



KINGDOM OF BELGIUM

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United Nations Security Council Open “Arria Formula” Meeting

“Upholding the collective security system of the UN Charter: the use of force in international law, non-state actors and legitimate self-defense”

New York, 24 February 2021

Mister President,

I would like to thank Mexico for organizing this meeting as well as Pr. Naz K. Modirzadeh for her comprehensive briefing to the Security Council. Belgium welcomes this opportunity for the Council and the wider membership to discuss the interrelation between Article 51 and Article 2(4) of the Charter of the United Nations.

At the outset, I would like to reiterate that, for my country, international law is more than ever the cornerstone of our multilateral system. By joining the United Nations and with the aim of bringing an end to the scourge of war, all Member States have made the clear choice of an international order based on the rule of law as a major factor of international stability, democracy and prosperity. Among a few key general rules, the Charter has notably established that relations between States are governed by the principle of the peaceful settlement of disputes and the corollary prohibition of the use of force.

At the same time, the Charter has also recognized the inherent right of individual or collective self-defense as provided for in its Article 51. Yet, the use of force in case of self-defense must remain exceptional since it constitutes an exception to the general rule mentioned above. For these reasons, it is subject to the specific conditions enshrined in the Charter that must be strictly interpreted.

Let me now turn to the guiding questions mentioned in the concept note. Firstly, from a substantive point of view, State practice varies regarding the information to be contained in a report submitted under Article 51. Some give sufficient

details to better justify the legitimacy of their action. Additionally, since 2001 and Security Council resolutions 1368 and 1373 adopted in reaction to the September 11 attacks, the practice is that States can have recourse to self-defense in case of attacks perpetrated by non-State actors – including terrorist groups – that are located on the territory of a sovereign State.

Secondly, the central idea of Article 51 is that actions of self-defense can be taken while waiting for the Security Council to take the measures it deems necessary for the maintenance of international peace and security. Procedurally, this implies that the Council must be informed immediately and that it should consider the matter referred to it by the report submitted under Article 51.

Finally, the transparency of States' communications relating to Article 51 is important for Belgium. We would therefore analyze with interest any suggestion that goes in the direction of greater transparency and publicity of past and current reports.

Thank you.