See, for example, UNGA 58th Plenary Meeting (2022) (n 80), 20 (Saudi Arabia), 26 (China); UNGA 59th Plenary Meeting (2022) (n 80), 7 (Paraguay); 8 (San Marino), 10 (Hungary, but did align with the earlier EU statement), 10 (Liberia), 11 (Ecuador, but aligned with the Secretary-General’s remarks), 13 (Brazil), 15 (Kenya), 16 (Singapore), 20 (Lebanon), 21 (Libya), 22 (South Africa), 22 (Jordan), 24 (Azerbaijan), 24 (Argentina), 25 (Dominican Republic), 26 (Thailand).

complained that the debate was ‘politicised’ or one-sided.⁹¹ Many other states made public statements condemning Russia’s actions on social media.⁹²

Russia claimed that it was not an occupier in Ukraine, and said its recognition of the territories in the Donbas were ‘a direct consequence of many years of Kyiv sabotaging its direct obligations under the package of measures approved by the Security Council in its Resolution 2202 (2015)’.⁹³ Russia also claimed it had ‘done everything in our power to preserve the sovereignty and territorial integrity of Ukraine’, accusing Ukraine of abandoning the Minsk agreements.⁹⁴ Russia then argued that ‘In the light of the blatant genocide and violation of the most fundamental human right, namely, the right to life, Russia could no longer remain indifferent to the fate of the 4 million people of the Donbas’.⁹⁵

Some states decided to impose sanctions against Russian targets immediately.⁹⁶ The UK announced that it freeze the assets of Russian banks and oligarchs which it said have ‘bankrolled the Russian occupation of Crimea’, and also announced plans to sanction the members of the Russian state Duma that voted to recognise the independence of Donetsk and Luhansk ‘in flagrant violation of Ukraine’s territorial sovereignty’.⁹⁷ US President Biden also signed an Executive Order to prohibit any new investment with the separatist regions in Ukraine, as well as certain trade and financial restrictions on operating within Luhansk or Donetsk.⁹⁸ The US said that the measures were meant to ‘deny Russia the chance to profit from its blatant violations of international law’. The US also adopted what it called ‘the first tranche of sanctions’ in coordination with the EU, the UK, Canada, Japan, and Australia.⁹⁹ These sanctions froze the assets of specific targets, restricted Russian sovereign debt trading by US individuals, while also

⁹¹UNGA 59th Plenary Meeting (2022) (n 80), 6 (Syria).

⁹²See, for example, a collection of initial responses by states and non-state collated on Twitter by Dr Alonso Gurmendi, Assistant Professor of International Law at Universidad del Pacifico in Peru, *Twitter* (23 February 2022) https://twitter.com/Alonso_GD/status/1496415338937954309.

⁹³UNGA 58th Plenary Meeting (2022) (n 80), 12 (Russia).

⁹⁴*Ibid.*

⁹⁵*Ibid.*, 14.

⁹⁶For a detailed overview of sanctions against Russia before and after Russia’s invasion of Ukraine, see: Claire Mills, ‘Sanctions against Russia’, UK House of Commons Library: Briefing Paper Number 9481 (updated 11 October 2022) <https://commonslibrary.parliament.uk/research-briefings/cbp-9481/>.

⁹⁷UK, Foreign, Commonwealth, and Development Office, ‘UK hits Russian oligarchs and banks with targeted sanctions: Foreign Secretary’s statement’ (22 February 2022) www.gov.uk/government/news/uk-hits-russian-oligarchs-and-banks-with-targeted-sanctions-foreign-secretary-statement.

⁹⁸US, The White House, ‘Fact Sheet: Executive Order to Impose Costs for President Putin’s Action to Recognize So-Called Donetsk and Luhansk People’s Republics’ (21 February 2022) www.whitehouse.gov/briefing-room/statements-releases/2022/02/21/fact-sheet-executive-order-to-impose-costs-for-president-putins-action-to-recognize-so-called-donetsk-and-luhansk-peoples-republics/.

⁹⁹US, The White House, ‘Fact Sheet: United States Imposes First Tranche of Swift and Severe Costs on Russia’ (22 February 2022) www.whitehouse.gov/briefing-room/statements-releases/2022/02/22/fact-sheet-united-states-imposes-first-tranche-of-swift-and-severe-costs-on-russia/; See also for example, Australia, Minister for Foreign Affairs, ‘Australia’s response to Russia’s aggression against

further exploring measures to halt the Nord Stream 2 gas pipeline in collaboration with Germany.¹⁰⁰ Germany announced on 22 February that the final certification of the Nord Stream 2 gas pipeline between Russia and Germany would be suspended.¹⁰¹

The EU also announced that it planned to sanction the 351 members of the Russian State Duma, after voting to recognise the independence of Luhansk and Donetsk, as well as 27 individuals and entities that the EU said were ‘playing a role in undermining or threatening Ukrainian territorial integrity, sovereignty and independence.’¹⁰²

Russia prepares to attack, and last-minute diplomacy fails

On 22 February, NATO Secretary General Jens Stoltenberg suggested that Russia was not, in fact, stepping back from Ukraine’s border as he had previously indicated.¹⁰³ Stoltenberg said:

Every indication is that Russia continues to plan for a full scale attack on Ukraine. We see the ongoing military build-up. They promised to step back but they had continued to step up. We see that more and more of the forces are moving out of the camps and are in combat formations and ready to strike. And we see the ongoing provocations in Donbass and the different false flag operations where they try to create a pretext for an attack.¹⁰⁴

On 23 February, the rebel leaders of the Donetsk and Luhansk regions requested that Russia help repel ‘aggression’ from Ukraine.¹⁰⁵ In a last-ditch effort at diplomacy, the UN Security Council on 23 February in a

Ukraine’ (23 February 2022) www.foreignminister.gov.au/minister/marise-payne/media-release/australias-response-russias-aggression-against-ukraine.

¹⁰⁰*Ibid*; see also US, Department of State, ‘Sanctioning NS2AG, Matthias Warnig, and NS2AG’s Corporate Officers’ (23 February 2022) www.state.gov/sanctioning-ns2ag-matthias-warnig-and-ns2ags-corporate-officers/.

¹⁰¹Sarah Marsh and Madeline Chambers, ‘Germany freezes Nord Stream 2 gas project as Ukraine crisis deepens’, *Reuters* (22 February 2022) www.reuters.com/business/energy/germanys-scholz-halts-nord-stream-2-certification-2022-02-22/.

¹⁰²EU External Action Service, ‘Russia/Ukraine: Press remarks by High Representative Josep Borrell after extraordinary informal meeting of EU Foreign Ministers’ (22 February 2022) www.eeas.europa.eu/eeas/russiaukraine-press-remarks-high-representative-josep-borrell-after-extraordinary-informal-0_en; See also, Council of the European Union, Council Decision (CFSP) 2022/265 of 23 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, Doc No L 42 I/98 (23 February 2022); Council of the European Union, Council Decision (CFSP) 2022/267 of 23 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, Doc No L 42 I/144 (23 February 2022).

¹⁰³NATO, ‘Press briefing by NATO Secretary General Jens Stoltenberg following an extraordinary meeting of the NATO-Ukraine Commission’ (22 February 2022) www.nato.int/cps/en/natohq/opinions_192343.htm?selectLocale=fr.

¹⁰⁴*Ibid*.

¹⁰⁵Pavel Polityuk and Polina Nikolskaya, ‘Ukraine separatists seek Russian help as U.S. says attack is ready’, *Reuters* (24 February 2022) www.reuters.com/world/europe/us-allies-step-up-sanctions-pressure-russia-over-ukraine-2022-02-23/.

late-night emergency meeting.¹⁰⁶ The Secretary-General attended this meeting, and warned of ‘rumours and indications that an offensive against Ukraine was imminent’, hoping that they were untrue.¹⁰⁷ Rosemary DiCarlo, Under-Secretary-General for Political and Peacebuilding Affairs, briefed the Council of the developing reports that Ukraine declared a nationwide state of emergency and mobilised reservists; that Russia was closing airspace to civilian aircraft near the Ukraine border; and that Ukrainian authorities were reporting a large-scale cyber-attack against State and financial institutions.¹⁰⁸

Albania said the developments on the ground revealed Russia’s concerns were not about NATO or the West, but argued, ‘This is a confrontation between Russia and international law and the Charter of the United Nations that it deliberately has chosen to ignore — a confrontation between a hegemonistic vision and a rules-based world order’.¹⁰⁹ The US said, ‘Not all parties are culpable here. Calling for both sides to de-escalate only gives Russia a pass. Russia is the aggressor here’.¹¹⁰ Mexico warned that ‘An invasion would constitute an act of aggression, in line with General Assembly resolution 3314 (XXIX)’.¹¹¹ As the other members of the Security Council roundly called for de-escalation, or explicitly that Russia should come back from the brink, Russia doubled down on its rhetoric. They said that ‘Ukraine did not heed our message to Kyiv concerning the need to stop provocations against the Luhansk People’s Republic and the Donetsk People’s Republic’.¹¹² Russia also went on to make an argument about territorial integrity being contingent apparently being contingent on respect for the right to self-determination, citing the Friendly Relations declaration in apparent support for this.¹¹³

At the same time as the meeting was proceeding, and in a dramatic development during the Council’s deliberations, the Russian representative announced:

During the course of this meeting, Russian President Vladimir Putin made an address in which he said that he had decided to launch a special military operation in Donbas. We do not know all the details today, but I want to briefly inform the Council of his rationale — what clearly follows from his message is that the occupation of Ukraine is not part of our plans. The purpose of the special operation is to protect people who have been subjected to abuse and genocide by the Kyiv regime for eight years. To that end, we will work

¹⁰⁶UNSC Verbatim Record, S/PV.8974 (23 February 2022).

¹⁰⁷*Ibid.*, 2.

¹⁰⁸*Ibid.*

¹⁰⁹*Ibid.*, 3 (Albania).

¹¹⁰*Ibid.*, 4 (United States).

¹¹¹*Ibid.*, 11 (Mexico).

¹¹²*Ibid.*, 11 (Russia).

¹¹³*Ibid.*

towards the demilitarization and denazification of Ukraine and bring to justice the perpetrators of numerous bloody crimes against civilians, including citizens of the Russian Federation.

That decision was made in accordance with Article 51 of the Charter of the Charter of the United Nations, the approval of the Federation Council of the Russian Federation and pursuant to the Treaty of Friendship and Mutual Assistance signed with the Donetsk and Luhansk People's Republics. We are receiving a great deal of information on the matter, which has yet to be analysed. We will keep the Council updated.¹¹⁴

The dialogue in the Council became markedly tense as the representative of Ukraine spoke and reacted to the ongoing address by the Russian President. Ukraine made suggestions that Russia should not be a member of the UN, nor a Permanent Member of the Council, and then said:

... the Russian Federation should relinquish its responsibilities as President of the Security Council and pass those responsibilities to a legitimate member of Security Council that respects the Charter. I ask the members of the Security Council to convene an emergency meeting immediately to consider all necessary draft decisions to stop the war. It is too late to speak about the escalation — too late. The Russian President has officially declared war.¹¹⁵

Even as the Russian representative was unable to give further information about the announcement by President Putin, the representative still emphasised the position that Russia's actions 'is not called a war; it is called a special military operation in Donbas'.¹¹⁶ Germany was also able to give an immediate reaction to the unfolding invasion, urging Russia to terminate its military action and withdraw troops.¹¹⁷ The US decried that, 'At the exact time that we are gathered in the Council seeking peace, Putin delivered a message of war, in total disdain for the responsibility of the Council. This is a grave emergency'.¹¹⁸

As the meeting descended towards a tense conclusion, Albania shared the latest reports to the Council that, 'Explosions are reported in Kyiv and several other cities in Ukraine. The masks have finally been taken off and tanks are in. As we speak, Russia is implementing its plan and attacking a neighbour'.¹¹⁹

Ukraine said directly to Russia in its place as President of the Security Council:

¹¹⁴*Ibid*, 12.

¹¹⁵*Ibid*, 13.

¹¹⁶*Ibid*, 13 (Russia).

¹¹⁷*Ibid*, 14 (Germany).

¹¹⁸*Ibid*, 15 (United States).

¹¹⁹*Ibid*, 14 (Albania)

I welcome the decision of some members of the Council to meet as soon as possible to consider the necessary decision that would condemn the aggression that the Russian Federation has launched against my people.

There is no purgatory for war criminals; they go straight to hell.¹²⁰

Russia, insisting on the final word, made one final statement that seemingly admitted Russia's intentions for aggression by suggesting that Russia 'did not launch an aggression against the Ukrainian people, but against the junta that is in power in Kyiv'.¹²¹

24 February 2022: Russia's invasion begins

President Putin announced via a televised address a so-called 'special military operation' against Ukraine in the early hours of 24 February 2022.¹²² Putin justified the action as self-defence under Article 51 of the UN Charter:

in accordance with Article 51 (Chapter VII) of the UN Charter, with permission of Russia's Federation Council, and in execution of the treaties of friendship and mutual assistance with the Donetsk People's Republic and the Lugansk People's Republic, ratified by the Federal Assembly on February 22, I made a decision to carry out a special military operation.¹²³

Putin said that the purpose of the 'operation' was to protect people who has 'been facing humiliation and genocide perpetrated by the Kiev regime'.¹²⁴ He also said that the military action would 'seek to demilitarise and denazify Ukraine'.¹²⁵ Putin also said that there was no plan to occupy Ukrainian territory.

Within his address, Putin also made reference to 'the West', insinuating that western states were 'potential aggressors'. Once again, he reiterated his earlier arguments that NATO's 'expansion to the east' was to blame for the destabilisation of the region, and undermined Russia's essential security interests.¹²⁶ Putin argued:

For the United States and its allies, it is a policy of containing Russia, with obvious geopolitical dividends. For our country, it is a matter of life and death, a matter of our historical future as a nation. This is not an exaggeration; this is a fact. It is not only a very real threat to our interests but to the very existence of our state and to its sovereignty. It is the red line which we have spoken about on numerous occasions. They have crossed it.¹²⁷

¹²⁰*Ibid.*, 15 (Ukraine).

¹²¹*Ibid.*, 15 (Russia).

¹²²Russia, The Kremlin, 'Address by the President of the Russian Federation' (24 February 2022) <http://en.kremlin.ru/events/president/transcripts/67843>.

¹²³*Ibid.*

¹²⁴*Ibid.*

¹²⁵*Ibid.*

¹²⁶*Ibid.*

¹²⁷*Ibid.*

Putin argued that ‘there should be no doubt for anyone that any potential aggressor will face defeat and ominous consequences should it directly attack our country’.¹²⁸ Putin also made veiled threats, possibly about using nuclear weapon, when he said:

I would now like to say something very important for those who may be tempted to interfere in these developments from the outside. No matter who tries to stand in our way or all the more so create threats for our country and our people, they must know that Russia will respond immediately, and the consequences will be such as you have never seen in your entire history. No matter how the events unfold, we are ready. All the necessary decisions in this regard have been taken. I hope that my words will be heard.¹²⁹

Russia wrote to the UN Secretary-General to report its use of force as required by Article 51 of the UN Charter.¹³⁰ The letter did not expand upon Russia’s justifications, but simply annexed the transcript of President Putin’s full TV address.

Russia’s military undertook widespread attacks, including long-range airstrikes and close-range infantry combat in areas across Ukraine – not just in the Donbas. Areas where Russia attacked included around the Ukrainian capital Kyiv, in the northeast in the cities of Kharkiv, Sumy and Chernihiv, and in the southern cities of Kherson, Zaporizhzhia and Mariupol.¹³¹

Some attacks seemed to be launched from within Belarus from the North, raising questions as to whether Belarus was allowing its territory to be used to launch Russia’s military operation,¹³² with some states assaying Belarus was also responsible for aggression.¹³³ But Belarusian President Aleksandr Lukashenko denied any involvement in the operation, arguing that Belarus ‘did everything possible to prevent war and ensure peace [in Ukraine]’.¹³⁴

¹²⁸*Ibid.*

¹²⁹*Ibid.*

¹³⁰Letter dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, UN Doc S/2022/154 (24 February 2022).

¹³¹See, for example, Andrew Heavens and Tomasz Janowski, ‘Timeline: Russia’s invasion of Ukraine enters 100th day on Friday’, *Reuters* (1 June 2022) www.reuters.com/article/us-ukraine-crisis-timeline-idCAKBN2NI300.

¹³²See, for example, Peter Beumont, ‘Russian forces fire barrage of missiles at northern Ukraine from Belarus’, *The Guardian* (28 July 2022) www.theguardian.com/world/2022/jul/28/russian-forces-fire-barrage-missiles-northern-ukraine-from-belarus.

¹³³See, for example, Estonia, Government Communication Unit, ‘Kaja Kallas in conversation with Kamala Harris: Belarus must also be held accountable for aggression against Ukraine’ (1 March 2022) <https://valitsus.ee/en/news/kaja-kallas-conversation-kamala-harris-belarus-must-also-be-held-accountable-aggression>; Lithuania, Ministry of Foreign Affairs, ‘Lithuanian Foreign Ministry’s statement on the so-called referendum on amendments to the Constitution of Belarus’ (28 February 2022) <https://urm.lt/default/en/news/lithuanian-foreign-ministry-statement-on-the-so-called-referendum-on-amendments-to-the-constitution-of-belarus>.

¹³⁴Belarus, ‘Lukashenko: Belarus did everything possible to prevent Russia-Ukraine conflict’ (19 March 2022) www.belarus.by/en/press-center/news/lukashenko-belarus-did-everything-possible-to-prevent-russia-ukraine-conflict_i_0000141881.html.

He said ‘There is not a single Belarusian soldier in Ukraine ... we don’t attack Ukraine, we don’t bomb Ukraine. We advocate negotiations’.¹³⁵

On 9 March 2022, the TASS Russian News Agency reported that the Russian Defence Ministry had published secret documents purportedly confirming that Ukraine has been preparing a significant military operation in the Donbas region for March 2022.¹³⁶ The alleged documents were detailed by Defence Ministry Spokesman Major General Igor Konashenkov, who said that the original order was issued by the Ukrainian National Guard in January, for implementation in March 2022, and also alleged that the brigade in question has been ‘trained by the US and British instructors’ from NATO.¹³⁷ This allegation was debunked by international fact-checkers, and the Ukrainian National Guard explained that the documents did not show what Russia had alleged.¹³⁸

The international reaction

It is not the place of this Digest, as a record of State Practice relating to *jus ad bellum* and the use of force in international law, to detail all of the developments of the war in Ukraine. As the situation developed, it became clearer that Russia’s actions, although first considered an incursion, and then an invasion, eventually became a clear example of an international armed conflict with active and sustained armed hostilities. The international response relating to the *jus ad bellum* are outlined below. Relevant reactions often came alongside condemnations and allegations of serious violations of international humanitarian law and the *jus in bello*. Such allegations have not been included here only because of the scope and focus of this Journal and the Digest.

In terms of relevant statements on the *jus ad bellum* issues, the response of the international community was vast and varied, and it is not possible to cover all responses individually in this Digest. However, some of the main state reactions were given or reiterated at the UN Security Council and the UN General Assembly meetings that occurred in the days following the start of Russia’s invasion.

The Security Council initially met on 25 February to discuss Draft Resolution S/2022/155, which was sponsored by over 80 states.¹³⁹ This Resolution

¹³⁵*Ibid.*

¹³⁶Russian Defense Ministry publishes Kiev’s secret order for offensive against Donbass’, TASS (9 March 2022) <https://tass.com/politics/1418861>.

¹³⁷*Ibid*; see also, Ministry of Foreign Affairs of Russia (@mfa_russia) Twitter (9 March 2022) https://twitter.com/mfa_russia/status/1501461950735257602.

¹³⁸See, for example, Samantha Putterman, ‘No, this document doesn’t show classified Ukrainian military orders to attack the Donbas region’, *PolitiFact* (14 March 2022) www.politifact.com/factchecks/2022/mar/14/tweets/no-document-doesnt-show-secret-ukrainian-military-/.

¹³⁹UNSC Verbatim Record, UN Doc S/PV.8979 (25 February 2022); UNSC Draft Resolution, UN Soc S/2022/155 (25 February 2022).

would have condemned Russia's 'special military operation' and labelled it a violation of Article 2(4) of the UN Charter. It would have also decided that Russia should cease its military action and withdraw from Ukraine, and deplored Russia's recognition of Donetsk and Luhansk as a violation of the territorial integrity and sovereignty of Ukraine.¹⁴⁰ The Resolution was vetoed by Russia, while China, India, and the United Arab Emirates abstained.¹⁴¹

The Council met again on 27 February¹⁴² to adopt Resolution 2623 (2022)¹⁴³ under a procedural vote (meaning the veto does not apply), calling for an emergency special session of the General Assembly under the Uniting for Peace procedure because of 'a lack of unanimity of its permanent members' preventing the Council from exercising its primary responsibility for the maintenance of international peace and security.¹⁴⁴ This was the first time the Security Council had utilised the Uniting for Peace procedure in 40 years.

In explaining its vote, Russia argued that its military 'poses no threat to Ukraine's peaceful citizens' and that the military 'does not fire at peaceful civilian infrastructure', despite reports to the contrary.

After this, the Security Council met again on numerous occasions to discuss the developing conflict in Ukraine, where most of the discussion largely then tended to focus on issues of *ius in bello*, or alleged atrocities and human rights abuses by the Russian military.¹⁴⁵ One notable Security Council meeting on 5 April hosted an address from Ukrainian President Zelenskyy, who gave an account of a large-scale attack against civilians in the northern Ukrainian town of Bucha, where Ukraine discovered the bodies of men, women, and children in the streets after Russian forces retreated from the area.¹⁴⁶ He also called into question the place of the United Nations and the Security Council, arguing:

¹⁴⁰Draft Resolution, *ibid.*

¹⁴¹UNSC Verbatim Record (n 139).

¹⁴²UNSC Verbatim Record, UN Doc S/PV.8980 (27 February 2022).

¹⁴³UNSC Res 2623 (2022), UN Doc S/RES/2623 (2022) (27 February 2022).

¹⁴⁴*ibid.*

¹⁴⁵See, for example, UNSC Verbatim Record, UN Doc S/PV.8983 (28 February 2022); UNSC Verbatim Record, UN Doc S/PV.8986 (4 March 2022); UNSC Verbatim Record, UN Doc S/PV.8988 (7 March 2022); UNSC Verbatim Record, UN Doc S/PV.8991 (11 March 2022); UNSC Verbatim Record, UN Doc S/PV.8998 (17 March 2022); UNSC Verbatim Record, UN Doc S/PV.8999 (18 March 2022); UNSC Verbatim Record, UN Doc S/PV.9002 (23 March 2022); UNSC Verbatim Record, UN Doc S/PV.9008 (29 March 2022); UNSC Verbatim Record, UN Doc S/PV.9011 (5 April 2022); UNSC Verbatim Record, UN Doc S/PV.9013 (11 April 2022); UNSC Verbatim Record, UN Doc S/PV.9018 (19 April 2022); UNSC Verbatim Record, UN Doc S/PV.9027 (5 May 2022); UNSC Verbatim Record, UN Doc S/PV.9028 (6 May 2022); UNSC Verbatim Record, UN Doc S/PV.9032 (12 May 2022); UNSC Verbatim Record, UN Doc S/PV.9033 (13 May 2022); UNSC Verbatim Record, UN Doc S/PV.9036 (19 May 2022); UNSC Verbatim Record, UN Doc S/PV.9056 (6 June 2022); UNSC Verbatim Record, UN Doc S/PV.9069 (21 June 2022); UNSC Verbatim Record, UN Doc S/PV.9080 (28 June 2022).

¹⁴⁶UNSC Verbatim Record, UN Doc S/PV.9011 (5 April 2022), 7-11.

Where, then, is the security that the Security Council needs to guarantee? It is not there, despite the fact that there is a Security Council. Where, then, is peace? Where are those guarantees that the United Nations needs to uphold? It is obvious that this key global institution, which must ensure that all aggressors be brought back to peace, simply cannot work effectively.

...

We are dealing with a State that is turning the veto in the Security Council into a licence to kill, which undermines the whole global security architecture. It allows them to go unpunished, so they are destroying everything that they can.

If this continues, countries will have to rely on the power of their own arms alone to ensure their security, and not on international law, not on international institutions. The United Nations can simply be closed. Are you ready to close the United Nations? ... If your answer is no, then you need to act immediately. The United Nations Charter must be restored immediately. The United Nations system must be reformed immediately, so that the veto is not a licence to kill.¹⁴⁷

The General Assembly's Eleventh Emergency Special Session met initially between 28 February and 2 March. The first meetings heard numerous condemnations by states of Russia's invasion, with many deploring Russia's actions as a flagrant violation of the UN Charter, and an act of aggression.¹⁴⁸ The Assembly adopted its first Resolution of the Emergency Session on 2 March 2022, titled 'Aggression against Ukraine'.¹⁴⁹ The Resolution was adopted by was adopted by 141 votes in favour to 5 against, with 35 abstentions.¹⁵⁰ Those voting against were Belarus, North Korea, Eritrea, Russia, and Syria.¹⁵¹ Those abstaining were: Algeria, Angola, Armenia, Bangladesh, Bolivia, Burundi, Central African Republic, China, Congo, Cuba, El Salvador, Equatorial Guinea, India, Iran, Iraq, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Madagascar, Mali, Mongolia, Mozambique, Namibia, Nicaragua, Pakistan, Senegal, South Africa, South Sudan, Sri Lanka, Sudan, Tajikistan, Tanzania, Uganda, Vietnam, and Zimbabwe.¹⁵²

The Resolution condemned Russia's military action, reaffirmed that 'no territorial acquisition resulting from the threat or use of force shall be recognised as legal', and also expressed concern over the potential impact of the

¹⁴⁷*Ibid.*, 8–9.

¹⁴⁸See, UNGA Verbatim Record, UN Doc A/ES-11/PV.1 (28 February 2022); UNGA Verbatim Record, UN Doc A/ES-11/PV.2 (28 February 2022); UNGA Verbatim Record, UN Doc A/ES-11/PV.3 (1 March 2022); UNSC Verbatim Record, UN Doc A/ES-11/PV.4 (1 March 2022); UNGA Verbatim Record, UN Doc A/ES-11/PV.5 (2 March 2022); UNGA Verbatim Record, UN Doc A/ES-11/PV.6 (2 March 2022).

¹⁴⁹UNGA Res ES-11/1 *Aggression against Ukraine*, UN Doc A/RES/ES-11/1 (2 March 2022).

¹⁵⁰See voting record in UNGA Verbatim Record, UN Doc A/ES-11/PV.5 (2 March 2022), 14–5.

¹⁵¹*Ibid.*

¹⁵²*Ibid.*

conflict on global food insecurity because ‘Ukraine and the region are one of the world’s most important areas for grain and agricultural exports’.¹⁵³ The operative paragraphs of the Resolution, among other things:

... *Deplores* in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter;

Demands that the Russian Federation immediately cease its use of force against Ukraine and to refrain from any further unlawful threat or use of force against any Member State;

Also demands that the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders;

Deplores the 21 February 2022 decision by the Russian Federation related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine as a violation of the territorial integrity and sovereignty of Ukraine and inconsistent with the principles of the Charter;

Demands that the Russian Federation immediately and unconditionally reverse the decision related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine;

Calls upon the Russian Federation to abide by the principles set forth in the Charter and the Declaration on Friendly Relations;¹⁵⁴

The General Assembly resumed its Emergency Special Session again on 23–24 March,¹⁵⁵ where it adopted Resolution ES-11/2,¹⁵⁶ which focussed mainly on the dire humanitarian situation for civilians in Ukraine, and serious allegations of atrocities and violations of international humanitarian law being committed by Russia.¹⁵⁷ It met again on 7 April 2022,¹⁵⁸ adopting Resolution E-11/3,¹⁵⁹ which took note of the Human Rights Council’s Resolution 49/1 and the reports of gross and systematic violations of human rights and international humanitarian law by Russia, and suspended Russia’s membership of the Human Rights Council.¹⁶⁰

¹⁵³UNGA Res ES-11/1 (n 149).

¹⁵⁴*Ibid.*, operative paras [2]–[7].

¹⁵⁵UNGA Verbatim Record, UN Doc A/ES-11/PV.7 (23 March 2022); UNGA Verbatim Record, UN Doc A/ES-11/PV.8 (23 March 2022); UNGA Verbatim Record, UN Doc A/ES-11/PV.9 (24 March 2022).

¹⁵⁶UNGA Res ES-11/2 *Humanitarian consequences of the aggression against Ukraine*, UN Doc A/RES/ES-11/2 (28 March 2022).

¹⁵⁷*Ibid.*

¹⁵⁸UNGA Verbatim Record, UN Doc A/ES-11/PV.10 (7 April 2022); UNGA Verbatim Record, UN Doc A/ES-11/PV.11 (7 April 2022).

¹⁵⁹UNGA Res ES-11/3 *Suspension of the rights of membership of the Russian Federation in the Human Rights Council*, UN Doc A/RES/ES-11/3 (8 April 2022).

¹⁶⁰*Ibid.*

Although the General Assembly did not make any concrete recommendations for action in response to Russia's invasion, individual states took it upon themselves to coordinate sanctions against Russia. The sanctions adopted amounted to some of the most comprehensive sanctions against another state ever implemented and while it is beyond the scope of this Digest to list all the measures here,¹⁶¹ the main states and bodies imposing the sanctions included: the US, the UK, the EU, Canada, Japan, Australia, and New Zealand.¹⁶² At the time of writing, other states had refused, or not yet implemented, any sanctions against Russia, notably including: China, India, Iran, the United Arab Emirates, Israel, Saudi Arabia, and Turkey.¹⁶³

Some states also resorted to direct assistance to Ukraine, often in the form of sending supplies or military weaponry and ammunition.¹⁶⁴ But these states, especially NATO members, were hesitant to become directly involved in the conflict, stressing the need for NATO states to avoid a direct confrontation with Russia and the consequences that would entail. NATO Secretary General Jens Stoltenberg said on 23 March 2022 that NATO had 'a responsibility to ensure that the war does not escalate beyond Ukraine, and become a conflict between NATO and Russia'.¹⁶⁵ He said that this would cause 'even more death and even more destruction'.¹⁶⁶

For example, Ukraine's President Zelensky repeatedly called for NATO and allies to impose a no-fly zone over Ukraine,¹⁶⁷ but this was rejected by most states, again on the basis of avoiding a direct military confrontation with Russian forces.¹⁶⁸

¹⁶¹For a detailed overview of sanctions against Russia before and after Russia's invasion of Ukraine, see: Claire Mills, 'Sanctions against Russia', UK House of Commons Library: Briefing Paper Number 9481 (updated 11 October 2022) <https://commonslibrary.parliament.uk/research-briefings/cbp-9481/>.

¹⁶²*Ibid*; states also coordinated these sanctions through the Russian Elites, Proxies, and Oligarchs Task Force (REPO) – see, for example, UK Government Statement, 'Russian Elites, Proxies, and Oligarchs Task Force ministerial joint statement' (17 March 2022) [www.gov.uk/government/publications/russian-elites-proxies-and-oligarchs-task-force-ministerial-joint-statement](http://www.gov.uk/government/publications/russian-elites-proxies-and-oligarchs-task-force-ministerial-joint-statement/russian-elites-proxies-and-oligarchs-task-force-ministerial-joint-statement); and UK Office of Financial Sanctions Implementation, HM Treasury, 'Russian Elites, Proxies, and Oligarchs Task Force Joint Statement' (29 June 2022) www.gov.uk/government/publications/russian-elites-proxies-and-oligarchs-task-force-joint-statement-2/russian-elites-proxies-and-oligarchs-task-force-joint-statement.

¹⁶³*Ibid*, 58.

¹⁶⁴For a detailed overview of military assistance to Ukraine since the Russian invasion, see: Claire Mills, 'Military assistance to Ukraine since the Russian invasion', UK House of Commons Library: Briefing Paper Number 9477 (updated 14 October 2022) <https://commonslibrary.parliament.uk/research-briefings/cbp-9477/>.

¹⁶⁵NATO, 'Press conference by NATO Secretary General Jens Stoltenberg previewing the extraordinary Summit of NATO Heads of State and Government' (23 March 2022) www.nato.int/cps/en/natohq/opinions_193610.htm.

¹⁶⁶*Ibid*.

¹⁶⁷Zelenskiy attacks Nato 'weakness' for refusing no-fly zone over Ukraine – video', *The Guardian* (5 March 2022) www.theguardian.com/world/video/2022/mar/05/zelenskiy-attacks-nato-weakness-for-refusing-no-fly-zone-over-ukraine-video.

¹⁶⁸NATO, 'NATO's response to Russia's invasion of Ukraine' (last updated 18 October 2022) www.nato.int/cps/en/natohq/topics_192648.htm.

Ukraine's case at the International Court of Justice

On 26 February, Ukraine applied to the International Court of Justice to initiate proceedings against Russia.¹⁶⁹ In particular, Ukraine used Russia's references to genocide as a justification for their military action to turn the argument around, and asked the Court to determine that Russia had no legal basis for its invasion of Ukraine under the Genocide Convention.¹⁷⁰ Ukraine's main legal argument was:

Ukraine claims that the Russian Federation's declaration and implementation of measures in or against Ukraine in the form of a "special military operation" declared on 24 February 2022 on the basis of alleged genocide, as well as the recognition that preceded the military operation, is incompatible with the Convention and violates Ukraine's right to be free from unlawful actions, including military attack, based on a claim of preventing and punishing genocide that is wholly unsubstantiated.¹⁷¹

This tactic to indirectly have the court address the legality of Russia's invasion may or may not allow the Court to address the issues of the use of force as the case proceeds. But the ICJ did accept that it has *prima facie* jurisdiction in the case,¹⁷² and established provisional measures, including ordering that Russia should immediately suspend its military operations, ensure that no further steps are taken in the military operations, and ordered both parties to refrain from any action that might 'aggravate or extend the dispute before the Court' or make it more difficult to resolve.¹⁷³ The Court also notably expressed doubt over the legality of Russia's actions when it said:

59. The Court can only take a decision on the Applicant's claims if the case proceeds to the merits. At the present stage of the proceedings, it suffices to observe that the Court is not in possession of evidence substantiating the allegation of the Russian Federation that genocide has been committed on Ukrainian territory. Moreover, it is doubtful that the Convention, in light of its object and purpose, authorizes a Contracting Party's unilateral use of force in the territory of another State for the purpose of preventing or punishing an alleged genocide.

¹⁶⁹International Court of Justice, 'Ukraine institutes proceedings against the Russian Federation and requests the Court to indicate provisional measures', Press Release No 2022/4 (27 February 2022) www.icj-cij.org/public/files/case-related/182/182-20220227-PRE-01-00-EN.pdf.

¹⁷⁰Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 277; see, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* (Ukraine v Russia), ICJ Application Instituting Proceedings (26 February 2022), www.icj-cij.org/public/files/case-related/182/182-20220227-APP-01-00-EN.pdf.

¹⁷¹*Ibid.*, para [26].

¹⁷²ICJ, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* (Ukraine v. Russian Federation), Provisional Measures, Order of 16 March 2022, www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf.

¹⁷³*Ibid.*

60. Under these circumstances, the Court considers that Ukraine has a plausible right not to be subjected to military operations by the Russian Federation for the purpose of preventing and punishing an alleged genocide in the territory of Ukraine.¹⁷⁴

Warning that any disregard of the Court's provisional measures and initial decision could cause 'irreparable prejudice' to Ukraine's rights, the Court said that there was a 'real and imminent risk that such prejudice will be caused before the Court makes a final decision in the case'.¹⁷⁵

Sweden and Finland seek to join NATO: Russia threatens action

In the shadow of Russia's war in Ukraine, Sweden and Finland expressed their desire to join NATO to bolster their own security and defence.¹⁷⁶ Sweden and Finland confirmed their intentions after much speculation in May 2022, and submitted their formal applications on 18 May 2022.¹⁷⁷

Initially, Russia's President Putin reacted to the further expansion of NATO by suggesting that there was no threat to Russia in principle from Sweden and Finland joining the alliance, but he did warn that 'the expansion of military infrastructure into this territory would certainly provoke our response. What that will be – we will see what threats are created for us'.¹⁷⁸ Other areas of the Russian government had also suggested there could be a threat from Finland joining NATO, when the Russian Foreign Ministry said that Russia was prepared to take 'retaliatory steps, both of a military-technical and other nature, in order to stop threats to its national security arising' and that Finland 'must be aware of the responsibility and consequences of such a move'.¹⁷⁹

At the end of June 2022, President Putin said that Russia did not have the same problems with Sweden and Finland that they do with Ukraine.¹⁸⁰ But he also said that Sweden and Finland 'must understand there was no threat before, while now, if military contingents and infrastructure are deployed there, we will have to respond in kind and create the same threats for the territories from which threats towards us are created'.¹⁸¹

¹⁷⁴*Ibid*, paras [59]–[60].

¹⁷⁵*Ibid*, para [74]–[77].

¹⁷⁶Jon Henley, 'Finland and Sweden confirm intention to join Nato', *The Guardian* (15 May 2022) www.theguardian.com/world/2022/may/15/finland-formally-confirms-intention-to-join-nato-russia.

¹⁷⁷NATO, 'Finland and Sweden submit applications to join NATO' (18 May 2022) www.nato.int/cps/en/natohq/news_195468.htm?selectedLocale=en.

¹⁷⁸Guy Falconbridge, 'Putin sees no threat from NATO expansion, warns against military build-up', *Reuters* 17 May 2022 www.reuters.com/world/europe/russia-calls-finland-sweden-joining-nato-mistake-with-far-reaching-consequences-2022-05-16/.

¹⁷⁹Mark Trevelyan, 'Russia says Finnish entry to NATO poses threat to which it will respond', *Reuters* (12 May 2022) www.reuters.com/world/europe/kremlin-says-finland-joining-nato-is-definitely-threat-russia-2022-05-12/.

¹⁸⁰Ron Popeski and Deepa Babington, 'Putin: Russia will respond if NATO sets up infrastructure in Finland, Sweden' *Reuters* (29 June 2022) www.reuters.com/world/europe/putin-russia-will-respond-if-nato-sets-up-infrastructure-finland-sweden-2022-06-29/.

¹⁸¹*Ibid*.

New members of NATO require the unanimous agreement of all current NATO member states, and initially it seemed as though Turkey would block the two states from joining. In May, reports suggested that Turkey's President Erdogan is not support their membership because the states were 'home to many terrorist organisations', seemingly in reference to support for certain Kurdish groups.¹⁸² Turkey, Finland, and Sweden adopted a Trilateral Memorandum on 28 June 2022, addressing some of these concerns.¹⁸³ At the time of writing, Turkey and Hungary were the only states outstanding to ratify the Accession Protocols to complete this stage of accession.¹⁸⁴

2. Africa

Mali: Task Force Takuba forced to withdraw

As detailed in previous Digests, Mali's political situation became unstable after two coups in 2020 and 2021 respectively. ECOWAS hosted an Extraordinary Summit on Mali in January,¹⁸⁵ where the transition to democracy was discussed. Originally, the transitional government had agreed that February 2022 would bring long-called-for elections to settle the political situation, but these were delayed even further after the transitional military authorities suggested staying in power for up to five years before elections.¹⁸⁶ ECOWAS rejected Mali's proposed timeline for fresh elections as 'totally unacceptable', concluding that this would mean 'an illegitimate military transition Government will take the Malian people hostage during the next five years'.¹⁸⁷ The ECOWAS Authority of Heads of State decided to uphold the pre-existing sanctions on Mali and the transitional authorities, and also imposed further measures including the closure of air and land borders between ECOWAS states and Mali, the freezing of Mali's assets, and a suspension of Mali from financial institutions.¹⁸⁸

In this context, the Mali authorities made several moves that destabilised and eventually pushed out the French and European Task Force Takuba. In

¹⁸²Ece Toksabay and Essi Lehto, 'Erdogan says Turkey not supportive of Finland, Sweden joining NATO', *Reuters* (13 May 2022) www.reuters.com/world/erdogan-says-turkey-not-positive-finland-sweden-joining-nato-2022-05-13/; see also, Sabine Siebold, Azra Ceylan, and Jonathan Spicer, 'Turkey lays out demands as Finland, Sweden seek NATO membership', *Reuters* (15 May 2022) www.reuters.com/world/europe/turkey-lays-out-demands-finland-sweden-seek-nato-membership-2022-05-15/.

¹⁸³NATO, 'Trilateral memorandum between Turkey, Finland and Sweden' (28 June 2022) www.nato.int/nato_static_fl2014/assets/pdf/2022/6/pdf/220628-trilat-memo.pdf.

¹⁸⁴NATO Parliamentary Assembly, 'Finland and Sweden Accession: Ratification of Finland and Sweden's Accession to NATO' (accessed 1 November 2022) www.nato-pa.int/content/finland-sweden-accession.

¹⁸⁵ECOWAS, Final Communiqué ECOWAS Extraordinary Summit on Mali, (10 January 2022) <https://old22.ecowas.int/?p=52898>.

¹⁸⁶*Ibid.*

¹⁸⁷*Ibid.*, para [8].

¹⁸⁸*Ibid.*, para [9].

January, Mali accused France of violating Mali's airspace, making threats that the Mali government would 'refuse all responsibility for the risks to which the perpetrators of these practices may be exposed in the event of a further violation of our airspace'.¹⁸⁹ France, confused, told journalists that all procedures with the flight in question had been followed, and the Malian authorities had actually approved the flight plan.

As Denmark deployed 90 soldiers, as planned to join the European special forces Task Force,¹⁹⁰ it was less than a week before Mali demanded that Denmark immediately withdraw its forces.¹⁹¹ The Mali authorities said on state TV that 'this deployment was undertaken without consent'.¹⁹² The authorities argued that all partners in the task force needed to have a prior agreement with the government before troops were deployed.¹⁹³ Denmark announced that they would withdraw the troops they had just sent, with Foreign Minister Jeppe Kofod stating:

The coup generals sent out a public statement reiterating that Denmark is not welcome in Mali. Of course, we do not accept that. That is why we have also decided ... to bring our forces home.

...

We are there at the invitation of Mali. The coup generals, in a dirty political game, have withdrawn that invitation. ... Unfortunately, it is a game we see because they do not want a quick way back to democracy.¹⁹⁴

Defence Minister Trine Bramsen reiterated that Denmark could not be in Mali when the government did not want them, and stressed that they were only sent because Mali had requested help.¹⁹⁵ But he also added that it would take time to withdraw the troops, up to 'several weeks', and Denmark did not 'want to be a laughing stock either'.¹⁹⁶ The states involved in Task Force Takuba released a joint statement on 26 January, expressing regret over the Mali transitional authorities statement, stressing:

We recall that all Takuba Partners are conducting their action in Mali within a robust legal framework agreed upon by Mali's sovereign government, including a formal invitation extended to international partners by the Malian authorities. They act in full accordance with international and national laws in their

¹⁸⁹'Mali Condemns "Clear Breach" of Airspace by French Military Plane', *The Defense Post* (13 January 2022) www.thedefensepost.com/2022/01/13/mali-airspace-french-plane/.

¹⁹⁰'Danish Soldiers Deploy to Troubled Mali', *The Defense Post* (18 January 2022) www.thedefensepost.com/2022/01/18/denmark-troops-mali/.

¹⁹¹'Mali Demands Denmark "Immediately" Withdraw its Forces', *The Defense Post* (24 January 2022) www.thedefensepost.com/2022/01/24/mali-demands-denmark-withdraw/.

¹⁹²*Ibid.*

¹⁹³Tiemoko Diallo, John Irish and Bate Felix, 'Mali asks Denmark to immediately withdraw troops deployed there', *Reuters* (25 January 2022) www.reuters.com/world/africa/mali-asks-denmark-immediately-withdraw-troops-deployed-there-2022-01-24/,

¹⁹⁴'Denmark to Pull Troops Out of Mali After Junta Demands', *The Defense Post* (27 January 2022) www.thedefensepost.com/2022/01/27/denmark-troops-leave-mali/.

¹⁹⁵*Ibid.*

¹⁹⁶*Ibid.*

support to the Malian armed forces and in their long-standing fight against armed terrorist groups.¹⁹⁷

On the legal basis for the Danish troops deploying to Mali, they said:

We recall that the Malian authorities sent a formal invitation letter to the government of Denmark on 27 November 2019. The notification of acceptance was then transmitted by the Danish embassy in Bamako on 29 June 2021, and signed on the very same day by the Protocol of the Malian Ministry of Foreign Affairs and International Cooperation. The presence of Danish soldiers on Malian soil is therefore legal, has been the subject of an invitation from the authorities of the Republic of Mali and has respected the legal procedure agreed by the legal services of the Malian Ministry of Foreign Affairs and International Cooperation and Ministry of Defence.¹⁹⁸

The statement also called on the Mali authorities to respect their prior arrangements and quickly remedy the situation ‘when solidarity is required more than ever’.¹⁹⁹ In response to this development, Norway announced that it would abandon plans to send its own contingent of troops to Mali,²⁰⁰ and Belgium also ruled out sending further contingents.²⁰¹

Relations between France and the Mali transitional authorities further soured when Mali announced a halt to broadcasts by French media RFI and France 24,²⁰² and Mali’s subsequent terminations of the France-Mali Defence Cooperation Treaty (TCMD) and the Status of Forces Agreement.²⁰³ On the latter development, France said it considered that decision to be ‘unjustified’ and ‘formally contests any violation of the bilateral legal framework that may be ascribed to the Operation Barkhane forces’.²⁰⁴

The EU announced in April that that it would end its training missions in Mali, because the Mali authorities were not able to guarantee sufficient

¹⁹⁷France, Ministry of Foreign Affairs, Joint communiqué to the statement of the Malian authorities concerning the Danish contribution to the Task Force Takuba (26 January 2022) www.diplomatie.gouv.fr/en/country-files/mali/news/article/joint-communique-to-the-statement-of-the-malian-authorities-concerning-the. The states involved are: Belgium, Canada, Czech Republic, Denmark, Estonia, France, Germany, Hungary, Italy, Lithuania, Netherlands, Norway, Portugal, Romania, Sweden, and the United Kingdom.

¹⁹⁸*Ibid.*

¹⁹⁹*Ibid.*

²⁰⁰Norway Scraps Sending Small Force to Mali: Minister’, *The Defense Post* (1 February 2022) www.thedefensepost.com/2022/02/01/norway-scraps-force-mali/.

²⁰¹Belgium Excludes Deployment of Troops to Mali for Now’, *The Defense Post* (16 February 2022) www.thedefensepost.com/2022/02/16/belgium-excludes-troops-mali/.

²⁰²France, Ministry of Foreign Affairs, ‘Mali – France expresses its deepest concern over the Malian transitional authorities’ announcement of a definitive halt to broadcasts by RFI and France 24’ (28 April 2022) www.diplomatie.gouv.fr/en/country-files/mali/news/article/mali-france-expresses-its-deepest-concern-over-the-malian-transitional.

²⁰³France, Ministry of Foreign Affairs, ‘Mali – The Malian transitional authorities terminate the Defense Cooperation Treaty (TCMD) and the Status of Forces Agreement (SOFA)’ (2 May 2022) www.diplomatie.gouv.fr/en/country-files/mali/news/article/mali-the-malian-transitional-authorities-terminate-the-defense-cooperation.

²⁰⁴*Ibid.*

safeguards that Russia's Wagner Group would not interfere.²⁰⁵ But the EU also stressed that the wider Sahel was still a priority, and the EU was willing to commit more to the region.²⁰⁶

Mali, however, announced that it was withdrawing from the G5 Sahel, including the G5 Joint Force, after it was rejected from taking over the presidency of the regional group.²⁰⁷ Mali said that it was unhappy with concerns being raised about Mali's internal political situation, and 'firmly rejects the argument of a G5 member state which advances the internal national political situation to reject Mali's exercising the G5 Sahel presidency'.²⁰⁸ Mali also argued that 'the opposition of some G5 Sahel member states to Mali's presidency is linked to manoeuvres by a state outside the region aiming desperately to isolate Mali'.²⁰⁹

UN Assistant Secretary-General for Africa, Martha Ama Akyaa reacted to Mali's withdrawal at the UN Security Council, calling its decision to withdraw 'unfortunate' and 'regrettable'.²¹⁰ Russia supported Mali's decision, arguing 'the decision of the Malian authorities to withdraw from the G-5 Sahel, provoked by the confrontational behaviour of its neighbours, appears entirely logical'.²¹¹

Earlier, France had also expressed concerns over the continued presence of Wagner Russian mercenaries in Mali, purportedly supported by the Kremlin, and their alleged involvement in an operation with Mali authorities that led to the death of hundreds of civilians.²¹² France said, 'The fight against active terrorist groups in the Sahel must never under any circumstances justify human rights violations. Indiscriminate violence against civilians will only serve to strengthen these groups'.²¹³

On the other hand, support for the UN's MINUSMA peacekeeping force seemed to continue, with Germany agreeing to raise its troop contributions from 1,100 to 1,400.²¹⁴ In June, the UN Security Council extended the

²⁰⁵EU to end military training mission in Mali', *RFI* (12 April 2022) www.rfi.fr/en/africa/20220412-eu-to-end-military-training-mission-in-mali.

²⁰⁶*Ibid.*

²⁰⁷'Mali Withdraws from Regional Anti-Jihadist Force', *The Defense Post* (15 May 2022) www.thedefensepost.com/2022/05/15/mali-withdraws-anti-jihadist-force/.

²⁰⁸*Ibid.*

²⁰⁹*Ibid.*

²¹⁰'Mali's withdrawal from G5 Sahel, Joint Force 'a setback' for the region', *UN News* (18 May 2022) <https://news.un.org/en/story/2022/05/1118582>.

²¹¹UNSC Verbatim Record, UN Doc S/PV.9035 (18 May 2022), 12.

²¹²David Coffey, 'France alarmed by Mali killings involving army and "Russian mercenaries"', *RFI* (5 April 2022) www.rfi.fr/en/africa/20220405-france-alarmed-by-mali-killings-involving-army-and-russian-mercenaries.

²¹³France, Ministry of Foreign Affairs, 'Mali – France is gravely concerned by reports of large-scale abuses in central Mali' (4 April 2022) www.diplomatie.gouv.fr/en/country-files/mali/news/article/mali-france-is-gravely-concerned-by-reports-of-large-scale-abuses-in-central.

²¹⁴German Govt. Agrees to Boost Its Mali UN Contingent', *The Defense Post* (11 May 2022) www.thedefensepost.com/2022/05/11/germany-boost-mali-un-contingent/.

mission for a further year, but without the usual authorisation of French air support.²¹⁵

By 30 June, the Takuba task force ceased operating in Mali.²¹⁶

Somalia: UN authorises new mission as Al-Shabaab continues to attack

After several months of coordination between the UN, Somalia, and the African Union to reconfigure and replace the African Union Mission in Somalia (AMISOM), the partners produced a Joint Proposal on the Strategic Objectives, Size and Composition of a Reconfigured AU Mission in Somalia, which was endorsed by the African Union Peace and Security Council (AUPSC) on 8 March 2022.²¹⁷ The AUPSC decided that AMISOM should be replaced by the African Union Transition Mission in Somalia (ATMIS), which would gradually handover security responsibilities to the Somali Security Forces by December 2024.²¹⁸ It was given a mandate to:

- a. degrade Al Shabaab and other terrorist groups;
- b. provide security to population centres and open the main supply routes;
- c. develop the capacity of the Somali Security Forces to enable them to take over security responsibilities by the end of the transition period, that is, December 2024;
- d. support peace and reconciliation efforts of the FGS;
- e. help develop the capacity of the security, justice and local authority institutions of the Federal Government of Somalia and Federal Member States.²¹⁹

The Concept of Operations, although not published in full publicly, included objectives to conduct jointly planned and targeted operations with Somali Security Forces to degrade Al Shabaab and other terrorist groups; and to jointly hold key population centres and provide protection for local communities, UN personnel and installations, secure main supply routes, and coordinate stabilisation, reconciliation and state-building activities with Somali Security Forces and government authorities.²²⁰

²¹⁵UNSC Res 2640 (2022), UN Doc S/RES/2640 (2022) (29 June 2022); see also, 'UN Mission to Mali Extended, but Without French Air Support', *The Defense Post* (29 June 2022) www.thedefensepost.com/2022/06/29/un-mali-mission-extended/.

²¹⁶EU's Takuba Anti-Terror Force Quits Junta-Controlled Mali', *The Defense Post* (1 July 2022) www.thedefensepost.com/2022/07/01/eu-takuba-quits-mali/.

²¹⁷AU Peace and Security Council, Communique Rev.1, Doc PSC/PR/COMM.1068(2022) (8 March 2022), available at: <https://amisom-au.org/fr/2022/03/communique-of-the-1068th-meeting-of-the-au-peace-and-security-council-on-somalia/>; see also, ATMIS, *ATMIS Mandate*, <https://atmis-au.org/atmis-mandate/>.

²¹⁸*Ibid*, para [6]-[7].

²¹⁹*Ibid*, para [9].

²²⁰*Ibid*, para [11].

The mission was later authorised by the UN Security Council in Resolution 2728 (2022), under Chapter VII of the UN Charter.²²¹ The Resolution authorised and endorsed the mandate and joint proposal referenced by the AUPSC, and also authorised ‘tasks outlined in paragraphs 33–39 of the Joint Proposal’.²²² At the time of writing, the full Joint Proposal and Concept of Operations had not been published officially to clarify whether these tasks were the same as those summarised in the Resolution itself. The mission became operational on 1 April 2022.

Meanwhile, the US decided to re-establish a troop presence inside Somalia, reversing the order of former President Trump who withdrew US forces in late 2020.²²³ The US Defence Department told reporters that, since Trump’s withdrawal, Al-Shabaab had only grown stronger, and so the US would ‘continue to be used in training, advising and equipping partner forces to give them the tools that they need to disrupt, degrade and monitor Al-Shabaab’.²²⁴

Democratic Republic of Congo-Rwanda: Cross-border tensions reignite over M23 rebel group

In June, the Democratic Republic of Congo (DRC) reignited long-standing accusations against Rwanda that it was supporting the co-called M23 rebel group in the DRC,²²⁵ and suggested that Rwanda had deployed over 500 troops on DRC territory.²²⁶ DRC General Sylvain Ekenge told reporters that ‘Rwanda has changed the uniform of its soldiers to conceal its presence in Congolese territory alongside the terrorists of M23’.²²⁷ Rwanda responded that ‘we have no interest in a crisis and will not respond to baseless accusations’.²²⁸

When M23 Rebels seized the town of Bunagana in June, the DRC accused Rwanda of an ‘invasion’, arguing that Rwanda had ‘decided to violate the untouchable nature of our border and the integrity of our territory’.²²⁹ Rwandan government spokesperson Yolande Makolo responded to the UN’s call for calm, posting on twitter:

²²¹UNSC Res 2628 (2022), UN Doc S/RES/2628 (2022) (31 March 2022).

²²²*Ibid.*, para [24].

²²³‘Biden Re-establishes US Troop Presence Inside Somalia’, *The Defense Post* (16 May 2022) www.thedefensepost.com/2022/05/16/us-troops-somalia/.

²²⁴*Ibid.*

²²⁵‘DRC accuses Rwanda of sending disguised soldiers across border’, *Al-Jazeera* (9 June 2022) www.aljazeera.com/news/2022/6/9/drc-accuses-rwanda-of-sending-disguised-troops-across-border.

²²⁶‘DR Congo Says Rwanda Operating 500 Troops Over Border’, *The Defense Post* (9 June 2022) www.thedefensepost.com/2022/06/09/dr-congo-rwanda-troops/.

²²⁷*Ibid.*

²²⁸*Ibid.*

²²⁹‘DR Congo Accuses Rwanda of ‘Invasion’ as Rebels Seize Town’, *The Defense Post* (14 June 2022) www.thedefensepost.com/2022/06/14/dr-congo-accuse-rwanda-invasion/.

The sovereignty of all countries is equal, whether it is Rwanda or DRC. When the DRC bombs Rwandan territory unprovoked, this is a serious matter that has consequences, and it has to stop once and for all.

The UN force, @MONUSCO, cannot be part of this aggression, or stand by and watch it happen as has been the case, otherwise they become complicit. This is an issue Rwanda has repeatedly raised.

By taking sides in this conflict, MONUSCO has contributed significantly to the intransigence of the DRC Government in cross-border shelling of Rwandan territory & in evading responsibility for its own internal issues.

We also note that the UN is finally acknowledging the presence and actions of the FDLR in the DRC, and the resurgence of hate speech & public incitement.²³⁰

In mid-June, Kenya's President Uhuri Kenyatta called for the East African Regional force, under the East African Community (EAC) to deploy to DRC to contain the situation.²³¹ The East African Community leaders agreed to send a force to DRC in June,²³² releasing a statement that said:

The heads of state have instructed that the regional force, in cooperation with the DRC's military and administrative forces, seek to stabilise and guarantee peace in DRC.

Sudan-Eritrea: accusations over the execution of Sudanese soldiers

In June, Sudan wrote to the UN accusing the Ethiopian army of executing seven Sudanese soldiers. The letter said:

I should like to bring to your attention that on 26 June 2022, the Ethiopian army executed seven Sudanese soldiers and a civilian who were being held prisoner by them. They then put their bodies on public display in a disgusting spectacle contrary to normal humanitarian values and in flagrant violation of international humanitarian law, in particular the Third Geneva Convention of 1949. The prisoners had been abducted from inside Sudanese territory on 22 June 2022 and taken into Ethiopian territory.

As we draw your attention to you this unfortunate development, we stress the sovereign right of our country, as guaranteed under the Charter of the United Nations, to take whatever measures are necessary to defend its interests and the rights of its citizens.²³³

²³⁰Rwanda, Spokesperson Yolande Makolo (@YolandeMakolo) on Twitter, *Twitter* (13 June 2022) <https://twitter.com/YolandeMakolo/status/1536330127738544128>.

²³¹Kenya President Urges Deployment of Regional Force in DR Congo', *The Defense Post* (16 June 2022) www.thedefensepost.com/2022/06/16/kenya-deployment-dr-congo-force/.

²³²East Africa leaders agree regional force to quell DR Congo crisis', *Al-Jazeera* (21 June 2022) www.aljazeera.com/news/2022/6/21/east-africa-leaders-agree-regional-force-for-dr-congo.

²³³Letter dated 27 June 2022 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council, UN Doc S/2022/516 (28 June 2022).

Ethiopia responded in its own letter, denying the accusations:

Since 22 June 2022, the Sudanese army has launched a series of attacks into Ethiopian territory targeting residents in Armachiho district. In the early hours of 27 June 2022, the incursion intensified, supported by heavy artillery. The Sudanese army pushed further into Ethiopian territory through the town of Gellal Wuha. The local security forces (militia) in these areas responded to the attack and reversed the latest Sudanese incursion.

In the exchange of fire that ensued, some Ethiopian local security forces (militia) and Sudanese soldiers were killed in action. The Ethiopian National Defence Force was not involved in this confrontation and was not even present in the vicinity. No Sudanese army soldier was captured. Therefore, the allegations of the Sudanese Government regarding the circumstances of the death of its soldiers are unfounded.²³⁴

3. Middle East

Syria -Israel: accusations of attacks and dispute over the Golan Heights

Accusations of attacks

In February,²³⁵ April,²³⁶ May²³⁷ and June 2022,²³⁸ Syria repeatedly wrote to the Security Council concerning numerous alleged attacks by Israel against Syria and warned that Syria reserved the right to respond by appropriate means approved under international law and the Charter.

After a specific alleged incident on 7 March 2022, Syria informed the Security Council, in a letter dated 10 March 2022, that residential areas in

²³⁴Letter dated 28 June 2022 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council, UN Doc S/2022/520 (28 June 2022).

²³⁵Identical letters dated 9 February 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/102 (11 February 2022).

²³⁶Letter dated 11 April 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General, UN Doc A/76/795-S/2022/304 (11 April 2022); Identical letters dated 27 April 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/355 (28 April 2022).

²³⁷Identical letters dated 16 May 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/396 (18 May 2022); Identical letters 23 May 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/413 (24 May 2022); Identical letters 31 May 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/444 (2 June 2022).

²³⁸Identical letters dated 8 June 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/465 (10 June 2022); Identical letters dated 10 June 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/474 (13 June 2022); Identical letters dated 13 June 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/483 (15 June 2022).

Syria had been attacked with missiles by the occupying Israeli forces.²³⁹ Syria called upon the Security Council ‘not to address such serious threats in a selective manner and with double standards’ and asked the Council to uphold the principles of international law and the provisions of the Charter’.²⁴⁰ Iran ‘condemned this criminal act that stems from the aggressive, occupying and terrorist nature of the Israeli regime’.²⁴¹ Iran informed the Security Council that two Iranian forces were killed during the 7 March 2022 attacks by Israel and clarified that Iranian forces were present in Syria, at the request and invitation of Syria, to provide advisory services to the Syrian military forces on its counter-terrorism efforts in Syria.²⁴² Iran declared that it held Israel fully responsible for the 7 March 2022 attack and warned that Iran reserved its inherent right to self-defence, under Article 51 of the Charter to respond whenever it deemed appropriate.²⁴³

The representative of Syria informed the Security Council on 20 May 2022 that Israel had allegedly carried out ‘direct military aggression’ on Syrian territory when it fired missiles in the region on 13 May 2022.²⁴⁴ During the same meeting, the representative of Iran condemned Israel for ‘repeated violations of Syria’s sovereignty and territorial integrity’.²⁴⁵

Iran, Russia and Turkey held their eighteenth international meeting on Syria in the Astana Format on 15 and 16 June 2022 and produced a statement condemning the alleged continued Israeli military attacks in Syria, which they alleged violated international law and the sovereignty of Syria.²⁴⁶ At the 9068th meeting of the Security Council on 20 June 2022, Syria informed the Council that an alleged Israeli attack on Damascus International Airport launched on 10 June 2022 amounted to aggression.²⁴⁷ The representative of Iran argued, at the Council’s 9083rd meeting, that the Security Council must unequivocally condemn the

²³⁹Identical letters dated 10 March 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/213 (14 March 2022).

²⁴⁰*Ibid.*

²⁴¹Iran Ministry of Foreign Affairs, ‘Iran condemns Zionist Regime’s crime in killing two defenders of shrine in Syria’ (9 March 2022) www.en.mfa.gov.ir/portal/newsview/672862.

²⁴²Letter dated 10 March 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/206 (10 March 2022); Iran Ministry of Foreign Affairs, ‘Iran’s letter dated 10 March 2022 to UNSC President and UNSG on recent Israeli terrorist attacks resulted in martyrdom of two Iranian forces in Syria’ (11 March 2022) www.en.mfa.gov.ir/portal/newsview/673194.

²⁴³*Ibid.* (UN Doc S/2022/206).

²⁴⁴UNSC Verbatim Record (20 May 2022) UN Doc S/PV.9038, 17 (Syria).

²⁴⁵*Ibid.*, 18 (Iran).

²⁴⁶Letter dated 20 June 2022 from the Permanent Representatives of the Islamic Republic of Iran, the Russian Federation and Turkey to the United Nations addressed to the President of the Security Council, UN Doc S/2022/498 (21 June 2022) 3.

²⁴⁷UNSC Verbatim Record, UN Doc S/PV.9068 (20 June 2022) 18–9 (Syria).

Israeli aggression against Syria and stated that Iran recognised 'Syria's legitimate right to self-defence under international law and the Charter of the United Nations'.²⁴⁸

Israel wrote to the Security Council in January,²⁴⁹ February²⁵⁰ and June 2022²⁵¹ to inform the Council of alleged Syrian violations of the Agreement on Disengagement between Israeli and Syrian Forces of 1974 and of breaches of Israeli sovereignty.

Dispute over the Golan Heights

A number of states, including Russia²⁵² and China,²⁵³ reiterated their recognition of Syria's sovereignty over the Golan Heights during this reporting period. Other states, such as Saudi Arabia,²⁵⁴ Cuba,²⁵⁵ Argentina²⁵⁶ and Iran²⁵⁷ went further and called for an end to Israel's occupation from the Syrian Golan and all occupied Arab territories. Syria argued that the Security Council must ensure the implementation of its resolutions to end the Israeli occupation of the Golan.²⁵⁸

Mexico condemned the violations of Syria's territorial integrity and called for a reversal of Israel's plans to build settlements in the Golan.²⁵⁹ Russia stated that it was concerned about Israeli plans to expand its settlement activity in the occupied Golan Heights, which Russia argued 'directly contradicts the provisions of the 1949 Geneva Convention'.²⁶⁰ Iran accused Israel of consistently violating the sovereignty and territorial integrity of Syria and of openly threatening to use force against other countries in the region.²⁶¹ Indonesia urged the Security Council to uphold its responsibility and 'act decisively to address the core of the problem, which is the Israeli occupation that has gone on for more than half a century'.²⁶²

²⁴⁸UNSC Verbatim Record, UN Doc S/PV.9083 (29 June 2022) 18 (Iran).

²⁴⁹Identical letters dated 4 January 2022 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/2022/9 (5 January 2022).

²⁵⁰Identical letters dated 16 February 2022 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/2022/123 (17 February 2022).

²⁵¹Identical letters dated 7 June 2022 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/2022/463 (8 June 2022).

²⁵²UNSC Verbatim Record, UN Doc S/PV.8950 (19 January 2022) 17 (Russia); UNSC Verbatim Record, UN Doc S/PV.9077 (27 June 2022) 9 (Russia).

²⁵³*Ibid* UN Doc S/PV.8950, 18 (China).

²⁵⁴UNSC Verbatim Record, UN Doc S/PV.8950 (Resumption 1) (19 January 2022) 4 (Saudi Arabia).

²⁵⁵*Ibid*, 6 (Cuba).

²⁵⁶*Ibid*, 10 (Argentina).

²⁵⁷UNSC Verbatim Record, UN Doc S/PV.8955 (26 January 2022) 19 (Iran).

²⁵⁸*Ibid*, 17 (Syria).

²⁵⁹*Ibid*, 9 (Mexico).

²⁶⁰UNSC Verbatim Record, UN Doc S/PV.8973 (23 February 2022) 15–6 (Russia).

²⁶¹UNSC Verbatim Record, UN Doc S/PV.8950 (19 January 2022) 29 (Iran).

²⁶²UNSC Verbatim Record, UN Doc S/PV.8950 (Resumption 1) (19 January 2022) 8 (Indonesia).

During the 8950th meeting of the Security Council on 19 January 2022, the representative of Syria reiterated Syria's right to a full recovery of the Golan, 'occupied since 4 June 1967, by every possible means under international law'.²⁶³ Syria called upon the Security Council to end its silence and uphold its responsibilities under the Charter to 'effectively and immediately and implement its mandate to maintain international peace and security'.²⁶⁴ During the 9021st meeting of the Security Council on 25 April 2022, the representative of Syria emphasised that Israel's provocative and aggressive practices had reached the level that it had as a result of the alleged protection and cover-up by successive United States Administrations.²⁶⁵ The representative of Syria reaffirmed Syria's legitimate right to defend itself in accordance with international law and the Charter, and, once again, called up the Security Council to act:

We call on the Security Council to abandon its double standards and condemn the repeated Israeli acts of aggression unequivocally and hold the lawless regime accountable for its acts of aggression and malicious activities.²⁶⁶

Syria: third states' involvement

In a letter dated 24 January 2022, Syria wrote to the Security Council accusing the United States and Turkey of instructing terrorist militias to implement policies to obstruct security and stability within Syrian territory.²⁶⁷ Syria demanded the immediate withdrawal of United States forces and Turkish forces from Syria.²⁶⁸

During the 8955th meeting of the Security Council on 26 January 2022, the representative of Syria condemned the United States for allegedly sponsoring separatist militia and terrorist entities in Syria, and asserted that United States forces must end their illegitimate presence in Syria.²⁶⁹ Further, the representative held that the Turkish occupation of Syrian territories in the north and north-west parts of the country must end.²⁷⁰ Turkey reacted to the comments by merely stating that it would not 'honour the lies and baseless allegations of the Syrian regime with a response'.²⁷¹

²⁶³*Ibid.*, 7 (Syria).

²⁶⁴*Ibid.*

²⁶⁵UNSC Verbatim Record, UN Doc S/PV.9021 (25 April 2022) 2 (Syria).

²⁶⁶UNSC Verbatim Record, UN Doc S/PV.9068 (20 June 2022) 21 (Iran).

²⁶⁷Identical letters dated 24 January 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/47 (25 January 2022).

²⁶⁸*Ibid.*, 2.

²⁶⁹UNSC Verbatim Record, UN Doc S/PV.8955 (26 January 2022) 17 (Syria).

²⁷⁰*Ibid.*

²⁷¹*Ibid.*, 19 (Turkey).

At the 9003rd meeting of the Security Council on 24 March 2022, the representative of Syria said that states should be concerned about the practices of United States and Turkish occupation forces, and their support for militias and terrorist groups Syria.²⁷² During the same meeting, the representative of Iran agreed that all ‘occupying and uninvited foreign forces, including those of the United States, must therefore leave the country immediately and without any conditions’.²⁷³

Syria complained to the Security Council of alleged visits by American and Swedish delegations in violation of the sovereignty of the Syria in March 2022.²⁷⁴ Syria reiterated its right to defend its sovereignty and emphasises its determination ‘to exercise sovereignty over all its territory and liberate it from all forms of occupation’.²⁷⁵

Syria – Turkey: creation of the ‘Safe Zone’

Syria accused Turkey of attempting to create a ‘safe zone’ on Syrian territory and of ‘the intention of the occupying Turkish forces to establish colonies in those Syrian areas and engage in military action deep in Syrian territory, in order to implement those illegal measures’.²⁷⁶ Syria characterised the efforts of establishing a ‘safe zone’ as an act of aggression and issued the following warning:

[Syria] reserves its right to take all measures allowed under the Charter of the United Nations and international law in order to put an end to the Turkish regime’s aggression, occupation and ethnic cleansing.²⁷⁷

Further, Syria warned the ‘United States occupiers’ in the north-east of Syria against giving Turkey any ‘fictitious pretexts to justify its colonial’ plans in Syria.²⁷⁸ During the 9083rd meeting of the Security Council on 29 June 2022, the representative of Syria reiterated its rejection and condemnation of Turkey’s statements on the establishment of the ‘safe zone’ in northern Syria.²⁷⁹ The representative of Mexico stated that any new military intervention in northern Syria, justified under Article 51 of the Charter, ‘would be totally contrary to the provisions of international law, specifically with

²⁷²UNSC Verbatim Record, UN Doc S/PV.9003 (24 March 2022) 19 (Syria).

²⁷³*Ibid.*, 21 (Iran).

²⁷⁴Identical letters dated 25 March 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/265 (29 March 2022).

²⁷⁵*Ibid.*

²⁷⁶Identical letters dated 25 May 2022 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/845-S/2022/424 (25 May 2022).

²⁷⁷*Ibid.*

²⁷⁸*Ibid.*

²⁷⁹UNSC Verbatim Record, UN Doc S/PV.9083 (29 June 2022) 17 (Syria).

respect to the use of force and self-defence, and if it were to occur it would undermine Syria's sovereignty, independence, unity and territorial integrity'.²⁸⁰

Iran: alleged violations of security council resolution 2231 (2015) and claims of self-defence

During this reporting period, numerous states continued to express their concerns that Iran was allegedly carrying out ballistic missile launches and tests in violation of Security Council resolution 2231 (2015),²⁸¹ which Iran²⁸² and Russia²⁸³ continued to refute. During the 8973rd meeting of the Security Council on February 2022, the representative of Israel stated that a 'nuclear threshold Iran is an existential threat to Israel' and warned that Israel would not hesitate to act as required.²⁸⁴ The representative added that Israel would 'do whatever is necessary to stop Iran's nuclear drive and counter the threat from its armies of terror proxies'.²⁸⁵ In March²⁸⁶ and May,²⁸⁷ Israel wrote to the Security Council alleging further violations by Iran of Security Council resolution 2231 (2015). Iran refuted these allegations whilst identifying Israel as a threat and warning that 'Iran

²⁸⁰*Ibid.*, 10 (Mexico).

²⁸¹Letter dated 31 January 2022 from the representatives of France, Germany and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, UN Doc S/2022/73 (31 January 2022); Letter dated 3 January 2022 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the President of the Security Council, UN Doc S/2022/3 (4 January 2022); Identical letters dated 24 June 2022 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General, the President of the Security Council and the Security Council Facilitator for the Implementation of Resolution 2231 (2015), UN Doc S/2022/514 (27 June 2022). For a collection of publicly available Government statements on the Iran nuclear negotiations, see, Philip Mousavizadeh, 'JCPOA Tracker: Official Government Statements on the Iran Nuclear Negotiations' (*Just Security*, 5 July 2022) www.justsecurity.org/82143/jcpoa-tracker-official-government-statements-on-the-iran-nuclear-negotiations/.

²⁸²Letter dated 7 January 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/15 (7 January 2022); Letter dated 7 February 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/97 (8 February 2022).

²⁸³Letter dated 17 January 2022 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/34 (18 January 2022); Letter dated 16 February 2022 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/122 (17 February 2022).

²⁸⁴UNSC Verbatim Record, UN Doc S/PV.897 (23 February 2022) 20 (Israel).

²⁸⁵*Ibid.*

²⁸⁶Identical letters dated 2 March 2022 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/2022/177 (2 March 2022).

²⁸⁷Identical letters dated 25 May 2022 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/2022/421 (25 May 2022).

will not hesitate to exercise its inherent right to self-defence and will take all measures necessary'.²⁸⁸

During the Security Council's 9021st meeting on 25 April 2022, the representative of Israel expressed Israel's concerns about Iran's nuclear capabilities:

Iran, the Member State openly threatening Israel with annihilation, will have enough uranium for a nuclear bomb in weeks. How is it possible that the body tasked with global security does not dedicate a majority of this debate on the Middle East to the Iranian nuclear threat? ... While the world continues to take a passive approach to that very real and terrifying threat, Israel will not stand idly on the sidelines. Israel has full freedom to act anywhere, at any time and with no constraints in order to defend its security and its existence.²⁸⁹

On 3 June 2022, Israel's Prime Minister expressed deep concern regarding Iran's progress toward achieving nuclear weapons and warned that Israel 'reserves the right to self-defense and to action against Iran in order to block its nuclear program should the international community not succeed in the relevant time frame'.²⁹⁰

France, Germany and the United Kingdom accused Iran of continuing to advance its ballistic missile capabilities with the 'capability to reach significantly beyond Iran's self-proclaimed regional defensive needs'.²⁹¹ Iran 'categorically rejecting all unsubstantiated allegations' made and reiterated its determination to continue its ballistic missiles and space launch vehicles, which Iran claimed were within its inherent rights under international law and were necessary for the preservation of its security.²⁹² Russia argued that 'claims in the above-mentioned letter that the defensive needs of Iran are "self-proclaimed" deprive this Member State of its legitimate right to self-defence'.²⁹³

The Secretary-General of the League of Arab States claimed, during the Security Council's 9001st meeting on 23 March 2022, that Iran was responsible

²⁸⁸Letter dated 14 March 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/225 (14 March 2022); Letter dated 31 May 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/445 (1 June 2022).

²⁸⁹UNSC Verbatim Record, UN Doc S/PV.9021 (25 April 2022) 11 (Israel).

²⁹⁰Israel, Ministry of Foreign Affairs, 'PM Bennett meets with IAEA Director General Dr. Rafael Grossi' (3 June 2022) www.gov.il/en/departments/news/pm-bennett-meets-with-iaea-director-general-dr-rafael-grossi-3-jun-2022.

²⁹¹Letter dated 24 May 2022 from the representatives of France, Germany and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, UN Doc S/2022/415 (24 May 2022).

²⁹²Letter dated 26 May 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/438 (27 May 2022).

²⁹³Letter dated 8 June 2022 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/2022/464 (8 June 2022).

for interfering in the internal affairs of Arab States²⁹⁴ and that Iran's missile programme was a source of legitimate concern for many members of the League of Arab States.²⁹⁵ Iran rejected these comments as 'misinformation and baseless claims levelled against Iran's missile programme' and clarified that the missile programme was solely for defensive purposes.²⁹⁶ Iran added that it was exercising its inalienable right to develop conventional weapons, including ballistic missile, in order to maintain its national security.²⁹⁷

United Arab Emirates – Iran: alleged 'Iran-backed' Houthi attack and accusations of unlawful occupation

Alleged 'Iran-backed' Houthi attacks

The United Arab Emirates wrote to the Security Council in a letter dated 9 January 2022 concerning the alleged interception and detention of a United Arab Emirates-flagged civilian cargo vessel by Houthi militias on 3 January 2022.²⁹⁸ This was followed by a further letter to the Security Council during the same month alleging an attack on the construction area at Abu Dhabi International Airport by Houthi militias on 17 January 2022.²⁹⁹ The United Arab Emirates reaffirmed 'its sovereign right to take all the measures necessary to protect the security and stability of its territory' and revealed that intelligence it had gathered identified further threats.³⁰⁰ The United Arab Emirates wrote to the Security on several other occasions alleging further attacks by Houthi militias against the United Arab Emirates during the months of January³⁰¹ and February 2022,³⁰² and reiterated its right to take 'all the measures necessary to protect the security and stability of its territory'. Yemen attributed the attacks to 'Iran-allied Houthi militias'.³⁰³

²⁹⁴UNSC Verbatim Record (23 March 2022) UN Doc S/PV.9001, 4 (Secretary-General, League of Arab States).

²⁹⁵*Ibid*, 5 (Secretary-General, League of Arab States).

²⁹⁶Letter dated 28 March 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/270 (29 March 2022).

²⁹⁷*Ibid*.

²⁹⁸Letter dated 9 January 2022 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2022/17 (10 January 2022).

²⁹⁹Letter dated 18 January 2022 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2022/35 (18 January 2022).

³⁰⁰*Ibid*.

³⁰¹Letter dated 28 January 2022 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2022/65 (28 January 2022).

³⁰²Letter dated 2 February 2022 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2022/87 (2 Feb 2022).

³⁰³Yemen Ministry of Foreign Affairs, 'Yemen condemns Houthi militias' drones attacks against KSA, UAE' (17 January 2022) www.mofa-ye.org/Pages/15957/.

During the 8950th meeting of the Security Council on 19 January 2022, the representative of Israel expressed his condolences to the United Arab Emirates following ‘the Iranian-sponsored Houthi terrorist group’ and said that there was ‘no doubt that the threat caused by the Iranian regime demands the urgent attention of the entire world, and especially that of the Security Council’.³⁰⁴ The representative of Israel accused Iran of being the ‘biggest State sponsor of terror’.³⁰⁵ The representative of Iran rejected Israel’s allegations as unfounded.³⁰⁶ The meeting continued the following day, where the representative of Saudi Arabia stressed Saudi Arabia’s right to ‘take every possible measure, based on its obligations and international law in order to respond to the activities and terrorist acts of this Iran-supported terrorist militia’.³⁰⁷ At the same meeting, the representatives of Lebanon,³⁰⁸ Bahrain³⁰⁹ and Kuwait³¹⁰ did not explicitly mention Iran but they all stated that they supported Saudi Arabia and the United Arab Emirates in taking measures to protect itself. Similarly, during the Security Council’s 8981st meeting on 28 February 2022, the representative of China expressed China’s support for the United Arab Emirates and Saudi Arabia’s efforts to defend their national security.³¹¹

The Council of the League of Arab States affirmed its support for the right of the United Arab Emirates ‘under international law to defend itself and respond to aggression’ and called on all countries to classify the Houthis as a terrorist organisation.³¹²

Accusations of unlawful occupation

During this reporting period, the United Arab Emirates and Iran continued their dispute over the sovereignty of islands in the eastern Persian Gulf. In a letter dated 27 January 2022 to the Security Council, the United Arab Emirates alleged violations by Iran in areas under jurisdiction of the United Arab Emirates on Abu Musa island.³¹³ In response, Iran reiterated its sovereignty over the island of Abu Musa and accused the United Arab Emirates of interfering in Iran’s internal affairs.³¹⁴

³⁰⁴UNSC Verbatim Record, UN Doc S/PV.8950 (19 January 2022) 11 (Israel).

³⁰⁵*Ibid* 12 (Israel).

³⁰⁶*Ibid* 29 (Iran).

³⁰⁷UNSC Verbatim Record, UN Doc S/PV.8950 (Resumption 1) (19 January 2022) 4 (Saudi Arabia).

³⁰⁸*Ibid* 5 (Lebanon).

³⁰⁹*Ibid* 11 (Bahrain).

³¹⁰*Ibid* 12 (Kuwait).

³¹¹UNSC Verbatim Record, UN Doc S/PV.8981 (28 February 2022) 6 (China).

³¹²Identical letters dated 25 January 2022 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/682-S/2022/57 (7 February 2022) 4.

³¹³Letter dated 27 January 2022 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2022/59 (31 January 2022).

³¹⁴Letter dated 15 February 2022 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/2022/118 (15 February 2022).

In April 2022, the United Arab Emirates categorised Iran's imposition of an 'illegitimate *fait accompli* by force on the island of Greater Tunb, including through its unlawful occupation of the island' as constituting a violation of the sovereignty of the United Arab Emirates over that island.³¹⁵ The United Arab Emirates reaffirmed that such actions would confer no rights on Iran under the rules of international law, as the acquisition of territory by force is prohibited.³¹⁶ Iran responded by refuting the 'the baseless allegations against it' and reiterated its sovereignty over the island of Greater Tunb.³¹⁷

Saudi Arabia – alleged escalation of attacks by 'Iranian-backed Houthis'

In January 2022, Saudi Arabia accused the 'Iranian-backed terrorist Houthi militias' of continuing to engage in military hostilities against Saudi Arabia and the United Arab Emirates.³¹⁸ In February 2022, Saudi Arabia reported to the Security Council that Saudi air defences had thwarted an attack at Abha International Airport by 'the terrorist, Iran-backed Houthi militias', which Saudi Arabia characterised as constituting an act of war.³¹⁹ Saudi Arabia reaffirmed 'its sovereign right to take all the measures necessary to protect the security and stability of its territory'.³²⁰ Moreover, on numerous occasions on March 2022, Saudi Arabia wrote to the Security Council concerning further alleged attacks by 'Houthi militias with support from the Islamic Republic of Iran' against Saudi Arabia, whilst reiterating that Saudi Arabia reserved the right to take all necessary measures to safeguard its territories.³²¹ During the Security Council's 9021st meeting of the Security

2022); Letter dated 21 June 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/868-S/2022/502 (22 June 2022) 2.

³¹⁵Letter dated 26 April 2022 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council, UN Doc S/2022/351 (28 April 2022).

³¹⁶*Ibid.*

³¹⁷Letter dated 10 June 2022 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/2022/475 (10 June 2022).

³¹⁸Letter dated 31 January 2022 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council, UN Doc S/2022/71 (31 January 2022); Yemen, too, attributed the attack to the 'Iran-backed Houthi militias', Yemen Ministry of Foreign Affairs, 'Yemen condemns Houthi drone attack on civil airport in Jazan city southern Saudi Arabia' (22 February 2022) www.mofa-ye.org/Pages/16410/.

³¹⁹Letter dated 11 February 2022 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council, UN Doc S/2022/105 (11 February 2022).

³²⁰*Ibid.*

³²¹Letter dated 14 March 2022 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council, UN Doc S/2022/226 (15 March 2022); Letter dated 21 March 2022 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council, UN Doc S/2022/255 (21 March 2022); Letter dated 25 March 2022 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council, UN Doc S/2022/268 (28 March 2022).

Council on 25 April 2022, the representative of Saudi Arabia held that the ‘Houthi militias, with Iran’s support’ were responsible for the February 2022 attacks in Saudi Arabia and reiterated that, ‘in keeping with international law, we have the sovereign right to take all measures to defend our territories’.³²² Iran rejected the Saudi Arabian accusations and described them as unsubstantiated claims that are ‘based on false flags and disinformation’.³²³

During a meeting held on 7–9 March 2022, the Council of the League of Arab States passed resolution 8749 condemning strongly the ‘firing of Iranian-made ballistic and other missiles by Iranian-affiliated Houthi terrorist militias’ towards Saudi Arabia and the United Arab Emirates.³²⁴ Further, the Council held that it reaffirmed the legitimate right of Saudi Arabia and the United Arab Emirates to defend their territories pursuant to Article 51 of the Charter of the United Nations.³²⁵ Iran strongly criticised the ‘vicious cycle of making anti-Iran allegations’³²⁶ and categorically rejected resolution 8749 as containing ‘unjustified and baseless allegations’ based on ‘lies, fabrications and false accusations’ against Iran.³²⁷

During a meeting between Israel’s Prime Minister, Bennett, and the United States’ Secretary of State, Antony Blinken, on 27 March 2022, Israel’s Prime Minister’s Office reported that both had discussed ‘Iranian aggression in the region’, attributing Iran to the Houthi attack on Saudi Arabia the previous month.³²⁸

Lebanon – Israel: 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’. Israel wrote to the Security Council in January,³²⁹ February,³³⁰ and June

³²²UNSC Verbatim Record, UN Doc S/PV.9021 (25 April 2022) 13 (Saudi Arabia).

³²³Letter dated 4 April 2022 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/2022/287 (5 April 2022).

³²⁴Letter dated 28 April 2022 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council, UN Doc A/76/826-S/2022/372 (4 May 2022) 15.

³²⁵*Ibid.*

³²⁶Iran Ministry of Foreign Affairs, ‘Iran dismisses latest ‘absurd allegations’ by Arab League foreign ministers’ (10 March 2022) www.en.mfa.gov.ir/portal/newsview/673030.

³²⁷Letter dated 21 June 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/868-S/2022/502 (22 June 2022).

³²⁸Israel, Prime Minister’s Office, ‘PM Bennett Meets with US Secretary of State Antony Blinken’ (27 March 2022) www.gov.il/en/departments/news/event_blinken270322; see, also, Israel, Prime Minister’s Office, ‘Statements by PM Bennett and US Secretary of State Antony Blinken’ (27 March 2022) www.gov.il/en/departments/news/event_blinken270322 and Israel, Prime Minister’s Office, ‘PM Bennett’s Remarks at the Start of the Weekly Cabinet Meeting’ (27 March 2022) www.gov.il/en/departments/news/spoke_start270322.

³²⁹Identical letters dated 4 January 2022 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/2022/6 (5 January 2022).

³³⁰Identical letters dated 16 February 2022 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/2022/124 (17 February 2022).

2022³³¹ alleging Lebanese violations. In a letter dated 15 March 2022 to the Security Council, Israel alleged that there was evidence of Hezbollah's continued military build-up in Southern Lebanon, claiming that Hezbollah served 'a tool to advance Iran's agenda and quest for regional hegemony'.³³² Further, Israel's letter alleged that drones launched from southern Lebanon had infiltrated Israeli airspace in clear violation of Israel's sovereignty, warning that Israel would 'take all necessary steps to protect its citizens'.³³³ Israel declared that it held Lebanon accountable for these actions and demanded that 'Lebanon fulfil its responsibility to prevent all hostile activity from its territory'.³³⁴ Similarly, in a further letter dated 4 April 2022 to the Security Council, Israel, once again, alleged that Iran, by means of its proxy, Hezbollah, was continuing its military build-up in southern Lebanon, and that Israel would not accept any violation of its sovereignty and would take all necessary steps to protect its citizens.³³⁵ After another alleged rocket attack launched from Lebanon into Israel on 25 April 2022, Israel warned that this attack was 'further indication of the Lebanese Government's failure to exert control over all parts of its territory'.³³⁶

Lebanon wrote to the Security Council in January,³³⁷ February,³³⁸ April,³³⁹ May³⁴⁰ and June 2022³⁴¹ alleging Israeli violations of Lebanese airspace, territorial waters and territory. Lebanon also accused Israel of 'acts of provocation' constituting a violation of the sovereignty of Lebanon and of

³³¹Identical letters dated 7 June 2022 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/2022/462 (8 June 2022).

³³²Identical letters dated 15 March 2022 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/2022/229 (15 March 2022).

³³³*Ibid.*

³³⁴*Ibid.*

³³⁵Identical letters dated 4 April 2022 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/2022/285 (5 April 2022).

³³⁶Identical letters dated 3 May 2022 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/2022/373 (3 May 2022).

³³⁷Identical letters dated 18 January 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/665-S/2022/58 (27 January 2022).

³³⁸Identical letters dated 9 February 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/709-S/2022/129 (18 February 2022).

³³⁹Identical letters dated 8 April 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/803-S/2022/323 (21 April 2022); Identical letters dated 7 April 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/797-S/2022/327 (22 April 2022).

³⁴⁰Identical letters dated 18 May 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/849-S/2022/422 (26 May 2022).

³⁴¹Identical letters dated 2 June 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/858-S/2022/467 (9 June 2022).

Security Council resolution 1701 (2006) when the Israeli army allegedly carried out construction work in the occupied town of Ghajar.³⁴²

Iraq – Turkey: Turkey’s claim of self-defence

During this reporting period, Iraq wrote to the Security Council to inform the Council of alleged violations of Iraqi territory and airspace perpetrated by Turkey between 1 September 2021 and 1 January 2022³⁴³ and between 1 January 2022 and 31 March 2022.³⁴⁴

In a letter dated 19 January 2022, Iraq wrote to the Security Council concerning an alleged decision adopted by Turkey’s Parliament on 26 October 2021 to ratify a presidential memorandum extending the authorisation to send military forces into Iraq and Syria for an additional two years.³⁴⁵ Iraq complained that the decision by Turkey was a violation of the sovereignty of Iraq and that it constituted a threat to international peace and security.³⁴⁶ Turkey responded by refuting the allegations made by Iraq but emphasized the following:

... in the absence of Iraq’s ability to deal with the presence of terrorist organizations in its own territory, Turkey is obliged to take appropriate measures against terrorist threats to its security emanating from Iraq.

Any criticism towards Turkey for exercising its inherent right of self-defence as outlined in Article 51 of the Charter of the United Nations and acting within the context of responsibility attributed by relevant Security Council resolutions to United Nations Member States in the fight against terrorism is unacceptable.³⁴⁷

The representative of Mexico, during the 8975th meeting of the Security Council on 24 February 2022, urged ‘regional and international partners to continue to support Iraq’s efforts’ in the capacity-building of the security forces but added:

³⁴²Identical letters dated 20 April 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/817-S/2022/348 (25 April 2022); Identical letters dated 12 May 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/831-S/2022/395 (16 May 2022); Identical letters dated 23 May 2022 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/76/843-S/2022/420 (25 May 2022).

³⁴³Identical letters dated 17 June 2022 from the Permanent Representative of the Republic of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/497 (21 June 2022).

³⁴⁴Identical letters dated 21 June 2022 from the Permanent Representative of the Republic of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/500 (23 June 2022).

³⁴⁵Identical letters dated 19 January 2022 from the Permanent Representative of the Republic of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2022/40 (19 January 2022).

³⁴⁶*Ibid.*

³⁴⁷Letter dated 11 February 2022 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council, UN Doc S/2022/112 (14 February 2022).

However, Mexico reiterates its concern about wrongly invoking Article 51 of the Charter of the United Nations in the context of combating terrorism.³⁴⁸

Turkey claimed to be acting in line with its self-defence rights arising from Article 51 of the United Nations Charter when Turkish Armed Forces carried out operations ‘to neutralize the PKK/KCK and other terrorist elements’ in northern Iraq in April 2022.³⁴⁹ Turkey warned that, if the PKK continued to threaten Turkey’s national security from Iraqi territory, Turkey ‘will continue to take the necessary measures on the basis of the right of self-defence emanating from Article 51 of the UN Charter’.³⁵⁰ Iraq refuted Turkey’s Article 51 claims.³⁵¹ During the Security Council’s 9034th meeting on 17 May 2022, the representative of Iraq reiterated Iraq’s appeal for the full withdrawal of Turkish forces from Iraqi territories, adding:

Iraq also notes that the use of Article 51 of the Charter in the acts of aggression carried out by Turkish forces is without legal basis. That Article does not authorize undermining an independent country’s sovereignty.³⁵²

Turkey responded to refute the allegations by Iraq and, once again, repeated its right to exercising its inherent right of self-defence:

Turkey has repeatedly expressed its readiness to cooperate with the Iraqi authorities to confront the PKK terrorist organization. However, in the absence of Iraq’s ability to deal with the presence of terrorists in its own territory, who are also infiltrating into Turkey to conduct terrorist attacks, I would like to emphasize once again that Turkey is obliged to take all appropriate measures against the terrorist threats to its security emanating from Iraq. We firmly reject any criticism towards Turkey for exercising its inherent right of self-defence, as outlined in Article 51 of the Charter of the United Nations, and acting within the context of the responsibility attributed in relevant Security Council resolutions to States Members of the United Nations in the fight against terrorism.³⁵³

³⁴⁸UNSC Verbatim Record, UN Doc S/PV.8975 (24 February 2022) 13 (Mexico). Mexico, again, noted its concern at the misuse of the invocation of Article 51 of the Charter in the context of combating terrorism in UNSC Verbatim Record, UN Doc S/PV.9034 (17 May 2022) 8 (Mexico).

³⁴⁹Turkey Ministry of National Defense, ‘Statement on the “CLAW-LOCK OPERATION” in the North of Iraq’ (18 April 2022) www.msb.gov.tr/SlaytHaber/1842022-23372.

³⁵⁰Turkey Ministry of Foreign Affairs, ‘QA-6, 21 April 2022, Statement of the Spokesperson of the Ministry of Foreign Affairs Ambassador Tanju Bilgiç in Response to a Question Regarding the Statements of the Iraqi Authorities on Operation Claw-Lock’ (21 April 2022) www.mfa.gov.tr/sc_-6_-irak-makamlarinin-pence-kilit-hareke%C3%A2tina-iliskin-aciklamalari-hk-sc.en.mfa.

³⁵¹Iraq Ministry of Foreign Affairs, ‘Press release’ (24 April 2022) www.mofa.gov.iq/2022/04/?p=31531.

³⁵²UNSC Verbatim Record, UN Doc S/PV.9034 (17 May 2022) 17 (Iraq).

³⁵³Letter dated 16 June 2022 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council, UN Doc S/2022/515 (27 June 2022).

Israel – Palestine: escalation of cross-border incidents

Palestine repeatedly wrote to the UN Security Council in January,³⁵⁴ February,³⁵⁵ March,³⁵⁶ April,³⁵⁷ May³⁵⁸ and June 2021³⁵⁹ concerning Israel's settlement policy and reported alleged casualties, injuries and aggression against Palestinian civilians. Palestine refuted Israeli claims of self-defence against Palestinians and accused Israel of using the pretext of self-defence to continue the imposition of Israeli occupation of Palestine.³⁶⁰ Palestine lamented that Palestinians were being denied the

³⁵⁴Identical letters dated 11 January 2022 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-10/887-S/2022/25 (12 January 2022); Identical letters dated 14 January 2022 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-10/888-S/2022/30 (17 January 2022); Identical letters dated 21 January 2022 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-10/889-S/2022/45 (25 January 2022).

³⁵⁵Identical letters dated 14 February 2022 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-10/890-S/2022/114 (14 February 2022); Identical letters dated 22 February 2022 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-10/891-S/2022/146 (22 February 2022).

³⁵⁶Identical letters dated 8 March 2022 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-10/892-S/2022/199 (8 March 2022).

³⁵⁷Identical letters dated 12 April 2022 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-10/895-S/2022/312 (13 April 2022); Identical letters dated 14 April 2022 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-10/896-S/2022/318 (14 April 2022); Identical letters dated 15 April 2022 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-10/897-S/2022/321 (18 April 2022).

³⁵⁸Identical letters dated 11 May 2022 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-10/901-S/2022/388 (12 May 2022); Identical letters dated 31 May 2022 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-10/902-S/2022/442 (31 May 2022).

³⁵⁹Identical letters dated 6 June 2022 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-10/903-S/2022/452 (6 June 2022); Identical letters dated 9 June 2022 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-10/904-S/2022/466 (9 June 2022); Identical letters dated 20 June 2022 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-10/905-S/2022/496 (20 June 2022).

³⁶⁰Identical letters dated 16 March 2022 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-10/893-S/2022/236 (16 March 2022); Identical letters dated 1 April 2022 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-10/894-S/2022/283 (4 April 2022) 2.

right to protect themselves and urged the international community to ‘loudly reject the absurd and offensive narrative of an occupying Power armed to the teeth “defending itself” from the civilian population it is occupying, oppressing, traumatizing and terrorizing every single day’.³⁶¹ Palestine clarified and reaffirmed that Palestine was defending itself ‘from the aggressions of an occupying force’ that was ‘intentionally killing civilians and yet brazenly claiming self-defence’.³⁶²

Israel wrote to the Security Council during this reporting period to allege violent provocations and terrorist attacks perpetrated by ‘Palestinian extremists’ against Israel.³⁶³ Israel Defence Forces (IDF) also reported responding to numerous alleged rockets fired from Gaza into Israel during the month of April 2022.³⁶⁴ The IDF stated that it held the ‘ Hamas terrorist organization responsible for all terrorist activities in Gaza’ and that the IDF response included IDF fighter jets striking Hamas terrorist targets in Gaza.³⁶⁵ Further instances of Israel responding to Hamas attacks from Gaza were reported by the Israeli Prime Minister, Naftali Bennett, during June.³⁶⁶

During the 8950th meeting of the Security Council on 19 January 2022, the representative of Palestine repeatedly urged Israel to end its occupation of Palestinian territories.³⁶⁷ The representatives of Ireland,³⁶⁸ Iran,³⁶⁹ Egypt³⁷⁰ also called upon Israel to end its occupation. At the same meeting, the representative of Norway stated that Israel must cease settlement building, demolitions and evictions,³⁷¹ whilst the representative of the United States urged both Israel and Palestine to refrain from unilateral steps, which ‘includes annexations of territory’.³⁷² The representative of

³⁶¹Identical letters dated 19 April 2022 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-10/898-S/2022/328 (19 April 2022) 2.

³⁶²Identical letters dated 28 April 2022 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-10/899-S/2022/361 (28 April 2022); see, also, Identical letters dated 9 May 2022 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-10/900-S/2022/377 (9 May 2022).

³⁶³Identical letters dated 12 April 2022 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/2022/315 (13 April 2022); Identical letters dated 21 April 2022 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/2022/342 (21 April 2022).

³⁶⁴Israel Defence Forces, ‘Terrorists Fire Rockets at Israel from Gaza, Injuring a Palestinian’ (27 April 2022) www.idf.il/en/articles/2022/terrorists-fire-rockets-at-israel-from-gaza-injuring-a-palestinian/.

³⁶⁵*Ibid.*

³⁶⁶Israel, Prime Minister’s Office, ‘PM Bennett’s Remarks at the Start of the Weekly Cabinet Meeting’ (19 June 2022) www.gov.il/en/departments/news/spoke_start190622.

³⁶⁷UNSC Verbatim Record, UN Doc S/PV.8950 (19 January 2022) 8–10 (Palestine).

³⁶⁸*Ibid* 19 (Ireland); see, also, UNSC Verbatim Record, UN Doc S/PV.8973 (23 February 2022) 11 (Ireland).

³⁶⁹*Ibid* (UN Doc S/PV.8950) 29 (Iran).

³⁷⁰*Ibid* 30 (Egypt).

³⁷¹*Ibid* 13 (Norway).

³⁷²*Ibid* 15 (United States).

Iran accused the Security Council of emboldening Israel to ‘continue its crimes against the oppressed people of Palestine’ through the Council’s inaction.³⁷³ In contrast, the representative of Albania observed that Israel had a ‘legitimate right to defend’.³⁷⁴ The representative of Hungary described Israel as facing a ‘tremendous threat of terrorism’ and argued that ‘Israel has the right to self-defence and to protect its sovereignty and its citizens’.³⁷⁵ The representative of Israel held that the claims against Israel amounted to ‘regurgitated accusations and baseless claims’³⁷⁶ and urged the international community to ‘take the time to verify the facts before immediately embracing the Palestinians’ falsehoods’.³⁷⁷ During the meeting, continued support for the two-state solution to the Israeli-Palestinian conflict based on the 1967 lines were expressed by a large number of states, including Norway,³⁷⁸ Ghana,³⁷⁹ the United States,³⁸⁰ the United Arab Emirates,³⁸¹ China,³⁸² Kenya,³⁸³ Gabon,³⁸⁴ Morocco,³⁸⁵ Lebanon,³⁸⁶ Kuwait³⁸⁷ and South Africa.³⁸⁸

The 8950th meeting of the Security Council continued into the afternoon of 19 January 2022, where the representative of Cuba called to ‘end the Israeli military aggression and occupation of the Palestinian territory’ and that the United States’ ‘repeated obstruction of Security Council action on the issue has enabled Israel’s impunity and hindered the Council’s ability to discharge its responsibility for maintaining international peace and security as mandated by the Charter of the United Nations’.³⁸⁹ The representative of Kuwait expressed his delegations regret that Israel continued to pursue its ‘plans to annex more Palestinian territories in the West Bank and East Jerusalem’.³⁹⁰

³⁷³*Ibid* 29 (Iran).

³⁷⁴*Ibid* 22 (Albania). See, also, UNSC Verbatim Record, UN Doc S/PV.8973 (23 February 2022) 6 (Albania), UNSC Verbatim Record, UN Doc S/PV.9000 (22 March 2022) 16–7 (Albania), UNSC Verbatim Record, UN Doc S/PV.9046 (26 May 2022) 15 (Albania) and UNSC Verbatim Record, UN Doc S/PV.9077 (27 June 2022) 16 (Albania).

³⁷⁵UNSC Verbatim Record, UN Doc S/PV.8950 (19 January 2022) 27 (Hungary).

³⁷⁶*Ibid* 11 (Israel).

³⁷⁷*Ibid* 12 (Israel).

³⁷⁸*Ibid* 13 (Norway).

³⁷⁹*Ibid* 14 (Ghana).

³⁸⁰*Ibid* 15 (United States); see, also, United States Department of State, ‘Secretary Blinken’s Call with Palestinian President Abbas’ (31 January 2022) www.state.gov/secretary-blinkens-call-with-palestinian-president-abbas/.

³⁸¹*Ibid* (UN Doc S/PV.8950) 16 (United Arab Emirates).

³⁸²*Ibid* 18 (China).

³⁸³*Ibid* 25 (Kenya).

³⁸⁴*Ibid* 26 (Gabon).

³⁸⁵*Ibid* 28 (Morocco).

³⁸⁶UNSC Verbatim Record (19 January 2022) UN Doc S/PV.8950 (Resumption 1) 5 (Lebanon).

³⁸⁷*Ibid* 13 (Kuwait).

³⁸⁸*Ibid* 13 (South Africa).

³⁸⁹*Ibid* 6 (Cuba).

³⁹⁰*Ibid* 13 (Kuwait).

The representative of Argentina declared that Argentina recognised Israel's right to self-defence but emphasised that Israel's actions must be consistent with its obligations under international humanitarian law.³⁹¹

In other Security Council meetings during this reporting period, the representative of Russia described the continuation of settlement construction by Israel as de facto annexation of Palestinian territory.³⁹² The representative of the United Kingdom stated that Israel had a 'legitimate right to self-defence',³⁹³ whilst the representative of Norway recognised 'Israel's need to defend itself against' attacks.³⁹⁴ The representative of Palestine held that the security Council had a responsibility to afford the Palestinian people international protection or to 'provide them with the means to defend themselves against aggression'.³⁹⁵ In another meeting, the representative of Palestine called upon the international community to act:

We have been facing aggression, annexation and occupation for decades. Our people have been victims of war crimes and crimes against humanity for decades. What will the international community do about it? What will it you do about it, Madam President? When should we expect the next shipment of weapons to help us defend ourselves and our country?³⁹⁶

During a visit by Turkey's Foreign Minister, Mevlüt Çavuşoğlu, to Palestine on 24 May 2022, Çavuşoğlu emphasised that Turkey's strong support for the Palestinian people's cause would continue.³⁹⁷ The following day, whilst meeting with Foreign Minister Yair Lapid of Israel, Çavuşoğlu emphasized that the Palestinian issue could only be resolved through the two-state solution based on the parameters established by the UN.³⁹⁸

4. Asia

Kazakhstan: collective security treaty organisation sends armed assistance

In January, Kazakh President Kassym-Jomart Tokayev requested assistance from the Collective Security Treaty Organisation (CSTO) in light of an apparent domestic 'terrorist threat'.³⁹⁹ As Kazakhstan faced unrest, which

³⁹¹*Ibid* 9–10 (Argentina).

³⁹²UNSC Verbatim Record, UN Doc S/PV.9000 (22 March 2022) 11 (Russia).

³⁹³*Ibid* 15 (United Kingdom).

³⁹⁴UNSC Verbatim Record, UN Doc S/PV.9077 (27 June 2022) 12 (Norway).

³⁹⁵UNSC Verbatim Record, UN Doc S/PV.9021 (25 April 2022) 7 (Palestine).

³⁹⁶UNSC Verbatim Record, UN Doc S/PV.9046 (26 May 2022) 22 (Palestine).

³⁹⁷Turkey, Ministry of Foreign Affairs, 'Visit of Foreign Minister Mevlüt Çavuşoğlu to the State of Palestine, 24 May 2022' (24 May 2022) www.mfa.gov.tr/sayin-bakanimizin-filistin-i-ziyareti--24-mayis-2022.en.mfa.

³⁹⁸Turkey, Ministry of Foreign Affairs, 'Visit of Foreign Minister Mevlüt Çavuşoğlu to Israel, 25 May 2022' (25 May 2022) www.mfa.gov.tr/sayin-bakanimizin-israil-i-ziyareti--25-mayis-2022.en.mfa.

³⁹⁹Maxim Rodionov and Mark Trevelyan, 'Kazakh president seeks help from Russia-led security bloc, *Reuters* (5 January 2022) www.reuters.com/world/asia-pacific/kazakh-president-seeks-help-russia-led-

Tokayev said had led to groups seizing buildings, and even taking control of the airport in Almaty.⁴⁰⁰ It appears that what began as protests descended into anti-government unrest and riots.⁴⁰¹

As the CSTO sent peacekeepers to Kazakhstan, the US questioned the developments, with White House Press Secretary Jen Psaki stating:

We are closely monitoring reports that the Collective Security Treaty Organization have dispatched its collective peacekeeping forces to Kazakhstan. We have questions about the nature of this request and whether it has — it was a legitimate invitation or not. We don't know at this point.⁴⁰²

Russia's President Putin said the CSTO responded to an act of aggression:

There were organised and controlled groups of fighters, as President Tokayev has pointed out just now, including people who had apparently received training in terrorist camps abroad, and their attack on Kazakhstan, as President Tokayev has noted – and it was essentially an attack on the country, on Kazakhstan – amounts to an act of aggression. I fully agree with him in this regard.

...

We view our joint actions as extremely timely and absolutely legitimate. The CSTO forces arrived in Kazakhstan following a formal request from the republic's leadership and strictly in keeping with Article 4 of the Collective Security Treaty of 1992. Under this article, in the event of aggression against any of the member states, all other countries shall immediately provide the affected member state, at its request, the necessary assistance and support, including military assistance. We have been witnessing an international terrorist aggression. Where did these armed groups come from? It is obvious that they were trained in foreign camps and acquired combat experience in hotspots around the world.⁴⁰³

Less than a week later, reports suggested that the CSTO forces were withdrawing from Kazakhstan, amid rumours that the former security chief of the state had attempted a coup.⁴⁰⁴ Russia said the withdrawal of troops

security-bloc-2022-01-05/; see also, 'Russia-Led Alliance to Send Forces to Unrest-Hit Kazakhstan', *The Defense Post* (5 January 2022) www.thedefensepost.com/2022/01/05/russia-forces-kazakhstan/.

⁴⁰⁰*Ibid*; on this incident, see also, Julia Emtseva, 'Collective Security Treaty Organization: Why are Russian Troops in Kazakhstan?', *EJIL Talk!* (13 January 2022) www.ejiltalk.org/collective-security-treaty-organization-why-are-russian-troops-in-kazakhstan/.

⁴⁰¹Agnieszka Pikulicka-Wilczewska, 'What is behind the protests rocking Kazakhstan?', *Al-Jazeera* (5 January 2022) [/www.aljazeera.com/news/2022/1/5/explainer-what-is-behind-the-protests-rocking-kazakhstan](http://www.aljazeera.com/news/2022/1/5/explainer-what-is-behind-the-protests-rocking-kazakhstan).

⁴⁰²US, The White House, 'Press Briefing by Press Secretary Jen Psaki, January 6, 2022' (6 January 2022) www.whitehouse.gov/briefing-room/press-briefings/2022/01/06/press-briefing-by-press-secretary-jen-psaki-january-6-2022/.

⁴⁰³Russia, The Kremlin, 'Session of CSTO Collective Security Council' (10 January 2022) <http://en.kremlin.ru/events/president/news/67568>.

⁴⁰⁴Olzhas Auyezov and Mariya Gordeyeva, 'Russia-led bloc starts Kazakhstan pullout after possible coup bid crushed', *Reuters* (13 January 2022) www.reuters.com/world/asia-pacific/russia-led-bloc-starts-pulling-troops-out-kazakhstan-2022-01-13/.

would be completed by 19 January, saying that the mission had been a success.⁴⁰⁵ There was a ceremony to mark the withdrawal of the troops.⁴⁰⁶

North Korea: testing of ballistic missiles and nuclear threat

North Korea's testing of ballistic missiles in contravention of UN Security Council Resolutions continued to draw the attention and concern of states in the region. In January, North Korean state media reported that they had successfully tested a hypersonic missile.⁴⁰⁷ The US condemned the launch as 'in violation of multiple UN Security Council resolutions and poses a threat to the DPRK's neighbours and the international community'.⁴⁰⁸

The US, South Korea, and Japan released a joint statement in February, in which the three states condemned North Korea's missile launches and expressed their 'deep concern about the destabilising nature of these actions'.⁴⁰⁹ They called upon North Korea to 'cease its unlawful activities and instead engage in dialogue'.⁴¹⁰

By March, the US reported a 'serious escalation' by North Korea in its attempts to develop a new intercontinental ballistic missile system.⁴¹¹ Nevertheless, North Korea continued, and announced in April that it had begun test-firing a new guided weapons system. The state KCNA news agency said that the missile system 'is of great significance in drastically improving the firepower of the frontline long-range artillery units and enhancing the efficiency in the operation of tactical nukes'.⁴¹² North Korea's testing continued,⁴¹³ and in late May a South Korean briefing suggested that North Korea was ready to conduct a nuclear test, with intelligence purportedly suggesting that preparations for such a test had been completed and North Korea was simply 'looking for the right time'.⁴¹⁴

⁴⁰⁵*Ibid.*

⁴⁰⁶Ceremony marking the withdrawal of the CSTO peacekeeping troops from Kazakhstan', *Reuters* (13 January 2022) www.reuters.com/news/picture/ceremony-marking-the-withdrawal-of-the-c-idUSRTS4HKUI.

⁴⁰⁷'North Korea Says It Tested Hypersonic Missile', *The Defense Post* (5 January 2022) www.thedefensepost.com/2022/01/05/north-korea-hypersonic-missile-test/.

⁴⁰⁸*Ibid.*

⁴⁰⁹US, Department of State, 'Joint Statement on the U.S.-Japan-Republic of Korea Trilateral Ministerial Meeting' (12 February 2022) www.state.gov/joint-statement-on-the-u-s-japan-republic-of-korea-trilateral-ministerial-meeting/.

⁴¹⁰*Ibid.*

⁴¹¹US Says North Korea Testing New ICBM System', *The Defense Post* (10 March 2022) www.thedefensepost.com/2022/03/10/north-korea-icbm-system/.

⁴¹²North Korea Tests New Weapons System to Improve "Tactical Nukes"', *The Defense Post* (18 April 2022) www.thedefensepost.com/2022/04/18/north-korea-tests-weapons-system/.

⁴¹³See, for example, 'North Korea Fires Ballistic Missile, Seoul Says', *The Defense Post* (4 May 2022) www.thedefensepost.com/2022/05/04/north-korea-ballistic-missile-2/.

⁴¹⁴North Korea "Ready for Nuclear Test" with Biden Due in Seoul', *The Defense Post* (19 May 2022) www.thedefensepost.com/2022/05/19/north-korea-nuclear-test-biden/.

China–Taiwan: tensions remain as the US supports Taiwan

This reporting period saw continued tensions between China and Taiwan, and between China and the US in particular over its support for Taiwan's autonomy. In January, Taiwan undertook military exercises to simulate urban warfare with China, as the Army instructors openly explained that the logic of such training was because 'The Chinese communist troops' battle plans will be invading and landing firstly from coastal towns, then the fighting will progress into more populated residential and commercial areas'.⁴¹⁵

Later that month, China sent 39 warplanes into Taiwan's air defence zone, purportedly the second-largest such incursion recorded.⁴¹⁶ Taiwan launched its own aircraft in response to warn the jets away.⁴¹⁷

In May, US President Joe Biden seemed to suggest that the US would defend Taiwan militarily if China tried to invade.⁴¹⁸ Biden's comments, in context, came during a press conference with Biden and Japanese Prime Minister Kishida Fumio.⁴¹⁹ The two leaders were asked how each state would respond if China were to invade or take over Taiwan. Prime Minister Fumio said:

we are against any unilateral attempt to change status quo by force in Asia, all the more so because of such position regarding the situation in Ukraine. We think that unilateral attempt to change status quo is impermissible. That's why we're cooperating with the international cooperation and we decided to participate in the strong sanctions, and we are providing humanitarian assistance.⁴²⁰

President Biden responded by stressing that the US policy toward Taiwan had not changed at all. He said, 'We remain committed to supporting the peace and stability across the Taiwan Straits and ensuring that there is no unilateral change to the status quo'.⁴²¹ Traditionally, the US had maintained a 'one China policy', and strategic ambiguity concerning what would happen in such circumstances. But President Biden went on to say:

We support the One China policy. We support all ... that we've done in the past, but that does not mean — it does not mean that China has the ability — has the — excuse me, the jurisdiction to go in and use force to take over Taiwan.⁴²²

⁴¹⁵Taiwan Troops Simulate Urban Warfare with China', *The Defense Post* (6 January 2022) www.thedefensepost.com/2022/01/06/taiwan-troops-simulate-warfare/.

⁴¹⁶China Sends Second-Largest Incursion of Jets Into Taiwan Defense Zone', *The Defense Post* (24 January 2022) www.thedefensepost.com/2022/01/24/china-taiwan-jets-incursion/.

⁴¹⁷*Ibid.*

⁴¹⁸Biden Says US Would Defend Taiwan Militarily From Invasion', *The Defense Post* (23 May 2022) www.thedefensepost.com/2022/05/23/biden-us-defend-taiwan-china/.

⁴¹⁹US, The White House, 'Remarks by President Biden and Prime Minister Kishida Fumio of Japan in Joint Press Conference' (23 May 2022) www.whitehouse.gov/briefing-room/speeches-remarks/2022/05/23/remarks-by-president-biden-and-prime-minister-fumio-kishida-of-japan-in-joint-press-conference/.

⁴²⁰*Ibid.*

⁴²¹*Ibid.*

⁴²²*Ibid.*

Biden was then asked whether the US was willing to get involved militarily to defend Taiwan, and he said yes, explaining:

That's the commitment we made. ...

... We agree with the One China policy; we've signed on to it and all the attendant agreements made from there. But the idea that — that it can be taken by force — just taken by force — is just not a — is just not appropriate. It will dislocate the entire region and be another action similar to what happened in Ukraine. And so, it's a burden that is even stronger.⁴²³

Biden clarified the next day that this did not mean that the US policy of strategic ambiguity was dead.⁴²⁴ At the end of May, China launched another fighter jet incursion into Taiwan's air defence zone.⁴²⁵

In June, reports emerged that China's defence minister Wei Fenghe had told US Secretary of Defence Lloyd Austin that 'If anyone dares to split Taiwan from China, the Chinese army will definitely not hesitate to start a war no matter the cost'.⁴²⁶

5. Americas

Colombia: alleged Russian and Iranian 'Foreign interference on Venezuelan border

On 3 February 2022, Colombia's Defence Minister, Diego Molano, was reported accusing Russia and Iran of 'foreign interference' on the border of Venezuela.⁴²⁷ Citing intelligence sources, Malono claimed that Venezuela was moving troops to the border region with assistance from Russia and Iran, where there was fighting between the National Liberation Army and former Revolutionary Armed Forces of Colombia rebels.⁴²⁸

The Russian Embassy in Colombia responded 'with perplexity the continuous attempts to baselessly accuse' Russia of the alleged interference in the internal affairs of Colombia.⁴²⁹ The Embassy accused Milano of

⁴²³*Ibid.*

⁴²⁴US, The White House, 'Remarks by President Biden During Quad Fellowship Announcement Photo Spray' (24 May 2022) www.whitehouse.gov/briefing-room/speeches-remarks/2022/05/24/remarks-by-president-biden-during-quad-fellowship-announcement-photo-spray/; see also Trevor Hunnicutt and Chang-Ran Kim, 'No change in U.S. policy towards Taiwan, says White House official', *Reuters* (23 May 2022) www.reuters.com/world/no-change-us-policy-towards-taiwan-says-white-house-official-2022-05-23/.

⁴²⁵China Makes Second Largest Taiwan Defense Zone Incursion This Year', *The Defense Post* (31 May 2022) www.thedefensepost.com/2022/05/31/china-second-largest-incursion-taiwan/.

⁴²⁶China Will "Not Hesitate to Start War" Over Taiwan, Beijing Tells US', *The Defense Post* (10 June 2022) www.thedefensepost.com/2022/06/10/china-war-over-taiwan/.

⁴²⁷Nelson Bocanegra, 'Colombia Denounces "Foreign Interference" by Russia and Iran on the Border with Venezuela' *Reuters* (3 February 2022) www.infobae.com/america/agencias/2022/02/03/colombia-denuncia-injerencia-extranjera-de-rusia-e-iran-en-frontera-con-venezuela/.

⁴²⁸*Ibid.*

⁴²⁹Embassy of the Russian Federation in the Republic of Colombia, 'Press Statement' (4 February 2022).

searching for ‘fictitious enemies’ and citing ‘intelligence data’ without any verification.⁴³⁰ After a meeting between the Russian Ambassador, Nikolay Tavdumadze and Colombia’s Foreign Minister, Marta Lucía Ramírez, reported that Ambassador Tavdumadze ‘reaffirmed that his country’s cooperation in Venezuela can never be used to attack any country in the region or affect its stability’.⁴³¹

Colombia – Venezuela: alleged violation of Colombian sovereignty

On 29 April 2022, Colombia released a statement alleging that ‘new official information’ had been received verifying the burning of a house by Venezuelan soldiers in Colombian territory.⁴³² The Colombian Ministry of Foreign Affairs declared that it categorically rejected the flagrant violation of Colombian national sovereignty by the Venezuelan armed military ‘that ignores the legal instruments that define the limit in that sector’.⁴³³

Venezuela rejected the Colombian accusations as false and alleged that the operation was an anti-drug operation carried out on Venezuelan territory, which bordered Colombia.⁴³⁴ Further, Venezuela claimed that the operation was carried out due to the absence of the Colombian government’s security forces on its borders.⁴³⁵ Venezuela declared that it would maintain ‘an unwavering will to defend sovereignty and independence against threats of any nature, whatever their origin’.⁴³⁶

6. Non-regional issues

Open-ended working group on reducing space threats: first session convened 9–13 May 2022

Pursuant to General Assembly resolution 76/231,⁴³⁷ the open-ended working group on reducing space threats through norms, rules and principles of responsible behaviours convened for its first session on 9–13 May 2022. Some of the issues that were to be considered by participating states, as highlighted in the agenda, were for states to ‘take stock of the existing

⁴³⁰*Ibid.*

⁴³¹Colombia, Ministerio de Relaciones Exteriores, ‘Press Release’ (7 February 2022) www.cancilleria.gov.co/newsroom/publiques/comunicado-prensa-56.

⁴³²Colombia, Ministerio de Relaciones Exteriores, ‘Territorial violation confirmed by Venezuela’ (29 April 2022) www.cancilleria.gov.co/newsroom/publiques/confirma-violacion-territorial-parte-venezuela.

⁴³³*Ibid.*

⁴³⁴Venezuela, Ministry of People’s Power for Foreign Relations, ‘Venezuela rejects false accusations from the Colombian government’ (30 April 2022) mppre.gob.ve/comunicado/venezuela-rechaza-falsas-acusaciones-gobierno-colombia/.

⁴³⁵*Ibid.*

⁴³⁶*Ibid.*

⁴³⁷UNGA Res 76/231, Reducing space threats through norms, rules and principles of responsible behaviours : resolution / adopted by the General Assembly, UN Doc A/RES/76/231 (24 December 2021).

international legal and other normative frameworks concerning threats arising from State behaviours with respect to outer space' and to 'consider current and future threats by States to space systems'.⁴³⁸

Australia expressed the position that States should act, in space, in accordance with their international obligations to maintain international peace and security under international law, including the UN Charter.⁴³⁹ South Africa warned that it was 'vital that space does not become yet another frontier for war and conflict'.⁴⁴⁰

In response to references from numerous delegations that there is a need for space to be used for exclusively peaceful uses, the United Kingdom delegation emphasised the following:

Let us be clear: Militaries operate in space, and have done so since beginning of space exploration – and the use of space by militaries is not, of itself, incompatible with the idea of peaceful use. The responsible behaviours approach can help ensure space continues to be used for peaceful purposes by reducing the risk of aggression, which might arise from misunderstandings and miscalculations, both in space and on Earth.⁴⁴¹

Considering the characteristics of outer space, particularly the difficulty of attribution and verification, the European Union and its Member States underlined the following:

[W]ithout excluding the possibility of a legally binding instrument in the future, the most pragmatic, realistic and concrete way to strengthen space security and to prevent misconceptions and miscalculations, at this point in time, is to agree upon norms, rules and principles of responsible behaviours and to increase transparency and predictability of space activities.⁴⁴²

Japan also urged the international community to 'consider practical and pragmatic' ways to enhance security outer space by 'reducing the risk of misunderstanding and miscalculation'.⁴⁴³

ORCID

Patrick M. Butchard  <http://orcid.org/0000-0002-9666-2417>

⁴³⁸UNGA Open-ended working group on reducing space threats through norms, rules and principles of responsible behaviours Geneva, 7 and 9 February 2022, UN Doc A/AC.294/2022/2 (15 February 2022).

⁴³⁹United Nations Office for Disarmament Affairs, Open-ended working group on reducing space threats Statements: first session, 'Statement by Australia' (10 May 2022). Available at www.meetings.unoda.org/section/oweg-space-2022_general-statements_19856_general-statements_22494/.

⁴⁴⁰*Ibid* (Statement by the South Africa).

⁴⁴¹*Ibid* (Statement by the United Kingdom).

⁴⁴²*Ibid* (Statement by the European Union).

⁴⁴³*Ibid* (Statement by Japan).