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**UN SECURITY COUNCIL 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-DEFENCE'**

24 February 2021

**Statement by Dr Fiona Webster, Deputy Permanent
Representative of Australia to the United Nations**

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Thank you Mexico for convening this important meeting today, and to Professor Modirzadeh for your briefing.

Australia welcomes the opportunity to address this Arria-formula meeting on the use of force under international law, including the application of Article 51 of the UN Charter.

The obligation in Article 2(3) of the UN Charter to seek the peaceful settlement of disputes, and the prohibition on the use of force in Article 2(4), are key pillars of the international rules-based order and essential to maintaining international peace and security.

States' inherent right of individual and collective self-defence is reflected in Article 51 of the Charter. It is one of the limited exceptions to the

prohibition on the use of force against the territorial integrity or political independence of another State.

Australia recognises that the right of self-defence is available in respect of an actual or imminent armed attack. The right of self-defence is not unconstrained: force used in self-defence must be necessary to address the threat or use of force and it must be proportionate to the threat that is faced.

Australia recognises that the right to exercise individual or collective self-defence is available against non-state actors in the territory of another State, where those actors are involved in carrying out an actual or imminent armed attack, and where the territorial State is unwilling or unable to prevent such attacks originating from its territory.

We note that, in the wake of the 9/11 attacks, the UN Security Council adopted resolutions 1368 and 1373 of 2001, which recognised the right to exercise self-defence against non-state actors in the territory of another State.

Finally, we refer to the important requirement in Article 51 that measures taken in exercising the right of self-defence 'shall be immediately reported to the Security Council'. Australia underscores the importance of States complying with this obligation.

Thank you.