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Follow-up and implementation of the Vienna Declaration and Programme of Action

Written statement submitted by Organisation internationale pour les pays les moins avancés (OIPMA), a non-governmental organization in special consultative status*

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 July 2025]

* Issued as received, in the language of submission only.

Reaffirming Jus Cogens and Peaceful Dispute Resolution: Supporting United Nations Security Council Resolution 2788 with Yemen as a Case Study

1. Introduction

In a pivotal moment marked by unprecedented challenges to the foundations of the international order, the adoption of United Nations Security Council Resolution 2788 on 22 July 2025 stands as a reaffirmation of the global commitment to the peaceful settlement of disputes. This resolution reinforces the role of the United Nations as an institutional framework that enables states to pursue legal and diplomatic avenues to prevent escalation and spare their populations the humanitarian and economic devastation caused by conflict.

In this context, Organisation internationale pour les pays les moins avancés (OIPMA) reaffirms the importance of resolving disputes in accordance with the Charter of the United Nations and universally recognized principles of international law. OIPMA welcomes the adoption of Resolution 2788, which strengthens the role of preventive diplomacy and reasserts the primacy of jus cogens norms in maintaining international peace and security.

The Vienna Declaration and Programme of Action, in its preamble and in Article 7, stresses that the promotion and protection of human rights must be carried out in full conformity with the UN Charter and international legal obligations. Amid growing violations of non-derogable norms in armed conflicts, this principle is of renewed urgency.

2. The Role of Jus Cogens and Legal Frameworks in Conflict Resolution

Jus cogens norms are peremptory principles of international law that hold a superior, non-derogable status. These obligations are binding on all states and cannot be superseded by treaty or agreement. According to Article 53 of the 1969 Vienna Convention on the Law of Treaties, any treaty that conflicts with a jus cogens norm is void. Violations may also give rise to individual criminal responsibility under international criminal law.

Among the most vital of these norms are the prohibitions against aggression, war crimes, torture, and violations of the right to self-determination. All United Nations Member States are obligated to respect and uphold these standards. Enforcement mechanisms, including those within the Human Rights Council and Security Council, must apply these legal norms consistently. Violations of jus cogens entail international responsibility and demand proportionate legal and diplomatic responses.

3. Yemen: A Case Study in Legal Breakdown and Humanitarian Collapse

For over three decades, the people of Yemen - particularly in the South - have endured persistent violations of international humanitarian and human rights law. The 1990 Unity Agreement, which was intended to create a balanced and equitable governance structure between North and South, has failed. The 1994 civil war and the subsequent Houthi takeover of key territories have deepened exclusion, violence, and human suffering.

Since 2023, Houthi forces have escalated attacks on commercial shipping in the Red Sea, particularly in the Bab al-Mandab Strait. These attacks, carried out with Iranian-supplied drones, missiles, and naval assets, have disrupted international trade, raised global shipping and insurance costs, and endangered marine ecosystems - posing a threat to regional and global stability.

In addition to direct military aggression, the Houthis have detained United Nations personnel, obstructed humanitarian aid, imposed sieges, and engaged in systematic repression, all in violation of the Geneva Conventions and their Additional Protocols.

Article 62 of the Vienna Convention on the Law of Treaties provides that a fundamental change of circumstances, unforeseen and radically affecting a treaty's implementation, may justify its termination or withdrawal. This principle is directly relevant to the situation in Yemen, where the effective control of Sana'a and much of the North by the Houthis - alongside the expulsion of the legitimate government into exile - renders the implementation of the Unity Agreement untenable.

It is imperative that the United Nations recognize the de facto collapse of central governance and reevaluate the applicability of the Unity Agreement in light of current realities. Legal reassessment and new frameworks are urgently needed to address the crisis.

4. Failure of Governance and the Role of the Southern Transitional Council

The internationally recognized government has failed to address endemic corruption, deliver basic services, or ensure equitable representation in the South. The continued participation of sanctioned actors - such as Houthi leaders and certain Northern factions - in negotiations has further undermined the credibility and legitimacy of peace efforts.

In response, the Southern Transitional Council (STC) has emerged as a stabilizing authority in Southern Yemen. Since its formation in 2017, the STC has played a central role in restoring order, delivering essential services, and safeguarding maritime routes.

On April 7, 2022, following the resignation of President Abdrabbuh Mansur Hadi, the STC became a formal partner in the Presidential Leadership Council of Yemen (PLC). STC President Aidarus al-Zoubaidi was appointed Vice Chairman of the PLC, and the Council includes three STC representatives among its eight members. Under Aidarus al-Zoubaidi leadership, the STC has made significant efforts to combat corruption, restore civil governance, and eliminate extremism and terrorism in the South.

These developments highlight the STC's capacity and willingness to act in accordance with international law and support regional stability. Given the fundamental change in circumstances since 1990, Article 62 of the Vienna Convention provides a legitimate basis to reconsider the Unity Agreement. The current situation -involving the de facto division of the country and the collapse of central authority - warrants serious consideration of the right to self-determination for the South, in line with precedents such as South Sudan, Eritrea, Timor-Leste, Estonia, Latvia, and Lithuania.

5. Recommendations

In light of the above, OIPMA urges the Human Rights Council and other relevant UN bodies to:

1. Protect civilians in the North by establishing humanitarian corridors and safe zones and ensuring unimpeded access for humanitarian aid.
2. Recognize the Southern Transitional Council (STC) as a stabilizing authority in the South and support its efforts to establish accountable local governance based on equitable partnership.
3. Provide targeted humanitarian and technical assistance to STC-led institutions to improve access to essential services, alleviate poverty, and maintain maritime security.
4. Reinforce compliance with jus cogens norms and international humanitarian law by promoting legal accountability for violations and recognizing the South's right to self-determination under applicable international frameworks.

OIPMA calls on the Human Rights Council to take urgent, concrete action to prevent further escalation, ensure legal accountability for ongoing violations, and uphold the principles of international law and the United Nations Charter.