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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. Each section 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 below, 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, maintenance of international peace and security, peacebuilding and sustaining peace, 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, maintenance of international peace and security, and the implementation of the note by the President concerning Council procedures.

During the period under review, as featured in section II, the Council referred to Article 25 in two resolutions, in which it underscored that members of the United Nations are obligated under Article 25 of the Charter to accept and carry out the decisions of the Security Council. Both resolutions were adopted in connection with the conflict in the Syrian Arab Republic and 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 concerning Council procedures, once regarding the situation in the Middle East, four times in relation to the situation in the Middle East, including the Palestinian question, and on one occasion 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.

## **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 Security 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 Security Council contained explicit references to Article 24 of the Charter. A concept note for a ministerial briefing of the Security Council on the theme "Purposes and Principles of the Charter of the United Nations in the maintenance of international peace and security", transmitted in a communication from Kuwait, contained two explicit references to the Article. In the concept note, Kuwait, as the President of the Security Council for the month of February 2018, encouraged Council members to focus on discussing means to best utilize the

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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 in part IV, sect. I.F.

tools available to the Security Council as set out in Chapters VI, VII and VIII for it to discharge its primary responsibility for the maintenance of international peace and security as outlined in Article 24.<sup>2</sup> The concept paper also indicated that the liberation of the State of Kuwait in February 1991 was a vivid example of the Council's ability to utilize tools available in the Charter to act collectively and uniformly to carry out its responsibility and duty as conferred upon it in Article 24 of the Charter.<sup>3</sup> Explicit references to Article 24 were also made in many instances during meetings of the Security Council, as further described in sub-section 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. 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.

#### *1. 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 containing implicit references to Article 24, three were adopted under country- or region-specific items on the agenda of the Council relating to

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<sup>2</sup> Letter dated 1 February 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General ([S/2018/85, annex](#)), p. 3.

<sup>3</sup> *Ibid.*, p. 2.

Haiti, Libya and the Sudan.<sup>4</sup> In all of these instances, 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 resolution [2429 \(2018\)](#) the Council underlined, without prejudice to its primary responsibility, 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>5</sup>

Mindful of its primary responsibility for the maintenance of international peace and security, in connection with the question concerning Haiti, the Council extended by resolution [2410 \(2018\)](#) the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) until 15 April 2019 and authorized the Mission to use “all necessary means” to carry out its mandate<sup>6</sup>; and in relation to the situation in Libya, by resolution [2420 \(2018\)](#), the Council extended for a further twelve months the authorisations set forth in resolution [2357 \(2017\)](#) concerning the implementation of the arms embargo on the high seas off the coast of Libya.<sup>7</sup>

In addition to the implicit mentions of its obligations under Article 24 in resolutions adopted under country- or region-specific items, the Council also referred to its responsibility to maintain international peace and security in six resolutions concerning thematic issues.<sup>8</sup> Of the six resolutions, one was adopted under Chapter VII of the Charter, as featured below.

Relating to 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 reaffirmed its commitment to address the impact of armed conflict on children and its consequences on peace, security and development.<sup>9</sup>

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<sup>4</sup> Resolutions [2410 \(2018\)](#), sixteenth preambular paragraph; [2420 \(2018\)](#), third preambular paragraph; and [2429 \(2018\)](#), sixth preambular paragraph.

<sup>5</sup> Resolution [2429 \(2018\)](#), sixth preambular paragraph. For information on decisions involving regional arrangements or entities, see part VI, sect. III.D. For more information on regional arrangements, see part VIII.

<sup>6</sup> Resolution [2410 \(2018\)](#), sixteenth preambular paragraph and paras. 1 and 14. For more information on the United Nations Mission for Justice Support in Haiti (MINUJUSTH) and on the peacekeeping and political missions in general, see part X. For more information on the practice concerning Article 42 of the Charter, see part VII, sect. IV.A.

<sup>7</sup> Resolution [2420 \(2018\)](#), third preambular paragraph and para. 1.

<sup>8</sup> Resolutions [2417 \(2018\)](#), seventh preambular paragraph; [2419 \(2018\)](#), seventh preambular paragraph; [2427 \(2018\)](#), second preambular paragraph; [2436 \(2018\)](#), first preambular paragraph; [2437 \(2018\)](#), fourth preambular paragraph; and [2447 \(2018\)](#), second preambular paragraph.

<sup>9</sup> Resolution [2427 \(2018\)](#), second preambular paragraph.

In resolution [2419 \(2018\)](#), adopted under the item entitled “Maintenance of international peace and security”, the Council reaffirmed the role youth can play in the prevention and resolution of conflict.<sup>10</sup> In its decision, the Council bore in mind its primary responsibility for the maintenance of international peace and security, as well as the purposes and principles enshrined in the Charter.

Also under the item entitled “Maintenance of international peace and security”, the Council adopted resolution [2437 \(2018\)](#), reaffirming the need to end the smuggling of migrants and human trafficking off the coast of Libya and mindful of its primary responsibility for the maintenance of international peace and security. By the same resolution and acting under Chapter VII of the Charter, the Council renewed for a further period of twelve months the authorizations set out in paragraphs 7, 8, 9 and 10 of resolution [2240 \(2015\)](#) to intercept vessels on the high seas.<sup>11</sup>

In resolution [2417 \(2018\)](#), the Council reiterated its primary responsibility for the maintenance of international peace and security in connection with the item entitled “Protection of civilians in armed conflict”, recalling the link between armed conflict and violence and conflict-induced food insecurity as well as the threat of famine; and strongly condemning the use of starvation of civilians as a method of warfare.<sup>12</sup>

In connection with the item entitled “United Nations peacekeeping operations”, bearing in mind its primary responsibility for the maintenance of international peace and security, the Council adopted resolution [2436 \(2018\)](#). In the resolution, the Council reaffirmed its support for the development of a comprehensive and integrated performance policy framework for evaluating United Nations civilian and uniformed personnel working in and supporting peacekeeping operations.<sup>13</sup> Under the same item, the Council adopted resolution [2447 \(2018\)](#) reaffirming its primary responsibility for the maintenance of international peace and security under the Charter and underscoring the importance of integrating UN support to police, justice and corrections areas into the mandates of peacekeeping operations and special political missions.<sup>14</sup>

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<sup>10</sup> Resolution [2419 \(2018\)](#), seventh and tenth preambular paragraphs.

<sup>11</sup> Resolution [2437 \(2018\)](#), fourth and fifth preambular paragraphs and para. 2.

<sup>12</sup> Resolution [2417 \(2018\)](#), seventh preambular paragraph and paras. 1 and 5.

<sup>13</sup> Resolution [2436 \(2018\)](#), first preambular paragraph and para. 1. For further information on the background to this decision, see part I, sect. 26 concerning the item “United Nations peacekeeping operations”.

<sup>14</sup> Resolution [2447 \(2018\)](#), second preambular paragraph and para. 1.



## 2. *Presidential statements*

During the period under review, the Council made implicit references to Article 24 in four presidential statements, recalling or reaffirming its primary responsibility for the maintenance of international peace and security, or acting within its mandate to maintain international peace and security.<sup>15</sup>

In three presidential statements issued under three 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 uphold the purposes and principles of the Charter.<sup>16</sup> In the presidential statement issued on 18 January 2018, the Council, within its mandate to maintain international peace and security, also noted the importance of striving towards sustainable peace and achieving a world free of violent conflicts by the United Nations Centenary.<sup>17</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, restating its primary responsibility to maintain international peace and security, recalled its concern about the close connection between international terrorism and transnational organized crime.<sup>18</sup>

## **B. Discussion 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>19</sup> “Implementation of the note by the President of the Security Council ([S/2017/507](#))”,<sup>20</sup> “Letter

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<sup>15</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>16</sup> [S/PRST/2018/1](#), first paragraph (under “Maintenance of international peace and security”); [S/PRST/2018/10](#), second paragraph (under “United Nations peacekeeping operations”); and [S/PRST/2018/20](#), fourth paragraph (under “Peacebuilding and sustaining peace”).

<sup>17</sup> [S/PRST/2018/1](#), second paragraph.

<sup>18</sup> [S/PRST/2018/9](#), first and second paragraphs.

<sup>19</sup> [S/PV.8340](#), p. 7 (Kuwait).

<sup>20</sup> [S/PV.8175](#), p. 8 (France); p. 17-18 (Equatorial Guinea); p. 52 (Australia); pp. 54-55 (Cuba); p. 56 (Maldives); p. 57 (Mexico); p. 59 (Uruguay); and p. 63 (Egypt).

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>21</sup> “Maintenance of international peace and security”,<sup>22</sup> “The situation in the Middle East”<sup>23</sup> and “Threats to international peace and security”.<sup>24</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. These discussions were held in connection with the situation in Myanmar (case 1), the situation in the Middle East (case 2), the cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security (case 3), the working methods of the Council (case 4), and the maintenance of international peace and security (cases 5 and 6).

## Case 1

### The situation in Myanmar

During its 8381st meeting, held on 24 October 2018, the Council was briefed on the human rights situation in Rakhine state in Myanmar by the Chairperson 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>25</sup> four other Council members objected the request.<sup>26</sup> In the light of the divergent views expressed by Council members, the adoption of the agenda was submitted for a procedural vote.<sup>27</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-

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<sup>21</sup> [S/PV.8270](#), p. 6 (Poland).

<sup>22</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 (Bolivia (Plurinational State of)).

<sup>23</sup> [S/PV.8152](#), p. 6 (Kuwait); [S/PV.8383](#), p. 12 (Equatorial Guinea); and [S/PV.8406](#), p. 8 (United Kingdom).

<sup>24</sup> [S/PV.8233](#), p. 15 (Kuwait) and p. 17 (Equatorial Guinea).

<sup>25</sup> [S/2018/926](#). For more information on requests for meetings, see part II, sect. I.A.

<sup>26</sup> [S/2018/938](#).

<sup>27</sup> [S/PV.8381](#), p. 3 (*In favour*: Côte d’Ivoire, France, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States; *against*: Plurinational State of Bolivia, China, Russian Federation; *abstaining*: Equatorial Guinea, Ethiopia, Kazakhstan). For more information on procedural votes, see part II, section VIII.C on decision-making by voting.

specific human rights issues”.<sup>28</sup> He added that by receiving a briefing from the fact-finding mission on Myanmar, the 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>29</sup> The representative of the Russian Federation also opposed the holding of the briefing, indicating that he saw “no added value” in considering in the 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 duplication of efforts in the work of the principal organs of the United Nations.<sup>30</sup> The representative of the United Kingdom stated, however, that the situation in Myanmar “clearly endanger[ed] international peace and security” and pointed out that the report of the fact-finding mission had made a specific request for the Council to act.<sup>31</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>32</sup> He further underscored the importance of respecting the mandates of other United Nations organs, in order to avoid overlapping, duplication and interference with their work. 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>33</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>34</sup> The representative of the Netherlands recalled that the findings of the fact-finding mission had called for action not only by other United Nations bodies but by the Security Council as well, and stressed that “it was time that the Council shoulder its responsibility”.<sup>35</sup> The

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<sup>28</sup> [S/PV.8381](#), p. 2.

<sup>29</sup> For more information about the relationship between the Security Council and other United Nations organs, see part IV.

<sup>30</sup> [S/PV.8381](#), pp. 2-3.

<sup>31</sup> *Ibid.*, p. 3.

<sup>32</sup> *Ibid.*, p. 4.

<sup>33</sup> *Ibid.*, pp. 23-24.

<sup>34</sup> *Ibid.*, p. 6.

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

representative of France emphasized that it was important for the Security Council to continue to rely on the work of the Human Rights Council in order to carry out its own mandate, and noted that the 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>36</sup>

The representative of the United States 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>37</sup> The representative of Peru, also referring to the humanitarian situation, affirmed that he was in favour of holding the briefing, opined that the responses aimed at the crisis thus far remained insufficient, and appealed to the Council to continue to pay due attention to the plight of the Rohingya refugees.<sup>38</sup>

## **Case 2**

### **The situation in the Middle East**

On 5 January 2018, during its 8152nd meeting, the Council held a briefing on the situation in the Middle East. In accordance with rule 37 of the rules of procedure, the Council invited the Islamic Republic of Iran to participate in the meeting. The Assistant Secretary-General for Political Affairs was invited in accordance with rule 39 and 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. As the protests escalated, he reported that some 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, Iran’s Revolutionary Guards had announced the end of the anti-Government protests.<sup>39</sup>

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<sup>36</sup> Ibid., pp. 10-11.

<sup>37</sup> Ibid., p. 9.

<sup>38</sup> Ibid., p. 17.

<sup>39</sup> [S/PV.8152](#), p. 2.

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” and, while expressing hope that the demonstrations in Iran would not become a threat to international peace and security, called for a strengthened role of the Council in early action and prevention.<sup>40</sup> The representative of Peru similarly indicated that the Council should contribute to conflict prevention as the organ with the primary responsibility for the maintenance of international peace and security.<sup>41</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>42</sup> The representative of the Plurinational State of Bolivia categorically rejected what it 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 the Council being “instrumentalized” for political ends.<sup>43</sup> The representative of Equatorial Guinea indicated that the human rights situation in 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>44</sup> The representative of Ethiopia also questioned whether the Security Council was the appropriate forum to discuss human rights issues.<sup>45</sup> The representative of China, recalling that the Council bears 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>46</sup> The representative of Kazakhstan also considered the developments in 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>47</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 Security Council and of undermining the authority of the Council as the principal organ responsible for the maintenance of international peace

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<sup>40</sup> *Ibid.*, p. 6.

<sup>41</sup> *Ibid.*, p. 8.

<sup>42</sup> For more information on the situation in the Middle East, see Part I of this Supplement.

<sup>43</sup> [S/PV.8152](#), p. 5.

<sup>44</sup> *Ibid.*, p. 11.

<sup>45</sup> *Ibid.*

<sup>46</sup> [Ibid.](#), p. 12.

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

and security.<sup>48</sup> The representative of the Islamic Republic of Iran deplored the Council's decision to hold a meeting on an issue that in his view 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>49</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 Security Council, arguing that freedom and human dignity could not be separated from peace and security.<sup>50</sup> The representative of the Netherlands also made reference to the Council's responsibility to act "early and decisively when fundamental freedoms are under threat".<sup>51</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 item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security" and 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 the 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>52</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>53</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 Nicaragua [had] no place on the Security Council's agenda" and that the domestic political situation in

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<sup>48</sup> Ibid., pp. 12-13.

<sup>49</sup> Ibid., p. 14.

<sup>50</sup> Ibid., p. 3.

<sup>51</sup> Ibid., p. 9.

<sup>52</sup> [S/PV.8340](#), pp. 2-4.

<sup>53</sup> Ibid., pp.4-5.

Nicaragua did not pose a threat to international peace and security.<sup>54</sup> The representative of Kazakhstan also opined that the situation in Nicaragua was not a threat to international peace and security and therefore did not fall under the Security Council's mandate.<sup>55</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 threat would serve as the basis for the Council's involvement.<sup>56</sup> The representative of the Plurinational State of Bolivia also rejected the holding of the meeting, as his country did not consider the internal situation of Nicaragua to constitute a threat to the region or the world. He further cautioned Council members against turning the Council into "an instrument for political or ideological ends".<sup>57</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>58</sup>

The Minister for Foreign Affairs of Nicaragua referred to the inclusion of his country on the agenda of the meeting as an act of interference in the internal affairs of Nicaragua and a violation of the Charter and international law.<sup>59</sup> He added that the Council was not the appropriate body to address 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>60</sup>

In contrast, the representative of Kuwait, while acknowledging the lack of consensus among Council members on holding the meeting, highlighted the ability of the Council to investigate situations that may negatively impact 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>61</sup> Several Council members welcomed the holding of the meeting to discuss the situation in Nicaragua and echoed the statement made

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<sup>54</sup> *Ibid.*, p. 6.

<sup>55</sup> *Ibid.*, p. 14.

<sup>56</sup> *Ibid.*, p. 15. For further information on the determination of a threat by the Council, see part VII, sect. I.

<sup>57</sup> [S/PV.8340](#), p. 16.

<sup>58</sup> *Ibid.*, p. 18.

<sup>59</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>60</sup> [S/PV.8340](#), p. 22.

<sup>61</sup> *Ibid.*, p. 7.

by the representative of Kuwait in regard to the relevance of the topic to the work of the Council in the context of preventive diplomacy.<sup>62</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 under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the Council held an open debate on its working methods organized by Kuwait, which held the presidency of the Council for the month.<sup>63</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 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 all Member States in the discharge of its functions.<sup>64</sup> The representative of the Maldives said that, in accordance with Article 24 of the Charter, the Council deliberates and discusses 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.<sup>65</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 acts on behalf of all Members States.<sup>66</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, acts on behalf of all Members of the United Nations.<sup>67</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

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<sup>62</sup> *Ibid.*, pp. 7-8 (United Kingdom); p. 11 (the Netherlands); and p. 13 (Côte d’Ivoire).

<sup>63</sup> A concept note was circulated by a letter dated 24 January 2018 ([S/2018/66](#)) and a summary non-paper was circulated by Kuwait after the meeting ([S/2018/399](#)).

<sup>64</sup> [S/PV.8175](#), pp. 54-55.

<sup>65</sup> *Ibid.*, p. 56.

<sup>66</sup> *Ibid.*, p. 57.

<sup>67</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).



accordance with Article 24 of the Charter, should focus on effectiveness when examining its methods of work.<sup>68</sup> The representative of Equatorial Guinea underscored that the wider membership had a genuine interest in enhancing the transparency, inclusiveness and openness of the work of the Council in order to ensure that the Council “truly” acts on behalf of all Member States, in accordance with Article 24 of the Charter.<sup>69</sup> Also referring to Article 24 of the Charter and the responsibility of the Council to act on behalf of the entire membership, the representative of Australia called for greater engagement by Council members with the broader membership.<sup>70</sup> The representative of Uruguay, recalling that Article 24 of the Charter provides for the Council to act on behalf of all Member States, encouraged increased interaction between the Council and the entire membership.<sup>71</sup> The representative of Egypt also recalled that the Council acts on behalf of all Member States and added that the practical implementation of Article 24 required continuous efforts to ensure that the Council becomes more democratic, inclusive, open and transparent in its interactions with Member States, as well as responsive to their concerns and ideas.<sup>72</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 item entitled “Maintenance of international peace and security” and the sub-item entitled “Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”.<sup>73</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. The Secretary-General further stated that the international community spent far more time and resources responding to crises than preventing them; and underscored that the United Nations must rebalance its approach to

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<sup>68</sup> *Ibid.*, p. 8.

<sup>69</sup> *Ibid.*, p. 17.

<sup>70</sup> *Ibid.*, p. 52.

<sup>71</sup> *Ibid.*, p. 59.

<sup>72</sup> *Ibid.*, p. 63.

<sup>73</sup> A concept note was circulated by a letter dated 1 February 2018 ([S/2018/85](#)).

international peace and security, aiming to help countries avert the outbreak of crises that take a high toll on humankind. He recalled in that regard that the Charter had conferred powers and responsibilities to the Council on conflict prevention.<sup>74</sup>

The former Secretary-General of the United Nations Mr. Ban Ki-Moon, who also participated in the meeting, indicated that the primary responsibility vested in the Council to maintain international peace and security was needed “more than ever”, and highlighted that addressing the root causes of conflict and working towards conflict prevention, along with other stakeholders, would make the Council and the Organization stronger.<sup>75</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 adherence to the purposes and principles of the Charter.<sup>76</sup> In that regard, he opined 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”.

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>77</sup> The Minister for Foreign Affairs of Côte d’Ivoire called on the Council to “take stock” of its impact on international peace and security”.<sup>78</sup>

The representative of France stressed the need for the Council’s continued efforts in utilizing the tools provided by the Charter to fulfil its primary responsibility.<sup>79</sup> The representative of China called for support to 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>80</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 was vested with the primary responsibility to restore international peace and security.<sup>81</sup>

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<sup>74</sup> [S/PV.8185](#), p. 2-3.

<sup>75</sup> *Ibid.*, pp. 4-5.

<sup>76</sup> *Ibid.*, p. 20.

<sup>77</sup> *Ibid.*, pp. 9-10.

<sup>78</sup> *Ibid.*, p. 11.

<sup>79</sup> *Ibid.*, p. 24.

<sup>80</sup> *Ibid.*, p. 16.

<sup>81</sup> *Ibid.*, p. 27.

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 advantage of the Charter's provisions in order to "overcome the constraints of self-defeating policies" and double standards that undermine the credibility of the Council in carrying out its mandate.<sup>82</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>83</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 item entitled "Maintenance of international peace and security" and the sub-item entitled "Upholding international law within the context of the maintenance of international peace and security".<sup>84</sup> During the debate, many interventions 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 in the maintenance of international peace and security. In remarks delivered on behalf of the Secretary-General, the Chef de Cabinet 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>85</sup>

Several speakers emphasized the Council's role in promoting the adherence to the rule of law and in defending the integrity of international norms while carrying out its mandate.<sup>86</sup> The representative of Côte d'Ivoire welcomed the role of the Council in promoting the rule of

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<sup>82</sup> *Ibid.*, p. 17.

<sup>83</sup> *Ibid.*, p. 22.

<sup>84</sup> The meeting took place further to the concept note circulated by the letter dated 3 May 2018 from the Permanent Representative of Poland addressed to the Secretary-General ([S/2018/417/Rev.1](#)).

<sup>85</sup> [S/PV.8262](#), p. 3.

<sup>86</sup> *Ibid.*, p. 31 (Ethiopia), p. 40 (Slovakia), p. 52 (Belgium), p. 63 (Germany) and p. 84 (Viet Nam).

law as guarantor of the maintenance of international peace and security pursuant to Article 24 of the Charter.<sup>87</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>88</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>89</sup> The representative of Lebanon, invoking paragraph 2 of Article 24 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 selective application of international law.<sup>90</sup> The representative of Peru noted that the Council’s mandate included the promotion of a rules-based international order, which, in his view, was evident in the Council’s role in the maintenance of the regimes for the non-proliferation of weapons of mass destruction.<sup>91</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 guarantor of international peace and security.<sup>92</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, also emphasized the implications of the respect for international law around the world.<sup>93</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>94</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, paragraph 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>95</sup>

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<sup>87</sup> *Ibid.*, p. 25.

<sup>88</sup> *Ibid.*, p. 28.

<sup>89</sup> *Ibid.*, p. 68.

<sup>90</sup> *Ibid.*, p. 76.

<sup>91</sup> *Ibid.*, p. 20.

<sup>92</sup> *Ibid.*, p. 34.

<sup>93</sup> *Ibid.*, p. 36.

<sup>94</sup> *Ibid.*, p. 45.

<sup>95</sup> *Ibid.*, p. 20.

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 Security Council acted on their behalf.<sup>96</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>97</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, opined that the Council had “often faltered at the altar of political expediency”.<sup>98</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 in shouldering its primary responsibility for the maintenance of international peace and security.<sup>99</sup> The representative of Turkey opined 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>100</sup>

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<sup>96</sup> *Ibid.*, p. 10.

<sup>97</sup> *Ibid.*, p. 22.

<sup>98</sup> *Ibid.*, p. 48.

<sup>99</sup> *Ibid.*, p. 20 (Peru), p. 32 (Kuwait) and p. 79 (Croatia).

<sup>100</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 features 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 Security 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 Security Council concerning the implementation of the Joint Comprehensive Plan of Action further to resolution [2231 \(2015\)](#),<sup>101</sup> and the implementation of Security Council resolution [2334 \(2016\)](#) concerning the situation in the Middle East, including the Palestinian question<sup>102</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>103</sup>

### **A. Decisions referring to Article 25**

During the period under review, two resolutions were adopted concerning the conflict in the Syrian Arab Republic that contained explicit references to Article 25. By resolutions [2401 \(2018\)](#) and [2449 \(2018\)](#), the Council underscored that Member States were obligated under Article 25 of the Charter to accept and carry out the Council's decisions.<sup>104</sup> By resolution [2401 \(2018\)](#) the Council also demanded that all parties to the conflict in the Syrian

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<sup>101</sup> [A/73/490-S/2018/988](#), pp. 1-2; and [S/2018/1108](#), p. 1.

<sup>102</sup> [S/2018/454](#), p. 2.

<sup>103</sup> [A/73/346-S/2018/597](#), p. 3.

<sup>104</sup> Resolutions [2401 \(2018\)](#), final preambular paragraph and [2449 \(2018\)](#), final preambular paragraph.

Arab Republic cease hostilities and ensure the implementation of a humanitarian pause for at least 30 consecutive days, and allow the safe, unimpeded and sustained access for humanitarian convoys and medical and surgical supplies to requested areas and populations, as well as safe and unconditional medical evacuations.<sup>105</sup>

In addition, by resolution [2449 \(2018\)](#), the Council renewed the authorization for United Nations humanitarian agencies and their implementing partners to provide cross-border humanitarian assistance as well as the mandate of the United Nations Monitoring Mechanism until 10 January 2020.<sup>106</sup>

## **B. Discussion 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>107</sup> “The situation in the Middle East”,<sup>108</sup> “The situation in the Middle East, including the Palestinian question”,<sup>109</sup> and “Threats to international peace and security”.<sup>110</sup> In addition, during a high-level open debate held on 17 May 2018 under the item entitled “Maintenance of international peace and security” and 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 implementation. He further emphasized that it was “incumbent” on Council members to explain the content of Council resolutions to the wider-membership in order to promote their implementation and enhance their effectiveness.<sup>111</sup>

The case studies below illustrate the most salient constitutional discussions relating to the interpretation or application of Article 25 during the period under review, in connection

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<sup>105</sup> Resolution [2401 \(2018\)](#), paras. 1, 5, 6 and 8.

<sup>106</sup> Resolution [2449 \(2018\)](#), para. 3.

<sup>107</sup> [S/PV.8175](#), p. 5 (Kuwait) and p. 42 (Liechtenstein).

<sup>108</sup> [S/PV.8195](#), p. 19 (Kuwait).

<sup>109</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>110</sup> [S/PV.8233](#), p. 15 (Kuwait).

<sup>111</sup> [S/PV.8262](#), p. 43.

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 item entitled “Non-proliferation of weapons of mass destruction” and the sub-item entitled “Confidence-building measures”.<sup>112</sup> During his opening remarks, the Secretary-General emphasized the importance of “universal and complete” implementation by Member States of all disarmament and non-proliferation obligations, and called on all States able to do so to provide capacity-building assistance in that regard.<sup>113</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 those weapons [were] clear violations of international law in general, and of the respective Security Council resolutions in particular”.<sup>114</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 in the implementation of their obligations under resolution [1540 \(2004\)](#)<sup>115</sup>. The Minister for Foreign Affairs of the Russian Federation also called on all States to comply with their obligations under resolution [1540 \(2004\)](#) and recalled that the Security Council was required to respond “severely” to any breach of that resolution.<sup>116</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>117</sup> The

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<sup>112</sup> A concept note was circulated by a letter dated 2 January 2018 ([S/2018/4](#)).

<sup>113</sup> [S/PV.8160](#), p. 3.

<sup>114</sup> *Ibid.*, p. 7.

<sup>115</sup> *Ibid.*, p. 16 (Sweden), p. 18 (France) and p.24 (Netherlands).

<sup>116</sup> *Ibid.*, p. 11.

<sup>117</sup> *Ibid.*, p. 14.



representative of Ethiopia stressed the importance of compliance by all Member States in implementing the various decisions and measures taken by the Council, and reaffirmed his country's commitment to fulfilling its obligations under relevant Security Council resolutions and upholding the international non-proliferation regime.<sup>118</sup>

The implementation of the Joint Comprehensive Plan of Action (JCPOA) as endorsed by the Council in resolution [2231 \(2015\)](#) was also discussed. In that regard, the Minister for Foreign Affairs of the Russian Federation warned that if the JCPOA were to fail, “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>119</sup> The representative of the United States indicated that her country continued to uphold its commitments under the JCPOA and called on the international community to “demand that Iran fulfil its obligations under resolution [2231 \(2015\)](#)” and to collectively respond to Iran's violations of the agreement<sup>120</sup>. The representative of Côte d'Ivoire called for the international community to mobilize in support of the JCPOA in accordance with resolution [2231 \(2015\)](#) as “the safest guarantee for preventing an arms race in the Middle East”.<sup>121</sup>

In regard to the situation in the Korean peninsula, the representative of the United States exhorted Member States to comply with their obligations to implement all Council resolutions on the Democratic Peoples' Republic of Korea.<sup>122</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 Security Council decisions in a full and comprehensive manner.<sup>123</sup>

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<sup>118</sup> Ibid., p. 22.

<sup>119</sup> Ibid., p. 10.

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

<sup>121</sup> Ibid., p. 20.

<sup>122</sup> Ibid., p. 12.

<sup>123</sup> Ibid., p. 17.

## Case 8

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

On 25 January 2018, at its 8167<sup>th</sup> 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 Security 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>124</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 noted that Security Council resolutions could not be challenged "simply because they were adopted several years ago by previous Governments or administrations" and called on Israel to "stop flouting international legitimacy and breaching Security Council resolutions, in line with Article 25 of the Charter".<sup>125</sup>

Several participants implicitly recalled the agreement by Member States to accept and carry out the decisions of the Security Council and exhorted Israel, specifically, to comply with resolutions of the Security Council. The Permanent Observer of the State of Palestine stressed that resolution [2334 \(2016\)](#) 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 on the international community to mobilize the political will to implement the relevant resolutions and to "revive the peace option".<sup>126</sup> The representative of Peru, recognizing the right of Israel to safeguard its own security and existence through "legitimate self-defence", recalled its obligation to comply with Security Council resolutions and in particular the urgency of ending settlements, demolitions and evictions in the occupied Palestinian territories, in line with resolution [2334 \(2016\)](#).<sup>127</sup>

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<sup>124</sup> [S/PV.8167](#), p. 16.

<sup>125</sup> *Ibid.*, pp. 40-41.

<sup>126</sup> *Ibid.*, pp. 8-9.

<sup>127</sup> *Ibid.*, p. 27.

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 to all Member States.<sup>128</sup> The representative of Indonesia noted that the legally binding status of Security 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>129</sup> The representative of the Bolivarian Republic of Venezuela, speaking on behalf of the Non-Aligned Movement, also underscored the binding nature of Security Council resolutions, and called on the Council to ensure that its own resolutions be 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 resolution [2334 \(2016\)](#).<sup>130</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>131</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 compliance with resolution [2334 \(2016\)](#) for the advancement of peace. He also called on 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>132</sup> The representative of Bangladesh also expressed concern over Israel’s “total disregard for complying with the provisions of resolution [2334 \(2016\)](#)”,<sup>133</sup> while the representative of Kuwait noted that Israel was “in material breach” of said resolution.<sup>134</sup> The representative of Malaysia indicated that prospects for the peaceful resolution of the Israeli-Palestinian conflict remained dim due to the continued “defiance and violations” by Israel of relevant Council resolutions, including resolution [2334 \(2016\)](#), and

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<sup>128</sup> Ibid., p. 32.

<sup>129</sup> Ibid., p. 34.

<sup>130</sup> Ibid., pp. 41-42.

<sup>131</sup> Ibid., p. 32.

<sup>132</sup> Ibid., p. 53.

<sup>133</sup> Ibid., p. 60.

<sup>134</sup> Ibid., p. 16.

demanded that Israel fully comply with all of its obligations under the relevant resolutions.<sup>135</sup> The representative of the Maldives also called on Israel to fully implement the Council’s decisions and respect its legal obligations under the Charter.<sup>136</sup>

Other speakers called on States to abide by their obligations under Article 25 of the Charter. The representative of China called on the international community to remain committed to the relevant United Nations resolutions.<sup>137</sup> The representative of the United Arab Emirates, speaking on behalf of the Arab Group, emphasized the importance for Member States, especially Council Members, to implement Council resolutions and honour their obligations as stipulated thereunder.<sup>138</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>139</sup>

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<sup>135</sup> Ibid., p. 62.

<sup>136</sup> Ibid., p. 29.

<sup>137</sup> Ibid., p. 14.

<sup>138</sup> Ibid., p. 55.

<sup>139</sup> Ibid., p. 36.

### **III. The 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.

#### **A. 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 its intervention, the representative of Côte d'Ivoire recalled the 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>140</sup>

Article 26 was also explicitly mentioned by Equatorial Guinea 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 its call for the implementation of an investigative mechanism on the issue of chemical weapons in Syria, Equatorial Guinea called on Council members to reflect on Article 26 of the Charter. In doing so, he cited the tenor of the Article, which

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<sup>140</sup> [S/PV.8160](#), p. 20.

reminded that one of the powers of the Security 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>141</sup>

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<sup>141</sup> [S/PV.8221](#), p. 15.