
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 defined in Articles 24, 25 and 26 of the Charter of the United Nations, and is accordingly divided into three sections. Explicit and implicit references made to those Articles in decisions, meetings and communications of the Council during 2022 are described under each of the three sections. Case studies in sections I and II provide an overview of specific instances in which Articles 24 and 25, respectively, were discussed in meetings of the Council, or which otherwise illustrate how the Council has applied or interpreted those provisions. Consistent with previous supplements, section III does not include any case studies since there were no examples of substantive discussions on Article 26 in 2022.

As outlined in section I, in 2022, the Council made no explicit reference to Article 24 of the Charter in its decisions, instead referring to its “primary responsibility for the maintenance of international peace and security” in six decisions, adopted under both country-specific and thematic items. Article 24 was invoked explicitly in 13 instances at seven Council meetings, held under both thematic and country-specific items. In addition, Council members and other participants in the meetings discussed the primary responsibility of the Council for the maintenance of international peace and security in connection with a broad range of topics. The most salient deliberations took place under thematic items, such as those entitled “Maintenance of international peace and security”, “Implementation of the note by the President of the Security Council (S/2017/507)” and “Threats to international peace and security”, as well as under country-specific items relating to Ukraine. Six communications of the Council also contained explicit references to Article 24.

As featured in section II, in 2022, the Council made an explicit reference to Article 25 of the Charter in one decision, adopted under the item entitled “The situation in the Middle East”. Article 25 was also explicitly invoked eight times during Council meetings held under thematic items. The obligation of Member States to accept and carry out Council decisions was extensively referenced during meetings held in connection with the items entitled “The situation in the Middle East” and “The situation in the Middle East, including the Palestinian question”, while the most salient deliberations took place under the items entitled “Protection of civilians in armed conflict” and “Non-proliferation/Democratic People’s Republic of Korea”. In addition, three communications of the Council contained explicit references to Article 25.

As described in section III, in 2022, the Council did not refer to its responsibility to formulate plans for the establishment of a system for the regulation of armaments pursuant to Article 26 of the Charter in any of its decisions. One speaker at a Council meeting, however, made two explicit references to Article 26. No communications addressed to the Council in 2022 explicitly featured the Article.

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 Council concerning its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter of the United Nations,¹ and is divided into three subsections. Subsection A deals with decisions adopted in 2022 that refer to the primary responsibility of the Council pursuant to Article 24. Subsection B contains an examination of explicit and implicit references to Article 24 made in discussions held during the meetings of the Council. Subsection C features explicit references to Article 24 contained in communications of the Council.

During the period under review, the Council did not adopt any decision explicitly referring to Article 24 of the Charter. Consistent with recent practice, in its decisions adopted in 2022, the Council referred to its primary responsibility for the maintenance of international peace and security while taking a broad range of actions. The provision was also directly invoked in several instances during the meetings of the Council, notably in connection with items relating to Ukraine, the maintenance of international peace and security, the working methods of the Council and the situation in the Middle East. Explicit references to Article 24 were also made in six communications of the Council in 2022, more details on which are provided below.

A. Decisions referring to Article 24

During the period under review, the Council did not refer explicitly to Article 24 of the Charter in its decisions. Instead, in four resolutions and two presidential statements, the Council referred to its primary responsibility for the maintenance of international peace and security while taking a broad range of actions. Implicit references to Article 24 were featured mainly in preambular paragraphs of resolutions and initial paragraphs of presidential statements in connection with both country-specific and thematic items on the agenda of the Council.

Resolutions

In 2022, the Council implicitly invoked Article 24 of the Charter in four resolutions, in which it reaffirmed, recalled, bore in mind or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security while taking a variety of actions. One resolution concerned Ukraine, two resolutions, in which the Council acted explicitly under Chapter VII of the Charter, were adopted in connection with Libya under the items entitled “The situation in Libya” and “Maintenance of international peace and security”, while one was adopted under the item entitled “United Nations

¹ 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.

peacekeeping operations” in relation to mental health and psychosocial support for peace operations personnel. Additional information about the resolutions is provided in the table below.

Presidential statements

During the year under review, the Council adopted two presidential statements containing implicit references to Article 24 of the Charter, in which it reaffirmed its primary responsibility for the maintenance of international peace and security. The two statements concerned items relating to the cooperation between the United Nations and the League of Arab States in maintaining international peace and security and the role of strategic communications for efficient peacekeeping, respectively. Further details about the statements are provided in the table below.

Decisions containing implicit references to Article 24 (1) of the Charter, 2022

<i>Decision and date</i>	<i>Paragraph</i>	<i>Item</i>	<i>Sub-item</i>
Resolution 2623 (2022) 27 February	Second preambular paragraph	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)	
S/PRST/2022/1 23 March	First paragraph	Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	League of Arab States
Resolution 2635 (2022) 3 June	Fifth preambular paragraph	The situation in Libya	
S/PRST/2022/5 12 July	First paragraph	United Nations peacekeeping operations	The key role of strategic communications for efficient peacekeeping
Resolution 2652 (2022) 29 September	Fourth preambular paragraph	Maintenance of international peace and security	Report of the Secretary-General on the implementation of Security Council resolution 2598 (2021) (S/2022/655)
Resolution 2668 (2022) 21 December	First preambular paragraph	United Nations peacekeeping operations	

B. Discussions relating to Article 24

During the period under review, Article 24 of the Charter was invoked both explicitly and implicitly at numerous meetings of the Council. Speakers made 13 explicit references to Article 24 at seven meetings, held under the items entitled “Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2014/264](#))”,² “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](#))”,³ “Maintenance of international peace and security”,⁴

² See [S/PV.8968](#) (Ukraine).

³ See [S/PV.8970](#) (Ukraine).

⁴ See [S/PV.9052](#) (Brazil); [S/PV.9052 \(Resumption 1\)](#) (Pakistan and Sierra Leone); and [S/PV.9220](#) (Mexico).

“Implementation of the note by the President of the Security Council (S/2017/507)”,⁵ “The situation in the Middle East”⁶ and “Threats to international peace and security”.⁷

The following case studies illustrate the nature of some of the issues discussed in 2022 with regard to the interpretation of the primary responsibility of the Council for the maintenance of international peace and security pursuant to Article 24 of the Charter. The cases capture discussions held in connection with items relating to Ukraine (case 1), the maintenance of international peace and security (cases 2 and 5), the working methods of the Council (case 3) and climate change in the context of threats to international peace and security (case 4).

Case 1

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)

On 27 February, the Security Council held a meeting under the item entitled “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)”,⁸ at which it adopted resolution 2623 (2022).⁹ By the resolution, taking into account that the lack of unanimity of its permanent members at the 8979th meeting had prevented it from exercising its primary responsibility for the maintenance of international peace and security, the Council decided to call an emergency special session of the General Assembly to examine the question contained in document S/Agenda/8979.

In explaining their votes, Council members deliberated on the primary responsibility of the Council for the maintenance of international peace and security. The representative of France noted that his country would remain poised within the Council to ensure that the Council assumed its primary responsibility for the maintenance of international peace and security.¹⁰ The representative of Ireland affirmed that the Council had failed to exercise its responsibility and had been rendered powerless to do so by the use of the veto by the Russian Federation, which undermined the legitimacy of the Council. Similarly, the representative of Mexico expressed the view that the Council had been unable to fulfil its primary responsibility for the maintenance of international peace and security on 25 February as a result of the exercise of the veto. The representative of Norway also noted that the Council had failed to uphold its primary responsibility for the maintenance of international peace and security, as its response to the breach of the peace and the act of aggression had failed because of the veto by the aggressor itself. In a similar vein, the representative of Ghana asserted that, because of the exercise of the veto, the Council had been unable to assume its primary responsibility to act on a threat to international peace and security following the aggression of the Russian Federation against Ukraine.

The representative of Brazil stated that the urgency of the situation had convinced his delegation of the need to add the voice of the General Assembly to that of the Council in seeking solutions to the crisis in and around Ukraine. However, in no way did that detract from his delegation’s firm belief that the Council, with its primary responsibility for the maintenance of international peace and security, had not yet exhausted the instruments and mechanisms at its disposal to contribute to a negotiated and diplomatic solution towards peace.

In explaining his vote, the representative of the Russian Federation noted that his country had voted against resolution 2623 (2022) because its authors had proposed that it be placed on record that the Council was unable to uphold its primary responsibility for the maintenance of international peace and security. He added that there was no hint in the text of any attempt to find a constructive solution in the Council.

⁵ See S/PV.9079 (Ecuador and Cuba); and S/PV.9079 (Resumption 1) (Algeria and Sudan).

⁶ See S/PV.9097 (United Kingdom).

⁷ See S/PV.9127 (Mexico).

⁸ See S/PV.8980.

⁹ The draft resolution received 11 votes in favour (Albania, Brazil, France, Gabon, Ghana, Ireland, Kenya, Mexico, Norway, United Kingdom and United States), 1 against (Russian Federation) and 3 abstentions (China, India and United Arab Emirates). For more information about decision-making and voting, see part II, sect. VIII.

¹⁰ For more information about the discussions relating to Ukraine, see part I, sects. 19 and 36.

Case 2
Maintenance of international peace and security

On 2 June, at the initiative of Albania, which held the presidency for the month,¹¹ the Security Council held a high-level open debate under the item entitled “Maintenance of international peace and security”, focused on the sub-item entitled “Strengthening accountability and justice for serious violations of international law”.¹² At the meeting, speakers made four explicit references to Article 24 of the Charter of the United Nations and numerous implicit references to the primary responsibility of the Council for the maintenance of international peace and security in the context of accountability for violations of international law.

In his briefing to the Council about the measures to strengthen its accountability, a professor of public international law at the University of Oxford noted that the Council had a special role to play, given its primary responsibility for the maintenance of international peace and security.¹³

In their discussion, Council members also discussed the primary responsibility of the Council for the maintenance of international peace and security. The Minister of State for External Affairs of India stated that, given its primary responsibility for the maintenance of international peace and security, the Council had acted a number of times in the past to address serious violations of international law. The representative of Brazil recalled the leading role that Article 24 of the Charter had bestowed on the Council in the maintenance of international peace and security and added that there could be no peace and security where perpetrators of serious violations of international law felt free to continue carrying out atrocities. The representative of Mexico expressed the view that the power of veto of the five permanent members was an obstacle to achieving the objective of the Council to fulfil its important responsibility to maintain international peace and security. In that regard, he noted that Mexico, together with France, would continue to promote its joint initiative for the permanent members to commit themselves, on a voluntary basis, to refraining from the use of veto in situations of mass atrocities. Noting that peace and justice were what humankind strove to uphold and were the primary responsibility of the Council, the representative of China expressed the view that the process of maintaining peace and achieving justice was an intersectional, interdisciplinary enterprise. Accountability was an important means of serving justice, and the role it played in restoring and maintaining peace defied oversimplification, as it hinged on specific circumstances and conditions.

Non-Council members also reflected on the role of the Council in fulfilling its primary responsibility for the maintenance of international peace and security in the context of ensuring accountability for the crimes committed during the war in Ukraine. The representative of Liechtenstein recalled that, since July 2018, the Council had had the power to refer situations involving the crime of aggression to the International Criminal Court and underscored that that tool had the tremendous potential to deter aggression and support the Council’s mandate to maintain international peace and security. He expressed the view that, in that context, the brazen aggression against Ukraine was an obvious case for the Council to make use of that tool. The representative of Poland stated that the Council should play a significant role in the process of assuring justice and accountability for the crimes and serious violations of international law committed in Ukraine and added that a special duty within the Council lay with its permanent members. While pursuing the main goal of the United Nations to maintain international peace and security, the Council also had a track record of strengthening justice and accountability for serious violations of international law.

Case 3
Implementation of the note by the President of the Security Council (S/2017/507)

On 28 June, at the initiative of Albania, which held the presidency of the Security Council for the month and whose representative held the Chair of the Informal Working Group on Documentation and

¹¹ A concept note was circulated by a letter dated 24 May (S/2022/418/Rev.1).

¹² See S/PV.9052 and S/PV.9052 (Resumption 1). For more information about the item entitled “Maintenance of international peace and security”, see part I, sect. 37.

¹³ See S/PV.9052.

Other Procedural Questions,¹⁴ the Council held an open debate under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)” and the sub-item entitled “Working methods of the Security Council”.¹⁵ During the meeting, speakers made four explicit references to Article 24 of the Charter of the United Nations and numerous implicit references in connection with the core mandate of the Council to maintain international peace and security, the challenges it faced in discharging its duties and its obligation to act on behalf of the wider United Nations membership.

The representative of the Russian Federation expressed the view that any reforms must be focused on a genuine increase in the effectiveness and efficiency of the implementation by the Council of its primary functions of maintaining international peace and security.¹⁶ She further asserted that the practice of individual members using the Council to, *inter alia*, expand the Council’s agenda through domestic, political, human rights, climate or other questions had recently increased, which absolutely ignored the fact that not only was the Council, under the Charter, not supposed to deal with those subjects, but also that it could not help with the resolution of those problems. The representative of China noted that Council members must always bear in mind that the sole agenda of the Council was the common agenda of international peace and security. He added that, however multifarious and complicated the challenges confronting the Council might be, standing together in solidarity and unity for the maintenance of international peace and security was always the Council’s primary responsibility. He said that the Council had seen a steady increase in the number of emerging issues and a continuous proliferation of cross-cutting issues, some of which were clearly beyond its core mandate, and noted that the Council should focus on the major pressing issues that threatened international peace and security and avoid taking on new topics without due consideration. The representative of France underscored that the Council needed to regain the ability to make decisions, which was its role and the mandate assigned to it by the Charter, recalling that the Council was primarily an executive body, not a forum for discussion. She further stated that the Council must be able to assume its responsibilities and address situations that might constitute threats to international peace and security. The representative of Cuba called upon the Council to abide by its mandate and respect the functions of other United Nations organs. The Council must stop expanding the scope of its interpretation of international peace and security and cease the selective manipulation of its methods and practices to suit political and imperialist agendas. In his view, such strategies undermined the role of the Council in maintaining international peace and security, further exacerbated conflicts and divisions and undermined the multilateralism, credibility and legitimacy of the United Nations. The representative of Argentina affirmed that dialogue with other bodies, whether within the United Nations system or not, was essential to enabling the Council to carry out its functions and noted that the Council’s job was to maintain international peace and security and that Argentina did not want to see it absorbing the functions of other bodies.¹⁷ The representative of the Sudan underscored that the reform of the Council’s working methods under Article 24 of the Charter required the Council to adhere to its Charter-mandated functions, adding that a quick glance at the list of matters of which the Council’s was seized revealed that its agenda was rapidly expanding, necessitating a pause for reflection and meaningful review.

Several speakers discussed the challenges faced by the Council in discharging its duties and the extent to which its working methods contributed to the ability of the Council to fulfil its mandate. The representative of the United Kingdom stated that all Council members had a responsibility to uphold the Charter and added that General Assembly resolution 76/262 of 26 April 2022, on the veto, was a welcome step towards ensuring transparency and accountability when a member of the Council blocked action to maintain international peace and security.¹⁸ He further noted that there was a need to do more to ensure that the Council used its time efficiently, which meant respecting the Council’s mandate and not using it as a platform for propaganda and misinformation. The representative of Switzerland, speaking on behalf of 26 members of the Accountability, Coherence and Transparency Group, stated that the ability of the Council to deliver on its primary responsibility to maintain international peace and security was put to

¹⁴ A concept note was circulated by a letter dated 21 June (S/2022/499).

¹⁵ See S/PV.9079 and S/PV.9079 (Resumption 1).

¹⁶ See S/PV.9079.

¹⁷ See S/PV.9079 (Resumption 1).

¹⁸ See S/PV.9079.

the test by the disrespect of the Charter and the lack of compliance with international law. Recalling that States Members of the United Nations had conferred upon the Council the primary responsibility for the maintenance of international peace and security, she called upon the members of the Council to fulfil all obligations to enable the Council to discharge its responsibilities, to uphold the purposes and principles of the Charter and to act in the collective interest of maintaining international peace and security. The representative of Luxembourg noted that it was more vital than ever that the Council be able to fulfil its primary responsibility for the maintenance of international peace and security and deplored the impasse in which the Council found itself, as it was not able to fully discharge its mandate, notably owing to the use of the veto. Similarly, the representative of Poland affirmed that the Council was often stuck in a deadlock, making it unable to properly carry out its primary responsibility to maintain international peace and security, citing the unprovoked aggression against Ukraine as the most recent example in that regard. Noting that, in recent weeks, many Member States had referred to the Council's responsibility for upholding international peace and security, the representative of Austria stated that in a situation that constituted a blatant breach of international law, the Council should not remain blocked by one Member State. The representative of Singapore said that, since the previous open debate on working methods held in June 2021, the geopolitical climate had darkened and the Council had yet to exercise its mandate to maintain international peace and security in response, which had made the need to improve the Council's working methods even more pressing. According to the representative of Kuwait, developing and improving the working methods of the Council constituted a critical factor in its ability to assume its responsibility for maintaining international peace and security. In a similar vein, the representative of Bahrain noted that it was of vital importance that the Council's role as the main organ responsible for maintaining international peace and security be pivotal and concrete under all circumstances, and in that regard, he attached great importance to developing its working methods. The representative of Cuba noted that it was imperative that the Council adopt its rules of procedures in order to put an end to their provisional status, which was essential for transparency and the necessary accountability to all Member States, on behalf of which the Council must act, in accordance with Article 24 of the Charter. The representative of Slovenia expressed the view that the quality of the working methods and their implementation alone could not offset the effects of geopolitical realities on the ability of the Council to fulfil its mandate to maintain international peace and security.

Some speakers recalled that the Council had a responsibility to act on behalf of the wider membership of the United Nations in line with Article 24 of the Charter. The representative of Ecuador noted that the Council acted on behalf of the States Members of the United Nations pursuant to Article 24, but that the counterpart of that representation was the obligation to ensure prompt and effective action by the United Nations. According to the representative of Algeria, it was important to maintain interaction with States that were not members of the Council, in accordance with Article 24, which stated that the Council acted on their behalf.¹⁹ That required full transparency in dealings between the Council and Member States. The representative of the Sudan noted that the Council was entrusted by the Charter with the primary responsibility for maintaining international peace and security and that, to carry out that task effectively, the Council's work must be transparent, objective and resilient for the benefit of the greater international community as a whole rather than a specific group of elite countries.

Case 4 **Threats to international peace and security**

On 12 October, at the initiative of Gabon, which held the presidency for the month,²⁰ the Security Council held a high-level open debate under the item entitled "Threats to international peace and security" and the sub-item entitled "Climate and security in Africa".²¹ During the debate, there were no explicit references to Article 24 of the Charter of the United Nations. However, Council members and other speakers discussed the extent to which the topic of the meeting fell within the purview of the Council's primary responsibility for the maintenance of international peace and security.

¹⁹ See [S/PV.9079 \(Resumption 1\)](#).

²⁰ A concept note was circulated by a letter dated 3 October ([S/2022/737](#)).

²¹ See [S/PV.9150](#). For more information about the item entitled "Threats to international peace and security", see part I, sect. 36.

Many Council members expressed the view that addressing the nexus between climate change and security was part of the mandate of the Council in maintaining international peace and security. The Minister for Foreign Affairs of Gabon urged the Council to stop looking the other way and to recognize climate change as a factor that was inherently fuelling political instability and crises in many countries in Africa. He added that the Council was facing its responsibilities and had the choice between denial or scepticism, on the one hand, and action, on the other. The Minister for Foreign Affairs of Norway stated that climate change and environmental degradation were drivers of instability and conflict, which clearly made climate and security an issue for the Council, and that such an issue should not be controversial. The Permanent Representative of the United States to the United Nations and member of the President's Cabinet expressed the view that climate and security were connected and must be at the top of the agenda of the Council. She stated that some Council members continued to argue that the Council was not the place to address climate-induced security threats and had worked to defeat efforts during the previous year by the representative of the Niger to recognize that in a Council product.²² She added that it was not possible to pretend that the Council, which was charged with maintaining international peace and security, was somehow not the right forum to tackle the security issues that stemmed from climate change.²³ The representative of the United Arab Emirates noted that the statement by the Minister for Foreign Affairs of Gabon, who was presiding the meeting, starkly highlighted the link between climate change and peace and security, adding that the Council had been discussing that nexus since 2007. She concurred with the statement that the Council had thus far failed to address it, as outlined by the Permanent Representative of the United States and member of the President's Cabinet. She also noted that, while there might not yet be agreement within the Council on a framework to address the links between climate change and security, there could be an acknowledgement of the urgency and wisdom of raising investments to prevent climate impacts from escalating into security situations. The representative of Ghana noted that the Council should not be prevented from dealing with relevant aspects of the climate question, adding that there was a sufficient link between the climate and security crises and that the Council, as the primary organ for maintaining international peace and security, must embrace climate action in the resolution of conflicts where it was relevant and/or useful to do so. That was not to suggest that the Council was to engage in norm-setting for climate action, but rather that it should not be made to shy away from applying norms universally agreed under the United Nations Framework Convention on Climate Change. The representative of Ghana, therefore, encouraged the Council to continue the existing practice of including language relating to climate security in resolutions on country situations and peacekeeping missions, where necessary. According to the representative of France, the Council must fully assume its responsibilities in addressing threats related to climate change and must be able to better assess, anticipate and prevent the impact of climate change on international peace and security and to draw conclusions from it. The representative of Mexico expressed the view that the Council should systematically consider how the effects of climate change were undermining efforts to prevent and address threats to international peace and security. The representative of Kenya stated that the Council could not remain on the sidelines when major threats to regional and international peace and security were made much worse by climate crises. The representative of Albania reiterated that the definition of security must include the threat posed by climate change for the Council to devise appropriate security policies. The representative of Ireland shared the view of the representative of Kenya in that history would judge the Council harshly if it failed to address the issue and noted that his delegation was not asking the Council to address or tackle climate change, which he believed must rightly be addressed through the United Nations Framework Convention on Climate Change. He did, however, believe that the Council should analyse and understand the effects of climate change on peace and security. The representative of the United Kingdom stated that his delegation saw an undeniable link between climate, nature, peace and security in Africa and around the world and recalled that the United Kingdom was the first to bring climate security to the Council in 2007.²⁴

Other Council members expressed the view that the Council was not the appropriate body to discuss the topic of climate change.²⁵ The representative of Brazil expressed the view that the Council was not the adequate forum in which to address climate change and pointed to the need to preserve the

²² See also *Repertoire, Supplement 2021*, part V, sect. I.

²³ See *S/PV.9150*.

²⁴ For more details on the proceedings in 2007, see *Repertoire, Supplement 2004–2007*, chap. VIII, sect. 54.

²⁵ See *S/PV.9150*.

primary responsibilities, mandates and tools of the Council and to avoid a duplication of work. He explained that, while the adverse effects of climate change were a matter of great concern, climate change was not in itself a direct cause of armed conflicts, nor did it constitute a direct threat to peace and security in the sense underscored in the Charter. He added that, while the Council might be effective in performing its functions in peacekeeping missions on the ground by supporting efforts of host countries, at their request, that did not imply that the Council had, or should have, a mandate to thematically address climate change. He further stated that proper forums, tools and mechanisms for mobilizing those resources already existed within the United Nations Framework Convention on Climate Change and the wider United Nations system and that none of them required the direct involvement of the Council. The representative of India stated that her country would continue to oppose any attempt to take climate change out of the United Nations Framework Convention on Climate Change and discuss it separately without such principles and provisions, which is why India did not subscribe to the idea of the Council as a place to discuss that issue. In fact, her delegation viewed such efforts as an attempt to evade responsibility under the United Nations Framework Convention on Climate Change and divert the world's attention from an unwillingness to deliver where it counted. The representative of the Russian Federation expressed the view that the division of labour enshrined in the Charter must be preserved for the effective functioning of the United Nations system, adding that the Council could not and should not duplicate the work of other United Nations entities. Combating climate change and its negative social and economic consequences fell exclusively within the framework of sustainable development.

During the debate, other speakers also shared their views on the role of the Council in dealing with climate change. The representative of Germany, speaking on behalf of the Group of Friends on Climate and Security, affirmed that the Council had the primary responsibility for the maintenance of international peace and security and welcomed the progress made in that regard, including the recognition of the effects of climate change in its consideration of the growing number of mandates for peacekeeping and special political missions. He added that African States and others particularly affected by the dramatic effects of climate change deserved the full support of the international community and, when climate change threatened peace, of the Council. The representative of Egypt noted his country's steadfast commitment to addressing the challenges posed by climate change and expressed the view that the General Assembly, the Economic and Social Council and the relevant international conventions remained the platforms with an original mandate to bring about the necessary solutions to address the climate crisis in all its manifestations. However, climate change was widely recognized as a threat multiplier and a driver of conflict that was affecting the peace and stability of several regions globally, especially Africa, which was why it was important to address the increasing connection between climate change and security. The representative of Morocco observed that the African continent and especially the Sahel and the Congo basin were unduly and disproportionately penalized by the consequences of global warming, unfairly suffering the drastic effects of climate change, a situation that should be of concern to the Council. He added that, as long as the international community's climate targets were not sufficient to reduce global warming to an acceptable level, the impact of climate change would be on the agenda of the Council. The representative of Namibia stated that, when debating the security dimension of climate change, the Council had not always been forthcoming in establishing a direct link between desertification, land degradation and drought and ongoing violent conflicts in Africa. He noted, however, that climate change and its threat to peace and security were no longer a far-fetched tale of a fictional dystopian world and called upon the Council to maintain the momentum regarding discussions relating to climate and security, as that nexus posed the next frontier of emerging threats for the world. The representative of the Niger noted that his understanding of the principle of unity of action at the United Nations meant that the fact that it had one organ with the principal mandate for an issue should not exclude another of its organs from dealing with an aspect of that issue relevant to its own mandate.²⁶ It was on the basis of that belief that in December 2021, the Niger, which held the presidency for that month, had submitted, together with Ireland, draft resolution [S/2021/990](#), on the link between the effects of climate change and security, which had not been adopted. The representative of South Africa said that scientific evidence to support a more generalized conclusion of a direct causality between climate change and threats to international peace

²⁶ For more information about the relations between the Council and other principal organs of the United Nations, see part IV.

and security was still minimal and maintained that the United Nations Framework Convention on Climate Change was a fit-for-purpose United Nations body specifically created to tackle climate change. Unlike the Council, it was representative of all Member States and abided by important principles, which included equity and common but differentiated responsibilities and respective capabilities.

Case 5
Maintenance of international peace and security

On 14 December, at the initiative of India, which held the presidency for the month,²⁷ the Security Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “New orientation for reformed multilateralism”.²⁸ At the meeting, the Council heard briefings by the Secretary-General and the President of the General Assembly. In his briefing, the President of the General Assembly noted that too often, sharp geopolitical divides had prevented responses by and progress in the Council and asked the members of the Council whether those rifts would continue to upstage their collective ability to maintain international peace and security.²⁹

During the debate, only one explicit reference was made to Article 24 of the Charter of the United Nations. Several Council members referred, however, to the primary responsibility of the Council for the maintenance of international peace and security. Council members also shared their views on the impact of the veto on the ability of the Council to discharge its functions. Noting that the Council, charged with the critical mandate to maintain international peace and security, was too often unable to rise to that challenge, the representative of Ireland said that the veto and the absence of trust had prevented the Council from effectively implementing its mandate. The representative of France stated that, while a permanent member of the Council was waging a war of annexation in violation of the Charter, many were calling for a framework for the veto to strengthen the ability of the Council to fully assume its responsibilities. In that spirit, France, along with Mexico, had proposed, as early as 2013, that the five permanent members of the Council voluntarily and collectively suspend the use of the veto in the case of mass atrocities. The representative of China noted that it was the shared expectation of the general membership of the United Nations that the Council better fulfil the mandate entrusted to it by the Charter, adding that, no matter how complicated the challenges, it was always the greatest responsibility of the Council to stay united and work together to maintain international peace and security. The representative of Mexico said that it was naive to think that merely adding more Member States to the Council, and consequently more permanent members, would magically generate the consensus that the Council needed to fully discharge its mandate. Although the Council was the organ tasked with dealing with threats to international peace and security, the United Nations system as a whole had a direct and indirect impact on the maintenance of peace. It was clear that the success of the Council in discharging its responsibilities in accordance with its mandate depended largely not only on members not abusing the veto, but also on the success of other principal organs in fulfilling their own mandates, in conjunction with the work of the Secretary-General.³⁰ The representative of Mexico added that, if the Council were to remain similar to what it was today but with more members and perhaps more vetoes, it would not be capable of truly acting on behalf of all Member States, as stipulated in Article 24 (1) of the Charter. The representative of Albania noted that multilateralism was not always synonymous with success, as could be seen when self-centred, narrow interests prevented the Council from acting and discharging its responsibilities. That was why, in the face of a Council paralysed by a blatant conflict of interest, it had been crucial for the General Assembly to respond decisively by confirming the sound moral ground of a world that was not ready to condone aggression or accept the annexation of territory by force. That response, together with the veto initiative, had confirmed the necessity for strengthened cooperation among the main organs of the Organization and had contributed to revitalizing and empowering the Assembly, which clearly showed that it was imperative to improve the functioning of the Council and its ability to take action, remain credible and act on behalf of the entire United Nations membership.

²⁷ A concept note was circulated by a letter dated 25 November (S/2022/880).

²⁸ See S/PV.9220 and S/PV.9220 (Resumption 1).

²⁹ See S/PV.9220.

³⁰ For more information about the relations between the Council and other principal organs of the United Nations, see part IV.

During the debate, several other speakers also referred more broadly to the need for a reform of the Council with a view to safeguarding its effectiveness in maintaining international peace and security,³¹ with some focusing on the impact of the use of veto on the ability of the Council to discharge its duties.³² Some participants also noted that, in exercising its primary responsibility for the maintenance of international peace and security, the Council was expected to act on behalf of all Member States.³³

C. Communications featuring Article 24

In 2022, six explicit references to Article 24 of the Charter were made in communications of the Council submitted in connection with a broad range of issues.

In the annex to a letter dated 25 January addressed to the President of the Security Council,³⁴ the representative of Saint Vincent and the Grenadines shared reflections on her two-year term as the Chair of the Informal Working Group on Documentation and Other Procedural Questions. The annex included an index of key words and phrases, including “Article 24 of the Charter”, contained in the note by the President of the Council dated 30 August 2017³⁵ and subsequently adopted notes.

In the annex to a letter dated 7 February addressed to the President of the Security Council,³⁶ in reference to the meeting held on the same date under the item entitled “General issues relating to sanctions” and the sub-item entitled “Preventing their humanitarian and unintended consequences”, the representative of the Islamic Republic of Iran submitted his country’s position on the matter and noted that the mandate of the Council was limited by Article 24 of the Charter, which stated that, in discharging its duties, the Council was to act in accordance with the purposes and principles of the United Nations.

In a concept note for a high-level open debate on “Strengthening accountability and justice for serious violations of international law” under the item entitled “Maintenance of international peace and security”, which was annexed to a letter dated 24 May addressed to the Secretary-General,³⁷ the representative of Albania noted that Article 24 of the Charter granted the Council primary responsibility for the maintenance of international peace and security, which included taking collective measures to prevent and counter threats to peace and suppressing acts of aggression.

In a concept note for an open debate on the working methods of the Council in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”, which was annexed to a letter dated 21 June addressed to the Secretary-General,³⁸ the representative of Albania stated that such annual open debates on the working methods of the Council had served to engage with the wider membership on behalf of which the Council acted, pursuant to Article 24 of the Charter.

In a letter dated 29 July addressed to the President of the Security Council,³⁹ the representative of Egypt conveyed a letter from the Minister for Foreign Affairs of Egypt regarding the third consecutive unilateral filling of the Grand Ethiopian Renaissance Dam, in which the Minister noted that it was incumbent upon the Council to discharge its obligations under Article 24 of the Charter by taking appropriate measures to ensure that the question of the dam was settled amicably, which would ensure the preservation of peace and security throughout the region.

Finally, in a letter dated 8 December addressed to the Secretary-General and the President of the Security Council,⁴⁰ the representative of the Russian Federation transmitted a letter from the Board Chairman of the Donetsk public organization Fair Protection regarding the rapidly deteriorating

³¹ See S/PV.9220 (Poland); and S/PV.9220 (Resumption 1) (Philippines, Slovenia, Argentina, Liechtenstein, Indonesia, Spain and Georgia).

³² See S/PV.9220 (Poland); and S/PV.9220 (Resumption 1) (Italy, Switzerland, Bulgaria, European Union (also on behalf of Albania, Bosnia and Herzegovina, Montenegro and the Republic of Moldova) and Lithuania).

³³ See S/PV.9220 (Resumption 1) (Austria, Ecuador, Liechtenstein and Türkiye).

³⁴ S/2022/88.

³⁵ S/2017/507.

³⁶ S/2022/98.

³⁷ S/2022/418.

³⁸ S/2022/499.

³⁹ S/2022/587.

⁴⁰ S/2022/927.

humanitarian situation in the Donbass region, in which the Board Chairman called upon the Council, in the light of its primary responsibility under Article 24 of the Charter for the maintenance of international peace and security, in order to end the suffering of civilians in the Donbass, to consider immediate measures to stop Ukrainian armed formations from committing war crimes, as well as to prohibit the supply to Ukraine of the types of heavy weaponry that had led to that.

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 outlines the practice of the Council in relation to Article 25 of the Charter of the United Nations, which concerns the obligation of Member States to accept and carry out the decisions of the Council. It is divided into three subsections: subsection A, which encompasses the references to Article 25 contained in decisions of the Council; subsection B, which contains an examination of how the principle of Article 25 was dealt with in deliberations during the meetings of the Council; and subsection C, which features explicit references to Article 25 in communications of the Council.

In 2022, the Council adopted one decision containing an explicit reference to Article 25 of the Charter, in connection with the situation in the Middle East. Speakers also made eight explicit references to Article 25 during meetings of the Council held under thematic items. More information is provided in subsection B, which covers the most salient discussions relating to the Article, including case studies on the Council's interpretation of Member States' obligations stemming from its decisions concerning the protection of civilians in armed conflict and in connection with the item entitled "Non-proliferation/Democratic People's Republic of Korea". In addition, during the year under review, three explicit references to Article 25 were made in three communications of the Council, more details on which are provided in subsection C.

A. Decisions referring to Article 25

In 2022, the Council adopted one decision containing an explicit reference to Article 25 of the Charter, under the item entitled "The situation in the Middle East", in relation to the Syrian Arab Republic. In the resolution, the Council underscored that Member States were obligated under Article 25 of the Charter of the United Nations to accept and carry out the Council's decisions.⁴¹ By the resolution, the Council also demanded the full and immediate implementation of all provisions of all relevant Council resolutions on the humanitarian situation in the Syrian Arab Republic and extended the authorization, until 10 January 2023, for United Nations humanitarian agencies and their implementing parties to provide cross-border humanitarian assistance for the border crossing at Bab al-Hawa, with an extension of an additional six months, until 10 July 2023, which would require a separate resolution confirming the extension.⁴²

In addition, two draft resolutions submitted in connection with the above-mentioned item, and which were not adopted, contained explicit references to Article 25 of the Charter. In both draft resolutions, the Council would have underscored that Member States were obligated under Article 25 of the Charter of the United Nations to accept and carry out the Council's decisions.⁴³

⁴¹ Resolution 2642 (2022), final preambular paragraph.

⁴² Ibid., paras. 1 and 2.

⁴³ See S/2022/538, final preambular paragraph, and S/2022/541, final preambular paragraph. For further information about the item entitled "The situation in the Middle East", see part I, sect. 20.

B. Discussions relating to Article 25

In 2022, Article 25 of the Charter was explicitly invoked eight times during Council meetings held under the items entitled “Protection of civilians in armed conflict”,⁴⁴ “General issues relating to sanctions”,⁴⁵ “Maintenance of international peace and security”⁴⁶ and “Children and armed conflict”.⁴⁷ In addition, speakers implicitly referred to the obligation of Member States to accept and carry out the decisions of the Council, as well as to their binding nature, at multiple meetings held under a broad range of items. For example, during meetings convened under the item entitled “The situation in the Middle East”, several speakers referred to the obligation of the Syrian Arab Republic to comply with or abide by Council decisions, in particular resolution 2118 (2013), on the use of chemical weapons.⁴⁸ Similar references were made during meetings held under the item entitled “The situation in the Middle East, including the Palestinian question”, with several participants urging Israel to abide by or comply with the relevant Council decisions, in particular resolution 2334 (2016).⁴⁹

The case studies below feature some of the most salient discussions in 2022 with respect to the Council’s interpretation of the obligation of Member States to implement its decisions, notably in the context of deliberations on the protection of civilians in armed conflict (case 6) and in connection with the item entitled “Non-proliferation/Democratic People’s Republic of Korea” (case 7).

Case 6

Protection of civilians in armed conflict

On 25 May, the Security Council held an open debate under the item entitled “Protection of civilians in armed conflict”,⁵⁰ during which it heard briefings by the Director of Coordination in the Office for the Coordination of Humanitarian Affairs, the Director-General of the International Committee of the Red Cross, the President and Chief Executive Officer of the International Rescue Committee and the Country Director for the Democratic Republic of the Congo of Women for Women International.

During the discussion, speakers made one explicit reference to Article 25 of the Charter of the United Nations,⁵¹ with several Council members also citing various Council resolutions adopted in connection with the protection of civilians and reflecting on their binding nature and the need for their implementation. In that regard, the representative of Gabon pointed to the obligation to fulfil commitments and the need to ensure compliance with international conventions and Council resolutions with regard to the protection of civilians in the context of human rights abuses.⁵² The representative of the United Kingdom stated that the Council had adopted many resolutions in which it had called for accountability for attacks on humanitarian workers and civilians and pointed to the need to turn those words into action and ensure that those responsible for such attacks were held accountable. According to the representative of Ireland, to protect civilians, the Council needed to keep its promises and implement

⁴⁴ See S/PV.8953 (Resumption 1) (Pakistan); and S/PV.9042 (Resumption 1) (Pakistan).

⁴⁵ See S/PV.8962 (Ghana).

⁴⁶ See S/PV.9036 (Resumption 1) (Pakistan); S/PV.9052 (Resumption 1) (Pakistan); and S/PV.9220 (Pakistan and Azerbaijan).

⁴⁷ See S/PV.9096 (Resumption 1) (Pakistan).

⁴⁸ See, for example, S/PV.8943 (United States, Ireland, France, United Kingdom, Norway and Türkiye); S/PV.8982 (United States, Norway, Ireland, United Kingdom and France); S/PV.8990 (United States, Norway and Mexico); S/PV.9026 (United States, Ireland, Norway and United Kingdom); S/PV.9097 (United States, Ireland, Mexico, United Kingdom, Ghana (also on behalf of Gabon and Kenya) and Norway); S/PV.9141 (Albania, Norway, Ireland and United Kingdom); S/PV.9184 (United States, Mexico, Norway and Ireland); and S/PV.9207 (United States, Ireland, Mexico and Norway).

⁴⁹ See, for example, S/PV.9021 (State of Palestine, Mexico, India, Gabon, China and Algeria); S/PV.9021 (Resumption 1) (Syrian Arab Republic, Malaysia, League of Arab States, Peru, Maldives, Pakistan, Qatar, Bolivarian Republic of Venezuela, Kuwait, Committee on the Exercise of the Inalienable Rights of the Palestinian People and Oman); and S/PV.9224 (France, Mexico, China, Gabon, Kenya and Ireland).

⁵⁰ See S/PV.9042 and S/PV.9042 (Resumption 1). For more information about the item entitled “Protection of civilians in armed conflict”, see part I, sect. 27.

⁵¹ See S/PV.9042 (Resumption 1) (Pakistan).

⁵² See S/PV.9042.

what it had agreed, including resolution 2222 (2015), concerning the protection of journalists, and resolution 2417 (2018), on conflict and hunger. Noting that the Council had adopted resolutions in which it had called for accountability for those who targeted health-care and humanitarian workers and critical infrastructure, the representative of Albania stated that it was the responsibility of the Council to uphold its decisions. Similarly, in the context of attacks on medical and humanitarian personnel, the representative of Mexico stated that it was undeniable that there was a crisis in the implementation of the obligations derived from the norms of international humanitarian law and the resolutions of the Council. He expressed the view that it was not enough to make calls for compliance and added that it was necessary to reinforce measures at the internal level to ensure their implementation, such as through the adoption of national legislation, military manuals and ongoing training, as well as by working hand in hand with civil society organizations. The representative of Brazil encouraged the Council to continue its work to adjust the sanctions framework to effectively minimize the suffering of the civilian population and added that humanitarian actors should not be impeded from performing humanitarian and impartial relief efforts because of overcompliance or the possibility of the criminalization of their activities. The representative of France said that it was necessary to create, in the texts adopted in the Council or in national legislation, an environment conducive to the operations of neutral and impartial humanitarian actors, in accordance with international law, for example, by combating overcompliance with bank practices and by ensuring that humanitarian actors could not be sanctioned or prosecuted for the sole reason of having carried out humanitarian activities in accordance with international humanitarian law and humanitarian principles.

During the debate, many other speakers underscored the need to implement the relevant Council resolutions relating to the protection of civilians.⁵³ In addition, the representative of Malta noted that the Council had developed a strong framework for the protection of civilians and that it was time to fully implement the relevant resolutions.⁵⁴ She added that the challenges illustrated in the annual report of the Secretary-General⁵⁵ were not due to an absence of laws and norms, but to the inability to enforce existing laws and norms. Similarly, the representative of Argentina expressed the view that the problem lay not in the current normative framework, but in the translation and implementation of those norms in practice.⁵⁶ In order to translate the normative advances of the past 20 years into demonstrable results, the Council, together with the international community as a whole, must advocate for a more robust implementation of the existing normative framework. The representative of New Zealand affirmed that the erosion of international rules must not be allowed to become the new normal and that Council resolutions that had been agreed on in order to protect civilians must not become rhetorical commitments. The representative of Austria stated that it was necessary to ensure and enable the full, continuous and effective implementation of Council resolutions by all Member States and noted that if those resolutions were violated, decisive and swift responses by the Council were needed to immediately counter such violations. The representative of Yemen expressed the view that the efforts of the Council to end the conflict in that country and protect civilians must be translated into the implementation of its resolutions and the adoption of a decisive approach to deterring and holding accountable the violators of those resolutions. The representative of Italy referred to the many times that agreement had been reached on universal principles to protect civilians and save lives and noted that important resolutions could not be allowed to remain empty words.

Case 7 Non-proliferation/Democratic People's Republic of Korea

At a meeting held on 21 November, the Security Council heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs under the item entitled "Non-proliferation/Democratic People's Republic of Korea",⁵⁷ during which she asserted that the continued pursuit by the Democratic People's Republic of Korea of its nuclear weapons programme and launches of ballistic missiles blatantly

⁵³ See S/PV.9042 (Norway, China and Switzerland (on behalf of the Group of Friends on the Protection of Civilians in Armed Conflict)); and S/PV.9042 (Resumption 1) (Luxembourg, Portugal, Spain, South Africa, Japan, Morocco, Nepal, State of Palestine, Bangladesh, Indonesia, Republic of Korea and Belgium).

⁵⁴ See S/PV.9042 (Resumption 1).

⁵⁵ S/2022/381.

⁵⁶ See S/PV.9042 (Resumption 1).

⁵⁷ See S/PV.9197.

violated relevant Council resolutions and reiterated calls upon the Democratic People's Republic of Korea to desist from taking further provocative actions and to fully comply with its international obligations under relevant Council resolutions.

During the discussion, many members of the Council,⁵⁸ as well as the representatives of the Republic of Korea and Japan, expressed the view that those launches constituted a violation of Council resolutions and called for the full implementation of the resolutions.

In addition, several Council members reflected on the impact of the Council's lack of response to the breach of its decisions. The representative of the United States stated that the Democratic People's Republic of Korea had flagrantly violated Council resolutions 63 times in 2022 and that it was time for the Council to make the same call as that made by the Secretary-General upon the Democratic People's Republic of Korea to fully comply with its international obligations under all relevant Council resolutions. The representative of Albania stated that he wondered what message was being sent to those who believed in the United Nations and its role when the Council proved unable to deal with a regime that flouted without distinction every Council resolution on the matter. He, therefore, called upon all Council members to respond unanimously with a strong, action-oriented Council product proportional to the gravity of actions of the Democratic People's Republic of Korea and its ballistic missile programme and weapons-of-mass-destruction proliferation regime, adding that failing to do so eroded the credibility of the Council. The representative of France expressed the view that each ballistic missile launch was a challenge to the authority of the Council and a violation of its unanimously adopted resolutions. The representative of Ireland stated that it was a matter of the deepest concern that each of those launches had not received any Council response and that the silence of the Council suggested that it was unwilling, or unable, to uphold its own resolutions. He added that the Democratic People's Republic of Korea, by stating that it would not abide by Council resolutions, had rejected its obligations under the Charter of the United Nations. The actions of the Democratic People's Republic of Korea were a flagrant violation of the decisions and authority of the Council, and the Council had to, finally, be clear in its response. The representative of the United Kingdom condemned the further serious breach of Council resolutions by the Democratic People's Republic of Korea and noted that, despite the egregious violation of Council resolutions, two Council members had prevented the Council from fulfilling its role. The representative of Mexico further noted that the silence of the Council had sent the wrong signal, with the launches continuing in open defiance of the Council and its prior resolutions.

Other speakers at the meeting also referred to the binding nature of Council decisions. The representative of the Republic of Korea stated that, if the Council did not respond firmly to the continued illegal behaviour of the Democratic People's Republic of Korea, it would inevitably lead to more Member States deliberately ignoring their obligations under Council resolutions. The representative of Japan recalled that the Charter was clear in that all Member States had agreed to carry out the decisions of the Council, adding that violations should not go unchecked.

C. Communications featuring Article 25

In 2022, three explicit references to Article 25 of the Charter were made in the communications of the Council.

In a letter dated 13 April addressed to the Secretary-General,⁵⁹ pointing to the alleged violations of the national airspace of Cyprus, the infringements of international air traffic regulations in the country's flight information region, the violations of the territorial waters of Cyprus and the illegal use of closed ports and airports in Cyprus, by the air and naval forces of Türkiye, between September and December 2021, the representative of Cyprus stated that Türkiye was openly declaring that it would continue violating Council resolutions, in total disregard for Article 25 of the Charter. He further called

⁵⁸ United States, Albania, France, Ireland, Norway, United Kingdom, Gabon, Mexico, India, Kenya, Brazil, United Arab Emirates and Ghana.

⁵⁹ [S/2022/317](#).

upon the Council to stand behind its resolutions and ensure they had meaning, adding that, otherwise, there was a risk that the credibility of the international system would be undermined.

In a letter dated 5 August addressed to the President of the Security Council,⁶⁰ the representative of Pakistan transmitted a letter from the Minister for Foreign Affairs of Pakistan, in which the Minister stated that both India and Pakistan had accepted that the only legal basis for the resolution of the dispute over Jammu and Kashmir was the Council's decision, contained in resolution 47 (1948) and several subsequent Council resolutions, stipulating that the final disposition of the State of Jammu and Kashmir was to be decided by its people through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. He further noted that, in accordance with Article 25 of the Charter, both parties were obligated to implement those Council resolutions.

In a letter dated 13 December addressed to the Secretary-General,⁶¹ pointing to the alleged violations of the national airspace of Cyprus, the infringements of international air traffic regulations in the country's flight information region, the violations of the territorial waters of Cyprus and the illegal use of closed ports and airports in Cyprus, by the air and naval forces of Türkiye, between January and August 2022, the representative of Cyprus stated that, through its actions, Türkiye was openly declaring that it would continue violating Council resolutions, in total disregard for Article 25 of the Charter. Furthermore, he called upon the Council to stand behind its resolutions and ensure that they had meaning.

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 Council concerning its responsibility for formulating plans for the establishment of a system for the regulation of armaments, as stipulated in Article 26 of the Charter of the United Nations.

In 2022, consistent with past practice, the Council did not refer explicitly to Article 26 of the Charter in any of its decisions. However, Article 26 was expressly invoked twice during a meeting held on 25 May in connection with the item entitled "Protection of civilians in armed conflict".⁶² At the meeting, the representative of Costa Rica expressed regret that the Council continued to fall short in fulfilling its mandate under Article 26. Noting that in 2021 global military spending had exceeded \$2 trillion for the first time in history, she stated that it could be expected that, without a corresponding regulatory effort, there would be increases in the expansion of armaments that Article 26 had been intended to prevent, and a consequent impact on conflict and armed violence. It was therefore more urgent than ever that the Council, with the assistance of the Military Staff Committee, propose plans for a system for regulating arms. She added that, similarly, United Nations actors such as peacekeeping missions and their troop-contributing countries must also play a central role in monitoring arms and ammunition and related information-sharing with the sanctions committees, in line with their mandates.⁶³ In 2022, there were no explicit references to Article 26 in any of the communications addressed to the Council.

⁶⁰ S/2022/600.

⁶¹ S/2022/944.

⁶² See S/PV.9042 (Resumption 1).

⁶³ For more information about the mandates of the committees established by the Council, see part IX, sect. I.