



Digest of State Practice: 1 January–30 June 2021

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Digest of State Practice: 1 January–30 June 2021*

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1. Europe

Ukraine: Allegations of Russian Activity in the Temporarily Occupied Territories of Ukraine

During this reporting period, Ukraine continued to write to the UN Security Council concerning Russia's alleged activity in the temporarily occupied territories of Ukraine. Complaints included, for example, alleged arbitrary arrests of Ukrainian citizen in Crimea¹ and ongoing conscription of citizens,² which were described as incidents as violations of Russia's obligations under international law. During an Arria-formula meeting of the Security Council on 24 February 2021, Ukraine accused Russia of armed aggression:

As long as a situation of an armed aggression by a UNSC permanent member exists, thus undermining the ability of the Security Council to duly exercise its mandate, self-defence will remain the legitimate last resort for the states under attack.³

The G7 Ministers issued statements reaffirming their unwavering support for Ukraine's sovereignty and territorial integrity against Russia's alleged ongoing aggression.⁴ The United States' Secretary of State held separate calls with his counterparts from France,⁵ Germany,⁶ Afghanistan⁷ and Italy,⁸ where they all reaffirmed the need for Russia to end its dangerous rhetoric and its military build-up in occupied Crimea. The United States called upon Russia to end its occupation and ongoing aggression of Crimea.⁹ The United States also held that it was committed to assisting Ukraine with its self-defence needs.¹⁰

¹Letter dated 17 February 2021 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/75/766-S/2021/161 (19 February 2021).

²Letter dated 2 April 2021 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General, UN Doc A/75/842-S/2021/329 (5 April 2021).

³Letter dated 8 March 2021 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council, UN Doc A/75/993-S/2021/247 (16 March 2021) 81–2 (Ukraine).

⁴United States, Department of State, 'G7 Foreign Ministers' Statement on Ukraine' (18 March 2021) www.state.gov/g7-foreign-ministers-statement-on-ukraine/; United States, Department of State, 'G7 Foreign Ministers' Statement on the Situation Along Ukraine's Borders' (12 April 2021) www.state.gov/g7-foreign-ministers-statement-on-the-situation-along-ukraines-borders/.

⁵United States, Department of State, 'Secretary Blinken's Call with French Foreign Minister Le Drian' (9 April 2021) www.state.gov/secretary-blinkens-call-with-french-foreign-minister-le-drian-3/.

⁶United States, Department of State, 'Secretary Blinken's Call with German Foreign Minister Maas' (9 April 2021) www.state.gov/secretary-blinkens-call-with-german-foreign-minister-maas-2/.

⁷United States, Department of State, 'Secretary Blinken's Call with UK Foreign Secretary Raab' (10 April 2021) www.state.gov/secretary-blinkens-call-with-uk-foreign-secretary-raab-2/.

⁸United States, Department of State, 'Secretary Blinken's Meeting with Italian Foreign Minister Di Maio' (12 April 2021) www.state.gov/secretary-blinkens-meeting-with-italian-foreign-minister-di-maio-2/.

⁹United States, Department of State, 'Crimea is Ukraine' (25 February 2021) www.state.gov/crimea-is-ukraine/; United States, Department of State, 'Secretary Blinken's Call with Ukrainian Foreign Minister Kuleba' (31 March 2021) www.state.gov/secretary-blinkens-call-with-ukrainian-foreign-minister-kuleba/.

¹⁰United States, Department of State, 'Secretary Antony J. Blinken, Secretary of Defense Lloyd J. Austin, and NATO Secretary General Jens Stoltenberg at a Joint Press Availability' (14 April 2021) www.state.gov.

Russia cautioned that any Ukrainian effort to return Crimea to Ukraine would be illegitimate and would be perceived as a threat of aggression.¹¹ Russia blamed the Ukrainian media for creating hysteria about a ‘mythical Russian threat’.¹² Further, Russia claimed that it was the United States and NATO that were intensifying military activities in Ukraine and near it, referring to their actions as aggravating and provocative.¹³

In a letter dated 16 April 2021 addressed to the Secretary-General, Ukraine complained of alleged restrictions on free navigation in the Black Sea imposed by Russia.¹⁴ Ukraine considered the Russian imposition of restrictions to ‘constitute yet another attempt to usurp Ukraine’s sovereign rights of a coastal State in violation of the norms and principles of international law’.¹⁵ Ukraine viewed Russia’s behaviour as indicating ‘Russia’s unwillingness to cease its aggression against Ukraine with the use of military and hybrid methods’.¹⁶ On 5 May 2021, the United States called upon Russia to return full control of the Peninsula to Ukraine.¹⁷

Cyprus–Turkey: Reports of Alleged Violations

Cyprus reported alleged violations of international air traffic regulations, air-space and territorial waters of Cyprus by Turkey from November 2020,¹⁸ December 2020,¹⁹ January 2021²⁰ and February–March 2021.²¹ Turkey responded separately to each of these letters by refuting the allegations and stating the following in all of its responses:

[gov/secretary-antony-j-blinken-secretary-of-defense-lloyd-j-austin-and-nato-secretary-general-jens-stoltenberg-at-a-joint-press-availability/](https://www.state.gov/secretary-antony-j-blinken-secretary-of-defense-lloyd-j-austin-and-nato-secretary-general-jens-stoltenberg-at-a-joint-press-availability/).

¹¹Russia, Ministry of Foreign Affairs, ‘Foreign Ministry Spokeswoman Maria Zakharova’s comment on Ukrainian authorities’ planned action against Russian Crimea’ (15 March 2021) www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/4632674.

¹²Russia, Ministry of Foreign Affairs, ‘Briefing by Foreign Ministry Spokeswoman Maria Zakharova, Moscow, April 9, 2021’ (9 April 2021) www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/4675227.

¹³Russia, Ministry of Foreign Affairs, ‘Briefing by Foreign Ministry Spokeswoman Maria Zakharova, Moscow, April 15, 2021’ (15 April 2021) www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/4687881#7.

¹⁴Letter dated 16 April 2021 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General, UN Doc A/75/857-S/2021/377 (20 April 2021).

¹⁵*Ibid.*

¹⁶*Ibid.*

¹⁷United States, Department of State, ‘The United States and Ukraine: Strategic Partners’ (5 May 2021) www.state.gov/the-united-states-and-ukraine-strategic-partners/.

¹⁸Letter dated 18 January 2021 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General, UN Doc A/75/723-S/2021/61 (21 January 2021).

¹⁹Letter dated 12 February 2021 from the Chargé d’affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General, UN Doc A/75/748-S/2021/142 (12 February 2021).

²⁰Letter dated 17 March 2021 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General, UN Doc A/75/815–S/2021/267 (17 March 2021).

²¹Letter dated 27 May 2021 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General, UN Doc A/75/898-S/2021/511 (28 May 2021).

I wish to underline that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus are carried out with the full knowledge and permission of the relevant authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever.²²

Turkey reported alleged violations of Turkey's national airspace by Cyprus for the period between July 2020 and March 2021.²³

Germany: The Application of International Law in Cyberspace

In March 2021, Germany released a position paper on international law's application in cyberspace.²⁴ The position paper recognised that the majority of malicious cyber operations fall outside the scope of 'force' but noted that 'cyber operations might *in extremis* fall within the scope of the prohibition of the use of force and thus constitute a breach of art. 2 para. 4 UN Charter'.²⁵ Furthermore, it was stated that the position of Germany was that Charter provisions 'apply to any use of force, regardless of the weapons employed'; thus, the emphasis is on 'the effects rather than on the means used'.²⁶ The position paper confirmed Germany's position that the threshold of the use of force was defined 'by the **scale and effects** of such a cyber operation':

Whenever scale and effects of a cyber operation are comparable to those of a traditional kinetic use of force, it would constitute a breach of art. 2 para. 4 UN Charter.

The determination of a cyber operation as having crossed the threshold of a prohibited use of force is a **decision to be taken on a case-by-case basis**. Based on the assessment of the scale and effects of the operation, the broader context of the situation and the significance of the malicious cyber operation will have to be taken into account.²⁷

The position paper noted that a cyber incident could be conducted by state organs which are attributable to the state in question²⁸ and by non-state

²²Letter dated 10 February 2021 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, UN Doc A/75/741-S/2021/129 (11 February 2021); Turkey, Letter dated 24 February 2021 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, UN Doc A/75/782-S/2021/185 (26 February 2021); Letter dated 22 March 2021 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, UN Doc A/75/824-S/2021/283 (23 March 2021); Turkey, Letter dated 11 June 2021 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, UN Doc A/75/922-S/2021/568 (14 June 2021).

²³Letter dated 22 April 2021 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, UN Doc A/75/862-S/2021/399 (26 April 2021).

²⁴Germany, Ministry of Foreign Affairs, 'On the Application of International Law in Cyberspace Position Paper' (March 2021) www.auswaertiges-amt.de/blob/2446304/32e7b2498e10b74fb17204c54665bdf0/on-the-application-of-international-law-in-cyberspace-data.pdf.

²⁵*Ibid.*, 6.

²⁶*Ibid.*

²⁷*Ibid.*

²⁸*Ibid.*, 10.

actors ‘which act on the instructions of, or under the direction or control of, a State are attributable to that State’.²⁹ With regards to providing evidence of the attribution, the position paper held that there was no general obligation under international law to ‘publicize a decision on attribution and to provide or to submit for public scrutiny detailed evidence on which an attribution is based’:

Any such publication in a particular case is generally based on political considerations and does not create legal obligations for the State under international law. Also, it is within the political discretion of a State to decide on the timing of a public act of attribution. Nevertheless, Germany supports the UN Group of Governmental Experts’ position in its 2015 report that accusations of cyber-related misconduct against a State should be substantiated. States should provide information and reasoning and – if circumstances permit – attempt to communicate and cooperate with the State in question to clarify the allegations raised. This may bolster the transparency, legitimacy and general acceptance of decisions on attribution and any response measures taken.³⁰

Germany confirmed that it was of the position that malicious cyber operations could constitute an armed attack ‘whenever they are comparable to traditional kinetic armed attack in scale and effect’, triggering the right of self-defence according to Article 51 of the Charter.³¹ The position paper elaborated:

The response to malicious cyber operations constituting an armed attack is not limited to cyber counter-operations. Once the right to self-defence is triggered, the State under attack can resort to all necessary and proportionate means in order to end the attack. Self-defence does not require using the same means as the attack which provided the trigger for its exercise.³²

2. Africa

Eritrea-Ethiopia: Tigray Crisis Continues Amid Eritrean Presence in Ethiopia

As detailed in the previous Digest,³³ an internal increase in tensions between the Tigray People’s Liberation Front (TPLF) and the Ethiopian Federal Government over local elections, Ethiopia declared a state of emergency in the Tigray Region.³⁴ Prime Minister Abiy Ahmed then ordered the Ethiopian

²⁹*Ibid.*, 11.

³⁰*Ibid.*, 12.

³¹*Ibid.*, 15.

³²*Ibid.*, 15–6.

³³Patrick M Butchard and Jasmin J Nessa (eds), ‘Digest of State Practice: 1 July – 31 December 2020’ (2021) 8(1) *Journal on the Use of Force and International Law* 357, 183–4.

³⁴Louisa Brooke-Holland, ‘Ethiopia: Warnings of “Full-Scale Humanitarian Crisis” in Tigray Region’, House of Commons Library, UK Parliament (18 November 2020) <https://commonslibrary.parliament.uk/>

military to deploy to the Tigray region after accusing the TPLF of attacking federal military personnel and attempting to steal equipment.³⁵

After some months of accusations between the parties of clashes with Eritrean troops in the region, in December the United States suggested that it believed reports of Eritrea's military involvement in the Tigray region were 'credible'.³⁶ While these accusations were initially dismissed as 'propaganda' by Eritrea's Foreign Minister,³⁷ Eritrea and Ethiopia finally acknowledged the presence of Eritrean troops in Tigray.³⁸ In March 2021, Ethiopian Prime Minister Abiy Ahmed acknowledged that Eritrean troops had been present within Ethiopia during the conflict, and in the same address to Parliament also acknowledged that some Ethiopian troops may have committed atrocities such as rape and looting, promising that those responsible would be held to account.³⁹ In April, Eritrea wrote to the UN Security Council acknowledging Eritrea's presence in Tigray, but denying any illegal conduct:

We are indeed appalled by attempts to blame those who were forced to resort to legitimate measures of self-defence that other countries would have used under similar circumstances. The allegations of rape and other crimes lodged against Eritrean soldiers are not just outrageous, but also a vicious attack on the culture and history of our people.⁴⁰

Eritrea also went on to say that

as the looming grave threat has been largely thwarted, Eritrea and Ethiopia have agreed – at the highest levels – to embark on the withdrawal of Eritrean forces and the simultaneous redeployment of Ethiopian contingent along the international boundary. Eritrea avails of this occasion to thank the member States of the Security Council who have insisted on adherence to established norms in this case, too.⁴¹

[ethiopia-fears-of-civil-war-in-tigray-region/](#); more recently, see, Louisa Brooke-Holland, 'Ethiopia: Situation in Tigray', House of Commons Library, UK Parliament (18 June 2021) <https://commonslibrary.parliament.uk/research-briefings/cbp-9147/>.

³⁵ Ethiopia, Office of the Prime Minister on Twitter (4 November 2020) <https://twitter.com/PMEthiopia/status/1323901191902822406>.

³⁶ Phil Stewart, 'Exclusive: U.S. Says reports of Eritrean Troops in Ethiopia's Tigray are "Credible"', *Reuters* (11 December 2020) www.reuters.com/article/ethiopia-conflict-eritrea-usa-id1NKNB28L07J; see also, 'Tigray crisis: Eritrea's role in Ethiopian conflict', *BBC News* (28 December 2020) www.bbc.co.uk/news/world-africa-55295650.

³⁷ Peter Beaumont, 'Diplomats back claims Eritrean troops have joined Ethiopia conflict', *The Guardian* (8 December 2020) www.theguardian.com/world/2020/dec/08/diplomats-back-claims-eritrean-troops-have-joined-ethiopia-conflict.

³⁸ 'Ethiopia's PM Abiy Admits Eritrean Forces are in Tigray', *The Defense Post* (23 March 2021) www.thedefensepost.com/2021/03/23/ethiopia-admits-eritrea-in-tigray/; see also, Cara Anna, 'Ethiopian Army Official Confirms Eritrean Troops in Tigray', *AP News* (7 January 2021) <https://apnews.com/article/eritrea-abiyahmed-ethiopia-united-nations-kenya-9d12e2af8c22926dd6b6b0c2d67473bf>.

³⁹ 'Ethiopian PM Confirms Eritrean Troops Entered Tigray During Conflict', *Reuters* (23 March 2021) www.reuters.com/article/us-ethiopia-conflict-idUSKBN2BF1NT.

⁴⁰ Letter dated 16 April 2021 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council, UN Doc S/2021/378 (19 April 2021).

⁴¹ *Ibid.*

On 23 May, US Secretary of State Antony Blinken expressed concern that ‘the parties to the conflict in Tigray have taken no meaningful steps to end hostilities or pursue a peaceful resolution of the political crisis’.⁴² He announced that the US would impose visa restrictions for any current or former Ethiopian or Eritrean government officials, members of the security forces, or other individuals that are responsible for, or complicit in, undermining resolution of the crisis in Tigray.⁴³ In response, Eritrea accused the US of interference in Eritrea and Ethiopia’s internal affairs, arguing:

The current situation in the Tigray Region of Ethiopia is the direct and cumulative consequence of misguided measures pursued, by successive United States Administrations in the last two decades, to prop up and embolden the Tigray People’s Liberation Front (TPLF) to flagrantly violate international law with impunity and to indulge in acts of continuous regional destabilization.⁴⁴

In this context, Eritrea referred to historical sanctions against the country, and argued that even Security Council sanctions previously imposed on Eritrea were done so on ‘spurious pretexts’ and ‘in contravention of Article 51 of the Charter of the United Nations’.⁴⁵

In May, Ethiopia’s Cabinet and Parliament branded the TPLF a terrorist organisation.⁴⁶ By the end of June, the TPLF had taken the Tigray region capital, Mekelle,⁴⁷ and by the end of this reporting period some reports suggested that forces were continuing to push to recapture towns in the south of the region.⁴⁸ As the conflict continued, Ramesh Rajasingham, UN Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, warned of an imminent humanitarian crisis and people falling into famine in Tigray.⁴⁹ Meanwhile, Ethiopian Prime Minister Abiy Ahmed won the rescheduled election in June–July 2021, but voting did

⁴²US, Department of State, ‘United States’ Actions to Press for the Resolution of the Crisis in the Tigray Region of Ethiopia’ (23 May 2021) www.state.gov/united-states-actions-to-press-for-the-resolution-of-the-crisis-in-the-tigray-region-of-ethiopia/.

⁴³*Ibid.*

⁴⁴Letter dated 27 May 2021 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council, UN Doc S/2021/510 (1 June 2021).

⁴⁵*Ibid.*

⁴⁶‘Tigray Conflict: Ethiopia Lists TPLF as a Terrorist Group’, *Africa News* (6 May 2021) www.africanews.com/2021/05/06/tigray-conflict-ethiopia-lists-tplf-as-a-terrorist-group/.

⁴⁷‘Ethiopia’s Tigray Conflict: Street Celebrations as Rebels Seize Capital’, *BBC News* (29 June 2021) www.bbc.co.uk/news/world-africa-57645282.

⁴⁸Dawit Endeshaw and Maggie Fick, ‘Forces from Ethiopia’s Tigray Region Say they are Pushing South’, *Reuters* (12 July 2021) www.reuters.com/world/africa/forces-ethiopia-tigray-region-say-they-are-pushing-south-2021-07-12/.

⁴⁹‘400,000 in Tigray Cross “Threshold Into Famine”, with Nearly 2 Million on the Brink, Security Council told’, *UN News* (2 July 2021) <https://news.un.org/en/story/2021/07/1095282>; see also, Giulia Paravicini and Katharine Houreld, ‘EXCLUSIVE UN Official Accuses Eritrean Forces of Deliberately Starving Tigray’, *Reuters* (14 June 2021) www.reuters.com/world/africa/exclusive-un-official-accuses-eritrean-forces-deliberately-starving-tigray-2021-06-11/.

not take place in Tigray.⁵⁰ Further recent developments on the international community's reaction and their consideration of sanctions against Ethiopia and Eritrea will be covered in future Digests.

Burkina Faso – Ivory Coast: Agreement to 'Mutualise' Operations against Terrorists

In a previous Digest covering January – June 2020,⁵¹ it was reported that Burkina Faso and Ivory Coast took part in a large-scale joint operation targeting terrorist forces for the first time. In May 2021, reports emerged that the two Defence Ministers of those states were keen to 'mutualise' their operations in fighting terrorist forces.⁵² Ivory Coast Defence Minister Téné Birahima Ouattara said, 'We believe that the fight against terrorism cannot be led by a single state. We must pool our efforts, keep each other informed and try to put together our means ... to fight effectively against this scourge'.⁵³ The ministers further acknowledged further joint operations by the two states following recent cross-border attacks.⁵⁴

Sahel Region: International Military Assistance Continues

Following reports during the previous reporting period that France was considering an exit strategy from the Sahel, further reports and developments continued regarding France's involvement in the region during the first half of 2021. Reports suggested that internal political factors may influence France's decision to drawback their eight-year-long mission in Mali.⁵⁵ In June, French President Emmanuel Macron announced that *Operation Barkhane* would come to an end, and some French troops would join the Takuba international task force.⁵⁶ Macron said 'France is in Africa only at the request of Africans ... to fight against terrorism ... But the shape of our

⁵⁰'Ethiopia election: Abiy Ahmed wins with Huge Majority', *BBC News* (11 July 2021) www.bbc.co.uk/news/world-africa-57791868.

⁵¹Patrick M Butchard (ed), 'Digest of State Practice: 1 January–30 June 2020' (2020) 7(2) *Journal on the Use of Force and International Law* 357, 364–5.

⁵²'Burkina Faso, Ivory Coast, to "Mutualize" Efforts in Anti-Jihadist Fight', *Africa News* (10 May 2021) www.africanews.com/2021/05/10/burkina-faso-ivory-coast-to-mutualize-efforts-in-anti-jihadist-fight/.

⁵³*Ibid.*

⁵⁴*Ibid.*

⁵⁵'After Eight Years of Mali Campaign, France Seeks Exit Strategy', *The Defense Post* (6 January 2021) www.thedefensepost.com/2021/01/06/france-seeks-mali-exit-strategy/.

⁵⁶'Macron Announces Sahel Troop Drawdown, Calls for New Force', *The Defense Post* (11 June 2021) www.thedefensepost.com/2021/06/11/macron-announces-sahel-troop-drawdown/; see also, Tangi Salaün and John Irish, 'France Ends West African Barkhane Military Operation', *Reuters* (11 June 2021) www.reuters.com/world/africa/france-announce-troop-reduction-sahel-operations-sources-2021-06-10/.

presence, an operation abroad involving 5,000 troops, is not adapted any more to the reality of the combats'.⁵⁷

Macron later clarified that France would not withdraw completely from the region, and *Operation Barkhane* would aim to draw to a close by early 2022.⁵⁸ Macron said:

Our enemies have abandoned their territorial ambitions in favour of spreading their threat not only across the Sahel, but across all of West Africa ... Unfortunately this offensive implies increased pressure on all the Gulf of Guinea countries, which is already a reality.

...

We are going to reorganise ourselves in line with this need to stop this spread to the south, and it will lead to a reduction of our military footprint in the north.⁵⁹

The G5 Sahel, and the Sahel Alliance met in N'Djamena, Chad, in February and announced commitments to strengthening counterterrorism operations in the region, and strengthening the European contingent to assist with this.⁶⁰ Chad's President Idriss Deby Itno also tweeted that Chadian troops will be deployed to the 'three border' zone between Niger, Mali, and Burkina Faso⁶¹ – but this tweet has since seemingly been deleted following the President's death during rebel clashes in April 2021.⁶² Meanwhile, military operations against militant forces in the Sahel region continued throughout the reporting period.

Operations suspended in Mali following second military coup

As reported in the previous Digest, in August 2020 the Mali military forced a coup against the government, complicating relationships with international

⁵⁷Sylvie Corbet, 'Macron to Reduce French Military Troops in Africa's Sahel', *AP News* (10 June 2021) <https://apnews.com/article/europe-africa-government-and-politics-aafc8384982070d6c2bc713a008d9638>.

⁵⁸'Macron Announces France's Sahel Military Force will End in Early 2022', *France24* (14 July 2021) www.france24.com/en/france/20210713-macron-announces-france-s-sahel-military-force-will-end-in-early-2022.

⁵⁹'France to Start Closing Military Bases in Mali by Year-End: Macron', *The Defense Post* (9 July 2021) www.thedefensepost.com/2021/07/09/france-mali-bases/.

⁶⁰Sylvie Corbet and Sam Mednick, 'France, West Africa Step up Counterterrorism Efforts', *AP News* (16 February 2021) <https://apnews.com/article/mauritania-chad-counterterrorism-paris-niger-a96f688f58304bd9c8375435333a79da>; see also, Alliance Sahel, '2021 General Assembly of the Sahel Alliance (N'Djamena, Tchad)', (15 February 2021) www.alliance-sahel.org/en/2021-general-assembly-sahel-alliance/.

⁶¹'Chad to Send Troops to Sahel Jihadist Flashpoint', *The Defense Post* (16 February 2021) www.thedefensepost.com/2021/02/16/chad-troops-sahel-jihadist-flashpoint/.

⁶²'Chad's President Idriss Déby dies after Clashes with Rebels', *BBC News* (20 April 2021) www.bbc.co.uk/news/world-africa-56815708; see also, Madjiasra Nako and Aaron Ross, 'Chad President Idriss Deby Killed on Frontline, Son to Take Over', *Reuters* (20 April 2021) www.reuters.com/world/africa/chad-president-idriss-deby-has-died-says-army-spokesman-2021-04-20/.

military partners in the country – particularly France.⁶³ French airstrikes continued to take place, and the military-appointed government supported the operations.⁶⁴ But in May the Malian military detained the President, Prime Minister and defence minister of the interim government,⁶⁵ and two days later the interim president and prime minister resigned.⁶⁶ In response to suggestions that these resignations were forced by the military, France announced that it would be suspending any joint operations with the Mali military as part of Operation Eclipse.⁶⁷ Other states took diplomatic measures, and Mali was suspended from ECOWAS and the African Union.⁶⁸ France finally resumed operations with the military one month later following consultations with the military leaders.⁶⁹

In Resolution 2584 (2021), renewing the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), UN Security Council also condemned what it called ‘the violation of the Transition Charter constituted by the arbitrary arrest of the transitional leaders by elements of the Defense and Security forces’, and called for the immediate resumption of the inclusive transition in Mali leading to elections and constitutional order.⁷⁰

Mozambique: The Southern African Development Community (SADC) Deploys Troops

The Previous Digest covered the deteriorating situation in Mozambique involving militants known as Ansar al-Sunna from Mozambique that had pledged allegiance to the so-called Islamic State.⁷¹ Previously, states from the South African Development Community (SADC) had expressed

⁶³See Butchard and Nessa (n 33) 179–81.

⁶⁴See, e.g. ‘France Says Kills Dozens of Mali Jihadists, Villagers Say Wedding Party Hit’, *The Defense Post* (6 January 2021) www.thedefensepost.com/2021/01/06/france-kills-mali-jihadists-wedding-party-hit/; ‘French Strike in Mali Targeted Jihadists, Says Bamako’, *The Defense Post* (8 January 2021) www.thedefensepost.com/2021/01/08/bamako-says-france-hit-jihadists-mali/.

⁶⁵David Lewis, ‘Military Detain Mali’s President, Prime Minister and Defence Minister’, *Reuters* (24 May 2021) www.reuters.com/world/africa/military-arrest-malis-president-prime-minister-defence-minister-sources-2021-05-24/.

⁶⁶Tiemoko Diallo, Paul Lorgerie and Aaron Ross, ‘Mali’s President and Premier Resign Following Military Takeover’, *Reuters* (26 May 2021) www.reuters.com/world/africa/mediators-meet-detained-mali-president-prime-minister-2021-05-26/.

⁶⁷Tangi Salaün, ‘Pressuring Junta, France Suspends Joint Military Operations with Malian Forces’, *Reuters* (4 June 2021) www.reuters.com/world/africa/france-suspends-joint-military-operations-with-malian-troops-2021-06-03/.

⁶⁸See, e.g. ‘ECOWAS Suspends Mali Over Second Coup in Nine Months’, *Al-Jazeera* (31 May 2021) www.aljazeera.com/news/2021/5/31/ecowas-suspends-mali-over-second-coup-in-nine-months; African Union, ‘African Union Suspends Mali from Participation in all Activities of the African Union and Decides to Constitute an Evaluation Mission to Engage with all Concerned Stakeholders’ (16 June 2021) <https://au.int/en/articles/african-union-suspends-mali-participation-all-activities>.

⁶⁹France Resumes Joint Military Operations in Mali’, *Al-Jazeera* (3 July 2021) www.aljazeera.com/news/2021/7/3/france-resumes-joint-military-operations-with-mali.

⁷⁰UNSC Res 2584 (2021), UN Doc S/RES/2584 (2021) (29 June 2021) preambular para 12.

⁷¹Butchard and Nessa (n 33) 185–6.

willingness to assist Mozambique in their military operations, but reports in August 2020 suggested that the Mozambican government did not want to consent to a SADC intervention, and instead preferred bilateral military assistance from Zimbabwe.⁷²

On 23 June, the Executive Secretary of SADC, Stergomena Tax, told reporters that the African states had agreed the deployment of a Standby Force ‘in support of Mozambique to combat terrorism and acts of violent extremism in Cabo Delgado’.⁷³ At the beginning of July, Stergomena Tax wrote to the United Nations to inform the Security Council of the deployment, stating that the deployment was to take effect by 15 July 2021, for an initial period of three months.⁷⁴ There were no details at that time on troop numbers or contributions, but SADC said that the mission ‘aims to support Mozambique in combating acts of terrorism and violent extremism, and to support Mozambique in restoring law and order in affected areas of Cabo Delgado Province’.⁷⁵ The letter to the UN also argued that the deployment was ‘[c]onsistent with the SADC Protocol on Politics, Defence and Security Cooperation, and in recognition of the principle of subsidiarity as espoused in the Charter of the United Nations (Chapter VIII, regional arrangements, Article 52)’.⁷⁶

Reports suggest the SADC publicly launched in August 2021, and these developments will be covered in the next reporting period.⁷⁷

In similar developments, other states offered international assistance to Mozambique to combat terrorism. For example, in March the US announced that US Special Operations Forces will train Mozambican marines for two months ‘to support Mozambique’s efforts to prevent the spread of terrorism and violent extremism’.⁷⁸ Similarly, Portuguese Defence Minister Joao Gomes Cravinho announced a five-year defence plan with Mozambique, where Portugal will provide special forces training for the local defence forces.⁷⁹ At the end of

⁷²*Ibid*; see also, Andrew Kunambura, ‘Mozambican Govt Begg Zim for Military Rescue’, *Zimbabwe Independent* (7 August 2020) www.theindependent.co.zw/2020/08/07/mozambican-govt-begs-zim-for-military-rescue/.

⁷³‘Southern African Nations Agree to Deploy Forces to Mozambique’, *Al-Jazeera* (23 June 2021) www.aljazeera.com/news/2021/6/23/southern-african-nations-agree-to-deploy-forces-to-mozambique.

⁷⁴Letter dated 15 July 2021 from the Secretary-General addressed to the President of the Security Council, UN Doc S/2021/658 (21 July 2021) Annex.

⁷⁵*Ibid*.

⁷⁶*Ibid*.

⁷⁷See, Helmoed-Römer Heitman and Jeremy Binnie, ‘SADC Mission in Mozambique Launched’, *Janes* (12 August 2021) www.janes.com/defence-news/news-detail/sadc-mission-in-mozambique-launched.

⁷⁸US Embassy in Mozambique, ‘U.S. Government Provides Military Training to Mozambican Marines’ (15 March 2021) <https://mz.usembassy.gov/u-s-government-provides-military-training-to-mozambican-marines/>.

⁷⁹‘Portugal Signs Deal to Help Mozambique in Jihadist Fight’, *The Defense Post* (10 May 2021) www.thedefensepost.com/2021/05/10/portugal-helps-mozambique-fight-jihadists/; see also, Catarina Demy and Emma Rumney, ‘Portugal to Send Another 60 Troops to Mozambique on Training Mission’, *Reuters* (10 May 2021) www.reuters.com/world/africa/portugal-send-another-60-troops-mozambique-training-mission-2021-05-10/.

June, the EU also established an EU Training Mission in Mozambique,⁸⁰ and formalised the mission as EUTM Mozambique in early July.⁸¹ The EU mission's mandate mission will initially last two years, and the EU announced:

During this period, its strategic objective will be to support the capacity building of the units of the Mozambican armed forces that will be part of a future Quick Reaction Force. In particular, the mission will provide military training including operational preparation, specialised training on counter-terrorism, and training and education on the protection of civilians and compliance with international humanitarian law and human rights law.⁸²

Somalia-Kenya-US: Drawdown of Military Operations

As reported in the previous Digest, the US announced a plan to withdraw military forces from Somalia the final days of former US President Trump's administration, to be completed in January 2021.⁸³ The US military confirmed that this was complete by 17 January.⁸⁴ Up to 19 January, US Africa Command continued to partake in airstrikes within Somalia against al-Shabab forces.⁸⁵ Between February and July, there were no reported military strikes, although some operations did resume at the end of this reporting period.⁸⁶ The strikes following withdrawal were described by the US as 'conducted under collective self-defense authority'.⁸⁷

Meanwhile, the US continued to strengthen military ties and cooperation with neighbouring Kenya. In March the US Army said:

The United States stands shoulder to shoulder with Kenya in our mutual objective to keep Kenyans and Americans safe through support and cooperation across all branches of the Kenya Defence Forces, including

⁸⁰'EU Agrees Military Training Mission for Mozambique', *The Defense Post* (30 June 2021) www.thedefensepost.com/2021/06/30/eu-mozambique-military-training/.

⁸¹Council of the EU, 'Mozambique: EU Sets up a Military Training Mission to Help Address the Crisis in Cabo Delgado' (12 July 2021) www.consilium.europa.eu/en/press/press-releases/2021/07/12/mozambique-eu-launches-a-military-training-mission-to-help-address-the-crisis-in-cabo-delgado/.

⁸²*Ibid.*

⁸³Butchard and Nessa (n 33) 186–7.

⁸⁴Cara Anna, 'US Military Says its Troop Removal from Somalia is Complete', *AP News* (17 January 2021) <https://apnews.com/article/donald-trump-troop-withdrawals-national-elections-elections-africa-a5c53d5c7cb0fa3473e7df98ee66ce1>.

⁸⁵See, e.g. US Africa Command, 'U.S. Africa Command Conducts Strikes on Al-Shabaab Compound' (2 January 2021) www.africom.mil/pressrelease/33391/us-africa-command-conducts-strikes-on-al-shabaab-compound; US Africa Command, 'U.S. Africa Command Conducts Strike on Al-Shabaab Leaders' (7 January 2021) www.africom.mil/pressrelease/33401/us-africa-command-conducts-strike-on-al-shabaab-leaders; US Africa Command, 'U.S. Africa Command Forces Conduct Strike on Al-Shabaab Compound' (18 January 2021) www.africom.mil/pressrelease/33422/us-africa-command-forces-conduct-strike-on-al-shabaab-compound; US Africa Command, 'U.S. Africa Command Forces Conduct Two Strikes on Al-Shabaab Operatives' (19 January 2021) www.africom.mil/pressrelease/33426/us-africa-command-forces-conduct-two-strikes-on-al-shabaab-operatives.

⁸⁶US Africa Command, 'U.S. Africa Command Conducts Strike against Al-Shabaab' (20 July 2021) www.africom.mil/pressrelease/33893/us-africa-command-conducts-strike-against-al-shabaab.

⁸⁷*Ibid.*

annual education and training, shared intelligence and surveillance, joint military exercises, high quality military equipment, and pandemic response.⁸⁸

3. Middle East

Syria-Third States' Involvement

During a Security Council meeting on 5 January 2021, the representative of Syria accused 'Western Governments' of using the Organisation for the Prohibition of Chemical Weapons (OPCW) as a platform to fabricate accusations and justify aggression against Syria.⁸⁹ In a letter dated 12 January 2021, Syria complained of alleged support by Turkey of terrorist activities in Syria, accusing the Erdoğan regime of flagrant violations of international law, 'which in the past few years have included attacks and occupation by that regime's forces, in violation of the sovereignty, unity and territorial integrity of my country'.⁹⁰ Turkey reaffirmed its resolve to continue its fight against terrorism:

Turkey is resolved to fight against all terrorist groups that threaten its national security and Syria's unity. We will continue without hesitation, just as we have done as an active member of the Global Coalition against Da'esh since its inception and as the only NATO country that engaged in chest-to-chest combat against Da'esh.⁹¹

The European Parliament passed a resolution on the Syrian conflict on 11 March 2021 stating, amongst other things, that Turkey's illegal invasion and occupation and activities in Syria was jeopardising peace in Syria.⁹² Turkey rejected the 'unfounded allegations' in the resolution and denounced the resolution as revealing the European Parliament's biased and dishonest approach against Turkey.⁹³ Moreover, Turkey recalled that it had conducted operations in Syria on the basis of its right of self-defence:

⁸⁸US Army Europe and Africa, 'Press Release – United States and Kenya Strengthen Security Partnership' (8 March 2021) www.europeafrica.army.mil/ArticleViewPressRelease/Article/2528464/press-release- united-states-and-kenya-strengthen-security-partnership/.

⁸⁹President of the Security Council, Letter dated 7 January 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/22 (7 January 2021) 32 (Syria).

⁹⁰Syria, Identical letters dated 12 January 2021 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/2021/32 (15 January 2021).

⁹¹President of the Security Council, Letter dated 1 March 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/206 (3 March 2021) 41 (Turkey).

⁹²European Parliament, European Parliament resolution of 11 March 2021 on the Syrian conflict – 10 years after the uprising (2021/2576(RSP)) (11 March 2021) www.europarl.europa.eu/doceo/document/TA-9-2021-0088_EN.html.

⁹³Turkey, Ministry of Foreign Affairs, 'No: 95, 12 March 2021, Press Release Regarding the Allegations Against Turkey in European Parliament Resolution on the Syrian Conflict' (12 March 2021) www.mfa.gov.tr/no_95_avrupa-parlamentosu-genel-kurulu-nda-kabul-edilen-suriye-ithilafina-iliskin-kararda-ulkemize-yonelik-ifadeler-hk.en.mfa.

Turkey has conducted operations in the north of Syria against terrorist organizations, which have threatened the Turkish and Syrian people along the border line, on the basis of the right of self-defense in accordance with the Article 51 of the UN Charter. All the necessary measures were taken with utmost attention to prevent any harm to the civilians during and after the operations.⁹⁴

In a letter, dated 20 January 2021, Syria informed the Security Council of ‘near-daily acts of aggression’ committed by American forces in Syria’:

The Syrian Arab Republic emphasizes that the actions of the American occupying forces are a flagrant attack on the sovereignty, unity and territorial integrity of Syria, and blatantly contravene international law and the resolutions of the Security Council concerning Syria ...⁹⁵

Further, Syria called for the withdrawal of ‘the forces of the American occupation and its allies’ from Syrian territory.⁹⁶ In a letter dated 5 February 2021, Syria, once again, complained of continued acts of aggression involving the United States military forces.⁹⁷ In a further letter, dated 15 February 2021, Syria wrote to the Security Council concerning the presence of foreign terrorist fighters in the Syrian Arab Republic:

My country, Syria, has been the victim of a terrorist war waged by the Governments of States that are known to all, a war in which they have employed thousands of foreign terrorists ...⁹⁸

...

Syria considered that foreign terrorist fighters continued to pose a major global threat ‘primarily because the Governments of Western States of which the foreign terrorists are nationals have not fulfilled their responsibilities’.⁹⁹

At the Arria-formula meeting on 24 February 2021, Syria accused ‘the illegal and illegitimate so-called “international coalition”’ of distorting the Charter and using the pretext of combatting ISIS in order to justify its actions under Article 51 of the Charter.¹⁰⁰ Syria also accused Turkey of taking a similar

⁹⁴*Ibid.*

⁹⁵Syria, Identical letters dated 20 January 2021 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/2021/65 (22 January 2021).

⁹⁶*Ibid.*, 2.

⁹⁷Syria, Identical letters dated 5 February 2021 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/113 (9 February 2021).

⁹⁸Syria, Identical letters dated 15 February 2021 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/143 (18 February 2021).

⁹⁹*Ibid.*

¹⁰⁰Mexico, Letter dated 8 March 2021 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council, UN Doc A/75/993-S/2021/247 (16 March 2021) 70–1 (Syria).

approach of ‘using the pretext of legitimate defense and Article 51 to launch aggressive actions against my country’.¹⁰¹ During a Security Council meeting on 15 March 2021, the representative of Syria argued that it had been ten years since ‘some countries’ had launched a war against Syria:

On this day 10 years ago, the Governments of some countries, mainly the United States, the United Kingdom and France, launched an unprecedented, multifaceted, aggressive war against Syria to undermine its national choices, target its legitimate Government and distort the image of its leadership through terrorist tools, in grave violation of the principles of international law and the provisions of the Charter of the United Nations. This clearly revealed that those countries give precedence to the law of force over the force of law.¹⁰²

In a letter dated 17 March 2021 addressed to the Security Council, Syria stated that it had counted on and would continue to count on the United Nations to condemn attacks and violations against Syrian territory, whilst also noting that hostilities on its territory were continuing:

The Syrian Arab Republic is not surprised that Israel continues to pursue its hostile and dangerous approach, that armed terrorists organizations continue to commit crimes and that the Israeli, Turkish and American occupiers continue to hold cherished parts of Syrian territory. Nor is it surprised that the European Union, the European Parliament, the United States of America and certain States that are in their orbit issued nearly identical statements to mark what they called “10 years of conflict in Syria”, in a blatant and shameful exchange of roles among those who are playing their designated parts in attacking the sovereignty and territorial integrity and unity of Syria ...¹⁰³

Syria held that the Security Council must fulfil its responsibilities under the Charter, reminding the Council that the most significant of which was the maintenance of international peace and security.¹⁰⁴

During a Security Council meeting on 20 January 2021, the representative of China declared that the current security threats to Syria are mainly from foreign occupation and ‘faced with foreign military and terrorist forces, the Syrian Government has the right to defend the country’s sovereignty and territorial integrity and to conduct counter-terrorism operations to defend its national security’.¹⁰⁵ At the same meeting, the representative of Iran

¹⁰¹*Ibid.*

¹⁰²President of the Security Council, Letter dated 17 March 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/265 (18 March 2021) 35.

¹⁰³Syria, Identical letters dated 17 March 2021 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/2021/271 (22 March 2021).

¹⁰⁴*Ibid.*

¹⁰⁵President of the Security Council, Letter dated 22 January 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/75 (25 January 2021) 7 (China).

cautioned that fighting terrorism must not be used as a ‘pretext to support any separatist tendencies and illegitimate self-rule initiatives, or to violate Syrian sovereignty’.¹⁰⁶ In that context, the representative of Iran accused the United States of occupying parts of Syria and ‘shielding and supporting certain terrorist groups’, whilst also condemning ‘Israel’s continued aggressions against Syria’ and warning that ‘such provocative military adventurism must stop now’.¹⁰⁷ The representative of Iran expressed Iranian support for Syria;

Iran will continue to support the people and the Government of Syria to overcome the threats of terrorism and foreign occupation, rebuild their country and ensure its unity and territorial integrity.¹⁰⁸

On numerous occasions, the United States reaffirmed its commitment to defeat ISIS in Iraq and Syria through the Global Coalition.¹⁰⁹ France, Germany, the United Kingdom and the United States announced that they would be continuing efforts to target and eliminate the ISIS threat in Iraq and Syria, including via the 83-member Global Coalition to Defeat ISIS.¹¹⁰ In a Joint Communiqué by Ministers of the Global Coalition, the ministers acknowledged that ‘the threat remains’.¹¹¹

Syria-United States: Claims of Measures Taken in Self-Defence

25 February 2021: targeted military strike in Eastern Syria

On 15 February 2021, the United States expressed its outrage at an alleged rocket attack in Erbil, an Iraqi Kurdistan Region, that had occurred on that same day.¹¹² During a call with the Iraqi Prime Minister, the United States’ Secretary of State discussed efforts underway to identify and hold

¹⁰⁶*Ibid*, 39 (Iran).

¹⁰⁷*Ibid* (Iran).

¹⁰⁸*Ibid* (Iran).

¹⁰⁹See, e.g. United States, Department of State, ‘On the Second Anniversary of ISIS’s Territorial Defeat’ (23 March 2021) www.state.gov/on-the-second-anniversary-of-isis-territorial-defeat/; United States, Department of State, ‘Ministerial Meeting of the Global Coalition to Defeat ISIS’s Small Group’ (26 March 2021) www.state.gov/ministerial-meeting-of-the-global-coalition-to-defeat-isis-small-group/; United States, Department of State, ‘Briefing with Acting Special Envoy for the Global Coalition to Defeat ISIS John Godfrey on U.S. Participation in the Upcoming D-ISIS Ministerial’ (29 March 2021) www.state.gov/briefing-with-acting-special-envoy-for-the-global-coalition-to-defeat-isis-john-godfrey-on-u-s-participation-in-the-upcoming-d-isis-ministerial/; United States, Department of State, ‘Joint Communiqué by Ministers of the Global Coalition to Defeat ISIS’ (28 June 2021) www.state.gov/joint-communique-by-ministers-of-the-global-coalition-to-defeat-isis/.

¹¹⁰United States, Department of State, ‘Joint Statement by the Secretary of State of the United States of America and the Foreign Ministers of France, Germany, and the United Kingdom’ (18 February 2021) www.state.gov/joint-statement-by-the-secretary-of-state-of-the-united-states-of-america-and-the-foreign-ministers-of-france-germany-the-united-kingdom/.

¹¹¹United States, Department of State, ‘Joint Communiqué by Ministers of the Global Coalition to Defeat ISIS Small Group’ (30 March 2021) www.state.gov/joint-communique-by-ministers-of-the-global-coalition-to-defeat-isis-small-group/.

¹¹²United States, Department of State, ‘Rocket Attacks in Erbil’ (15 February 2021) www.state.gov/rocket-attacks-in-erbil/.

accountable the groups responsible for the attack, as well as Iraq's 'responsibility and commitment to protect U.S. and Coalition personnel in Iraq at the government's invitation to fight ISIS'.¹¹³ In a Joint Statement, the foreign ministers of France, Germany, Italy, the United Kingdom, and the United States of America stated that their 'governments will support the Government of Iraq's investigation into the attack with a view to holding accountable those responsible'.¹¹⁴ Turkey condemned the rocket attacks in Erbil and stated that it believed that Iraq would swiftly identify those responsible and hold them accountable.¹¹⁵

In a letter dated 27 February 2021, the United States reported to the Security Council that it had taken measures in self-defence in eastern Syria:

[T]he United States, in an exercise of its inherent right of self-defence, as reflected in Article 51 of the Charter of the United Nations, has undertaken a targeted military strike in eastern Syria against infrastructure used by Iran-supported non-State militia groups.¹¹⁶

The United States claimed that it, along with its Coalition partner forces in Iraq, had been the target of an 'escalating series of threats and attacks by such non-State militia groups', including the alleged rocket attack near Erbil, Iraq, on 15 February:

In response to these attacks, the United States has taken military action in eastern Syria against a facility used by Iran-supported non-State militia groups that are responsible for recent attacks against United States personnel and are engaged in ongoing planning for future such attacks. This necessary and proportionate action was taken to defend United States personnel and to deter further attacks.¹¹⁷

The United States suggested that the so-called 'unwilling or unable' doctrine applied in its justification of the defensive measures it had taken:

As noted in the United States' letter to the Security Council of 23 September 2014, States must be able to defend themselves, in accordance with the inherent right of self-defence reflected in Article 51 of the Charter of the United Nations, when, as is the case here, the government of the State where the threat is located is unwilling or unable to prevent the use of its territory by non-State militia groups responsible for such attacks. The United

¹¹³United States, Department of State, 'Secretary Blinken's Call with Iraqi Prime Minister al-Kadhimi' (16 February 2021) www.state.gov/secretary-blinkens-call-with-iraqi-prime-minister-al-kadhimi/.

¹¹⁴United States, Department of State, 'Joint Statement on Rocket Attacks in Erbil' (16 February 2021) www.state.gov/joint-statement-on-rocket-attacks-in-erbil/.

¹¹⁵Turkey, Ministry of Foreign Affairs, 'No: 58, 16 February 2021, Press Release Regarding the Rocket Attacks that Took Place Last Night in Erbil' (16 February 2021) www.mfa.gov.tr/no_58_erbil-de-dun-gece-gerceklestirilen-roket-saldirilari-hk.en.mfa.

¹¹⁶Letter dated 27 February 2021 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2021/202 (3 March 2021).

¹¹⁷*Ibid.*

States remains prepared to use necessary and proportionate force in self-defence to respond to future threats to the United States and Coalition forces.¹¹⁸

On possible future cases, the United States' Secretary of State warned that military action will only be taken when 'the objectives and mission are clear and achievable'.¹¹⁹ Further, the Secretary of State claimed that the United States' 25 February 2021 military operation in Syria was conducted after it was 'understood who was responsible, and that took – took some time'.¹²⁰

Syria informed the Security Council, in a letter dated 26 February 2021, of the United States military operation.¹²¹ Syria accused the United States of citing 'flimsy pretexts or other shameful excuses to justify those attacks' and warned that the 'consequences of this aggression will escalate the situation in the region'.¹²² Syria called upon the Security Council to 'act immediately in order to stop a permanent member from continuing to commit acts of aggression and crimes against a sovereign State and a founding Member of the United Nations, and to prevent the recurrence of such acts'.¹²³ In responding specifically to the United States' letter dated 27 February 2021, Syria stated that it rejected the United States' 'selective interpretation of Article 51, one that distorts the meaning and expands the scope of that Article':

Syria would like to point out that Article 51 was drafted with deliberate care and includes restrictions that must be respected, in order to ensure that its provisions are not manipulated, misconstrued or interpreted in an overly broad manner and exploited to carry out acts of aggression under the pretext of self-defence, as that would spread chaos and ignite wars around the world. In addition, it should be remembered that Iraq has denied that the American airstrike was carried out in collaboration or coordination with it. That denial clearly refutes the claims made by the Permanent Representative of the United States that her country had carried out its attack in response to a request for assistance in addressing the terrorist threat posed by certain militias.¹²⁴

¹¹⁸*Ibid*; on the United States' legal justification for the 25 February 2021 targeted military strike in eastern Syria, see also, United States, Department of State, 'Secretary Antony J. Blinken at a Press Availability' (26 February 2021) www.state.gov/secretary-antony-j-blinken-at-a-press-availability-2/ and The White House, 'A Letter to the Speaker of the House and President pro tempore of the Senate Consistent with the War Powers Resolution' (27 February 2021) www.whitehouse.gov/briefing-room/statements-releases/2021/02/27/a-letter-to-the-speaker-of-the-house-and-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution/.

¹¹⁹United States, Department of State, 'A Foreign Policy for the American People' (3 March 2021) www.state.gov/a-foreign-policy-for-the-american-people/.

¹²⁰United States, Department of State, 'Secretary Antony J. Blinken with Judy Woodruff of PBS NewsHour' (3 March 2021) www.state.gov/secretary-antony-j-blinken-with-judy-woodruff-of-pbs-newshour/.

¹²¹Identical letters dated 26 February 2021 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/2021/197 (3 March 2021).

¹²²*Ibid*.

¹²³*Ibid*, 2.

¹²⁴Identical letters dated 4 March 2021 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/2021/223 (15 March 2021) 1–2.

Syria accused ‘certain Governments’ of exploiting Article 51, through expanded and distorted interpretations, in order to establish an international coalition, ‘without the approval of the Security Council or the party concerned, namely, the Syrian Government’:

The illegal conduct of those States and their manipulation of the Charter has made it possible for the Turkish regime to cite Article 51 as a basis for committing acts of aggression in the territory of the Syrian Arab Republic in support of terrorist organizations, including ISIL and the Levant Liberation Organization (Nusrah Front) ... ¹²⁵

Syria called upon the United States and its allies to end their occupation of parts of Syrian territory, halt acts of aggression, and desist from offering incorrect interpretations of Article 51 of the Charter.¹²⁶ Syria reiterated that it would not hesitate to exercise its right to defend its territory, people and sovereignty.¹²⁷

Russia strongly condemned the United States’ airstrike in Syria, whilst sceptically mentioning that the United States’ Defence Secretary, Lloyd Austin, had stressed that the choice of target for retaliation was based on irrefutable intelligence.¹²⁸ During a Security Council meeting on 15 March 2021, the representative of China noted that ‘some countries have recently carried out air strikes and missile launches against Syria’ and called upon all parties concerned to respect Syria’s sovereignty, independence and territorial integrity.¹²⁹

27 June 2021: targeted strikes against facilities in Syria and Iraq

On 27 June 2021, according to the White House, United States forces conducted targeted strikes against facilities at two locations in Syria and one location in Iraq, which were allegedly being used by Iran-backed militia groups that had allegedly been involved in attacks against United States personnel and facilities in Iraq.¹³⁰ The President of the United States, Joe Biden, announced that he had ordered the strikes in response to an ongoing series of attacks ‘and to deter the Islamic Republic of Iran and Iran-backed militia groups from conducting or supporting further attacks on United States

¹²⁵*Ibid.*, 2.

¹²⁶*Ibid.*

¹²⁷*Ibid.*, 3.

¹²⁸Russia, Ministry of Foreign Affairs, ‘Briefing by Foreign Ministry Spokeswoman Maria Zakharova, Moscow, February 26, 2021’ (26 February 2021) www.mid.ru/en/foreign_policy/news/-/asset_publisher/ckNonkJE02Bw/content/id/4601052.

¹²⁹President of the Security Council, Letter dated 17 March 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/265 (18 March 2021) 9 (China).

¹³⁰The White House, ‘Letter to the Speaker of the House and the President Pro Tempore of the Senate Consistent with the War Powers Resolution (Public Law 93-148)’ (29 June 2021) www.whitehouse.gov/briefing-room/presidential-actions/2021/06/29/letter-to-the-speaker-of-the-house-and-the-president-pro-tempore-of-the-senate-consistent-with-the-war-powers-resolution-public-law-93-148/.

personnel and facilities’.¹³¹ The President justified the strikes as measures taken in exercise of the United States’ inherent right of self-defence as reflected in Article 51 of the United Nations Charter and warned that the United States stood ‘ready to take further action, as necessary and appropriate, to address further threats or attacks’.¹³²

During a press briefing, the day after the 27 June 2021 strikes, the United States’ Secretary of State, Anthony Blinken, explained that the strikes, targeting facilities used by Iranian-backed militia groups, were designed to limit the risk of escalation but also to ‘send a clear and unambiguous deterrent message’:

This action in self-defense to do what’s necessary to prevent further attacks, I think, sends a very important and strong message. And I hope very much that it is received by those who are intended to receive it.¹³³

In a letter dated 29 June 2021 to the Security Council, the United States reported to the Council that it had conducted strikes against facilities in Syria and Iraq in the exercise of its inherent right of self-defence, as reflected in Article 51 of the Charter, adding:

This letter supplements prior letters provided to the Council, including on 27 February 2021, which further explain the basis for such actions in self-defense against these ongoing attacks. These militia attacks have escalated in recent months.¹³⁴

Syria-Israel: Dispute Over the Golan Heights and Alleged Attacks by Israel Against Syria

Dispute over the Golan heights

Syria informed the Security Council, in a letter dated 12 January 2021, that Israel had allegedly begun to erect new temporary buildings in the Trump Heights settlement, which was being built on the site of the demolished Syrian village of Qan’abah in the occupied Syrian Golan.¹³⁵ Syria called upon the Security Council to compel Israel to cease its illegal settlement policies and to withdraw from the entire occupied Syrian Golan to the line of 4 June 1967.¹³⁶

¹³¹*Ibid.*

¹³²*Ibid.*

¹³³United States, Department of State, ‘Secretary Antony J. Blinken And Italian Foreign Minister Luigi Di Maio At a Joint Press Availability’ (28 June 2021) www.state.gov/secretary-antony-j-blinken-and-italian-foreign-minister-luigi-di-maio-at-a-joint-press-availability/.

¹³⁴Letter dated 29 June 2021 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc S/2021/614 (30 June 2021).

¹³⁵Identical letters dated 12 January 2021 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/2021/36 (15 January 2021).

¹³⁶*Ibid.*, 2.

In a further letter to the Security Council, dated 9 February 2021, Syria accused Israeli Prime Minister, Benjamin Netanyahu, of publishing ‘another inflammatory statement concerning the occupied Syrian Golan, in which it said that the Golan Heights will forever remain part of the State of Israel’.¹³⁷ Syria said it was lamentable that:

[A]lthough nearly 54 years have passed since Israel occupied the Syrian Golan in June 1967, the Security Council remains incapable of fulfilling its responsibility to put an end to the Israeli occupation, which poses a threat to regional and international peace and security, and hold the Israeli authorities accountable for their crimes, owing to the immunity and support that the Governments of certain Western States that are permanent members of the Security Council, most notably the United States of America, give to Israel ...¹³⁸

Alleged attacks by Israel against Syria

In January,¹³⁹ February,¹⁴⁰ March,¹⁴¹ April,¹⁴² May¹⁴³ and June,¹⁴⁴ Syria repeatedly wrote to the Security Council concerning numerous alleged attacks by Israel against Syria and called upon the Security Council to fulfil its responsibility under the Charter, namely, the maintenance of international peace and security. In response to a specific alleged Israeli attack on 22 January 2021, Syria explicitly reaffirmed its ‘legitimate right to defend its territorial integrity and sovereignty and to protect its citizens from such

¹³⁷Identical letters dated 19 February 2021 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/75/774-S/2021/164 (23 February 2021).

¹³⁸*Ibid.*

¹³⁹Identical letters dated 7 January 2021 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/2021/23 (11 January 2021); Syria, Identical letters dated 13 January 2021 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/2021/46 (15 January 2021).

¹⁴⁰Identical letters dated 4 February 2021 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/2021/111 (9 February 2021); Syria, Identical letters dated 15 February 2021 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/144 (17 February 2021).

¹⁴¹Identical letters dated 17 March 2021 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/2021/271 (22 March 2021).

¹⁴²Identical letters dated 8 April 2021 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/2021/341 (12 April 2021).

¹⁴³Identical letters, 11 May 2021, from the Syrian Arab Republic addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/453 (14 May 2021); Syria, Identical letters dated 31 May 2021 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/2021/522 (4 June 2021).

¹⁴⁴Identical letters dated 9 June 2021 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/2021/545 (11 June 2021).

attacks by all legitimate means available to it, in accordance with international norms and conventions'.¹⁴⁵ Again, in letters dated 4 March 2021¹⁴⁶ and 22 April 2021,¹⁴⁷ Syria reiterated that it 'will not hesitate to exercise its right to defend its territory, people and sovereignty by all the means sanctioned under the Charter and international law'.

Iran, Russia and Turkey adopted a Joint Statement following a meeting held on 16 and 17 February 2021 condemning the

continuing Israeli military attacks in Syria in violation of the international law and international humanitarian law and undermining the sovereignty of Syria and neighboring countries as well as endangering the stability and security in the region and called for cessation of them.¹⁴⁸

Iraq–Turkey: Turkey's claim of Self-defence

In a letter dated 13 January 2021, Iraq reported alleged violations of Iraqi territory committed by Turkey between 30 September 2020 and 7 January 2021.¹⁴⁹ Turkey refuted the allegations and emphasised that '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'.¹⁵⁰ Turkey also stated that any criticism of Turkey for exercising its inherent right to self-defence, as outlined in Article 51 of the Charter of the United Nations, is unacceptable.¹⁵¹

In a letter dated 6 May 2021, Iraq provided a summary of violations of Iraqi territory and airspace committed by Turkey and of correspondence relating to action taken during the period between 7 January and 4 April 2021.¹⁵²

¹⁴⁵Identical letters dated 22 January 2021 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/2021/73 (25 January 2021).

¹⁴⁶Identical letters dated 2 March 2021 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/2021/210 (4 March 2021) 2.

¹⁴⁷Identical letters dated 22 April 2021 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/2021/391 (26 April 2021) 2.

¹⁴⁸Letter dated 22 February 2021 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/2021/170 (23 February 2021) 2.

¹⁴⁹Identical letters dated 13 January 2021 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/57 (18 January 2021).

¹⁵⁰Letter dated 26 January 2021 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council, UN Doc S/2021/83 (26 January 2021).

¹⁵¹*Ibid.*

¹⁵²Identical letters dated 6 May 2021 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/448 (11 May 2021).

Israel–Iran

Escalation of threats

During this reporting period, Israel repeatedly accused Iran of supporting terrorist organisations and warned that Israel would do everything possible to fight the Iranian threat.¹⁵³ Further, on numerous occasions, Israel declared that it would not allow Iran to manufacture or acquire nuclear weapons.¹⁵⁴ In a letter dated 12 January 2021, Israel accused Iran of having ‘direct involvement in illicit arms proliferation, State terrorism and regional destabilization’ and called upon the UN Security Council to respond to the threat to international peace and security posed by the Iranian nuclear programme.¹⁵⁵ Israel reminded the UN Security Council that it would take all necessary measures to protect its citizens and its sovereignty.¹⁵⁶ Iran dismissed Israel’s accusations as ‘baseless allegations’ and accused Israel of making continued threats against Iran:

Recalling the continued threats by the Israeli regime against my country, including the recent provocative statement by the Defense Minister of that regime “to have a military option on the table”, which are in clear breach of Article 2 (4) of the Charter of the United Nations, the Security Council must compel that regime to put an end to such unlawful threats and stop all its military adventurism and destabilizing policies and practices in the region.¹⁵⁷

Iran continued with the following warning:

¹⁵³Israel, Ministry of Foreign Affairs, ‘President Rivlin meets with the President and the Chancellor of Austria’ (17 March 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/President-Rivlin-meets-with-the-President-and-the-Chancellor-of-Austria-17-March-2021.aspx; Israel, Ministry of Foreign Affairs, ‘PM Netanyahu meets with US Secretary of Defense Lloyd Austin’ (12 April 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-meets-with-US-Secretary-of-Defense-Lloyd-Austin-12-April-2021.aspx; Israel, Ministry of Foreign Affairs, ‘PM Netanyahu meets with Czech FM Kulhanek and with Slovak FM Korcok’ (20 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-meets-with-Czech-FM-Kulhanek-and-with-Slovak-FM-Korcok-20-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘PM Netanyahu Meets with German FM Maas’ (20 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-meets-with-German-FM-Maas-20-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘President Rivlin meets with ambassadors to the United Nations’ (29 June 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/President-Rivlin-meets-with-ambassadors-to-the-United-Nations-29-June-2021.aspx.

¹⁵⁴Israel, Ministry of Foreign Affairs, ‘PM Netanyahu on Iranian decision’ (4 January 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-on-Iranian-decision-4-January-2021.aspx; Israel, Ministry of Foreign Affairs, ‘Uranium Enrichment to 20% is a Red Line that Requires a Decisive Response’ (4 January 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/Iranian-uranium-enrichment-requires-a-decisive-response-4-January-2021.aspx; Israel, Ministry of Foreign Affairs, ‘PM Netanyahu’s Remarks at the Start of the Cabinet Meeting’ (4 January 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-s-remarks-at-the-start-of-the-Cabinet-meeting-4-January-2021.aspx.

¹⁵⁵Identical letters dated 12 January 2021 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/2021/33 (12 January 2021).

¹⁵⁶*Ibid.*

¹⁵⁷Letter dated 22 January 2021 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/2021/72 (22 January 2021).

[I]n conformity with its inherent right to self-defence, the Islamic Republic of Iran is determined to protect its people and vital interests, and to respond decisively to any threat or use of force against its security, sovereignty and territorial integrity.¹⁵⁸

During a Security Council meeting on 26 January 2021, Iran accused Israel of making unsubstantiated and fabricated claims about Iran's nuclear programme and cautioned that Iran reserved its 'inherent right to self-defence and to vigorously respond to any threat'.¹⁵⁹ In a letter to the Security Council, dated 1 February 2021, Iran accused Israel of intensifying its 'provocative and warmongering statements' and 'actively planning to act upon its belligerent threats':

The latest example of such threats is the statement of the Chief of General Staff of the Israel Defense Forces, on 26 January 2021, in which, in addition to making certain unsubstantiated allegations about Iran's peaceful nuclear programme, he said that he has "instructed the Israel Defense Forces to prepare a number of operational plans, in addition to those already in place" against Iran in order to "develop them over the next year" as such plans "must be on the table". These threats are in gross violation of Article 2 (4) of the Charter of the United Nations and, given the dark history of this regime in attacking regional countries, necessitate an appropriate response from the international community.¹⁶⁰

Iran warned against 'any military adventurism of the Israeli regime' and cautioned that it would reserve its inherent right of self-defence to respond to any threat or wrongful act perpetrated by Israel.¹⁶¹

Israel, on the other hand, warned that it would do everything to prevent Iran from arming itself with nuclear weapons¹⁶² and that Israel reserved the right to defend itself against any attempt to harm its sovereignty or citizens by a regime allegedly committed to its destruction'.¹⁶³

¹⁵⁸*Ibid.*, 2.

¹⁵⁹President of the Security Council, Letter dated 28 January 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/91 (3 February 2021) 74 (Iran).

¹⁶⁰Letter dated 1 February 2021 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/2021/103 (2 February 2021).

¹⁶¹*Ibid.*

¹⁶²Israel, Ministry of Foreign Affairs, 'Excerpt from PM Netanyahu's Remarks at Tel Hai' (23 February 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/Excerpt-from-PM-Netanyahu-s-remarks-at-Tel-Hai-23-February-2021.aspx; Israel, Ministry of Foreign Affairs, 'Excerpt from PM Netanyahu's Remarks at the Swearing-in Ceremony for the New Director of the Mossad' (1 June 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-s-remarks-at-the-swearing-in-ceremony-for-the-new-director-of-the-Mossad-1-June-2021.aspx.

¹⁶³Israel, Ministry of Foreign Affairs, 'FM Ashkenazi Attends Quadrilateral Strategic-Regional Meeting of Foreign Ministers in Cyprus' (16 April 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/FM-Ashkenazi-attends-quadrilateral-strategic-regional-meeting-of-foreign-ministers-16-April-2021.aspx; Israel, Ministry of Foreign Affairs, 'PM Netanyahu Meets with US Secretary of State Antony Blinken' (25 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-meets-with-US-Secretary-of-State-Blinken-25-May-2021.aspx.

Israel wrote to the Security Council, in a letter dated 7 April, with its ‘utmost concern’ regarding the ongoing Iranian ballistic missile programme, ‘which continues to threaten not only the stability of the Middle East but also poses possibly the greatest threat to peace and security in the world today’.¹⁶⁴ Israel reminded the Council that it would take ‘all measures necessary to protect its citizens and its sovereignty’.¹⁶⁵ Iran responded by maintaining that it would continue its ballistic missile activities, as it was part of its inherent right to do so under international law and that such activities were necessary for defending itself.¹⁶⁶

Alleged Gulf of Oman incident

In a letter dated 2 March 2021 to the Security Council, Israel claimed that, on 25 February 2021, an Israeli-owned cargo vessel was attacked by Iran’s Islamic Revolutionary Guard Corp (IRGC) in international waters near the Gulf of Oman.¹⁶⁷ Israel warned that it would take all necessary measures to protect its citizens and its sovereignty.¹⁶⁸ Iran rejected Israel’s claims as ‘unfounded allegations’:

The incident referred to in that letter has all the characteristics of a complicated false flag operation by actors in order to pursue their malign policies and to advance their illegitimate objectives.¹⁶⁹

Natanz Fuel enrichment plant incident

Iran reported to the Security Council, on 11 April 2021, that an alleged sabotage had caused a blackout at its nuclear facility, Natanz Fuel Enrichment Plant.¹⁷⁰ Although Iran stated that it would refrain ‘from any final judgment as to the culprit while a thorough investigation of the sabotage and its perpetrators is under way’, Iran did suggest that Israel was behind the attack:

Recalling the long record of the Israeli regime in sabotage operations against our peaceful nuclear activities – including the cowardly assassination of several Iranian nuclear and other scientists in the past years (see A/65/622-

¹⁶⁴Identical letters dated 7 April 2021 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/2021/338 (8 April 2021).

¹⁶⁵*Ibid.*, 2.

¹⁶⁶Letter dated 14 April 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc S/2021/361 (14 April 2021).

¹⁶⁷Identical letters dated 2 March 2021 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/2021/213 (2 March 2021).

¹⁶⁸*Ibid.*

¹⁶⁹Letter dated 4 March 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, UN Doc S/2021/221 (4 March 2021).

¹⁷⁰Letter dated 12 April 2021 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/75/852-S/2021/347 (13 April 2021).

S/2010/634, A/66/656-S/2012/27 and S/2020/1148), as well as the joint United States-Israeli cyberoperation against Iran's nuclear facilities through the use of a malicious computer worm known as Stuxnet – the international community must strongly condemn this act of nuclear terrorism and hold the culprits and their accomplices accountable for the act, one that threatens to further destabilize our already tense region.¹⁷¹

Iran warned that it reserved 'its right under international law to take all necessary measures to protect and defend its citizens, interests and installations against any terrorist or disruptive acts'.¹⁷² The White House press secretary, Jen Psaki, said in response to questions on the attack, 'The U.S. was not involved in any manner. We have nothing to add on speculation about the causes or the impacts'.¹⁷³

Iran-United States: Strait of Hormuz Incident

On 10 May 2021, the United States reported that United States Vessels, operating in the Strait of Hormuz, exercised their right of self-defence against the Islamic Revolutionary Guard Corps Navy.¹⁷⁴ The Pentagon Press Secretary, John F. Kirby, explained that the United States had fired warning shots and that the US commanding officers and crews 'have the right of self-defense and they know how to use that right'.¹⁷⁵

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 alleged that there was a 'significant increase' in hostile activity from Lebanon between 10 and 21 May 2021.¹⁷⁶ Israel also submitted allegations of Lebanese violations of the Blue Line between Israel and Lebanon from September to December 2020.¹⁷⁷ On 15 May 2021, Israel Defense Forces reported the thwarting of an alleged attempted attack against Israel by

¹⁷¹*Ibid.*, 2.

¹⁷²*Ibid.*, 2–3.

¹⁷³The White House, 'Press Briefing by Press Secretary Jen Psaki, April 12, 2021' (12 April 2021) www.whitehouse.gov/briefing-room/press-briefings/2021/04/12/press-briefing-by-press-secretary-jen-psaki-april-12-2021/.

¹⁷⁴United States, Department of Defense, 'In Strait of Hormuz, U.S. Vessels Exercised Right to Self Defense' (10 May 2021) www.defense.gov/News/News-Stories/Article/Article/2601812/in-strait-of-hormuz-us-vessels-exercised-right-to-self-defense/.

¹⁷⁵*Ibid.*

¹⁷⁶Identical letters dated 27 May 2021 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/2021/507 (27 May 2021).

¹⁷⁷Identical letters dated 8 February 2021 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/2021/117 (8 February 2021).

‘suspects that acted in an organized manner’.¹⁷⁸ On responsibility for the attempted attack, the following was stated:

The Lebanese government is solely responsible for actions within its territory and emanating from it, and it will bear the consequences for any attempts to harm Israeli civilians.¹⁷⁹

Lebanon submitted allegations of Israeli violations from January,¹⁸⁰ February,¹⁸¹ March,¹⁸² April¹⁸³ and May 2021.¹⁸⁴ In a letter dated 12 January 2021 to the Security Council, Lebanon complained that Israeli violations of the sovereignty of Lebanon had ‘increased significantly in recent days, including the ongoing and daily air violations’.¹⁸⁵ In the same letter, Lebanon submitted a table of the alleged violations committed by Israeli reconnaissance aircraft and warplanes in the period from 1 November 2020–10 January 2021.¹⁸⁶ Lebanon also submitted a statistical summary of alleged violations of Lebanese airspace, territorial waters and territory committed by Israel from December 2020¹⁸⁷ and alleged Israeli violations of the Blue Line between Israel and Lebanon from November to December

¹⁷⁸Israel Defense Forces, ‘IDF Soldiers Thwarted an Attempted Attack Adjacent to the Border Fence with Lebanon Last Night’ (15 May 2021) www.idf.il/en/minisites/operation-guardian-of-the-walls/idf-soldiers-thwarted-an-attempted-attack-adjacent-to-the-border-fence-with-lebanon-last-night/.

¹⁷⁹*Ibid.*

¹⁸⁰Identical letters dated 8 February 2021 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/75/750-S/2021/134 (15 February 2021); Identical letters dated 3 March 2021 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/75/802-S/2021/227 (5 March 2021).

¹⁸¹Identical letters dated 15 March 2021 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/75/819-S/2021/128 (18 March 2021); Identical letters dated 20 April 2021 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/75/887-S/2021/473 (19 March 2021).

¹⁸²Identical letters dated 29 March 2021 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/75/835-S/2021/313 (31 March 2021); Identical letters dated 10 May 2021 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/75/923-S/2021/542 (15 June 2021).

¹⁸³Identical letters dated 31 March 2021 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/75/846-S/2021/331 (6 April 2021); Identical letters dated 1 June 2021 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/75/913-S/2021/537 (7 June 2021); Identical letters dated 17 May 2021 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/75/888-S/2021/477 (20 May 2021).

¹⁸⁴Identical letters dated 17 May 2021 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/75/890-S/2021/482 (21 May 2021).

¹⁸⁵Identical letters dated 12 January 2021 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/75/714-S/2021/51 (20 January 2021).

¹⁸⁶*Ibid.*, 2.

¹⁸⁷Identical letters dated 4 February 2021 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/75/781-S/2021/181 (24 February 2021).

2020.¹⁸⁸ Lebanon also responded to Israeli allegations of Lebanese violations made in letters dated 2 October 2020¹⁸⁹ and 16 November 2020¹⁹⁰ from the last reporting period.¹⁹¹ Lebanon refuted the allegations stating that there was ‘no truth’ to the Israeli claims:

The claim made by Israel that it responded to an attack from the Lebanese side is uncorroborated and based on incorrect and unconfirmed information.¹⁹²

Yemen: Investigation Results of Terrorist Attack at Aden International Airport on 30 December 2020 and Accusations of Iranian Involvement in Further Attacks

In a letter dated 14 January 2021, Yemen provided a summary of the results of the investigations it had carried out into the terrorist attack that allegedly targeted the Yemeni Prime Minister and the cabinet members at Aden International Airport on 30 December 2020. The summary indicated that there was ‘conclusive evidence proving the responsibility of the Houthi militia for this crime’.¹⁹³ The report noted that Houthi groups had previously used similar missiles to target populated areas¹⁹⁴ and ‘based on their range, direction of travel and trajectory, it is beyond doubt that the missiles were launched from areas under Houthi control’.¹⁹⁵ Yemen acknowledged that the analysis of the evidence was still ongoing but stated that initial findings and comparison with missiles used elsewhere showed that the missiles used were very similar to those used by the Houthis in the past:

Accordingly, we, the Yemeni Government, can say that there is conclusive evidence confirming the responsibility of the Houthi group and their supporters for the terrorist attack on the Prime Minister and the Cabinet ...¹⁹⁶

The Government of Yemen called on the Security Council to take firm measures against the States that support the Houthis, including the

¹⁸⁸Identical letters dated 23 June 2021 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/75/934-S/2021/609 (16 July 2021).

¹⁸⁹Letter dated 2 October 2020 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council, UN Doc S/2020/968 (2 October 2020).

¹⁹⁰Identical letters dated 16 November 2020 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/2020/1120 (17 November 2020).

¹⁹¹Butchard and Nessa (n 33) 194.

¹⁹²Identical letters dated 29 January 2021 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/75/732-S/2021/104 (2 February 2021).

¹⁹³Letter dated 14 January 2021 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council, UN Doc S/2021/45 (18 January 2021).

¹⁹⁴*Ibid.*, 12.

¹⁹⁵*Ibid.*, 13.

¹⁹⁶*Ibid.*

Government of Iran, ‘which has continued to overtly provide all forms of technical and material support to the Houthis’.¹⁹⁷ Further, Yemen wrote to the UN Security Council on various occasions, including during the months of April,¹⁹⁸ June¹⁹⁹ and July,²⁰⁰ to report alleged bombardment and attacks by Houthi militias in Yemen.

Saudi Arabia – Alleged Houthi Militia Attack and Accusations of Iranian Involvement

Saudi Arabia complained to the Security Council of alleged continued military hostilities committed by the ‘Iranian-backed terrorist Houthi militias’ against Saudi Arabia.²⁰¹ It was alleged that on 10 February 2021, Abha International Airport in Saudi Arabia was the target of an attack committed by ‘the terrorist Houthi militias’, which caused a fire in a civilian aeroplane.²⁰² Saudi Arabia accused Iran of backing the Houthi militias:

Therefore, we call upon the Security Council to strongly condemn such actions and to shoulder its responsibility in relation to the Houthi militias backed by Iran in order to stop their threats to international peace and security and to hold them accountable.²⁰³

During a Security Council meeting on 18 February 2018, the representative of the United States stated that it would be ending its support for the Saudi-led coalition offensive operations in Yemen but made clear that the United States would remain committed to ‘helping our partners defend themselves from attacks, such as the Houthi strike on a civilian airliner at Saudi Arabia’s Abha airport on 10 February’.²⁰⁴ On 26 February 2018, during another Security Council meeting, the United States reaffirmed its commitment to ‘helping its partners in the Gulf defend themselves, including against threats arising from Yemen, many of which are carried out with the support of Iran’.²⁰⁵

¹⁹⁷*Ibid.*

¹⁹⁸Letter dated 26 April 2021 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council, UN Doc S/2021/405 (27 April 2021).

¹⁹⁹Letter dated 11 June 2021 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council, UN Doc S/2021/564 (14 June 2021).

²⁰⁰Letter dated 8 July 2021 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council, UN Doc S/2021/539 (9 June 2021).

²⁰¹Letter dated 11 February 2021 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council, UN Doc S/2021/132 (11 February 2021).

²⁰²*Ibid.*

²⁰³Letter dated 11 February 2021 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council, UN Doc S/2021/132 (11 February 2021).

²⁰⁴President of the Security Council, Letter dated 22 February 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/167 (26 February 2021) 27 (United States).

²⁰⁵President of the Security Council, Letter dated 25 February 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/194 (26 February 2021) 26 (United States); for similar United

The Government of Yemen reiterated its condemnation of the ‘repeated terrorist attacks by the militias against Saudi Arabian territory’, whilst calling upon the Security Council to confront ‘this aggressive behaviour’ and suggesting Iranian involvement:

Yemen will not be an arena for reckless attempts by the Iranian regime to undermine the stability of neighbouring countries, international security and the global economy.²⁰⁶

A resolution adopted by the League of Arab States on 3 March 2021 condemned the continued deployment of drones and firing of ‘Iranian-made ballistic and other missiles by Iranian-affiliated Houthi terrorist militias’ from Yemeni territory towards Saudi Arabia.²⁰⁷ The resolution adopted considered such action to be a ‘blatant act of aggression’ against Saudi Arabia. The resolution also reaffirmed the right of Saudi Arabia to defend its territory pursuant to Article 51 of the Charter of the United Nations and stated that the League would support any measures that Saudi Arabia decided to take, within the framework of international law, in response to Iranian violations.²⁰⁸

Bahrain-Qatar: Bahrain Refutes Qatar’s Allegations from Letter Dated 31 December 2020

It was noted in the previous reporting period that were escalations of hostilities in the region between Bahrain and Qatar.²⁰⁹ During the previous reporting period, in a letter dated 31 December 2020, Qatar informed the UN Security Council that Bahrain had allegedly violated Qatar’s territorial waters and airspace.²¹⁰ In the letter, Qatar warned that ‘Qatar will not hesitate to take the measures required to defend its sovereignty’.²¹¹ Bahrain responded to Qatar’s allegations through its own letter to the Security Council, dated 6 January 2021, rejecting Qatar’s claims as ‘completely

States remarks, see also United States, Department of State, ‘G7 Foreign Ministers’ Statement on the Situation Along Ukraine’s Borders’ (12 April 2021) www.state.gov/g7-foreign-ministers-statement-on-the-situation-along-ukraines-borders/ and United States, Department of State, ‘Secretary Blinken’s Meeting with Italian Foreign Minister Di Maio’ (12 April 2021) www.state.gov/secretary-blinkens-meeting-with-italian-foreign-minister-di-maio-2/.

²⁰⁶Letter dated 18 March 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/266 (19 March 2021) 32 (Yemen).

²⁰⁷Identical letters dated 22 March 2021 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/285 (25 March 2021) 14.

²⁰⁸*Ibid.*

²⁰⁹Butchard and Nessa (n 33) 212–3.

²¹⁰Identical letters dated 31 December 2020 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2020/1325 (5 January 2021).

²¹¹*Ibid.*, 2.

untrue' and highlighting previous alleged violations of the territorial waters of Bahrain by Qatar:

The actions of Qatar violate the Charter, under which States, in their international relations, must refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. The actions of Qatar also violate the United Nations Convention on the Law of the Sea, run counter to the principle of good-neighbourliness and threaten regional security and peace.²¹²

Bahrain accused Qatar of threatening regional peace and security through its actions and called upon Qatar to 'cease making irresponsible allegations and claims that are not credible'.²¹³

Israel-Palestine

Israel-Palestine: Escalation of cross-border incidents

Palestine repeatedly wrote to the UN Security Council in January,²¹⁴ February,²¹⁵ March,²¹⁶ April,²¹⁷ May²¹⁸ and June²¹⁹ 2021 concerning Israel's

²¹²Identical letters date 6 January 2021 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/19 (11 January 2021).

²¹³*Ibid.*, 2.

²¹⁴Identical letters dated 5 January 2021 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-10/847-S/2021/15 (5 January 2021); Identical letters dated 13 January 2021 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-10/850-S/2021/41 (15 February 2021); Identical letters, 22 Jan. 2021, from the State of Palestine addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, UN Doc A/ES-10/848-S/2021/74 (22 January 2021).

²¹⁵Identical letters dated 4 February 2021 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-10/849-S/2021/108 (4 February 2021); Identical letters dated 16 February 2021 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-10/851-S/2021/148 (16 February 2021).

²¹⁶Identical letters dated 18 March 2021 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-10/854-S/2021/273 (19 March 2021); Identical letters dated 22 March 2021 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-10/855-S/2021/280 (22 March 2021).

²¹⁷Identical letters dated 9 April 2021 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-10/856-S/2021/342 (9 April 2021); Identical letters dated 14 April 2021 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-10/857S/2021/366 (27 April 2021); Identical letters dated 26 April 2021 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-10/858-S/2021/403 (27 April 2021).

²¹⁸Identical letters dated 5 May 2021 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

settlement policy and reported alleged casualties, injuries and aggression against Palestinian civilians.

During a Security Council meeting on 26 January 2021, the representative of the European Union recalled 'Israel's right to defend its legitimate security interests' but cautioned that the European Union would expect Israel to fully meet its obligations under international human rights law and international humanitarian law.²²⁰ The representative of Cuba accused the Security Council of inaction on the Israeli-Palestine issue:

It is disturbing that another year has ended without the Security Council taking action to end Israel's military aggression and occupation of the Palestinian territory ...²²¹

At the same meeting, the representative of Iran also accused the Security Council of inaction and held that the inaction must come to an end as it 'has seriously eroded the trust and confidence in the Council and resulted in the credibility and legitimacy crisis of this body'.²²² The representative of Malaysia warned that the international community could not remain

of the Security Council, UN Doc A/ES-10/859-S/2021/430 (6 May 2021); Identical letters dated 6 May 2021 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-10/860-S/2021/438 (7 May 2021); Identical letters dated 11 May 2021 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-10/861-S/2021/455 (11 May 2021); Identical letters dated 12 May 2021 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-10/862-S/2021/461 (17 May 2021); Identical letters dated 15 May 2021 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-10/864-S/2021/471 (20 May 2021); Identical letters dated 17 May 2021 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-10/865-S/2021/476 (20 May 2021); Identical letters dated 18 May 2021 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-10/866-S/2021/479 (19 May 2021).

²¹⁹Identical letters dated 4 June 2021 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-10/869-S/2021/529 (4 June 2021); Identical letters dated 9 June 2021 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-10/870-S/2021/544 (10 June 2021); Identical letters dated 16 June 2021 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-10/871-S/2021/574 (17 June 2021); Identical letters dated 28 June 2021 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-10/872-S/2021/611 (1 July 2021).

²²⁰Letter dated 28 January 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, UN Doc S/2021/91 (3 February 2021) 68 (European Union).

²²¹*Ibid*, 61 (Cuba).

²²²*Ibid*, 73 (Iran).

indifferent or allow continued aggression by Israel against the occupied Palestinian people and called upon the Security Council to condemn Israeli actions.²²³ Whilst noting that 'Israel is continuing its aggression', the representative of Saudi Arabia called on 'the international community and the Security Council to stand firm against these Israeli policies'.²²⁴

A resolution adopted by the League of Arab States on 8 February 2021 reiterated that the Arab States remained committed to the two-state solution and that the Arab states would 'continue to defend the right of the State of Palestine to exercise sovereignty over its territory and its capital, East Jerusalem, and protect its holy sites'.²²⁵

Turkey referred to Israel's approval of settlement plans in the West Bank as acts of aggression.²²⁶ Turkey called on the international community to show solidarity with the Palestinian people against Israel's expansionist policies²²⁷ and implored Israel to halt its policies of aggression.²²⁸ Turkey also alleged that the policies of Israel constituted the biggest obstacle to a two-state solution.²²⁹

Operation guardian of the walls

On 10 May 2021, Israel's Ministry of Foreign Affairs reported that Hamas and other terrorist organisations in Gaza had fired rockets at Israel.²³⁰ Israel warned that it would take any action necessary to protect its citizens and called upon the international community to support Israel's right of self-defence.²³¹ The following day, Israel reported that it had launched 'Operation Guardian of the Walls', attacking terrorist targets in the Gaza Strip:

²²³*Ibid*, 83–4 (Malaysia).

²²⁴*Ibid*, 93 (Saudi Arabia).

²²⁵Letter dated 12 February 2021 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General, UN Doc A/75/761-S/2021/137 (19 February 2021).

²²⁶Turkey, Ministry of Foreign Affairs, 'No: 14, 12 January 2021, Press Release Regarding Israel's Acceleration of its Illegal Settlement Activities' (12 January 2021) www.mfa.gov.tr/no_-14_-israil-in-yasadisi-yerlesim-faaliyetlerini-hizlandirmasi-hk.en.mfa.

²²⁷Turkey, Ministry of Foreign Affairs, 'No: 112, 19 March 2021, Press Release Regarding the Evacuation, Demolition and Confiscation of Palestinian Property by Israel in the Occupied Territories' (19 March 2021) www.mfa.gov.tr/no_-112_-israil-in-isgal-altinda-bulunan-topraklardaki-tahliye-yikim-ve-musadere-faaliyetleri-hk.en.mfa.

²²⁸Turkey, Ministry of Foreign Affairs, 'No: 152, 16 April 2021, Press Release Regarding Israel's Attacks on Gaza Strip and its Acts of Oppression Against the Palestinian People' (16 April 2021) www.mfa.gov.tr/no_-152_-israil-in-gazze-ye-yonelik-saldirilari-ve-filistin-halkina-yonelik-baskici-uygulamalari-hk.en.mfa; Turkey, Ministry of Foreign Affairs, 'No: 181, 7 May 2021, Press Release Regarding the Attacks of the Israeli Security Forces on al-Aqsa Mosque' (7 May 2021) www.mfa.gov.tr/no_-181_-israil-guvenlik-guclerinin-mescid-i-aksa-ya-saldirisi-hk.en.mfa.

²²⁹Turkey, Ministry of Foreign Affairs, 'No: 179, 6 May 2021, Press Release Regarding the Illegal Activities of Israel' (6 May 2021) www.mfa.gov.tr/no_-179_-israil-in-yasadisi-faaliyetleri-hk.en.mfa.

²³⁰Israel, Ministry of Foreign Affairs, 'The Rocket Attacks on Jerusalem and Southern Israel' (10 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/The-rocket-attacks-on-Jerusalem-and-southern-Israel-10-May-2021.aspx.

²³¹*Ibid*.

Hamas and Islamic Jihad have paid and – I tell you here – will pay a very heavy price for their aggression. I say here this evening – their blood is on their heads.²³²

As clashes continued, Israel wrote to the Security Council in a letter dated 12 May 2021 and accused ‘Palestinian terrorist groups, first and foremost Hamas’ of launching over 1,500 rockets from the Gaza Strip towards Israeli civilian communities.²³³ Israel stated that it was not interested in an escalation but did warn that it had the ‘right and duty to defend its people and sovereignty and will continue to do so vigorously’.²³⁴ Israel called upon the international community to support ‘Israel’s fundamental right to self-defence’.²³⁵ On 13 May 2021, Israel declared that it would ‘both defensively and offensively’ achieve its goal,²³⁶ warning:

This was only the beginning. We will inflict blows on them that they have never dreamed of.²³⁷

Israel claimed that there was Iranian involvement in the rocket fire from Gaza²³⁸ and that this was ‘absolutely clear’.²³⁹

On 15 May 2021 Israel reiterated its right to defend itself but maintained that it would do everything to avoid harming uninvolved persons.²⁴⁰ The proof of this, it was claimed, was in the practice of the Israel Defense Forces (IDF) of evacuating uninvolved persons from buildings prior to

²³²Israel, Ministry of Foreign Affairs, ‘Statement by PM Netanyahu’ (11 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/Statement-by-PM-Netanyahu-11-May-2021.aspx; Israel Defense Forces, ‘IDF Strikes Dozens of Terror Targets in the Gaza Strip Overnight’ (15 May 2021) www.idf.il/en/minisites/operation-guardian-of-the-walls/idf-strikes-dozens-of-terror-targets-in-the-gaza-strip-overnight/; for alleged footage filmed during Operation Guardian of the Walls, see Israel Defense Forces, ‘Raw Footage: Operation Guardian of the Walls’ (12 May 2021) www.idf.il/en/minisites/operation-guardian-of-the-walls/raw-footage-operation-guardian-of-the-walls/.

²³³Identical letters dated 12 May 2021 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/2021/463 (14 May 2021).

²³⁴*Ibid.*

²³⁵*Ibid.*, 2; see also, Israel, Ministry of Foreign Affairs, ‘President Rivlin’s Statement to the Media’ (12 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/President-Rivlin-s-statement-to-the-media-12-May-2021.aspx.

²³⁶Israel, Ministry of Foreign Affairs, ‘PM Netanyahu Visits Iron Dome Battery’ (13 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-visits-Iron-Dome-battery-13-May-2021.aspx.

²³⁷Israel, Ministry of Foreign Affairs, ‘PM Netanyahu Visits Wolfson Medical Center in Holon’ (12 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-visits-Wolfson-Medical-Center-in-Holon-12-May-2021.aspx.

²³⁸Israel, Ministry of Foreign Affairs, ‘President Rivlin Holds Emergency Briefing for Ambassadors of EU Member States in Israel’ (11 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/President-Rivlin-holds-emergency-briefing-for-ambassadors-of-EU-member-states-11-May-2021.aspx.

²³⁹Israel, Ministry of Foreign Affairs, ‘President Rivlin speaks with his Counterparts Around the World’ (12 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/President-Rivlin-speaks-with-his-counterparts-around-the-world-12-May-2021.aspx.

²⁴⁰Israel, Ministry of Foreign Affairs, ‘PM Netanyahu speaks with US President Joe Biden’ (15 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-speaks-with-US-President-Joe-Biden-15-May-2021.aspx.

operating a strike on the building.²⁴¹ On 19 May 2021, the IDF reported operating a strike on a civilian structure in Gaza the previous day:

Under international law, a civilian structure is a legitimate military target when used for military purposes. The Hamas terrorist organization chooses to use civilian structures for its military purposes and often launches rockets from densely populated civilian areas in Gaza.

...

Out of concern for the safety of non-combatants, we warned civilians in the building and in surrounding buildings about the strike, giving them enough time to evacuate before we struck the rocket launcher.²⁴²

Israel maintained the position that it had done everything in its power to prevent civilian casualties²⁴³ and claimed that ‘there is no army in the world that acts in a more moral fashion than the army of Israel’.²⁴⁴

Operation guardian of the walls: Palestinian response

In a letter dated 14 May 2021, Palestine accused the Security Council of remaining paralysed, despite Palestine’s repeated calls for action against ‘Israeli military aggression against the Gaza Strip, which began on 10 May’.²⁴⁵ Palestine rejected Israel’s claim of self-defence:

The pretext that Israel “has a right to security and a right to defend itself”, while denying these same rights to the Palestinian people is a shameful pretext that flies in the face of international law and human morality.

What Israel is seeking to “defend” is its illegal occupation, insisting on its control of Palestinian land and Palestinian lives and, if possible, their very erasure, including of Palestinian children. When this distorted narrative of “self-defence” is parroted by those claiming to be champions of human rights and international law, it effectively gives Israel the permission to carry on with its crimes, ignoring that this illegitimate occupation and over 70 years of Israeli uprooting of Palestinians and denial of their rights are the source of all these ills, and ignoring the total asymmetry in this situation of an occupier and oppressor against occupied and oppressed people. This not

²⁴¹*Ibid.*

²⁴²Israel Defense Forces, ‘See it with Your Own Eyes: Hamas Turned a Civilian Structure in Gaza Into a Rocket Launch Site Ready to Fire Rockets at Israel’ (19 May 2021) www.idf.il/en/minisites/operation-guardian-of-the-walls/hamas-turned-a-civilian-structure-in-gaza-into-a-rocket-launch-site/.

²⁴³Israel, Ministry of Foreign Affairs, ‘PM Netanyahu Briefs Foreign Ambassadors’ (19 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-briefs-foreign-ambassadors-19-May-2021.aspx.

²⁴⁴Israel, Ministry of Foreign Affairs, ‘PM Netanyahu’s Remarks at the Defense Ministry in Tel Aviv’ (21 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-s-remarks-at-the-Defense-Ministry-in-Tel-Aviv-21-May-2021.aspx.

²⁴⁵Identical letters dated 14 May 2021 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-10/863-5/2021/466 (14 May 2021).

only exposes hypocrisy and an extreme lack of empathy, but amounts to complicity.²⁴⁶

Responding specifically to Israel's letter dated 12 May 2021, above, Palestine claimed that Israel's invocation of the principle of self-defence was illegitimate:

Israel's continued illegal and 54-year occupation of the State of Palestine, including East Jerusalem, is an act of aggression and cannot be retroactively justified by reference to the right of self-defence. Indeed, the principle of self-defence cannot be applied by Israel to itself in the occupied territory of the State of Palestine. The occupying Power has no sovereignty rights whatsoever in the occupied territory, to which international law, including humanitarian law, fully applies.

Israel, the occupying Power, cannot invoke its so-called right to self-defence to justify the use of excessive military force against the besieged Palestinian civilian population in the occupied Gaza Strip.²⁴⁷

Palestine argued that Israel's claim of self-defence made an 'impermissible conflation' between the obligations of an occupying Power and the general principle of self-defence:

In this regard, it is imperative to recall that the International Court of Justice, in its 2004 advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, clearly established the non-applicability and irrelevance of this "self-defence" argument to the territory under Israel's occupation.²⁴⁸

Further, Palestine alleged that Israel was using its claim of self-defence as a pretext to violating its obligations as an occupying Power and warned that this must not be appeased.²⁴⁹

Operation guardian of the walls: states' reactions

Israeli Prime Minister, Benjamin Netanyahu, thanked the United States for supporting Israel's right to self-defence.²⁵⁰ Further, Prime Minister

²⁴⁶Identical letters dated 14 May 2021 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-10/863-S/2021/466 (14 May 2021).

²⁴⁷Identical letters dated 21 May 2021 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-10/867-S/2021/493 (24 May 2021).

²⁴⁸*Ibid*, 1–2.

²⁴⁹*Ibid*, 2.

²⁵⁰Israel, Ministry of Foreign Affairs, 'PM Netanyahu speaks with US President Biden' (12 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-speaks-with-US-President-Biden-12-May-2021.aspx; Israel, Ministry of Foreign Affairs, 'Statement by PM Netanyahu' (19 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/Statement-by-PM-Netanyahu-19-May-2021.aspx; Israel, Ministry of Foreign Affairs, 'PM Netanyahu's Remarks at the Defense Ministry in Tel Aviv' (21 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-s-remarks-at-the-Defense-Ministry-in-Tel-Aviv-21-May-2021.aspx; Israel, Ministry of Foreign Affairs, 'PM Netanyahu Meets with US Secretary

Netanyahu noted his appreciation ‘to other friends – the President of France, the British Prime Minister, the Chancellor of Austria, the Chancellor of Germany and others’ for supporting Israel’s right to act in self-defence.²⁵¹ Israel also claimed to have the support of the Netherlands²⁵² and of Greece.²⁵³ Israel announced:

[W]e have international backing and we are using it, in our natural right to self-defense as well.²⁵⁴

The United States repeatedly declared its support for Israel’s right to defend itself,²⁵⁵ and specifically, Israel’s right to self-defence.²⁵⁶

of State Antony Blinken’ (25 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-meets-with-US-Secretary-of-State-Blinken-25-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘FM Ashkenazi Meets with US Secretary of State Antony Blinken’ (25 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/FM-Ashkenazi-meets-with-US-Secretary-of-State-Antony-Blinken-25-May-2021.aspx.

²⁵¹ Israel, Ministry of Foreign Affairs, ‘Statement by PM Netanyahu Following a Security Assessment at the Kirya’ (14 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/Statement-by-PM-Netanyahu-14-May-2021.aspx; see also, Israel, Ministry of Foreign Affairs, ‘Statement by PM Netanyahu’ (15 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/Statement-by-PM-Netanyahu-15-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘President Rivlin Meets with German Foreign Minister Heiko Maas’ (20 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/President-Rivlin-meets-with-German-FM-Maas-20-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘MFA Response to UNSC Announcement’ (22 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/MFA-response-to-UNSC-announcement-22-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘PM Netanyahu Meets with UK Foreign Secretary Dominic Raab’ (26 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-meets-with-UK-Foreign-Secretary-Dominic-Raab-26-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘PM Bennett speaks with German Chancellor Merkel’ (17 June 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Bennett-speaks-with-German-Chancellor-Merkel-17-June-2021.aspx.

²⁵² Israel, Ministry of Foreign Affairs, ‘PM Netanyahu speaks with German Chancellor Merkel and Dutch PM Rutte’ (17 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/PM-Netanyahu-speaks-with-German-Chancellor-Merkel-and-Dutch-PM-Rutte-17-May-2021.aspx; Israel, Ministry of Foreign Affairs, ‘MFA Response to UNSC announcement’ (22 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/MFA-response-to-UNSC-announcement-22-May-2021.aspx.

²⁵³ Israel, Ministry of Foreign Affairs, ‘FM Ashkenazi meets with Greek FM Nikos Dendias’ (18 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/FM-Ashkenazi-meets-with-Greek-FM-Nikos-Dendias-18-May-2021.aspx.

²⁵⁴ Israel, Ministry of Foreign Affairs, ‘Statement by PM Netanyahu’ (16 May 2021) www.mfa.gov.il/MFA/PressRoom/2021/Pages/Statement-by-PM-Netanyahu-16-May-2021.aspx.

²⁵⁵ United States, Department of State, ‘Secretary Antony J. Blinken and Jordanian Foreign Minister Ayman Safadi Before Their Meeting’ (10 May 2021) www.state.gov/secretary-antony-j-blinken-and-jordanian-foreign-minister-ayman-safadi-before-their-meeting/; United States Embassy in Israel, ‘Statement by White House Press Secretary Jen Psaki at the Press Briefing on May 11, 2021’ (11 May 2021) www.il.usembassy.gov/statement-by-white-house-press-secretary-jen-psaki-at-the-press-briefing-on-may-11-2021/; The White House, ‘Statement by NSC Spokesperson Emily Horne on National Security Advisor Jake Sullivan’s Call with National Security Advisor Meir Ben Shabbat of Israel’ (11 May 2021) www.whitehouse.gov/briefing-room/statements-releases/2021/05/11/statement-by-nsc-spokesperson-emily-horne-on-national-security-advisor-jake-sullivans-call-with-national-security-advisor-meir-ben-shabbat-of-israel-2/; United States, Department of State, ‘Secretary Blinken’s Call with Israeli Prime Minister Netanyahu’ (12 May 2021) www.state.gov/secretary-blinkens-call-with-israeli-prime-minister-netanyahu/; The White House, ‘Readout of President Joseph R. Biden, Jr. Call with Prime Minister Benjamin Netanyahu of Israel’ (15 May 2021) <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/15/readout-of-president-joseph-r-biden-jr-call-with-prime-minister-benjamin-netanyahu-of-israel-3/>; United States, Department of State, ‘Secretary Antony J. Blinken with Jesper Steinmetz of TV2’ (17 May 2021) www.state.gov/secretary-antony-j-blinken-with-jesper-steinmetz-of-tv2/; United States, Department of State, ‘Secretary Antony

Tukey noted that Israel must be held responsible for its actions in the international fora.²⁵⁷ Turkey called upon Israel to halt the use of indiscriminate and disproportionate force and reiterated that Turkey would continue to stand firmly with the Palestinian people in their legitimate cause.²⁵⁸

During a Security Council meeting on 20 May 2021, the representative of United Kingdom stated that its position was that 'Israel has a legitimate right to self-defence, and the right to defend its citizens from attack'.²⁵⁹ The United Kingdom reaffirmed this position a week later at a Security Council meeting on 27 May 2021 and stated that the United Kingdom had 'been clear that Israel has a legitimate right to self-defence in responding to attacks'.²⁶⁰ At the same meeting, the representatives of a number of States, including France,²⁶¹ Kenya,²⁶² Viet Nam,²⁶³ India,²⁶⁴ Estonia,²⁶⁵ Niger²⁶⁶ and Saint Vincent and the Grenadines,²⁶⁷ expressed their support for a two-state solution as the solution to the Israel-Palestine conflict. The representative of China described China as a 'genuine friend of the Palestinian people' and urged for the resumption of peace talks on the basis of the two-state solution:

China supports the early establishment of a fully sovereign, independent State of Palestine on the basis of the 1967 borders and with East Jerusalem as its capital. That is the ultimate solution that makes possible peaceful coexistence between Palestine and Israel.²⁶⁸

J. Blinken on ABC's This Week with George Stephanopoulos' (23 May 2021) www.state.gov/secretary-antony-j-blinken-on-abc-this-week-with-george-stephanopoulos/; United States, Department of State, 'Secretary Antony J. Blinken with Yonit Levy of Channel 12' (25 May 2021) www.state.gov/secretary-antony-j-blinken-with-yonit-levy-of-channel-12/.

²⁵⁶United States, Department of State, 'Secretary Antony J. Blinken and Danish Foreign Minister Jeppe Kofod at a Joint Press Availability' (17 May 2021) www.state.gov/secretary-antony-j-blinken-and-danish-foreign-minister-jeppe-kofod-at-a-joint-press-availability/.

²⁵⁷Turkey, Ministry of Foreign Affairs, 'No: 184, 10 May 2021, Press Release Regarding the Ongoing Attacks of the Israeli Security Forces Against al-Aqsa Mosque' (10 May 2021) www.mfa.gov.tr/no_184_israil-guvenlik-guclerinin-mescid-i-aksa-ya-yonelik-devam-eden-saldirilari-hk.en.mfa; Turkey, Ministry of Foreign Affairs, 'No: 209, 2 June 2021, Press Release Regarding Israel's Illegal Settlement Activities' (2 June 2021) www.mfa.gov.tr/no_209_israil-in-yasadisi-yerlesim-faaliyetleri-hk.en.mfa.

²⁵⁸Turkey, Ministry of Foreign Affairs, 'No: 187, 14 May 2021, Press Release Regarding Israel's Attacks on Gaza' (14 May 2021) www.mfa.gov.tr/no_187_israil-in-gazze-ye-yonelik-saldirilari-hk.en.mfa.

²⁵⁹United Kingdom, Foreign, Commonwealth & Development Office, 'Statement by Ambassador Barbara Woodward, UK Permanent Representative to the UN, at the General Assembly on the situation in the Middle East' (20 May 2021) www.gov.uk/government/speeches/violence-across-israel-and-the-occupied-palestinian-territories-must-stop.

²⁶⁰UNSC Verbatim Record, UN Doc S/PV.8782 (27 May 2021) 21 (United Kingdom).

²⁶¹*Ibid*, 16 (France).

²⁶²*Ibid*, 17 (Kenya).

²⁶³*Ibid*, 19 (Viet Nam).

²⁶⁴*Ibid*, 24 (India).

²⁶⁵*Ibid*, 25 (Estonia).

²⁶⁶*Ibid*, 26 (Niger).

²⁶⁷*Ibid*, 27 (Saint Vincent and the Grenadines).

²⁶⁸*Ibid*, 28 (China).

At the same meeting, the representative of Norway reminded the Council that it ‘bears a heavy responsibility to live up to its mandate and the expectations of people affected by conflict’:

The Security Council has the primary responsibility for the maintenance of international peace and security. And people on the ground listen to what the Council says — and what it does not say.²⁶⁹

The representative of Israel asked the members of the Security Council and the international community to condemn Hamas and to express their support for Israel’s right to defend its citizens.²⁷⁰

During a Security Council meeting on 24 June 2021, Ireland stated that it acknowledged ‘Israel’s legitimate security concerns’ but warned that self-defence must be exercised in a proportionate way and in accordance with international humanitarian law.²⁷¹

4. Asia

Armenia-Azerbaijan: Developments Following 2020 Conflict and Peace Deal

Following on from the conflict between Armenia and Azerbaijan in the second half of 2020, covered in detail in the previous Digest,²⁷² tensions between Armenia and Azerbaijan remained high. The two states continued to exchange allegations via letters to the United Nations. In February, Armenia accused Azerbaijan of planning to destroy Armenian cultural sites and artefacts within Nagorno Karabakh.²⁷³ Armenia also reiterated some of its main allegations against Azerbaijan as:

Azerbaijan’s occupation of the territory of the Republic of Artsakh by military force is a direct consequence of an internationally wrongful act. Its attack on the Republic of Artsakh was committed in violation of both its international commitments to the peaceful settlement of the Azerbaijan-Karabakh conflict and the norms of international law, including international human rights law. Azerbaijan’s actions constitute acts of aggression against the people of Artsakh and an assault on their right to life under relevant international instruments. Moreover, during its armed aggression, Azerbaijan widely employed several thousand fighters from terrorist and extremist organizations from the Middle East as mercenaries, which is a flagrant violation of international law, particularly the International

²⁶⁹*Ibid*, 19 (Norway).

²⁷⁰*Ibid*, 13 (Israel).

²⁷¹UNSC Verbatim Record, UN Doc S/PV.8804 (24 June 2021) 11 (Ireland).

²⁷²Butchard and Nessa (n 33) 214–23.

²⁷³Letter dated 9 February 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, UN Doc A/75/739–S/2021/124 (11 February 2021).

Convention against the Recruitment, Use, Financing and Training of Mercenaries.²⁷⁴

Azerbaijan accused Armenia of contaminating ‘recently liberated territories of Azerbaijan’ with mines and hidden explosives during their 2020 conflict, and accused Armenia of war crimes and refusing to reveal the locations of alleged minefields.²⁷⁵ Armenia refuted these allegations.²⁷⁶

In March, Azerbaijan accused Armenia of breaching the November 2020 peace deal, writing:

According to credible information available to the Azerbaijani side, which is also validated by the reports of independent mass media sources, members of the armed forces of Armenia, wearing civilian dress, are transferred to the territory of Azerbaijan through the “Lachin Corridor” in civilian trucks, including disguised among construction cargo, in an attempt to escape the control procedures of the Russian peacekeeping contingent.²⁷⁷

Azerbaijan said ‘[t]he deployment of armed personnel to the territory of Azerbaijan is a gross violation of Armenia’s obligations under international law to respect the sovereignty and territorial integrity of States’.²⁷⁸

Following a televised interview by the President of Azerbaijan on 20 April, Armenia wrote to the UN to complain that the interview contained ‘open threats and territorial claims against the Republic of Armenia’.²⁷⁹ Armenia said this was part of ‘Azerbaijan’s systematic failure to adhere to the United Nations Charter and the norms and principles of international law, as exemplified through its persistent violations of the principle of the non-use of force and the obligation to refrain from the threat or use of force’.²⁸⁰ Referring to statements made during the interview by the Azerbaijani President, Armenia alleged:

Azerbaijan’s territorial claims to “historical Azerbaijani lands” and threats to use force in order to create the so-called “Zangezur corridor” are groundless from the perspective of either history or international law. Such rhetoric runs counter to the provisions of the trilateral statement of 9 November 2020 on a complete ceasefire and termination of all hostilities in the area of the Nagorno-Karabakh conflict, which contains no reference to the “corridor” that the President of Azerbaijan threatened to create by force.²⁸¹

²⁷⁴Letter dated 25 February 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, UN Doc A/75/784-S/2021/190 (26 February 2021).

²⁷⁵Letter dated 23 February 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN Doc A/75/778-S/2021/177 (24 February 2021).

²⁷⁶Letter dated 30 March 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, UN Doc A/75/832-S/2021/311 (30 March 2021).

²⁷⁷Letter dated 2 March 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN Doc A/75/791-S/2021/212 (3 March 2021) 2.

²⁷⁸*Ibid.*

²⁷⁹Letter dated 22 April 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, UN Doc A/75/861-S/2021/392 (23 April 2021).

²⁸⁰*Ibid.*

²⁸¹*Ibid.*, 2.

Azerbaijan again refuted these allegations, calling them ‘a striking example of hackneyed fabrication and blatant misinterpretation of international law’,²⁸² turning the allegations back on Armenia and arguing:

Over the years, Armenia has portrayed its own distorted perceptions of the international legal norms and principles as allegedly reflecting the position of the international community. The aforementioned letter is not an exception. In effect, it is beyond any doubt that Armenia is responsible for aggression against Azerbaijan and its devastating consequences.²⁸³

In May, Armenia accused Azerbaijan of crossing their border to the south and Armenia’s acting prime minister Nikol Pashinyan accused Azerbaijan of laying siege on Armenian territory.²⁸⁴ In particular, Armenia alleged that on 12 May 2021, Azerbaijani armed forces penetrated the territory of Armenia and advanced 3–4 kilometres, allegedly attempting to install military positions.²⁸⁵ Armenia also alleged that, on 13 May 2021, ‘the Azerbaijani armed forces attempted to advance their military positions also in the direction of Vardenis (Gegarkunik region) and Sisian (Syunik region), under the pretext of “clarification of borders”’.²⁸⁶ Armenia said that Azerbaijan’s ‘incendiary rhetoric, threats to use force and territorial claims against Armenia, accompanied by the provocative military actions on the ground, constitute gross violations of international law and the purposes and principles of the Charter of the United Nations, creating a serious threat to regional and international peace and security’ and reiterated its right of self-defence.²⁸⁷ Armenia also made further allegations of military activities of Azerbaijan inside the territory of Armenia that resulted in the killing of an Armenian serviceman on 25 May 2021.²⁸⁸ Azerbaijan did not seem to respond to these allegations during the reporting period.

China–Taiwan: US Reiterates Support for Taiwan as China Sends Jets through Airspace

China’s long-established claim over Taiwan saw more practical developments in the first half of 2021. In January, Taiwanese defence officials reported that Chinese jets incurred into Taiwanese airspace 380 times in 2020.²⁸⁹ This

²⁸²Letter dated 7 May 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN Doc A/75/879–S/2021/441 (11 May 2021).

²⁸³*Ibid.*

²⁸⁴Armenian Leader Accuses Azerbaijan of Fresh “Infiltration”, *The Defense Post* (13 May 2021) www.thedefensepost.com/2021/05/13/armenia-accuses-azerbaijan-of-infiltration/.

²⁸⁵Letter dated 14 May 2021 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council, UN Doc S/2021/467 (14 May 2021).

²⁸⁶*Ibid.*

²⁸⁷*Ibid.*, 1–2.

²⁸⁸Letter dated 27 May 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, UN Doc A/75/897–S/2021/508 (28 May 2021).

²⁸⁹Taiwan says Chinese jets made record 380 incursions in 2020’, *The Defense Post* (5 January 2021) www.thedefensepost.com/2021/01/05/china-jets-incursions-taiwan/.

pattern continued in 2021,²⁹⁰ with some notably large incursions occurring in April²⁹¹ and June.²⁹² Taiwan's Defence Ministry said that it no longer responded to every incident by scrambling jets, but often monitored the Chinese jets with ground-based missiles.²⁹³

The US White House press secretary Jen Psaki expressed the US's concern over the growing tensions, telling reporters, 'We have ... clearly – publicly, privately – expressed our concerns, our growing concerns, about China's aggression toward Taiwan'.²⁹⁴ On the other hand, China blamed the US for the increasing tensions after a US warship sailed through the Taiwan Strait, stating that the US manoeuvres were 'provocations' that 'send a seriously wrong signal to the forces of Taiwan independence, threatening peace and stability in the Taiwan Strait'.²⁹⁵ In April, US Secretary of State Antony Blinken reiterated US support for Taiwan and ensuring that Taiwan has an ability to defend itself, stating:

... we have a serious commitment to Taiwan being able to defend itself. We have a serious commitment to peace and security in the Western Pacific.

We stand behind those commitments. And in that context, it would be a serious mistake for anyone to try to change that status quo by force.²⁹⁶

India–China: Border Clashes and Withdrawal

Despite frequent talks between the two sides in 2020, clashes on the border between India and China spilled over into the start of 2021. On 20 January, Indian and Chinese forces fought on the Himalayan border, but India labelled the incident a 'minor face-off', while China did not immediately

²⁹⁰See, e.g. Yimou Lee and Meg Shen, 'Taiwan Reports Largest Ever Incursion by Chinese Air Force', *Reuters* (26 March 2021) www.reuters.com/article/amp/idUSKBN2BI24D; Yimou Lee and Ben Blanchard, 'Taiwan Reports 15 Chinese Aircraft in Defence Zone', *Reuters* (7 April 2021) www.reuters.com/article/us-taiwan-china-defence/taiwan-reports-15-chinese-aircraft-in-defence-zone-idUSKBN2BU1FW; Ben Blanchard and Meg Shen, 'Taiwan Reports 11 Chinese Aircraft in Defence Zone', *Reuters* (9 April 2021) www.reuters.com/world/china/taiwan-reports-11-chinese-aircraft-defence-zone-2021-04-09/.

²⁹¹Meg Shen and Yimou Lee, 'Taiwan Reports Largest Incursion Yet by Chinese Air Force', *Reuters* (12 April 2021) www.reuters.com/world/china/taiwan-reports-largest-incursion-yet-by-chinese-air-force-2021-04-12/.

²⁹²Taiwan Reports "Record Number" of Chinese Jets in its Air Defence Zone', *BBC News* (16 June 2021) www.bbc.co.uk/news/world-asia-china-57493353.

²⁹³Ben Blanchard, 'Taiwan Says Tracks Intruding Chinese Aircraft with Missiles, Not Always Scrambling', *Reuters* (29 March 2021) www.reuters.com/article/us-taiwan-security-idUSKBN2BL0JS.

²⁹⁴Steve Holland and Andrea Shalal, 'White House says China's Moves around Taiwan "potentially destabilizing"', *Reuters* (9 April 2021) www.reuters.com/world/china/white-house-says-chinas-moves-around-taiwan-potentially-destabilizing-2021-04-09/.

²⁹⁵Gabriel Crossley and Ben Blanchard, 'China says U.S. to Blame for Tensions Over Taiwan', *Reuters* (8 April 2021) www.reuters.com/world/china/china-says-us-blame-tensions-over-taiwan-2021-04-08/.

²⁹⁶Doina Chiacu, 'Blinken Warns of China's "Increasingly Aggressive Actions" against Taiwan', *Reuters* (11 April 2021) www.reuters.com/world/china/blinken-warns-chinas-increasingly-aggressive-actions-against-taiwan-2021-04-11/.

acknowledge what happened.²⁹⁷ However, in February, India and China released a joint statement detailing the disengagement of troops at the border:

The two sides positively appraised the smooth completion of disengagement of frontline troops in the Pangong Lake area noting that it was a significant step forward that provided a good basis for resolution of other remaining issues along the LAC in Western Sector. They had candid and in-depth exchange of views on other issues along the LAC in the Western Sector. The two sides agreed to follow the important consensus of their state leaders, continue their communication and dialogue, stabilize and control the situation on the ground, push for a mutually acceptable resolution of the remaining issues in a steady and orderly manner, so as to jointly maintain peace and tranquillity in the border areas.²⁹⁸

In late June, reports emerged that India was allegedly planning to send an extra 50,000 troops to the border with China, which would lead to a significant increase in military forces in the region.²⁹⁹ Although there was no official announcement of this policy, India did not officially comment on the reports within the reporting period, while the Chinese Foreign Ministry said:

The current situation on the border between China and India is generally stable, and the two sides are negotiating to resolve relevant border issues. ... In this context, the words, deeds and military deployments of relevant military and political leaders should help ease the situation and increase mutual trust between the two sides, not the other way around.³⁰⁰

Only days before, the joint mechanism between India and China on the border had released a statement where both states

agreed to maintain dialogue and communication through the diplomatic and military mechanisms to reach a mutually acceptable solution for complete disengagement from all friction points so as to ensure full restoration of peace and tranquillity to enable progress in the bilateral relations.³⁰¹

²⁹⁷India and China Clash Again on Himalayan Border', *The Defense Post* (25 January 2021) www.thedefensepost.com/2021/01/25/india-china-clash-himalayan-border/.

²⁹⁸India, Ministry of External Affairs, 'Joint Press Release of the 10th Round of China-India Corps Commander Level Meeting', (21 February 2021) www.mea.gov.in/press-releases.htm?dtl/33557/Joint_Press_Release_of_the_10th_Round_of_ChinaIndia_Corps_Commander_Level_Meeting.

²⁹⁹Sudhi Ranjan Sen, 'India Shifts 50,000 Troops to China Border in Historic Move', *Bloomberg* (27 June 2021) www.bloomberg.com/news/articles/2021-06-27/india-shifts-50-000-troops-to-china-border-in-historic-defense-shift.

³⁰⁰*Ibid*; see also, Inder Singh Bisht, 'India Deploys Additional 50,000 Troops along Border with China', *The Defense Post* (29 June 2021) www.thedefensepost.com/2021/06/29/india-extra-troops-against-china/.

³⁰¹India, Ministry of External Affairs, '22nd Meeting of the Working Mechanism for Consultation & Coordination on India-China Border Affairs', (25 June 2021) www.mea.gov.in/press-releases.htm?dtl/33949/22nd_Meeting_of_the_Working_Mechanism_for_Consultation__Coordination_on_IndiaChina_Border_Affairs.

South China Sea: Tensions between the US and China Play out at Sea

As covered in recent previous Digests, the South China Sea has played host to tense standoffs over disputed territory and China's artificial islands. Tensions in the South China Sea continued during this reporting period.

As the US conducted what it calls 'freedom of navigation' exercises in the region, China's foreign ministry called the exercises 'a show of force and not conducive to the peace and stability of the region'.³⁰² In February, a US vessel sailed close to disputed islands in the South China Sea, and China's military said the US 'broke into China's Xisha territorial waters without the permission of the Chinese government'.³⁰³

In a telephone call in February, US Secretary of State Antony Blinken and Japanese Foreign Minister Toshimitsu Motegi, the Secretary and the Foreign Minister expressed concern over what they called 'increased Chinese assertiveness around the Senkaku Islands following China's enactment of a new coast guard law'.³⁰⁴ Secretary Blinken reaffirmed that the Senkaku Islands fall within the scope of Article V of the U.S.-Japan Security Treaty.³⁰⁵ Article V of the Treaty states:

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.³⁰⁶

In March, US Admiral Philip Davidson told a US Senate Committee that he feared China was accelerating their admissions to supplant the US and its 'leadership role in the rules-based international order' by 2050, and that the threat to this and Taiwan is becoming manifest in the next six years.³⁰⁷ China responded to this suggestion, with a Foreign Ministry spokesperson stating, 'Some US people continue to use the Taiwan issue

³⁰²US Warships Conduct Exercises in South China Sea', *The Defense Post* (25 January 2021) www.thedefensepost.com/2021/01/25/us-warships-exercises-south-china-sea/.

³⁰³Beijing Warns off US Warship From South China Sea Islands', *The Defense Post* (5 February 2021) www.thedefensepost.com/2021/02/05/china-warns-us-warship-south-china-sea/; see also, in May, Se Young Lee, 'China says U.S. Warship Illegally Enters its Territory in S. China Sea', *Reuters* (20 May 2021) www.reuters.com/world/china/china-says-us-warship-illegally-enters-its-territory-s-china-sea-2021-05-20/.

³⁰⁴US, Department of State, 'Secretary Blinken's Call with Japanese Foreign Minister Motegi', (10 February 2021) www.state.gov/secretary-blinkens-call-with-japanese-foreign-minister-motegi-2/.

³⁰⁵*Ibid.*

³⁰⁶Japan, Ministry of Defence, 'Treaty of Mutual Cooperation and Security between Japan and the United States of America', www.mod.go.jp/en/j-us-alliance/joint-declaration/treaty/index.html.

³⁰⁷China Accuses US Admiral of "Hyping up" Threat of Taiwan Invasion', *The Defense Post* (10 March 2021) www.thedefensepost.com/2021/03/10/china-says-us-hyping-taiwan-invasion/.

to hype up China's military threat ... But in essence this is the US searching for a pretext to increase its military spending, expand its forces and interfere in regional affairs'.³⁰⁸

In other developments, the Philippines accused China of violating its territorial waters when more than 200 fishing vessels were anchored in disputed waters.³⁰⁹ The Philippines accused the vessels of being crewed by 'China's maritime militia',³¹⁰ and The Philippines deployed Navy vessels to go on 'sovereignty patrols' near the anchored ships.³¹¹ The Chinese Embassy in the Philippines released a statement denying the existence of any 'militia' on the boats, and suggested that the vessels were taking shelter near the reefs because of 'rough sea conditions' and argued that this has been 'normal practice' in these circumstances.³¹² The Philippines later argued that the Chinese ships had begun 'swarming' the Spratly Islands, and expressed 'deep concern over the continuing unlawful presence of the Chinese Maritime Militia'.³¹³ Philippine President Rodrigo Duterte later stepped up Navy patrols in response, after the Chinese vessels remained in the area for weeks.³¹⁴

In other developments, while Indonesia had criticised China's actions in the South China Sea, China and Indonesia conducted joint naval exercises near Jakarta in May.³¹⁵ The change in military cooperation reportedly emerged following China's assistance in searching for an Indonesian submarine that went missing and sank in April.³¹⁶

India-Pakistan: Rare Joint Statement Amid Usual Border Rhetoric

In a notable cooling of rhetoric between India and Pakistan, fewer letters of condemnation were sent to the UN in this reporting period. Initially, reports suggested India had counted 591 violations by Pakistan in January and

³⁰⁸*Ibid.*

³⁰⁹South China Sea Dispute: Huge Chinese "Fishing Fleet" Alarms Philippines', *BBC News* (21 March 2021) www.bbc.co.uk/news/world-asia-56474847.

³¹⁰*Ibid.*

³¹¹Philippines Deploys More Navy Ships to Disputed Sea Amid Row With China', *The Defense Post* (25 March 2021) www.thedefensepost.com/2021/03/25/philippines-navy-ships-disputed-sea/.

³¹²Statement by Spokesperson of the Chinese Embassy in the Philippines on Twitter (22 March 2021) <https://twitter.com/Chinaembmanila/status/1373928027885821959>.

³¹³Philippines says Chinese Ships "Swarming" Area Around Disputed Spratly Islands', *The Defense Post* (31 March 2021) www.thedefensepost.com/2021/03/31/philippines-says-chinese-ships-swarming/.

³¹⁴See, 'Philippines' Duterte Prepared to Deploy Navy Over South China Sea Claim', *The Defense Post* (20 April 2021) www.thedefensepost.com/2021/04/20/philippines-prepared-to-deploy-navy-south-china-sea/; 'Philippines' Duterte refuses to stop South China Sea patrols', *The Defense Post* (29 April 2021) www.thedefensepost.com/2021/04/29/philippines-duterte-continues-south-china-sea-patrols/.

³¹⁵Tong Ong, 'China, Indonesia Hold Joint Naval Exercises near Jakarta', *The Defense Post* (10 May 2021) www.thedefensepost.com/2021/05/10/china-indonesia-joint-naval-exercises/; Laura Zhou, 'China, Indonesia Hold Joint Naval Exercises Near Jakarta', *South China Morning Post* (9 May 2021) www.scmp.com/news/china/diplomacy/article/3132821/china-indonesia-hold-joint-naval-exercises-near-jakarta.

³¹⁶*Ibid.*

February;³¹⁷ while Pakistan accused Indian forces have of violating the Line of Control at least 175 times.³¹⁸

Pakistan did write to the UN in February to reiterate its allegations against India and what Pakistan considers to be its illegal occupation and violations of international law in Jammu and Kashmir, and India's conduct at their shared border.³¹⁹ However, on 25 February 2021, the Director Generals of Military Operations of India and Pakistan released a joint statement on the situation at their shared border and the Line of Control. It said:

In the interest of achieving mutually beneficial and sustainable peace along the borders, the two DGsMO agreed to address each other's core issues and concerns which have propensity to disturb peace and lead to violence. Both sides agreed for strict observance of all agreements, understandings and cease firing along the Line of Control and all other sectors with effect from midnight 24/25 Feb 2021.

Both sides reiterated that existing mechanisms of hotline contact and border flag meetings will be utilised to resolve any unforeseen situation or misunderstanding.³²⁰

Pakistan referred to this agreement in another complaint to the UN in June, which stated:

The February 2021 understanding reached between the Directors General (Military Operations) of Pakistan and India to fully implement the 2003 ceasefire understanding along the line of control was a manifestation of Pakistan's commitment to preventing a dangerous escalation and preventing the loss of innocent civilian lives being targeted by India along the line of control. ...

India vitiated the prospects for a dialogue through its illegal and unilateral actions [in Kashmir]. The onus, therefore, is on India to create an enabling environment for result-oriented engagement. The Security Council must fulfil its obligation to ensure the full implementation of its resolutions guaranteeing the exercise of Kashmiris' right to self-determination. The Council must also call upon India to end its campaign of repression in the Indian illegally occupied Jammu and Kashmir and reverse all its illegal actions, including those initiated on and after 5 August 2019, and to cease and desist from imposing any additional unilateral changes in the occupied territory.³²¹

³¹⁷Devjyot Ghoshal, 'India, Pakistan Militaries Agree to Stop Cross-Border Firing in Rare Joint Statement', *Reuters* (25 February 2021) www.reuters.com/article/us-india-pakistan/india-and-pakistan-agree-to-stop-cross-border-firing-in-kashmir-idUSKBN2APOPG?il=0.

³¹⁸Asad Hashim and Rifat Fareed, 'India, Pakistan Agree to Stop Cross-Border Firing in Kashmir', *Al-Jazeera* (25 February 2021) www.aljazeera.com/news/2021/2/25/india-pakistan-agree-to-stop-cross-border-firing-in-kashmir.

³¹⁹Letter dated 1 February 2021 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council, UN Doc S/2021/102 (1 February 2021).

³²⁰India, Ministry of Defence, 'Joint Statement' (25 February 2021) <https://pib.gov.in/PressReleasePage.aspx?PRID=1700682>.

³²¹Letter dated 15 June 2021 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council, UN Doc S/2021/575 (16 June 2021).

North Korea: Continued Disputes and Tensions Over Missile Testing

As the new US Presidential Administration took office, North Korea warned that the US and South Korea should cease their joint military drills and war games. Kim Yo Jong, the sister of North Korean leader Kim Jong Un, told state media, ‘We take this opportunity to warn the new U.S. administration trying hard to give off powder smell in our land ... If it wants to sleep in peace for coming four years, it had better refrain from causing a stink at its first step’. Kim further said, ‘War drills and hostility can never go with dialogue and cooperation’.³²² The new US Secretary of State retorted that North Korea’s missile programme is ‘a threat to the region and to the world’.³²³

North Korea allegedly launched numerous missile tests in the first half of the year, including a suspected ballistic missile test in March.³²⁴ After the UN Security Council extended the mandate of the North Korea Sanctions Committee until 30 April 2022,³²⁵ North Korea criticised the UN, accusing the Sanctions Committee of being ‘designed to negate the right of our state to self-defence’.³²⁶ Jo Chol Su, of North Korea’s foreign ministry, said:

It constitutes a denial of sovereign state and an apparent double standard that UNSC takes issue, on the basis of the UN ‘resolutions’ – direct products of the US hostile policy ...

It does not make any sense that only our righteous self-defensive measure should be singled out for denunciation, when many other countries across the globe are firing all kinds of projectiles for the purpose of increasing their military strength.³²⁷

The rhetoric continued in June, when leader Kim Jong-un said that North Korea must prepare for both ‘dialogue and confrontation’ with the US.³²⁸ The US Administration’s response was relatively muted in comparison to the predecessor, with the Biden Administration reportedly taking a more

³²²Josh Smith and Sangmi Cha, ‘North Korea Tells New U.S. Administration to Cease War Games if Wants to “Sleep in Peace”’, *Reuters* (15 March 2021) www.reuters.com/article/us-northkorea-usa/north-korea-warns-new-us-administration-if-it-wants-peace-it-must-avoid-causing-a-stink-state-news-agency-idUSKBN2B72QW.

³²³Hyung-Jin Kim and Kim Tong-Hyung, ‘Top US Diplomat Slams North Korea’s Rights Condition’, *AP News* (17 March 2021) <https://apnews.com/article/joe-biden-lloyd-austin-tokyo-seoul-nuclear-weapons-7e42050560a5b8c27605b0add46eae9e>.

³²⁴See, e.g. ‘North Korea Fires Two Ballistic Missiles into the Sea’, *BBC News* (25 March 2021) www.bbc.co.uk/news/world-asia-56518998; ‘North Korea Carries out Suspected Ballistic Missile Launch’, *Al-Jazeera* (25 March 2021) www.aljazeera.com/news/2021/3/25/north-korea-launches-suspected-ballistic-missiles-into-sea.

³²⁵UN Security Council Press Release, ‘Security Council Extends Mandate for Expert Panel Assisting Sanctions Committee on Democratic People’s Republic of Korea’, UN Doc SC/14478 (26 March 2021) www.un.org/press/en/2021/sc14478.doc.htm.

³²⁶‘N Korea Accuses UN of ‘Double Standard’ on Missile Tests’, *Al-Jazeera* (29 March 2021) www.aljazeera.com/news/2021/3/29/n-korea-accuses-un-of-double-standards-on-missile-tests.

³²⁷*Ibid.*

³²⁸‘NKorea Must Prepare for ‘Dialogue and Confrontation’ with US: Kim’, *The Defense Post* (18 June 2021) www.thedefensepost.com/2021/06/18/nkorea-dialogue-confrontation-us/.

low-key ‘calibrated practical approach’ to the situation on the Korean peninsula.³²⁹

Kyrgyzstan-Tajikistan: Ceasefire Agreement after Military Fighting

At the end of April 2021, a heavy clash between Kyrgyzstan and Tajikistan forces took place at the border between Tajikistan’s northern Sughd province and Kyrgyzstan’s southern Batken province. Reports suggest the clash involved a dispute over a reservoir and pumping station, claimed by both sides, on the Isfara river.³³⁰

Reuters reported that Kyrgyzstan’s State National Security Committee accused the Tajik side shelling the disputed water facility, whereas Tajik authorities accused Kyrgyz forces of firing at Tajik border guards.³³¹ Tajikistan reported three civilian deaths and 31 people wounded, whereas Kyrgyzstan said three civilians were killed and 81 people wounded. The next day, both states reported nearly 40 people had been killed in further fighting,³³² and that further increased over several days after the fighting.³³³

Some reports suggested that Kyrgyzstan’s national security committee had released a statement that one of its military units seized the border post, and was deploying additional forces.³³⁴

By 1 May, the two states reached a ceasefire agreement.³³⁵ Leaders called the incident a ‘tragedy’ and vowed not to allow it to happen again.³³⁶

5. Americas

Venezuela–Guyana–United States: Alleged Military Exercises in Venezuelan Waters

Venezuela wrote to the UN Security Council, in a letter dated 8 January 2021, describing events that it labelled as endangering and threatening the peace and security of both Venezuela and the Latin American and Caribbean region as a whole:

³²⁹*Ibid.*

³³⁰Olga Dzyubenko, Nazarali Pirnazarov, and Olzhas Auyezov, ‘Kyrgyz and Tajik Security Forces Clash at Border in Water Dispute’, *Reuters* (29 April 2021) www.reuters.com/world/asia-pacific/kyrgyz-tajik-security-forces-clash-border-water-dispute-2021-04-29/.

³³¹*Ibid.*

³³²‘Kyrgyz, Tajik Authorities Report Dozens Dead from Border Clash as Fighting Ends’, *Reuters* (30 April 2021) www.reuters.com/article/kyrgyzstan-tajikistan-border-idUSL1N2MN1JR.

³³³Tajikistan says 19 Dead in Border Clashes with Kyrgyzstan’, *The Defense Post* (6 May 2021) www.thedefensepost.com/2021/05/06/tajikistan-19-dead-kyrgyzstan-clashes/.

³³⁴‘Kyrgyzstan says Seized Tajik Border Post during Heavy Fighting’, *The Defense Post* (29 April 2021) www.thedefensepost.com/2021/04/29/kyrgyzstan-tajikistan-border-clash/.

³³⁵Olga Dzyubenko, Nazarali Pirnazarov, and Olzhas Auyezov, ‘Kyrgyzstan, Tajikistan Agree Ceasefire after Border Clashes’, *Reuters* (1 May 2021) www.reuters.com/world/asia-pacific/kyrgyzstan-accuses-tajikistan-amassing-troops-near-border-2021-05-01/.

³³⁶*Ibid.*

In this context, allow me to bring to your attention the launch, on 9 January 2021, of joint military exercises between the Defense Force of the Co-operative Republic of Guyana and the United States Coast Guard, under the disguise of an operation to combat “illegal, unreported and unregulated fishing”, in very close proximity to Venezuelan waters.³³⁷

Venezuela viewed the military exercises to be carried out as being ‘part of the chain of systematic and recurrent United States threats of use of force against the territorial integrity and political independence of Venezuela’.³³⁸ Venezuela also considered the United States’ activity to amount to ‘a deliberate attempt to fabricate a conflict in Venezuelan waters, to provoke an incident of a military nature and to advance the United States plan of aggression against our country’.³³⁹

In an initial response, Guayana claimed that Venezuela’s 8 January 2021 letter contained content that was of ‘such an egregiously misleading nature that it demands a full response’.³⁴⁰ Guayana’s full response was written in a letter dated 12 January 2021 addressed to the UN Security Council, which refuted Venezuela’s allegations and explained that the joint operation between the United States and Guyana was not conducted in disguise:

Exercises, such as were conducted by Guyana and the United States of America, have been conducted within the Latin American and Caribbean region routinely to help to build capacity to combat drug trafficking and illegal fishing. There is nothing sinister in them. Further, the Venezuelan Government alleges that the joint operation took place “in very close proximity to Venezuelan waters”. The fact is that the operation took place entirely in Guyana’s waters in accordance with its sovereign rights and in conformity with international law.³⁴¹

Venezuela responded by declaring that it rejected ‘any attempt to validate threats or aggressions that threaten the peace of our Region, and seek to violate our inalienable and undisputed sovereignty and independence’.³⁴² In a letter dated 21 January 2021 to the UN Security Council, Venezuela refuted the ‘misleading affirmations’ made by Guyana and accused Guyana of colluding with the United States:

³³⁷Letter dated 8 January 2021 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council, UN Doc S/2021/25 (11 January 2021).

³³⁸*Ibid.*

³³⁹*Ibid.*

³⁴⁰Letter dated 12 January 2021 from the Permanent Representative of the Co-operative Republic of Guyana to the United Nations addressed to the President of the Security Council, UN Doc S/2021/54 (19 January 2021).

³⁴¹Letter dated 14 January 2021 from the Permanent Representative of the Co-operative Republic of Guyana to the United Nations addressed to the President of the Security Council, UN Doc S/2021/55 (19 January 2021).

³⁴²Venezuela, Ministry of Popular Power for Foreign Relations, ‘Venezuela Rejects Interventionist Statements by the President of Guyana, Irfaan Ali’ (11 January 2021) www.mppre.gov.ve/comunicado/venezuela-rechaza-declaraciones-injerencistas-del-presidente-de-guyana-irfaan-ali/.

The real intent of the latter, currently disguised under an operation to combat illegal, unreported and unregulated fishing, is to use the former for the purpose of – for the first time ever – introducing United States armed forces and imposing its national interests in an area that is yet to be delimited ...³⁴³

During a press conference, Commander of the U.S. Southern Command, Navy Admiral Craig S Faller, maintained that the United States had no plans to set up military bases in Guyana as part of growing its presence in the Western Hemisphere.³⁴⁴

Venezuela–Colombia: Venezuelan Military Operations

Venezuela informed the UN Security Council that Venezuelan armed forces, ‘in exercising the right to defend the country’s sovereignty and protect its territorial integrity, repelled an attack by Colombian armed groups inside Venezuelan territory’ on 21 March 2021.³⁴⁵ Venezuela gave details of further operations conducted by the Venezuelan military to combat the Colombian armed groups inside Venezuelan territory and noted that all countries bordering Colombia are ‘suffering from the spill-over of that country’s internal chaos’.³⁴⁶ Venezuela accused the Colombian government of being unwilling to take action against Colombian armed groups perpetrating attacks against Venezuela.³⁴⁷ In a follow-up letter to the UN Security Council, Venezuela warned of the alleged wider impact of the situation in Colombia:

[T]his episode is a concrete demonstration not only of the fact that there is an ongoing and full-fledged war in Colombia, but also of the clear and present danger that such a war poses to the entire region, particularly to neighbouring countries, including Venezuela.³⁴⁸

Colombia refuted the allegations made by Venezuela and declared that Colombia was ‘respectful of international law and a firm defender of multilateralism and dialogue to settle differences’.³⁴⁹

³⁴³Letter dated 21 January 2021 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council, UN Doc S/2021/69 (21 January 2021).

³⁴⁴Dillon De Shong, ‘US denies claims it is setting up a military base in Guyana’, *Loop News* (13 January 2021) www.caribbean.loopnews.com/nl/node/517830.

³⁴⁵Identical notes verbales dated 5 April 2021 from the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/75/844-S/2021/330 (13 April 2021) 2.

³⁴⁶*Ibid.*, 3.

³⁴⁷*Ibid.*

³⁴⁸Letter dated 12 April 2021 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council, UN doc S/2021/348 (12 April 2021) 2.

³⁴⁹Identical notes verbales dated 13 April 2021 from the Permanent Mission of Colombia to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc S/2021/357 (14 April 2021) 2.

[Colombia's] foreign policy has consistently respected international law and the principle of the non-use of force. This is despite multiple provocations.³⁵⁰

Colombia accused Venezuela of becoming a 'failed State':³⁵¹

What is occurring in Venezuelan territory is not the fault of Colombia but of an incapable and ineffective regime that today is suffering the consequences of having harboured criminals of Colombian origin, as we have reported so many times.³⁵²

6. Non-Regional Issues

UN General Assembly Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization: Mexico's Proposals on Self-defence

In February, within the UN General Assembly's Sixth Committee, the latest report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organisation detailed Mexico's revised proposals for its working paper titled 'Discussion on the application of Article 51, in the light of its interrelation with Article 2 (4), of the Charter of the United Nations', as a new subject for the Special Committee to consider.³⁵³

As also outlined in previous issues of the Digest, the report reiterated that the aim of the revised proposal was to create a space for a legal and technical discussion among all Member States of Article 51 of the Charter, in the light of its interrelation with Article 2(4), 'so as to provide a clearer understanding of the positions of Member States with regard to the operation, scope and limits of the right to self-defence'.³⁵⁴ Mexico explained that 'the purpose of the proposal was not to conduct an analysis of specific cases, situations or communications submitted to the Security Council under Article 51, but to create a repository of the positions of Member States on the matter'.³⁵⁵ Following on from concerns raised by states in the previous round of the Special Committee, Mexico argued that the work was not duplicative of or inconsistent with the work of other organs of the United Nations, including the Security Council.³⁵⁶

Mexico's revised working paper included some minor revisions to the substantive, procedural, and transparency and publicity questions they

³⁵⁰*Ibid.*, 5.

³⁵¹*Ibid.*, 4.

³⁵²*Ibid.*, 7.

³⁵³Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, UN Doc A/76/33 (25 February 2021).

³⁵⁴*Ibid.*, para 93.

³⁵⁵*Ibid.*

³⁵⁶*Ibid.*

suggested the Special Committee should consider. In full, those issues suggested were:

- (a) **Substantive issues:** Given that under Article 51 the right to self-defence may only be invoked if there has been an armed attack:
 - (i) What information should be included in reports submitted to the Security Council under Article 51?
 - (ii) What level of detail would be expected to be included in such reports under Article 51?
 - (iii) How should Article 51 be interpreted with regard to attacks perpetrated by non-State actors, in particular, but not exclusively, terrorist attacks?
 - (iv) Under Article 51 of the Charter, can self-defence be invoked in respect of another State when that State is considered to lack the capacity or the will to address an armed attack?

- (b) **Procedural issues:** Given that the inherent right to self-defence may be exercised, under Article 51, “until the Security Council has taken measures necessary to maintain international peace and security”, and that “measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council”:
 - (i) What is a reasonable time frame for the submission of a report under Article 51 following an armed attack?
 - (ii) Must a report under Article 51 be submitted before the use of force in self-defence, or can it be submitted afterwards?
 - (iii) Given the gravity of the use of force and the importance these instances have for all Member States, would it be desirable and necessary for the Security Council to discuss, examine and consider reports submitted to it under Article 51 on a regular basis?
 - (iv) If the Security Council does not take action following receipt of a report under Article 51, how could this decision or silence be interpreted?

- (c) **Transparency and publicity issues:** Since reporting under Article 51 is an obligation under the Charter and is directly related to issues of international peace and security, it serves the interests of all Member States. In this regard:
 - (i) How can the transparency and publicity of reports submitted under Article 51 be improved?
 - (ii) What can be done to facilitate the access of Member States to these reports?
 - (iii) What can be done to facilitate the access of Member States to any responses and reactions to these reports?

- (iv) What can be done to improve access to information, taking into account the delay in the publication of the Repertoire of the Practice of the Security Council? (v) How can the lack of responses from Member States to reports submitted under Article 51 be interpreted, taking into account the current lack of transparency and publicity?
- (v) How can the lack of responses from Member States to reports submitted under Article 51 be interpreted, taking into account the current lack of transparency and publicity?³⁵⁷

Mexico Hosts Security Council Arria-Formula Meeting, States Reveal their Views on Self-defence

Mexico's initiatives in the Special Committee expanded to its chairing of a Security Council Arria-formula meeting on 24 February 2021, where a number of states discussed the theme 'Upholding the collective security system of the Charter of the United Nations: the use of force in international law, non-State actors and legitimate self-defence'.³⁵⁸

The meeting focussed on statements that considered the scope and interpretation of Article 51 of the Charter of the United Nations concerning non-state actors, and the potential precedents that states' activities in this context might set.³⁵⁹ In the Chair's Summary,³⁶⁰ Mexico gave an overview of the positions offered, which is worth citing in full:

In general, all States stressed the importance of holding a dialogue on the interpretation of Article 51 of the Charter, as well as its direct impact on the individual and collective security systems ... Furthermore, participants emphasized, in their interpretations of Article 51, that the provision's precise limits are not always clear. This issue is relevant in part because it is closely related to other principles of international law, including non-intervention and peaceful settlement of disputes.

The role of the Security Council was also widely mentioned. Participants called attention to the importance of transparency regarding self-defence communications submitted under Article 51. It was noted that, even though these communications are ultimately made public, the way in which they are processed

³⁵⁷*Ibid*, Annex, 27–8.

³⁵⁸This meeting was summarised by Mexico, including Annexes with representatives' statements, in: Letter dated 8 March 2021 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc A/75/993-S/2021/247 (16 March 2021).

³⁵⁹Participants in the meeting included: Viet Nam, Russian Federation, Ireland, China, France, the US, Norway, Tunisia, Kenya, Estonia, India, Saint Vincent and the Grenadines, the UK, Liechtenstein, Ecuador, Pakistan, Iran, Armenia, Qatar, Denmark, Peru, Syrian Arab Republic, Austria, Sri Lanka, Finland, Turkey, Brazil, Azerbaijan, Netherlands, Georgia, Australia, Ukraine and Belgium.

³⁶⁰*Ibid*, Annex I.

and distributed makes it difficult to identify and search for them and to have timely access to them. All participants were open to exploring options to ensure transparency and accessibility with respect to these communications.

Most Member States that took part in the meeting considered that silence from the international community should not be interpreted as acquiescence in self-defence claims. They reiterated the importance of dialogue to avoid the uncertainty that has, until now, characterized several aspects relative to Article 51 reports. It was noted that, other than mandating the reporting of measures taken by Members in the exercise of the right of self-defence, Article 51 is not prescriptive in terms of the content that these self-defence communications to the Security Council should have. Further, several participants recalled the obligation to comply with the principles of necessity and proportionality in respect of all self-defence measures.

Also, there was considerable agreement about the need to discuss whether the right to self-defence could justify military action against non-State actors, such as terrorist groups, under exceptional circumstances – an evidently controversial question. While some referred to the ‘unwilling or unable doctrine’, others rejected its validity, including by referring to the principle of non-intervention and by reiterating that any military action in another State’s territory would require the territorial State’s consent or the Security Council’s authorization. It was clear that there is, as yet, no common view on this issue and that substantive differences remain.

Some specific issues were highlighted by delegations, including that violations to a State’s sovereignty could constitute crimes of aggression punishable under international law. Other Member States expressed the position that Article 51 had been interpreted wrongly as an excuse to invade other States and intervene in other States’ internal affairs.³⁶¹

Further detailed coverage of this meeting has been provided elsewhere in this issue of the Journal, including an article by Adil Ahmad Haque in ‘The use of force against non-state actors: All over the map’, and ‘A conversation between Pablo Arrocha Olabuenaga and Naz Khatoun Modirzadeh on the origins, objectives, and context of the 24 February 2021 “Arria-formula” meeting convened by Mexico’.

Militarisation of Space

There were a number of developments regarding the militarisation and use of force in space during this reporting period. For example, following a NATO summit in June, the Heads of State and Government released a statement which included NATO’s approach to space.³⁶² The communique stated:

³⁶¹*Ibid.*, 3.

³⁶²NATO, ‘Brussels Summit Communiqué: Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels 14 June 2021’, Press Release (2021) 086 (14 June 2021) www.nato.int/cps/en/natohq/news_185000.htm?selectedLocale=en.

Consistent with the Overarching Space Policy, NATO's approach to space will remain fully in line with international law. We support the international efforts to promote responsible behaviour in space. We consider that attacks to, from, or within space present a clear challenge to the security of the Alliance, the impact of which could threaten national and Euro-Atlantic prosperity, security, and stability, and could be as harmful to modern societies as a conventional attack. Such attacks could lead to the invocation of Article 5. A decision as to when such attacks would lead to the invocation of Article 5 would be taken by the North Atlantic Council on a case-by-case basis.³⁶³

On NATO's own approach to space weapons, NATO has said, 'The Alliance is not aiming to develop space capabilities of its own and will continue to rely on national space assets. NATO's approach to space will remain fully in line with international law. NATO has no intention to put weapons in space'.³⁶⁴

In similar developments, France conducted its first-ever space military exercise, codenamed 'AsterX' in order to evaluate its space defence and warfare capabilities.³⁶⁵ Michel Friedling, head of France's Space Command said that the exercises were a stress-test of the French systems, and that the exercises were 'a first for the French army and even a first in Europe'. Reports confirmed that the US Space Force and German space agencies also took part in the French exercises.³⁶⁶

The UK House of Commons Library also produced a research briefing in June 2021, detailing a number of states' positions on the development of military capabilities in space, including the positions of the UK, the US, France, Russia, China, Australia, India, and Iran.³⁶⁷

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³⁶³*Ibid.*, para 33.

³⁶⁴NATO, 'NATO's approach to space', (17 June 2021) www.nato.int/cps/en/natohq/topics_175419.htm.

³⁶⁵France conducts first military exercises in space', *DW* (10 March 2021) www.dw.com/en/france-conducts-first-military-exercises-in-space/a-56821868.

³⁶⁶*Ibid.*

³⁶⁷Claire Mills, 'The Militarisation of Space', UK Parliament, House of Commons Library Research Briefing Paper Number 9261 (14 June 2020) <https://commonslibrary.parliament.uk/research-briefings/cbp-9261/>.