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**Part V**  
**Functions and powers of the  
Security Council**

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## Introductory note

Part V of the present Supplement covers the functions and powers of the Security Council, as provided for in Articles 24, 25 and 26 of the Charter of the United Nations, and is accordingly divided into three sections. Under each section, explicit and implicit references to those Articles in decisions, communications and meetings of the Council during 2018 are listed. Part V also includes case studies that examine specific instances in which those Articles were discussed or which otherwise illustrate how the Council has applied Articles 24, 25 and 26.

As covered in section I, in 2018 the Council made no explicit reference to Article 24 of the Charter in its decisions and instead referred implicitly to its primary responsibility for the maintenance of international peace and security in 13 of its decisions in connection with various country- or region-specific items, such as the situation in Libya, the question concerning Haiti, and reports of the Secretary-General on the Sudan and South Sudan, as well as with thematic ones, such as children and armed conflict, the maintenance of international peace and security, peacebuilding and sustaining peace, the protection of civilians in armed conflict, threats to international peace and security, and United Nations peacekeeping operations. The primary responsibility of the Council for the maintenance of international peace and security was also the subject of discussions during Council meetings in connection with a variety of items, including cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, the maintenance of international peace and security, and the implementation of the note by the President of the Security Council ([S/2017/507](#)).

During the period under review, as described in section II, the Council referred to Article 25 in two resolutions, in which it underscored that Member States were obligated under Article 25 of the Charter to accept and carry out the decisions of the Council. Both resolutions were adopted in connection with the conflict in the Syrian Arab Republic under the item entitled “The situation in the Middle East”. During deliberations, speakers made explicit reference to Article 25 on eight occasions: twice in connection with the implementation of the note by the President of the Security Council ([S/2017/507](#)), once regarding the situation in the Middle East, four times in relation to the situation in the Middle East, including the Palestinian question, and once in connection with threats to international peace and security.

With regard to Article 26, as described in section III and consistent with past practice, the Council made no reference in its decisions to its responsibility for formulating plans for the establishment of a system for the regulation of armaments. Nevertheless, Article 26 was explicitly invoked during deliberations of the Council on two occasions: in relation to the non-proliferation of weapons of mass destruction and regarding the situation in the Middle East.

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## I. Primary responsibility of the Security Council for the maintenance of international peace and security under Article 24

### Article 24

1. *In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.*

2. *In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.*

3. *The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.*

### Note

Section I covers the practice of the Security Council concerning its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter<sup>1</sup> and is divided into two subsections. Subsection A deals with decisions adopted in 2018 that refer to the primary responsibility of the Council for the maintenance of international peace and security. Subsection B examines references to the Council's primary responsibility pursuant to Article 24 made in discussions held during Council meetings.

During the period under review, none of the decisions adopted by the Council contained explicit references to Article 24 of the Charter. A concept note for a ministerial briefing of the Council on the theme "Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security", annexed to a letter dated 1 February 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General,<sup>2</sup> contained two explicit references to the Article. In the concept note, prepared by Kuwait, which held the presidency of the Council for the month of February 2018, Council members were encouraged to focus on discussing means to best utilize the tools available to the

Council as set out in Chapters VI, VII and VIII of the Charter for it to discharge its primary responsibility for the maintenance of international peace and security as outlined in Article 24. It was also indicated that the liberation of Kuwait in February 1991 was a vivid example of the Council's ability to utilize the tools available in the Charter to act collectively and uniformly to carry out its responsibility and duty as conferred upon it in Article 24. Explicit references to Article 24 were also made in many instances during meetings of the Council, as further described in subsection B.

### A. Decisions referring to the primary responsibility of the Security Council for the maintenance of international peace and security

During the period under review, the Council did not explicitly refer to Article 24 of the Charter in its decisions. However, implicit reference was made to the Article in nine resolutions and four presidential statements. The Council referred to its primary responsibility for the maintenance of international peace and security on numerous occasions while taking a multiplicity of actions, as further described below. The Council referred to its primary responsibility for the maintenance of international peace and security in several resolutions adopted under Chapter VII of the Charter, by which it imposed measures under Article 41 and/or authorized the use of force under Article 42. In general, references to the primary responsibility of the Council for the maintenance of international peace and security were included in preambular paragraphs of resolutions and in the initial paragraphs of presidential statements.

### Resolutions

In 2018, nine resolutions contained implicit references to Article 24 of the Charter. In those resolutions the Council reaffirmed, recalled, reiterated, bore in mind or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security. Of the nine resolutions, three were adopted under country- or region-specific items on the agenda of the Council

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<sup>1</sup> Article 24 (3), under which the Council is required to submit annual and special reports to the General Assembly, is covered in part IV, sect. I.F.

<sup>2</sup> S/2018/85.

relating to Haiti, Libya and the Sudan.<sup>3</sup> In all three resolutions, the Council acted explicitly under Chapter VII of the Charter.

Following past practice regarding the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, in its resolution 2429 (2018), the Council underlined, without prejudice to its primary responsibility for the maintenance of international peace and security, the importance of the partnership between the United Nations and the African Union with regard to the maintenance of peace and security in Africa.<sup>4</sup>

In connection with the question concerning Haiti, by its resolution 2410 (2018), mindful of its primary responsibility for the maintenance of international peace and security, the Council extended the mandate of the United Nations Mission for Justice Support in Haiti until 15 April 2019 and authorized the Mission to use “all necessary means” to carry out its mandate.<sup>5</sup> In relation to the situation in Libya, by its resolution 2420 (2018), mindful of its primary responsibility for the maintenance of international peace and security, the Council extended for a further 12 months the authorizations as set out in its resolution 2357 (2017) concerning the implementation of the arms embargo on the high seas off the coast of Libya.<sup>6</sup>

In addition, the Council referred to its responsibility to maintain international peace and security in six resolutions concerning thematic issues.<sup>7</sup>

Of the six resolutions, one was adopted under Chapter VII of the Charter, as explained below.

Under the item entitled “Children and armed conflict”, the Council adopted resolution 2427 (2018), in which it reiterated its primary responsibility for the maintenance of international peace and security and its commitment to address the widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development.<sup>8</sup>

In its resolution 2419 (2018), adopted under the item entitled “Maintenance of international peace and security”, the Council bore in mind the purposes and principles of the Charter and its primary responsibility for the maintenance of international peace and security and reaffirmed the important role youth can play in the prevention and resolution of conflicts.<sup>9</sup>

Also under the item entitled “Maintenance of international peace and security”, the Council adopted resolution 2437 (2018), in which it indicated that it was mindful of its primary responsibility for the maintenance of international peace and security and reaffirmed the necessity to put an end to the ongoing proliferation of the smuggling of migrants and trafficking of persons in the Mediterranean Sea off the coast of Libya. By the same resolution, acting under Chapter VII of the Charter, the Council renewed for a further period of 12 months the authorizations as set out in paragraphs 7, 8, 9 and 10 of resolution 2240 (2015) to intercept vessels on the high seas off the coast of Libya.<sup>10</sup>

In connection with the item entitled “Protection of civilians in armed conflict”, in its resolution 2417 (2018), the Council, reiterating its primary responsibility for the maintenance of international peace and security, recalled the link between armed conflict and violence and conflict-induced food insecurity and the threat of famine, and strongly condemned the use of starvation of civilians as a method of warfare.<sup>11</sup>

Under the item entitled “United Nations peacekeeping operations”, the Council adopted resolution 2436 (2018), in which, bearing in mind its primary responsibility for the maintenance of international peace and security, the Council reaffirmed

<sup>3</sup> Resolutions 2410 (2018), penultimate preambular paragraph; 2420 (2018), third preambular paragraph; and 2429 (2018), sixth preambular paragraph.

<sup>4</sup> Resolution 2429 (2018), sixth preambular paragraph. For information on decisions involving regional arrangements or agencies, see part VI, sect. III.D. For more information on regional arrangements, see part VIII.

<sup>5</sup> Resolution 2410 (2018), penultimate preambular paragraph and paras. 1 and 14. For more information on the United Nations Mission for Justice Support in Haiti and on the peacekeeping and political missions in general, see part X. For more information concerning measures to maintain or restore international peace and security in accordance with Article 42 of the Charter, see part VII, sect. IV.A.

<sup>6</sup> Resolution 2420 (2018), third preambular paragraph and para. 1. For more information on the practice concerning measures not involving the use of armed force in accordance with Article 41 of the Charter, see part VII, sect. III.A.

<sup>7</sup> Resolutions 2417 (2018), seventh preambular paragraph; 2419 (2018), seventh preambular paragraph; 2427 (2018), second preambular paragraph; 2436 (2018), first preambular paragraph; 2437 (2018), penultimate preambular paragraph; and 2447 (2018), second preambular paragraph.

<sup>8</sup> Resolution 2427 (2018), second preambular paragraph.

<sup>9</sup> Resolution 2419 (2018), seventh and tenth preambular paragraphs.

<sup>10</sup> Resolution 2437 (2018), penultimate and final preambular paragraphs and para. 2.

<sup>11</sup> Resolution 2417 (2018), seventh preambular paragraph and paras. 1 and 5.

its support for the development of a comprehensive and integrated performance policy framework for evaluating all United Nations civilian and uniformed personnel working in and supporting peacekeeping operations.<sup>12</sup> Under the same item, the Council adopted resolution 2447 (2018), in which, reaffirming its primary responsibility for the maintenance of international peace and security, it underscored the importance of integrating United Nations support to police, justice and corrections areas into the mandates of peacekeeping operations and special political missions.<sup>13</sup>

### Presidential statements

During the period under review, the Council made implicit references to Article 24 in four presidential statements, reaffirming its primary responsibility for the maintenance of international peace and security and acting within its mandate to maintain international peace and security.<sup>14</sup>

In three presidential statements issued under separate items, the Council referred implicitly to Article 24 in reaffirming its primary responsibility for the maintenance of international peace and security as well as its commitment to upholding the purposes and principles of the Charter.<sup>15</sup> In a presidential statement issued on 18 January 2018, the Council, within its mandate to maintain international peace and security, also noted the importance of continuing to strive towards sustainable peace and achieving a world free of violent conflicts by the centenary of the United Nations.<sup>16</sup>

In addition, under the item entitled “Threats to international peace and security”, the President of the Security Council issued a statement on 8 May 2018 in which the Council reaffirmed its primary responsibility for the maintenance of international peace and security and recalled its concern about the close connection

between international terrorism and transnational organized crime.<sup>17</sup>

## B. Discussions relating to the primary responsibility of the Security Council for the maintenance of international peace and security

During the period under review, Article 24 was explicitly and implicitly referred to at numerous meetings of the Council. Explicit references to Article 24 were made at meetings held under the items entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”,<sup>18</sup> “Implementation of the note by the President of the Security Council (S/2017/507)”,<sup>19</sup> “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”,<sup>20</sup> “Maintenance of international peace and security”,<sup>21</sup> “The situation in the Middle East”<sup>22</sup> and “Threats to international peace and security”.<sup>23</sup>

The following case studies illustrate the broad range of issues discussed during the period under review with respect to the Council’s primary responsibility pursuant to Article 24. The discussions were held in connection with the situation in Myanmar (case 1), the situation in the Middle East (case 2), cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security (case 3), the implementation of the note by the President of the Security Council (S/2017/507), which concerns the working methods of the Council (case 4) and the maintenance of international peace and security (cases 5 and 6).

<sup>12</sup> Resolution 2436 (2018), first preambular paragraph and para. 1. For further information on the background to this decision, see part I, sect. 26, “United Nations peacekeeping operations”.

<sup>13</sup> Resolution 2447 (2018), second preambular paragraph and para. 1.

<sup>14</sup> S/PRST/2018/1, first and second paragraphs; S/PRST/2018/9, first paragraph; S/PRST/2018/10, second paragraph; and S/PRST/2018/20, fourth paragraph.

<sup>15</sup> S/PRST/2018/1 (under “Maintenance of international peace and security”), first paragraph; S/PRST/2018/10 (under “United Nations peacekeeping operations”), second paragraph; and S/PRST/2018/20 (under “Peacebuilding and sustaining peace”), fourth paragraph.

<sup>16</sup> S/PRST/2018/1, second paragraph.

<sup>17</sup> S/PRST/2018/9, first and second paragraphs.

<sup>18</sup> S/PV.8340, p. 7 (Kuwait).

<sup>19</sup> S/PV.8175, p. 8 (France), pp. 17–18 (Equatorial Guinea), p. 52 (Australia), p. 55 (Cuba), p. 56 (Maldives), p. 57 (Mexico), p. 59 (Uruguay) and p. 63 (Egypt).

<sup>20</sup> S/PV.8270, p. 6 (Poland).

<sup>21</sup> S/PV.8185, p. 20 (Sweden); S/PV.8262, p. 10 (President of the International Residual Mechanism for Criminal Tribunals), p. 25 (Côte d’Ivoire), p. 36 (Georgia), p. 48 (Pakistan), p. 68 (Uruguay), p. 76 (Lebanon) and p. 80 (Turkey); and S/PV.8346, p. 17 (Plurinational State of Bolivia).

<sup>22</sup> S/PV.8152, p. 6 (Kuwait); S/PV.8383, p. 12 (Equatorial Guinea); and S/PV.8406, p. 8 (United Kingdom of Great Britain and Northern Ireland).

<sup>23</sup> S/PV.8233, p. 15 (Kuwait) and p. 17 (Equatorial Guinea).

## Case 1

### The situation in Myanmar

At its 8381st meeting, held on 24 October 2018, the Council was briefed on the human rights situation in Rakhine State in Myanmar by the Chair of the independent international fact-finding mission on Myanmar, established by the Human Rights Council. While the meeting was requested by nine Council members pursuant to rule 2 of the Council's provisional rules of procedure,<sup>24</sup> four other Council members objected to the request.<sup>25</sup> In the light of the divergent views expressed by Council members, the adoption of the agenda was put to a procedural vote.<sup>26</sup> Before the adoption of the agenda, the representative of China expressed his country's opposition to the holding of the briefing, indicating that the Council's primary responsibility was the maintenance of international peace and security and asserting that the Council "should not get involved in country-specific human rights issues". He added that, by receiving a briefing from the fact-finding mission on Myanmar, the Security Council would encroach on the mandates of the General Assembly and the Human Rights Council, violate provisions of the Charter and weaken the responsibilities and roles of various United Nations bodies.<sup>27</sup> The representative of the Russian Federation also opposed the holding of the briefing, indicating that his country saw "no added value" in considering in the Security Council a report that had already been taken up in both the Human Rights Council and the Third Committee of the General Assembly and stressing the need to avoid the duplication of efforts in the work of the principal organs of the United Nations.<sup>28</sup> The representative of the United Kingdom of Great Britain and Northern Ireland stated, however, that the situation in Myanmar clearly endangered international peace and security and pointed out that, in the report of the fact-

finding mission, a specific request had been made for the Council to act.<sup>29</sup>

The representative of the Plurinational State of Bolivia, taking the floor after the procedural vote, noted that the Charter unequivocally established that the primary responsibility of the Council was the maintenance of international peace and security and that the Council was not the place to deal with human rights issues, as such issues had their own space for debate within their relevant specialized body.<sup>30</sup> He also underscored the importance of respecting the mandate of each United Nations organ in order to avoid overlapping, duplication and interference with the work being done in each body. The representative of Myanmar also objected to the holding of the briefing and accused "some members" of the Council of hijacking "the human rights issue for their political purposes".<sup>31</sup>

The representative of the United Kingdom took the floor again after the procedural vote and emphasized that the Council had the "solemn responsibility" to consider "some of the worst things that a Government can do to its own people" and decide how to proceed.<sup>32</sup> The representative of the Netherlands recalled that the findings of the fact-finding mission demanded action not only by other United Nations bodies but also by the Security Council, stressing that it was time that the Council "shoulder its responsibility".<sup>33</sup> The representative of France emphasized that it was important for the Security Council to continue to rely on the work of the instruments established by the Human Rights Council in order to carry out its own mandate and noted that the Security Council could not ignore facts that amounted to "the highest level of severity within the scale of international crimes" unless it relinquished its own responsibilities.<sup>34</sup>

The representative of the United States of America also expressed support for the holding of the briefing, arguing that the "forcible movement" of hundreds of thousands of people across borders was "undeniably" a matter of international peace and security.<sup>35</sup> The representative of Peru, also referring to the humanitarian situation, affirmed that his country was in favour of holding the briefing, stated that the responses aimed at resolving the crisis thus far

<sup>24</sup> See S/2018/926. For more information on requests for meetings, see part II, sect. I.A.

<sup>25</sup> See S/2018/938.

<sup>26</sup> S/PV.8381, p. 3 (the provisional agenda received nine votes in favour (Côte d'Ivoire, France, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States), three against (Bolivia (Plurinational State of), China, Russian Federation) and three abstentions (Equatorial Guinea, Ethiopia, Kazakhstan)). For more information on procedural votes, see part II, sect. VIII.C, "Decision-making by voting".

<sup>27</sup> S/PV.8381, p. 2. For more information about the relationship between the Security Council and other United Nations organs, see part IV.

<sup>28</sup> S/PV.8381, pp. 2–3.

<sup>29</sup> *Ibid.*, p. 3.

<sup>30</sup> *Ibid.*, p. 4.

<sup>31</sup> *Ibid.*, pp. 23–24.

<sup>32</sup> *Ibid.*, p. 6.

<sup>33</sup> *Ibid.*, p. 9.

<sup>34</sup> *Ibid.*, pp. 10–11.

<sup>35</sup> *Ibid.*, p. 9.

remained insufficient and appealed to the Council to continue to pay due attention to the plight of the Rohingya refugees.<sup>36</sup>

## Case 2

### The situation in the Middle East

On 5 January 2018, at its 8152nd meeting, the Council held a briefing on the situation in the Middle East. In accordance with rule 37 of its provisional rules of procedure, the Council invited the representative of the Islamic Republic of Iran to participate in the meeting. The Assistant Secretary-General for Political Affairs, invited in accordance with rule 39 of the provisional rules of procedure, briefed the Council at the outset of the meeting on the ongoing developments in the Islamic Republic of Iran. He explained that protests in the Islamic Republic of Iran had started on 28 December 2017, when hundreds of Iranians had gathered, in a largely peaceful manner, chanting slogans against economic hardships. He reported that, as the protests had escalated, some had turned violent, with reports indicating that protesters had been detained and had died, although he noted that the Secretariat could not confirm or deny the authenticity of the images that had been broadcast or the extent of the violence. He added that, on 3 January 2018, the Islamic Revolutionary Guard Corps had announced the end of the anti-Government protests.<sup>37</sup>

During the meeting, the representative of Kuwait referred explicitly to Article 24 of the Charter, noting that the Council was charged with “addressing any genuine threat to global security and stability”. While expressing hope that the demonstrations in the Islamic Republic of Iran would not become a threat to international peace and security, he called for the role of the Council in early action and prevention to be strengthened.<sup>38</sup> The representative of Peru similarly indicated that the Council, as the organ with the primary responsibility for the maintenance of international peace and security, should have the ability to contribute to conflict prevention.<sup>39</sup>

Several Council members, however, called into question the holding of the meeting, indicating that the situation in the Islamic Republic of Iran following the protests did not endanger international peace and security.<sup>40</sup> The representative of the Plurinational State of Bolivia categorically rejected what his country

considered to be attempts by some countries to “push” for meetings of the Council on issues that did not pose a threat to international peace and security, arguing that such action risked having the Council be “instrumentalized” for political ends.<sup>41</sup> The representative of Equatorial Guinea indicated that the human rights situation in the Islamic Republic of Iran did not in principle constitute a threat to international peace and security and thus should be addressed and discussed in the “competent forums set up by the United Nations for that purpose”.<sup>42</sup> The representative of Ethiopia also questioned whether the Council was the appropriate forum to discuss human rights issues.<sup>43</sup> The representative of China, recalling that the Council bore the primary responsibility for the maintenance of international peace and security as established in the Charter, underscored that the Council should not discuss the internal affairs or the human rights situation of countries.<sup>44</sup> The representative of Kazakhstan also considered the developments in the Islamic Republic of Iran as a domestic issue that did not represent a threat to international peace and security and therefore did not fall under the mandate of the Council.<sup>45</sup> Stressing that the subject of the meeting did “not correspond to the Council’s prerogatives under the Charter”, the representative of the Russian Federation accused the United States of misusing the forum of the Council and of undermining the authority of the Council as the principal organ responsible for the maintenance of international peace and security.<sup>46</sup> The representative of the Islamic Republic of Iran deplored the Council’s decision to hold a meeting on an issue that fell outside the scope of the mandate of the Council and indicated that holding such a meeting put “on display” the failure of the Council to fulfil its real responsibility in maintaining international peace and security.<sup>47</sup>

In contrast, the representative of the United States noted that her country did not agree with the view that debates on the subject of human rights had no place in the Council, arguing that freedom and human dignity could not be separated from peace and security.<sup>48</sup> The representative of the Netherlands also made reference to the Council’s responsibility to act

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<sup>36</sup> *Ibid.*, p. 17.

<sup>37</sup> *S/PV.8152*, p. 2.

<sup>38</sup> *Ibid.*, p. 6.

<sup>39</sup> *Ibid.*, p. 8.

<sup>40</sup> For more information on the situation in the Middle East, see part I.

<sup>41</sup> *S/PV.8152*, p. 5.

<sup>42</sup> *Ibid.*, p. 11.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, p. 12.

<sup>45</sup> *Ibid.*, p. 14.

<sup>46</sup> *Ibid.*, pp. 12–13.

<sup>47</sup> *Ibid.*, p. 14.

<sup>48</sup> *Ibid.*, p. 3.



“early and decisively when fundamental freedoms are under threat”.<sup>49</sup>

**Case 3  
Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security**

On 5 September 2018, the Council held its 8340th meeting, under the sub-item entitled “The situation in Nicaragua”.

The Chief of Staff to the Secretary-General of the Organization of American States (OAS) briefed the Council on the efforts that the General Secretariat of OAS had been undertaking in Nicaragua and noted its concern at the loss of life and the deterioration of democracy and political and social coexistence in the country, as well as the corresponding effect on the economic situation.<sup>50</sup> The Nicaraguan civil society representative provided testimony to the Council and requested that the Council consider adopting a specific resolution on the situation in Nicaragua.<sup>51</sup>

Following the briefings, the representative of the Russian Federation expressed his country’s opposition to the holding of the meeting, stressing that the issue of the situation in Nicaragua had “no place on the Security Council’s agenda” and that the domestic political situation in Nicaragua did not pose a threat to international peace and security.<sup>52</sup> The representative of Kazakhstan also said that the situation in Nicaragua was not a threat to international peace and security and therefore should not fall under the Council’s mandate.<sup>53</sup> The representative of Ethiopia similarly underscored that the situation in Nicaragua remained an internal matter that did not constitute a threat to international peace and security and recalled that, according to the Charter, a determination of a threat would serve as the basis for the Council’s involvement.<sup>54</sup> The representative of the Plurinational State of Bolivia also rejected the holding of the meeting, as his country did not consider that the internal situation in Nicaragua constituted a threat to the region or the world. He also cautioned Council members against turning the Council into “an instrument for political or ideological ends”.<sup>55</sup> The representative of China also stated that the situation in Nicaragua did not constitute a threat to

international peace and security and expressed opposition to the Council’s involvement.<sup>56</sup>

The Minister for Foreign Affairs of Nicaragua referred to the inclusion of the situation in Nicaragua on the agenda of the meeting as an act of interference in the internal affairs of the country and a violation of the Charter and international law.<sup>57</sup> He added that the Council was not the appropriate body for addressing issues of human rights. The representative of the Bolivarian Republic of Venezuela underscored that the Council’s consideration of domestic situations of sovereign countries was a “flagrant violation” of the mandate of the Council.<sup>58</sup>

In contrast, the representative of Kuwait, while acknowledging the lack of consensus among Council members on the holding of the meeting, highlighted the ability of the Council to investigate situations that might have a negative impact on international peace and security and underscored the Council’s role in preventive diplomacy in accordance with the Council’s mandate as outlined in Article 24 of the Charter.<sup>59</sup> Several Council members welcomed the holding of the meeting to discuss the situation in Nicaragua and echoed the statement made by the representative of Kuwait regarding the relevance of the topic to the work of the Council in the context of preventive diplomacy.<sup>60</sup>

**Case 4  
Implementation of the note by the President of the Security Council (S/2017/507)**

At its 8175th meeting, held on 6 February 2018, the Council held an open debate on its working methods organized by Kuwait, which held the presidency of the Council for that month.<sup>61</sup> During the meeting, many speakers made explicit and implicit references to Article 24 of the Charter.

The representative of Cuba indicated that the work of the Council was a shared responsibility borne

<sup>49</sup> Ibid., p. 9.

<sup>50</sup> S/PV.8340, pp. 2–4.

<sup>51</sup> Ibid., pp. 4–5.

<sup>52</sup> Ibid., p. 6.

<sup>53</sup> Ibid., p. 14.

<sup>54</sup> Ibid., p. 15. For further information on the determination of a threat by the Council, see part VII, sect. I.

<sup>55</sup> S/PV.8340, p. 16.

<sup>56</sup> Ibid., p. 18.

<sup>57</sup> Ibid., pp. 19–20. For more information concerning the principle of non-intervention in the internal affairs of States by the United Nations, see part III, sect. IV.

<sup>58</sup> S/PV.8340, p. 22.

<sup>59</sup> Ibid., p. 7.

<sup>60</sup> Ibid., pp. 7–8 (United Kingdom), p. 11 (Netherlands) and p. 13 (Côte d’Ivoire).

<sup>61</sup> The Council had before it a concept note annexed to a letter dated 24 January 2018 from the representative of Kuwait to the Secretary-General (S/2018/66), and a summary of the debate was circulated after the meeting in a communication from the representative of Kuwait (S/2018/399).

by all Member States and noted that, in line with Article 24 of the Charter, the Members of the United Nations recognized that the Council acted on behalf of Member States in the discharge of its functions.<sup>62</sup> The representative of Maldives said that, in accordance with Article 24 of the Charter, the Council deliberated and discussed the maintenance of international peace and security. He further underscored that the work of the Council was a collective responsibility undertaken on behalf of the whole membership for the common good of humankind.<sup>63</sup> The representative of Mexico made reference to the primary responsibility of the Council pursuant to Article 24 of the Charter and recalled that, in discharging its duty, the Council acted on behalf of Member States.<sup>64</sup> Many other speakers also made implicit reference to Article 24 of the Charter by recalling that the Council, in discharging its primary responsibility for the maintenance of international peace and security, acted on behalf of the Members of the United Nations.<sup>65</sup>

The representative of France noted that the Council, being the organ of the United Nations with the primary responsibility for issues of international peace and security in accordance with Article 24 of the Charter, should, when necessary, be able to reflect on its own work and examine it critically in order to ensure effectiveness in its work.<sup>66</sup> The representative of Equatorial Guinea underscored that the debate was a clear sign of the genuine interest of all Member States in enhancing the transparency, inclusiveness and openness of the work of the Council in order to ensure that the Council “truly” acted on behalf of all Member States, in accordance with Article 24 of the Charter.<sup>67</sup> Also referring to Article 24 of the Charter and the responsibility of the Council to act on behalf of the entire membership of the United Nations, the representative of Australia called for greater engagement by Council members with the broader membership.<sup>68</sup> The representative of Uruguay, recalling that Article 24 of the Charter provided for the Council to act on behalf of Member States, encouraged increased interaction between the Council and the entire membership.<sup>69</sup> The representative of Egypt also recalled that the Council acted on behalf of all Member

States and added that the practical implementation of Article 24 required continuous efforts to ensure that the Council became more democratic, inclusive, open and transparent in its interactions with Member States, as well as responsive to their concerns and ideas.<sup>70</sup>

### **Case 5 Maintenance of international peace and security**

At its 8185th meeting, held on 21 February 2018, the Council held a high-level open debate under the sub-item entitled “Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”.<sup>71</sup>

In his opening remarks, the Secretary-General noted that, while the Charter’s principles were as relevant as ever, its tools should be updated and used with greater determination, starting with prevention. He further stated that the international community spent far more time and resources responding to crises than preventing them. He underscored that the United Nations must rebalance its approach to international peace and security and aim to help countries to avert the outbreak of crises that take a high toll on humankind. He recalled in that regard that the Charter conferred upon the Council powers and responsibilities in the field of conflict prevention.<sup>72</sup>

The former Secretary-General, Ban Ki-moon, indicated that the primary responsibility vested in the Council to maintain international peace and security was needed “more than ever” and underscored that addressing the root causes of conflict and working towards conflict prevention, alongside other stakeholders, would make the Council and the Organization stronger.<sup>73</sup>

The representative of Sweden explicitly invoked Article 24 of the Charter when referring to the responsibility of elected and non-elected members of the Council to act on behalf of all Members of the United Nations and in accordance with the Charter, its purposes and principles. In that regard, he stated that the use of the veto by permanent members of the Council to protect narrow national interests in situations of mass atrocities was “totally unacceptable”.<sup>74</sup>

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<sup>62</sup> S/PV.8175, p. 55.

<sup>63</sup> Ibid., p. 56.

<sup>64</sup> Ibid., p. 57.

<sup>65</sup> Ibid., pp. 26–27 (India), p. 32 (South Africa), p. 34 (Turkey), pp. 38–39 (Morocco), p. 42 (Liechtenstein), p. 47 (Indonesia), pp. 50–51 (Azerbaijan) and p. 62 (Algeria).

<sup>66</sup> Ibid., p. 8.

<sup>67</sup> Ibid., p. 17.

<sup>68</sup> Ibid., p. 52.

<sup>69</sup> Ibid., p. 59.

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<sup>70</sup> Ibid., p. 63.

<sup>71</sup> The Council had before it a concept note annexed to a letter dated 1 February 2018 from the representative of Kuwait to the Secretary-General (S/2018/85).

<sup>72</sup> S/PV.8185, pp. 2–3.

<sup>73</sup> Ibid., pp. 4–5.

<sup>74</sup> Ibid., p. 20.

The Minister for Foreign Affairs of Poland recalled the Council's "pivotal role" as a "guardian" of the maintenance of international peace and security and pledged to engage in efforts to strengthen the Council's role in that regard.<sup>75</sup> The Minister for Foreign Affairs of Côte d'Ivoire called upon the Council to "take stock" of its impact on international peace and security.<sup>76</sup>

The representative of France stressed the need for the Council to continue its efforts in utilizing the tools provided by the Charter to fulfil its primary responsibility.<sup>77</sup> The representative of China called for support for the Council, "as the collective security machinery for the maintenance of international peace and security", in seeking the peaceful settlement of conflict through dialogue and consultation.<sup>78</sup> The representative of the Netherlands, focusing on the areas in which his country considered that the Council could act more effectively, underlined that, when conflict prevention failed, the Council had the primary responsibility to restore international peace and security.<sup>79</sup>

Two Council members pointed out that certain policies and actions could undermine the Council's exercise of its responsibility for the maintenance of international peace and security. The representative of Ethiopia indicated that the Council had yet to take full advantage of the Charter's provisions in order to "overcome the constraints of self-defeating policies", which led to double standards that, in turn, undermined the credibility of the Council in carrying out its mandate to maintain international peace and security.<sup>80</sup> In the same vein, the representative of the Russian Federation noted that the manipulation of certain concepts and other "intrusive instruments" that did not enjoy consensus support in the Council had not lessened its burden as the organ responsible for the maintenance of international peace and security.<sup>81</sup>

### **Case 6 Maintenance of international peace and security**

On 17 May 2018, the Council, at its 8262nd meeting, held a high-level open debate under the sub-item entitled "Upholding international law within the context of the maintenance of international peace

and security".<sup>82</sup> During the debate, many speakers focused on the Council's role in promoting international law pursuant to its obligation to maintain international peace and security, the impact of the Council's work on the rule of law and the need for unity within the Council in order to carry out its primary responsibility for the maintenance of international peace and security. In remarks delivered on behalf of the Secretary-General, the Chef de Cabinet of the Secretary-General underlined that the advancement of international criminal justice was within the scope of the Council's responsibility for the maintenance of international peace and security.<sup>83</sup>

Several speakers emphasized the Council's role in promoting adherence to the rule of law and in defending the integrity of international norms while carrying out its mandate.<sup>84</sup> The representative of Côte d'Ivoire welcomed the role of the Council, as the guarantor of the maintenance of international peace and security pursuant to Article 24 of the Charter, in promoting the rule of law.<sup>85</sup> The representative of France referred to the Council as a "guarantor of international legality when exercising its responsibility for the maintenance of international peace and security".<sup>86</sup> Quoting Article 24 of the Charter, the representative of Uruguay recalled that the primary responsibility of the Council must be fulfilled within the framework of international law, respecting the principles set by the international legal order.<sup>87</sup> The representative of Lebanon, invoking Article 24 (2) of the Charter, recalled that the Council was required to abide by the purposes and principles of the United Nations in the discharge of its duties and stressed that faithful respect for those provisions would prevent double standards and the selective application of international law.<sup>88</sup> The representative of Peru noted that the Council's mandate included the promotion of a rules-based international order, which was evident in the Council's role in the maintenance of the regimes for the non-proliferation of weapons of mass destruction.<sup>89</sup> The Minister for Foreign Affairs of Latvia underscored that the Council's actions had implications with respect to international law given the Council's role as the

<sup>75</sup> Ibid., pp. 9–10.

<sup>76</sup> Ibid., p. 11.

<sup>77</sup> Ibid., p. 24.

<sup>78</sup> Ibid., p. 16.

<sup>79</sup> Ibid., p. 27.

<sup>80</sup> Ibid., p. 17.

<sup>81</sup> Ibid., p. 22.

<sup>82</sup> The Council had before it a concept note annexed to a letter dated 3 May 2018 from the representative of Poland to the Secretary-General (S/2018/417/Rev.1).

<sup>83</sup> S/PV.8262, p. 3.

<sup>84</sup> Ibid., p. 31 (Ethiopia), p. 40 (Slovakia), p. 52 (Belgium), p. 63 (Germany) and p. 84 (Viet Nam).

<sup>85</sup> Ibid., p. 25.

<sup>86</sup> Ibid., p. 28.

<sup>87</sup> Ibid., p. 68.

<sup>88</sup> Ibid., p. 76.

<sup>89</sup> Ibid., p. 20.

main guarantor of international peace and security.<sup>90</sup> The First Deputy Minister for Foreign Affairs of Georgia, referring to the primary responsibility of the Council for the maintenance of international peace and security pursuant to Article 24 of the Charter, emphasized the importance of discussing the ways in which international law is respected and its implications around the world.<sup>91</sup> The representative of Brazil indicated that the Council, as the “primary guardian” of international peace and security, should defend the integrity of the norms that form the collective security system and added that full respect for international law was a prerequisite for achieving and sustaining peace.<sup>92</sup>

Several participants also recalled that the Council’s mandate to maintain international peace and security was conferred by the wider membership of the Organization, as noted in Article 24 (1). The representative of China stressed that the Council represented the will of all Member States in fulfilling its duties to maintain international peace and security.<sup>93</sup> The President of the International Residual Mechanism for Criminal Tribunals, highlighting that the Council was a representative political body, recalled that, in accordance with Article 24 of the Charter, the Members of the United Nations had agreed that, in carrying out its primary responsibility for the maintenance of international peace and security, the Council acted on their behalf.<sup>94</sup> The representative of Sweden also made reference to the obligation of the members of the

Council to shoulder their responsibility to act on behalf of all Members of the United Nations to maintain peace and rejected the use of the veto by permanent Council members as a tool to protect national interests in situations of serious violations of international law.<sup>95</sup> The representative of Pakistan, while noting that Article 24 of the Charter had made the Council “an embodiment” of the collective aspirations of the membership for international peace and security, stated that the Council had “often faltered at the altar of political expediency”.<sup>96</sup>

During the debate, several Member States called for the unity of the Council in order to ensure that the Council carried out its primary responsibility. In that regard, the representative of Peru, echoed by the representatives of Kuwait and Croatia, stressed the importance of unity of the Council in upholding international law and shouldering its primary responsibility for the maintenance of international peace and security.<sup>97</sup> The representative of Turkey said that current Council dynamics prevented it from adequately delivering through “prompt and effective action” on its primary responsibility for the maintenance of international peace and security, as entrusted to the Council by the wider membership pursuant to Article 24 of the Charter. He added that the Council’s failure to carry out that responsibility on behalf of the whole membership was a “serious blow” to international law.<sup>98</sup>

<sup>90</sup> Ibid., p. 34.

<sup>91</sup> Ibid., p. 36.

<sup>92</sup> Ibid., p. 45.

<sup>93</sup> Ibid., p. 20.

<sup>94</sup> Ibid., p. 10.

<sup>95</sup> Ibid., p. 22.

<sup>96</sup> Ibid., p. 48.

<sup>97</sup> Ibid., p. 20 (Peru), p. 32 (Kuwait) and p. 79 (Croatia).

<sup>98</sup> Ibid., p. 80.

## II. Obligation of Member States to accept and carry out decisions of the Security Council under Article 25

### Article 25

*The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.*

### Note

Section II, which covers the practice of the Security Council during 2018 in relation to Article 25 of the Charter, concerning the obligation of Member States to accept and carry out the decisions of the Council, is divided into two subsections. Subsection A

covers references made in decisions of the Council, while subsection B examines how Article 25 emerged in discussions held during the Council’s meetings.

During the period under review, Article 25 was explicitly invoked in two resolutions, as described in subsection A. Article 25 was also explicitly referred to during several meetings of the Council, as described in subsection B.

Explicit references to Article 25 were made in several documents circulated to the Council, concerning the implementation of the Joint Comprehensive Plan of

Action further to resolution 2231 (2015)<sup>99</sup> and the implementation of resolution 2334 (2016) on the situation in the Middle East, including the Palestinian question.<sup>100</sup> Article 25 was also mentioned for the first time in a report of the Secretary-General on the peaceful settlement of the question of Palestine.<sup>101</sup>

### A. Decisions referring to Article 25

During the period under review, two resolutions were adopted, namely resolutions 2401 (2018) and 2449 (2018) concerning the conflict in the Syrian Arab Republic, that contained explicit references to Article 25. By those resolutions, the Council underscored that Member States were obligated under Article 25 of the Charter to accept and carry out the Council's decisions.<sup>102</sup>

By its resolution 2401 (2018), the Council also demanded that all parties to the conflict in the Syrian Arab Republic cease hostilities and ensure the implementation of a humanitarian pause for at least 30 consecutive days, and allow safe, unimpeded and sustained access for humanitarian convoys, including medical and surgical supplies, to requested areas and populations, as well as safe and unconditional medical evacuations.<sup>103</sup>

In addition, by its resolution 2449 (2018), the Council renewed, until 10 January 2020, the authorization for United Nations humanitarian agencies and their implementing partners to provide cross-border humanitarian assistance and the mandate of the United Nations Monitoring Mechanism for the Syrian Arab Republic.<sup>104</sup>

### B. Discussions relating to Article 25

In 2018, Article 25 was explicitly and implicitly referred to at numerous meetings of the Council. Explicit references to Article 25 were made during several meetings of the Council held under the items entitled "Implementation of the note by the President of the Security Council (S/2017/507)",<sup>105</sup> "The situation in the Middle East",<sup>106</sup> "The situation in the

Middle East, including the Palestinian question",<sup>107</sup> and "Threats to international peace and security".<sup>108</sup> In addition, during a high-level open debate held on 17 May 2018 under the sub-item entitled "Upholding international law within the context of the maintenance of international peace and security", the representative of Japan discussed challenges in the implementation of Council decisions for the peaceful settlement of disputes. He indicated that, although Member States were legally obligated to carry out decisions of the Council, non-Council members often faced challenges in following the content of such decisions, which affected their implementation. He further emphasized that it was "incumbent" upon Council members to explain the content of Council resolutions to the wider membership in order to promote their implementation and enhance their effectiveness.<sup>109</sup>

The case studies described below illustrate the most salient constitutional discussions relating to the interpretation or application of Article 25 during the period under review, in connection with the non-proliferation of weapons of mass destruction (case 7) and the situation in the Middle East, including the Palestinian question (case 8).

#### Case 7 Non-proliferation of weapons of mass destruction

At its 8160th meeting, on 18 January 2018, the Council held a high-level debate under the sub-item entitled "Confidence-building measures".<sup>110</sup> In his opening remarks, the Secretary-General emphasized the importance of the "universal and complete" implementation by Member States of all disarmament and non-proliferation obligations and called upon all States able to do so to provide capacity-building assistance in that regard.<sup>111</sup>

During the meeting, several Council members referred implicitly to the commitment made by Member States to comply with Council decisions, as stipulated in Article 25 of the Charter. The President of Poland noted that the stockpiling of chemical weapons, the development of military nuclear capabilities and ballistic missile programmes and provocative tests of

<sup>99</sup> A/73/490-S/2018/988, pp. 1–2; and S/2018/1108, p. 1.

<sup>100</sup> S/2018/454, p. 2.

<sup>101</sup> A/73/346–S/2018/597, p. 3.

<sup>102</sup> Resolutions 2401 (2018) and 2449 (2018), final preambular paragraph.

<sup>103</sup> Resolution 2401 (2018), paras. 1, 5, 6 and 8.

<sup>104</sup> Resolution 2449 (2018), para. 3.

<sup>105</sup> S/PV.8175, p. 5 (Kuwait) and p. 42 (Liechtenstein).

<sup>106</sup> S/PV.8195, p. 19 (Kuwait).

<sup>107</sup> S/PV.8167, p. 16 (Kuwait) and p. 41 (League of Arab States); S/PV.8183, p. 28 (Kuwait); and S/PV.8274, p. 17 (Kuwait).

<sup>108</sup> S/PV.8233, p. 15 (Kuwait).

<sup>109</sup> S/PV.8262, p. 43.

<sup>110</sup> The Council had before it a concept note annexed to a letter dated 2 January 2018 from the representative of Kazakhstan to the Secretary-General (S/2018/4).

<sup>111</sup> S/PV.8160, p. 3.

those weapons were “clear violations of international law in general, and of the respective Security Council resolutions in particular”.<sup>112</sup> Addressing the issue of the threat of weapons of mass destruction being acquired by non-State actors, the representative of Sweden underscored the need for collective efforts to uphold the non-proliferation regime and, echoed by the representatives of France and the Netherlands, emphasized that all States must work to implement their obligations under resolution 1540 (2004).<sup>113</sup> The Minister for Foreign Affairs of the Russian Federation also called upon all States to comply with their obligations under resolution 1540 (2004) and recalled that the Council was required to respond “severely” to any breach thereof.<sup>114</sup> The Minister of State for Asia and the Pacific of the United Kingdom noted that the international community could prevent nuclear, chemical and biological material from “falling into the hands of terrorists” by working towards the full and effective implementation of resolution 1540 (2004).<sup>115</sup> The representative of Ethiopia stressed the importance of compliance by all Member States with the various decisions and measures taken by the Council and reaffirmed his country’s commitment to fulfilling its obligations under relevant Council resolutions and upholding the international non-proliferation regime.<sup>116</sup>

The implementation of the Joint Comprehensive Plan of Action, as endorsed by the Council in its resolution 2231 (2015), was also discussed. In that regard, the Minister for Foreign Affairs of the Russian Federation warned that if the Plan of Action were to fail, and “especially if one of the members of the P5+1 was responsible”, such a situation would send “an alarming message” about the international security architecture, including the prospects for resolving the nuclear issue on the Korean peninsula.<sup>117</sup> The representative of the United States indicated that her country continued to uphold its commitments under the Plan of Action and called upon the international community to demand that the Islamic Republic of Iran fulfil its obligations under resolution 2231 (2015) and to collectively respond to the country’s violations of the agreement.<sup>118</sup> The representative of Côte d’Ivoire called for the international community to mobilize in support of the Plan of Action, in accordance with

resolution 2231 (2015), as “the safest guarantee for preventing an arms race in the Middle East”.<sup>119</sup>

With regard to the situation on the Korean peninsula, the representative of the United States called upon Member States to fulfil their obligations and implement all Council resolutions on the Democratic People’s Republic of Korea.<sup>120</sup> The representative of Sweden, speaking in the context of the testing of nuclear weapons and ballistic missiles by the Democratic People’s Republic of Korea, noted the need for all Member States to implement relevant Council decisions in a full and comprehensive manner.<sup>121</sup>

### **Case 8 The situation in the Middle East, including the Palestinian question**

On 25 January 2018, at its 8167th meeting, the Council held an open debate on the situation in the Middle East, including the Palestinian question, against the backdrop of the decision of the United States to recognize Jerusalem as the capital of Israel.

During the meeting, two participants made explicit reference to Member States’ obligations under Article 25 of the Charter. The representative of Kuwait underscored the binding nature of Council resolutions, pursuant to Article 25, and indicated that it was incumbent upon the members of the Council “to insist on the implementation of the Council’s resolutions”. He further noted that parties to a conflict should not be allowed to “shirk” the implementation of Council resolutions.<sup>122</sup> Rejecting the unilateral decision by the United States to recognize Jerusalem as the capital of Israel, the Permanent Observer of the League of Arab States to the United Nations noted that Council resolutions could not be challenged “simply because they were adopted several years ago by previous Governments or administrations” and called upon Israel to “stop flouting international legitimacy and breaching Security Council resolutions, in line with Article 25 of the Charter”.<sup>123</sup>

Several participants implicitly recalled the agreement by Member States to accept and carry out the decisions of the Council and exhorted Israel, specifically, to comply with Council resolutions. The Permanent Observer of the State of Palestine to the United Nations stressed that resolution 2334 (2016)

<sup>112</sup> Ibid., p. 7.

<sup>113</sup> Ibid., p. 16 (Sweden), p. 18 (France) and p. 24 (Netherlands).

<sup>114</sup> Ibid., p. 11.

<sup>115</sup> Ibid., p. 14.

<sup>116</sup> Ibid., p. 22.

<sup>117</sup> Ibid., p. 10.

<sup>118</sup> Ibid., p. 12.

<sup>119</sup> Ibid., p. 20.

<sup>120</sup> Ibid., p. 12.

<sup>121</sup> Ibid., p. 17.

<sup>122</sup> S/PV.8167, p. 16.

<sup>123</sup> Ibid., pp. 40–41.

was “the best chance” for salvaging the two-State solution, indicated that the failure to implement the relevant resolutions and to hold Israel accountable for its non-compliance and violations fostered impunity and diminished peace prospects and called upon the international community to mobilize the political will to implement the relevant resolutions and to “revive the peace option”.<sup>124</sup> The representative of Peru, recognizing the right of Israel to safeguard its own security and existence through “legitimate self-defence”, recalled the obligation to comply with Council resolutions and in particular the urgency of ending the practices of building settlements, demolishing buildings and evicting residents in the occupied Palestinian territories, in line with resolution 2334 (2016).<sup>125</sup>

The representative of Liechtenstein, expressing support for a two-State solution and the international legal framework in which such a solution could be achieved, recalled that resolutions 478 (1980) and 2334 (2016) continued to be binding on all Member States.<sup>126</sup> The representative of Indonesia noted that the legally binding status of Council resolutions on Jerusalem under the Charter was “unquestionable” and urged Member States not to take provocative actions or make pronouncements contrary to the relevant Security Council and General Assembly resolutions regarding Jerusalem.<sup>127</sup> The representative of the Bolivarian Republic of Venezuela, speaking on behalf of the Movement of Non-Aligned Countries, also underscored the binding nature of Council resolutions and called upon the Council to ensure that its own resolutions were upheld, while condemning the continued settlement activities in the occupied Palestinian territories by Israel as a “direct and deliberate violation” of the relevant United Nations resolutions, including Council resolution 2334 (2016).<sup>128</sup> The representative of Cuba emphasized that the Council should require compliance with the resolutions it had adopted on the situation in the Middle East, including the Palestinian question.<sup>129</sup>

The representative of Turkey, speaking on behalf of the Organization of Islamic Cooperation, recalled that the Council had reaffirmed that measures designed to alter the demographic composition, character or status of East Jerusalem were invalid and illegal and stressed the importance of the full implementation of resolution 2334 (2016) for the advancement of peace. He also called upon States to uphold their obligations under the relevant United Nations resolutions and warned the Council that if it failed to address persistent non-compliance with its resolutions, Israel would be “further emboldened to continue its violations” in the occupied Palestinian territories.<sup>130</sup> The representative of Bangladesh also expressed concern over Israel’s “total disregard for complying with the provisions of resolution 2334 (2016)”,<sup>131</sup> while the representative of Kuwait noted that Israel was “in material breach” of the resolution.<sup>132</sup> The representative of Malaysia indicated that prospects for the peaceful resolution of the Israeli-Palestinian conflict remained dim owing to the continued “defiance and violations” by Israel of relevant Council resolutions, including resolution 2334 (2016), and demanded that Israel fully comply with all of its obligations under the relevant resolutions.<sup>133</sup> The representative of Maldives also called upon Israel to fully implement the Council’s decisions and respect the legal obligations under the Charter.<sup>134</sup>

Other speakers called upon States to abide by their obligations under Article 25 of the Charter. The representative of China called upon the international community to remain committed to the relevant United Nations resolutions.<sup>135</sup> The representative of the United Arab Emirates, speaking on behalf of the Group of Arab States, emphasized the importance for Member States, especially Council members, to meet their commitments in implementing Council resolutions and honour their obligations as stipulated thereunder.<sup>136</sup> The representative of Jordan stressed that the implementation of Council resolutions was “the only way” to address the challenges and achieve balance in the Middle East.<sup>137</sup>

<sup>124</sup> Ibid., pp. 8–9.

<sup>125</sup> Ibid., p. 27.

<sup>126</sup> Ibid., p. 32.

<sup>127</sup> Ibid., p. 34.

<sup>128</sup> Ibid., pp. 41–42.

<sup>129</sup> Ibid., p. 32.

<sup>130</sup> Ibid., p. 53.

<sup>131</sup> Ibid., p. 60.

<sup>132</sup> Ibid., p. 16.

<sup>133</sup> Ibid., p. 62.

<sup>134</sup> Ibid., p. 29.

<sup>135</sup> Ibid., p. 14.

<sup>136</sup> Ibid., p. 55.

<sup>137</sup> Ibid., p. 36.

### III. Responsibility of the Security Council to formulate plans to regulate armaments under Article 26

#### Article 26

*In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.*

#### Note

Section III covers the practice of the Security Council concerning its responsibility for formulating plans for the establishment of a system for the regulation of armaments, pursuant to Article 26 of the Charter.

During the period under review, the Council did not adopt any decisions explicitly invoking Article 26 of the Charter. No communications to the Council contained any reference to Article 26. Article 26, however, was mentioned explicitly during two meetings of the Council, as described below.

#### Discussions relating to Article 26

At its 8160th meeting, held on 18 January 2018, the Council discussed the non-proliferation of weapons of mass destruction. In his intervention, the representative of Côte d'Ivoire recalled the two pillars for the Council's work on non-proliferation, namely, the pursuit of objectives in furtherance of the maintenance of international peace and security and the Council's responsibility to establish a system for the regulation of armaments, as provided for in Article 26 of the Charter.<sup>138</sup>

Article 26 was also explicitly mentioned at the 8221st meeting of the Council, held on 4 April 2018 under the item entitled "The situation in the Middle East". In connection with the call for the implementation of an investigative mechanism on the issue of chemical weapons in the Syrian Arab Republic, the representative of Equatorial Guinea called upon Council members to reflect on Article 26 of the Charter. He recalled that one of the powers of the Council was to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources.<sup>139</sup>

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<sup>138</sup> S/PV.8160, p. 20.

<sup>139</sup> S/PV.8221, p. 15.