 **MINISTRY**

**INTERNATIONAL RELATIONS AND COOPERATION**

 **REPUBLIC OF SOUTH AFRICA**

NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

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**3841. Mr D Bergman (DA) to ask the Minister of International Relations and Cooperation:**

Since the illegal invasion of Ukraine by Russia began in February 2022, the Government has always said that its position will always be guided by the principles of the United Nations (UN) Charter, does the government consider its failure to support resolutions condemning the illegal invasion of Ukraine or the annexation of its territory to be in line with the principles of the UN Charter; if not, why not; if so, what are the relevant details?

 **NW4738E**

**REPLY:**

South Africa attaches significant importance to the maintenance of international peace and security, a key mandate of the United Nations, through its Security Council.

South Africa has consistently maintained in relation to the Russia-Ukraine matter, like any other armed conflict, that diplomacy and negotiations are the best avenues towards durable peace. The position is not only premised on the strong belief that wars have no winners and that the real heroes are those that work for peace, but by Article 2(3) of Chapter I of the Charter of the United Nations that directs all Members to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Furthermore, Chapter VI of the Charter of the United Nations urges Member States to seek the pacific settlement of disputes that are likely to endanger the maintenance of international peace and security. Means of doing so include, *inter alia*, negotiation, enquiry, mediation and other peaceful means of the disputing parties. South Africa remains resolute in appealing to the parties to choose diplomacy and negotiation over violence to resolve their differences. A cessation of hostilities is thus required to create the necessary environment for a political process that would lead to sustainable peace in Ukraine.

Over and beyond advocating for the peaceful resolution of the conflict through diplomacy and negotiations, South Africa has further reiterated that the territorial integrity of States, including that of Ukraine, must be respected and that we reject all actions that undermine the Purposes and Principles of the UN Charter, and International Law.

South Africa also believes that the UN Security Council should play a constructive role in the resolution of this conflict, in line with its Charter mandate for the maintenance of international peace and security. South Africa regrets that in the case of the war in Ukraine the Security Council continues to abdicate this mandated responsibility. Due to the paralysis of the Security Council on this issue, the UN General Assembly henceforth convened a Special Emergency Session to address the matter. Through this format, the General Assembly adopted five resolutions on the matter.

With regard to the voting, aside from the principle relating to diplomacy and negotiation over war being overlooked, South Africa abstained during the voting of the General Assembly resolutions on Ukraine because it believed the resolutions would further polarise the General Assembly, thus prolonging the war. The first four resolutions were devoid of actions that would persuade the parties to the conflict to engage in political dialogue to end the hostilities. Furthermore, the last resolution sought to create a problematic precedence for the General Assembly and exceptionalism that reparations matter in some cases and do not matter in others.

It should be underlined that during the past seven decades the General Assembly has heard clarion calls for reparations from slavery, colonialism, apartheid and from many other contemporary conflicts. Regrettably, in all these instances Member States have not been able to find agreement on reparations due to the opposition of many countries in the Global North. We need to avoid double standards if indeed all Member States have equal standing in the UN.

Article 14 of the United Nations Charter directs that the role of the General Assembly be guided by the interest of establishing peace when the provisions of the Charter have been violated. Therefore, the immediate focus of the General Assembly should be to seek peace and call for an immediate end to the war.

In the absence of constructive and decisive action by the Security Council, the General Assembly should then focus on efforts to stop the conflict and consider resolutions that contain concrete proposals towards that end. The General Assembly should create conditions conducive to dialogue, mediation, and diplomacy as the only path that will lead to a peaceful resolution of the conflict. This is a role that the General Assembly has played before and there is no reason it cannot do so now.

Furthermore, the Secretary-General should directly engage the parties to the conflict towards an immediate cessation of hostilities. This is a process that should contain clear deliverables and timelines.

The Secretary-General has already illustrated the constructive role that he can play by facilitating the agreement on the Black Sea Grain Initiative. As we have stated before, this important example could be the basis for an agreement leading to a diplomatic resolution of the conflict. Constructive actions, such as these are urgently required to ensure that we move towards peace.

Our proposed way forward is consistent with Article 1 of the Charter of the United Nations which states that the purpose of the UN is “to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”. This is what the international community should be endeavouring to do.