



*Repertoire of the Practice of the Security Council*

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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 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 2020, are described under each of the three sections. Part V features also explicit and implicit references made by participants in the context of open videoconferences despite the latter not being considered meetings of the Council.<sup>1</sup> Case studies in each of the three sections provide an overview of specific instances in which the above Articles were discussed in meetings and open videoconferences, or which otherwise illustrate how the Council has applied or interpreted those Charter provisions. Consistent with previous supplements, however, section III does not include any such case study since in 2020 there were no examples of substantive discussions on Article 26 of the Charter.

As outlined in section I below, in 2020, the Council made no explicit reference to Article 24 of the Charter in its decisions, and instead referred to its “primary responsibility for the maintenance of international peace and security” in 12 of its decisions in connection with the situation in Libya and various thematic items, such as “United Nations peacekeeping operations”, “Maintenance of international peace and security”, “Children and armed conflict”, “Protection of civilians in armed conflict”, and “Cooperation between the United Nations and regional and subregional organizations”. In addition, Council members and other participants at the meetings and open videoconferences discussed the primary responsibility of the Council for the maintenance of international peace and security in connection with a broad range of items. The most salient deliberations took place under thematic items, such as the maintenance of international peace and security, implementation of the note by the President of the Security Council ([S/2017/507](#)) and peacebuilding and sustaining peace. In those deliberations, Council members and other participants explored the scope of the Council’s primary responsibility to maintain international peace and security, including with regard to health and climate change insofar as these impacted international peace and security. The working methods of the Council were also discussed as tools to enable and enhance the capacity of the Council to deliver on its primary responsibility.

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<sup>1</sup> For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

As featured in section II, in 2020, the Council made explicit references to Article 25 in two of its decisions, both of which were adopted in connection with the item entitled “The situation in the Middle East”. Article 25 was also invoked explicitly four times during one Council meeting held in connection with the item entitled “Maintenance of international peace and security”, and three times in the context of open videoconferences, held in connection with the items entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))” and “Peacebuilding and sustaining peace”. The obligation of Member States to carry out the decisions of the Council was extensively discussed during meetings and open videoconferences held in connection with the items entitled “The situation in the Middle East, including the Palestinian question” concerning resolution [2334 \(2016\)](#) and “Non-proliferation” concerning resolution [2231 \(2015\)](#). In addition, seven communications of the Council contained 10 explicit references to Article 25, mostly in connection with resolution [2231 \(2015\)](#) and the Joint Comprehensive Plan of Action (JCPOA). Five draft resolutions proposed and not adopted in connection with the item entitled “The situation in the Middle East” and specifically with the Syrian conflict and the cross-border humanitarian mechanism established in paragraphs 2 and 3 of Security Council resolution [2165 \(2014\)](#), also included explicit references to Article 25 of the Charter.

As described in section III, in 2020, the Council did not refer to its responsibility for formulating plans for the establishment of a system for the regulation of armaments pursuant to Article 26 in any of its decisions. By contrast, Article 26 was invoked explicitly during a meeting held in connection with the item entitled “Non-proliferation”. In addition, two statements submitted in the context of open videoconferences held in connection with the items entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))” and “Maintenance of international peace and security”, also contained explicit references to Article 26. No communications addressed to the Council in 2020 featured this Charter provision explicitly.

## **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>2</sup> and is divided into two subsections. Subsection A deals with decisions adopted in 2020 that refer to the primary responsibility of the Council pursuant to Article 24. Subsection B examines references to that Article made in discussions held during Council meetings and open videoconferences.

During the period under review, the Council did not adopt any decision explicitly referring to Article 24. This Charter provision was, however, directly invoked in several instances during meetings of the Council as well as in the context of open videoconferences, notably in relation to the item entitled “Maintenance of international peace and security” and during the annual discussion on its working methods in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”. Explicit references to Article 24 were also made in five communications of the Council in 2020. In a letter from the permanent representatives of Kuwait and Saint Vincent and the Grenadines, Article 24 was explicitly referenced twice in connection with discussions on the working methods of the Council, held during the informal retreat organized from 17 to 19 January

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<sup>2</sup> Article 24 (3), under which the Council is required to submit annual and special reports to the General Assembly, is covered in part IV, sect. I.F.

2020 in Kingstown.<sup>3</sup> In addition, in a letter from the permanent representatives of Estonia and Saint Vincent and the Grenadines, three explicit references to Article 24 were made in the concept note for the open videoconference held in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))” on the theme “Ensuring transparency, efficiency and effectiveness in the work of the Security Council”, held on 15 May 2020.<sup>4</sup> In a subsequent analytical summary of that videoconference, contained in the letter dated 8 July 2020 from the permanent representative of Saint Vincent and the Grenadines, four explicit references to Article 24 were also made.<sup>5</sup> In addition, in a letter dated 3 August 2020, the permanent representative of Pakistan submitted in an annex a legal appraisal of the Jammu and Kashmir dispute, in which reference was made to the International Court of Justice in its Advisory Opinion on the Namibia case containing an explicit reference to Article 24.<sup>6</sup> Furthermore, in a letter containing a concept note for the open videoconference held on 18 December 2020 in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” and the theme of “Strengthening the cooperation between the Security Council and the International Court of Justice”, the permanent representative of South Africa made one explicit reference to Article 24.<sup>7</sup>

#### **A. Decisions referring to Article 24**

During the period under review, the Security Council did not refer explicitly to Article 24 in its decisions. Instead, in seven resolutions and five presidential statements, the Council referred to its primary responsibility for the maintenance of international peace and security while taking a broad range of actions. Consistent with past practice, implicit references to Article 24 were mainly featured in preambular paragraphs of resolutions and initial paragraphs of presidential statements predominantly in connection with thematic items on the agenda of the Council.

##### *1. Resolutions*

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<sup>3</sup> See [S/2020/172](#).

<sup>4</sup> See [S/2020/374](#).

<sup>5</sup> See [S/2020/675](#). References to Article 24(3) are further featured in part IV, sect. I.F.

<sup>6</sup> See [S/2020/772](#). See also section II.C below.

<sup>7</sup> See [S/2020/1194](#).

In 2020, the Council implicitly invoked Article 24 in seven 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. Two of these resolutions were adopted in connection with Libya under the items entitled “The situation in Libya” and “Maintenance of international peace and security” in which the Council acted explicitly under Chapter VII. The other five resolutions concerned thematic items relating to different issues ranging from the safety and security of peacekeepers, women in peacekeeping and security sector reform to the implications of COVID-19 pandemic for the maintenance of international peace and security and youth, peace and security. Additional information about these resolutions is provided in table 1 below.

## 2. *Presidential statements*

In the year under review, the Council adopted five presidential statements containing implicit references to Article 24 in which it reaffirmed, reiterated or recalled its primary responsibility for the maintenance of international peace and security. The five presidential statements concerned items related to upholding the United Nations Charter, integrating child protection into peace processes, protecting civilians from conflict induced hunger, addressing attacks against schools as a grave violation of children’s rights and cooperation between the United Nations and regional and sub-regional organizations. Further details about these presidential statements are provided in table 1 below.

**Table 1: Decisions in 2020 implicitly referring to Article 24 (1) of the Charter**

<i>Decision and date</i>	<i>Paragraph</i>	<i>Item</i>	<i>Sub-item</i>
<a href="#">S/PRST/2020/1</a> 9 January 2020	Third paragraph	Maintenance of international peace and security	Upholding the United Nations Charter
<a href="#">S/PRST/2020/3</a> 12 February 2020	First paragraph	Children and armed conflict	Integrating child protection into peace processes
Resolution <a href="#">2518 (2020)</a> 30 March 2020	First preambular paragraph	United Nations peacekeeping operations	Safety and security of peacekeepers
<a href="#">S/PRST/2020/6</a> 29 April 2020	Second paragraph	Protection of civilians in armed conflict	Protecting civilians from conflict induced hunger
Resolution <a href="#">2526 (2020)</a> 5 June 2020	Fourth preambular paragraph	The situation in Libya	

<i>Decision and date</i>	<i>Paragraph</i>	<i>Item</i>	<i>Sub-item</i>
Resolution <a href="#">2532 (2020)</a> 1 July 2020	First preambular paragraph	Maintenance of international peace and security	Implications of COVID-19
Resolution <a href="#">2535 (2020)</a> 14 July 2020	Tenth preambular paragraph	Maintenance of international peace and security	Youth, peace and security
Resolution <a href="#">2538 (2020)</a> 28 August 2020	Second preambular paragraph	United Nations peacekeeping operations	
<a href="#">S/PRST/2020/8</a> 10 September 2020	Second paragraph	Children and armed conflict	Attacks against schools as a grave violation of children's rights
Resolution <a href="#">2546 (2020)</a> 2 October 2020	Fourth preambular paragraph	Maintenance of international peace and security	Report of the Secretary-General on the implementation of resolution <a href="#">2491 (2019)</a> ( <a href="#">S/2020/876</a> )
Resolution <a href="#">2553 (2020)</a> 3 December 2020	First preambular paragraph	Maintenance of international peace and security	Security sector reform
<a href="#">S/PRST/2020/11</a> 4 December 2020	Second paragraph	Cooperation between the United Nations and regional and sub-regional organizations	African Union

## **B. Discussion relating to Article 24**

During the review period, Article 24 was invoked both explicitly and implicitly at numerous meetings of the Council, as well as in statements delivered or submitted in the context of open videoconferences. Speakers made three explicit references to Article 24 at two meetings held in connection with the item entitled “Maintenance of international peace and security”.<sup>8</sup> In addition, Article 24 was expressly invoked on 12 occasions in statements delivered and submitted in writing in the context of an open videoconference held in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.<sup>9</sup>

The following case studies illustrate the nature of some of the issues discussed in 2020 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 related to the maintenance of international peace and security (cases 1, 3, 4 and 5), implementation of the note by the

<sup>8</sup> See [S/PV.8699](#), Switzerland and [S/PV.8699 \(Resumption 1\)](#), Uruguay and Georgia.

<sup>9</sup> See [S/2020/418](#), Saint Vincent and the Grenadines, Viet Nam, Cuba, Ecuador, India, Italy, Kuwait, Morocco, Norway, Philippines, Poland and Republic of Korea.



President of the Security Council ([S/2017/507](#)) (case 2) and peacebuilding and sustaining peace (case 6).

### **Case 1** **Maintenance of international peace and security**

At its 8699th meeting, held on 9 January 2020, at the initiative of Viet Nam which held the Presidency for the month, the Security Council held a high-level open debate under the item entitled “Maintenance of international peace and security” in connection with the sub-item “Upholding the United Nations Charter”.<sup>10</sup> At the meeting, the Council adopted a presidential statement on the occasion of the 75th anniversary of the United Nations, reaffirming its primary responsibility for the maintenance of international peace and security.<sup>11</sup> The Council also heard briefings by the Secretary-General and the Chair of The Elders.<sup>12</sup>

In his intervention, the Secretary-General stated that trust within and among nations was on the decline which could be seen in the work of the United Nations, including the Council, when Member States struggled or failed to find reasonable common ground. Adding that the climate crisis spared no one and that international cooperation was at a crossroads, the Secretary-General affirmed that those elements presented a grave test to multilateralism and posed a challenge for the Council, which under the Charter had the primary responsibility for the maintenance of international peace and security. He added that at a time of global division and turmoil the Charter remained the shared framework of international cooperation for the common good. While the Charter and its purposes and principles remained as relevant as ever, he noted that the tools had to adapt to new realities, using them with greater determination and creativity, including by ensuring the implementation of the Council’s decisions by Member States pursuant to Article 25 of the Charter.

During the debate, some speakers recalled and reaffirmed that the Council had the primary responsibility for the maintenance of international peace and security. The Deputy Prime Minister and Minister of Foreign Affairs of Viet Nam expressed the belief that charged by the Charter with the primary responsibility for the maintenance of international peace and security, the Council had to be at the forefront to ensure respect for the purposes and principles of the Charter. He added that Council members had to take the lead by setting good

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<sup>10</sup> A concept note was circulated by a letter dated 31 December 2019 ([S/2020/1](#)).

<sup>11</sup> [S/PRST/2020/1](#).

<sup>12</sup> See [S/PV.8699](#).

examples themselves. The representative of China affirmed that the Charter conferred upon the Council the primary responsibility for the maintenance of international peace and security, further noting that that was the sacred mission of the 15 members of the Council. He asserted that Council members had to enhance mutual trust, strengthen unity, avoid the politicization of certain issues and remain committed to diffusing conflicts and preventing war. The representative of the United Kingdom affirmed that the Council had the primary responsibility for the maintenance of international peace and security, adding that others, however, including the Secretary-General, through Article 99, also had a vital role to play. She further echoed the Secretary-General's reference to Article 25 and the need to uphold the decisions of the Council in that context. The Minister for Foreign Affairs and Worship of Haiti stated that the Charter made the Council an important pillar in the architecture of the Organization, conferring upon it the primary responsibility for the maintenance of international peace and security. The representative of Argentina observed that the collective security system gave the Council the primary responsibility for maintaining peace and security, noting it was the organ that was legitimized through the Charter for that purpose. The representative of Mexico stated that in matters involving international peace and security, States had to act in a manner consistent with the Charter and general international law. He added that when States failed in that obligation, it was even more important that the Council be up to the occasion to defend and enforce the Charter, in strict accordance with its powers and in full exercise of its responsibility. The representative of Morocco declared that the essence of the Charter was and continued to be the maintenance of international peace and security, which remained the core objective of United Nations operations. He added that the Council, which bore the primary responsibility in that area, was dedicated to serve as the guarantor of peace and security in the world.<sup>13</sup> The representative of Brunei Darussalam pointed to the Council's moral and persuasive authority to demonstrate the principles and fundamentals contained in the Charter for the maintenance of international peace and security. Similarly, the representative of Turkey stated that the Council needed to fulfil its mission as the primary United Nations organ for maintaining international peace and security, because the success of the Council was, in the eyes of many, indelibly linked to the credibility of the United Nations as a whole.

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<sup>13</sup> See [S/PV.8699 \(Resumption 2\)](#).

At the meeting, some speakers observed that the Council was challenged or even undermined by several elements in discharging its responsibility for the maintenance of international peace and security. The representative of the Russian Federation opposed the use of unilateral coercive measures in the absence of corresponding Council resolutions or in addition to measures taken by the Council, which undermined its role in the maintenance of international peace and security.<sup>14</sup> The representative of Japan expressed deep regret that some Member States failed to comply with Council decisions, asserting that the States Members of the United Nations conferred on the Council primary responsibility for the maintenance of international peace and security and that the Charter required that Member States accept and carry out the decisions of the Council. The representative of Afghanistan shared a similar view, stating that the lack of implementation of, or disregard for, Council resolutions by various countries did not only deter the efforts in the fight for international peace and security, but also led to the weakening of the political mandate of the Council. The representative of Singapore noted that there was no doubt that the Council had the primary responsibility for the maintenance of international peace and security, adding that all Member States, however, could and indeed had to contribute to that. In that regard, he said that when countries disrespected a decision of the Council, they undermined the credibility of the entire Council and weakened its ability to maintain international peace and security. Similarly, the representative of Rwanda stated that there was a need for all Member States to uphold the Charter in the maintenance of international peace and security, and that multilateral cooperation had to be strengthened. He added that challenges such as terrorism, climate change and transnational organized crimes would be effectively addressed if Member States worked together.<sup>15</sup>

Other speakers also acknowledged the challenges facing the Council, while at the same time pointing to the need for unity to overcome these challenges. The representative of the United States said that the Council had to acknowledge that inaction, repetition and intransigence had created a credibility gap. She added that the Council needed to recapture its sense of unity and purpose as the body with the primary responsibility for maintaining international peace and security.<sup>16</sup> Similarly, the representative of Albania noted the need for a more responsive and effective Council as the body in charge of maintaining international

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<sup>14</sup> See [S/PV.8699](#).

<sup>15</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>16</sup> See [S/PV.8699](#).

peace and security, adding that when the Council had managed to overcome its divisions and take united action, it had successfully achieved the Charter's purposes. The representative of Kenya, noting that the Council carried the primary responsibility for the maintenance of international peace and security, pointed to the implications and effects of dissonance within the Council on important international peace and security questions and actions. The representative of Kuwait stressed that the success achieved by the tools provided by the Charter for the maintenance of international peace and security would depend on unity and consensus within the Council.<sup>17</sup> The representative of Lebanon noted that when the Council was blocked and prevented from taking any meaningful decisions, it was not fulfilling its responsibilities under the Charter. She added that the unity of the Council was more urgent today than ever, as the multilateral system was facing many critical tests and conflicts were multiplying.<sup>18</sup>

Some participants focused on the ways for the Council to overcome the challenges it was faced with in maintaining international peace and security. The representative of Liechtenstein noted that the Council was now equipped with an important new tool – the ability to refer situations involving acts of aggression to the International Criminal Court. If applied in a meaningful way, that new tool could assist the Council in the prevention of conflicts, reinforcing its role under the Charter to maintain international peace and security.<sup>19</sup> The representative of Ethiopia stated that the Council, as the primary organ entrusted by the Charter with the responsibility for the maintenance of international peace and security, had to embrace the changing global dynamics and recommit to pursuing robust political solutions through meaningful partnerships with regional and subregional organizations. The representative of Myanmar said that as the Council had the primary responsibility for maintaining international peace and security, the principles of objectivity, impartiality and non-selectivity should be applied to all Member States, large or small, when carrying out the Council's mandate.<sup>20</sup> The representative of Slovenia recalled that the Council had been entrusted with the primary responsibility of maintaining international peace and security. She noted that so far, the Council had succeeded in some cases, but had failed in many others, adding that members of the Council discharged that responsibility on behalf of the entire United Nations membership and should therefore look beyond their national interests. The

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<sup>17</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>19</sup> See [S/PV.8699](#).

<sup>19</sup> See [S/PV.8699](#).

<sup>20</sup> See [S/PV.8699 \(Resumption 1\)](#).

representative of Costa Rica stated that in order for the United Nations to take up the reins of global governance, the Council had to shoulder the responsibilities incumbent upon it in the maintenance of international peace and security, bearing in mind human rights considerations in its actions and enhancing its conflict-prevention efforts.

## Case 2

### **Implementation of the note by the President of the Security Council ([S/2017/507](#))**

On 15 May 2020, at the initiative of Estonia, which held the Presidency for the month jointly with Saint Vincent and the Grenadines, whose permanent representative held the Chair of the Informal Working Group on Documentation and other Procedural Questions, members of the Security Council held an open videoconference 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](#))”.<sup>21</sup> During the videoconference, Council members heard briefings by the representative of Saint Vincent and the Grenadines, in her capacity as Chair of the Informal Working Group on Documentation and other Procedural Questions, as well as by the Executive Director of Security Council Report and a professor from Columbia University. The representatives of France, China, the Russian Federation, the United Kingdom and the United States delivered their remarks during the videoconference, as did the representative of Viet Nam, who spoke on behalf of the 10 elected members.<sup>22</sup> In their written submissions, published as part of the record of the videoconference, representatives of non-Council Member States also made explicit and implicit references to Article 24 focusing on the responsibility of the Council to act on behalf of the wider United Nations membership in accordance with Article 24.

Several speakers underlined the importance of input from the wider United Nations membership for the discharge of Council duties stemming from Article 24. The Chair of the Informal Working Group on Documentation and other Procedural Questions noted that pursuant to Article 24 (1) of the Charter, the Council acted on behalf of the Members of the United Nations, adding that as such, the holding of the debate demonstrated the significant

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<sup>21</sup> A concept note was circulated by a letter dated 7 May 2021 ([S/2020/374](#)).

<sup>22</sup> The representatives of the following countries submitted written statements: Afghanistan, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Canada, Chile, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Fiji, Guatemala, India, Ireland, Italy, Japan, Kuwait, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, New Zealand, Nigeria, Norway, Philippines, Poland, Republic of Korea, Singapore, Slovakia, Switzerland, Turkey, United Arab Emirates and Ukraine.

value that the Council attached to the voice of the United Nations membership.<sup>23</sup> Speaking on behalf of the non-permanent members, the representative of Viet Nam looked forward to receiving the views and inputs from the wider membership of the United Nations to improve the working methods of the Council so that it could better fulfil its responsibility under Article 24.

Discussing the responsibility of the Council under Article 24, several participants also raised the issue of the impact of the COVID-19 pandemic. Touching upon the unprecedented circumstances posed by the pandemic, the representative of Saint Vincent and the Grenadines remarked that in the light of its primary responsibility for the maintenance of international peace and security, the Council could not be allowed to be paralyzed. In a similar vein, the representative of China, noting that the Council bore the primary responsibility for maintaining international peace and security, stated that the international community expected the Council to play its due role and appropriately address prominent issues concerning international peace and security, adding that COVID-19 had brought unprecedented challenges to the functioning of the Council. In his written statement, the representative of Azerbaijan referred to the primary responsibility for the maintenance of international peace and security conferred on the Council. He added that the emergence of the COVID-19 pandemic had triggered the need for taking additional urgent measures aimed at safeguarding the effectiveness of the Council under unprecedented and extraordinary circumstances. The representative of Liechtenstein, in his written statement, expressed the view that the Council's response to COVID-19 was an opportunity to consider broader questions. Chief among these was the need to take on a perspective of peace and security that was human-centred. He added as a key lesson that addressing human security was no less important to the maintenance of international peace and security than preventing and ending the outbreak of armed conflict, and that both were intimately linked. He noted that the Council was certainly less prepared to deal with that fundamental dimension of security. The delegation of the United Arab Emirates further noted that the world relied on the Council for the maintenance of international peace and security, even when meetings did not take place at the iconic horseshoe table.

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<sup>23</sup> See [S/2020/418](#).

In their written statements, various non-Council members highlighted the prerogative of the Council to act on behalf of all Member States of the United Nations in line with Article 24 and, in this context, noted the importance of transparency and efficiency of its work. The representative of Cuba submitted that in accordance with Article 24, Member States of the United Nations recognized that the Council, in discharging its functions, acted on their behalf, and consequently the work of the Council was the collective responsibility of all Member States. She added that greater transparency in the work of the Council would thus help in fulfilling that collective responsibility. The representative of Ecuador noted in his statement that while the Council acted on behalf of all Member States on the basis of Article 24, that representation also meant that it had the obligation to ensure prompt and effective action by the United Nations, as set out in that same Article, an obligation that had to be fulfilled without any exceptions. According to the representative of El Salvador, improving the Council's working methods and adapting them to the evolving realities of the Council and the international context was vital to fulfilling the mandate of the United Nations Charter and to taking decisions that would ensure rapid and effective action for the maintenance of international peace and security. Explicitly referring to Article 24 (1), the representative of Italy noted that the Council was expected to make decisions that would secure effective action on behalf of the wider United Nations membership. The Council should therefore be accountable to the wider membership, she added, especially when its inaction prevented the Council from fulfilling its responsibility to maintain international peace and security. The representative of Kuwait made a similar point, recalling that Article 24 stipulated that the Council carry out its duties on behalf of all Member States, and stressing that the responsibility for ensuring that the Council was held accountable for its actions and its proper functioning in line with its mandate, rested with the wider membership. According to the representative of Morocco, Articles 24, 25 and 26 provided the Council with important powers and prerogatives, which it could not exercise without adopting an effective and efficient approach. The delegation of Norway, on behalf of the Nordic countries, recalled the fundamental principle that Article 24 enshrined the responsibility of the Council to act on behalf of the entire United Nations membership, which meant that the Council had a responsibility to undertake broad engagement and consultation with non-members, particularly the concerned States. Referring to the working methods of the Council, the representative of the Philippines noted that the wider membership should be able to take part in the process, not just in a "token" or perfunctory manner, but in a meaningful way, which

was in line with Article 24 (1). Similarly, the representative of Poland affirmed that continuous, transparent, efficient and agile functioning of the Council – both during ordinary and exceptional circumstances – should be ensured in line with Article 24 (1) as well as Article 28 (1). Explicitly referring to Article 24, the representative of the Republic of Korea noted that this provision emphasized that the Council should act promptly, effectively and on behalf of the wider membership. In this regard, he welcomed the holding of the videoconference with the participation of non-Council members, believing that it was a testament to the Council’s commitment to continuing to promote transparency and efficiency, while holding itself accountable to the wider membership.

In their written statements, non-Council members stressed the need for the Council to act preventively, effectively and promptly as aspects inherent to its primary responsibility for the maintenance of international peace and security. The delegation of Australia submitted that to achieve its core function of maintaining international peace and security, the Council was encouraged to use all the tools at its disposal to enhance its ability to prevent and not just respond to conflict, in line with the sustaining peace agenda. With regard to the Council’s responsibility for the maintenance of international peace and security, the representative of Azerbaijan noted that effectiveness and accountable functioning necessitated, first and foremost, the implementation of Council decisions. He submitted that Article 25 of the Charter was clear about the obligations of Member States and noted that the objective of maintaining international peace and security was hardly attainable if universally recognized fundamental values, norms and principles were overtly disregarded, misinterpreted or made conditional by aggressors who sought to whitewash their illegal actions. According to the delegation of Cyprus, as the organ entrusted with the maintenance of international peace and security, the Council needed to be kept informed about peace processes and agreements brokered by the United Nations so as to be able to endorse such agreements and to play a responsible role in their implementation, which required better synergy between the Council and the Secretary-General. Concerning the effectiveness of the Council, the representative of Malaysia submitted that the Council needed to do its best in closing the gap between early warning and early action. He added in this regard, on the decision-making processes, that the Council needed to act promptly, decisively and in unison in maintaining international peace and security. Too often, due to the current veto system, the Council had failed in its mandate, owing to the narrow interests of some members.



### **Case 3** **Maintenance of international peace and security**

Following the adoption of resolution [2532 \(2020\)](#) on 1 July 2020, in which the Security Council considered that the unprecedented extent of the COVID-19 pandemic was likely to endanger the maintenance of international peace and security and demanded a general and immediate cessation of hostilities in all situations on its agenda,<sup>24</sup> on 2 July 2020, Council members held an open videoconference in connection with the item entitled “Maintenance of international peace and security” and a sub-item entitled “Implications of COVID-19”.<sup>25</sup> During the videoconference, Council members heard briefings by the Secretary-General and the President of the International Committee of the Red Cross. Representatives of all Council members delivered their statements during the videoconference, while the representatives of 47 non-Council members and the European Union submitted their statements in writing.<sup>26</sup>

In his briefing, the Secretary-General noted that the COVID-19 pandemic continued to profoundly affect peace and security across the globe, adding that the wide-ranging risks, stemming from a health pandemic that had become a protection crisis, required an urgent and united response, including from the Security Council.<sup>27</sup> The President of the International Committee of the Red Cross, in his briefing, asserted that on the frontlines of fighting the pandemic the convergence of health and security was not a matter of political debate but of simple and experienced truth. He further noted that much could be done in the Council and beyond, citing the adoption of resolution [2532 \(2020\)](#) as a chance to reset and to translate the consensus reflected in the text into greater cooperation and action to protect civilians.

During the discussion, several Council members held the view that the Council’s responsibility under Article 24 of the Charter required it to take into consideration the peace and security implications of the COVID-19 pandemic and other new types of threats. The

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<sup>24</sup> Resolution [2532 \(2020\)](#), final preambular paragraph and para. 1.

<sup>25</sup> See [S/2020/663](#). For more information on “Maintenance of international peace and security”, see part I, sect. 35.

<sup>26</sup> The following countries submitted written statements: Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Canada, Chile, Costa Rica, Cuba, Cyprus, Denmark, Ecuador, El Salvador, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, Nigeria, Pakistan, Portugal, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Spain, Switzerland, Turkey, Ukraine, United Arab Emirates and Venezuela (Bolivarian Republic of).

<sup>27</sup> See [S/2020/663](#).

Minister for Foreign Affairs of Estonia asserted that the adoption of resolution [2532 \(2020\)](#) confirmed that the Council had to remain regularly involved in the peace and security implications of COVID-19. Recalling that the Council bore the primary responsibility for the maintenance of international peace and security under the Charter of the United Nations, the Minister for Europe and Foreign Affairs of France noted that the Council had to address the destabilizing effect of pandemics as it was able to do with HIV/AIDS in 2000 and with Ebola in 2014 and 2018. Similarly, the representative of the Dominican Republic noted that the potential and unprecedented magnitude of the COVID-19 outbreak globally constituted a threat to international peace and security and could critically harm human security across the world. Affirming that the “men and women who signed the Charter of the United Nations 75 years ago entrusted the Security Council with upholding peace and security”, the Federal Minister for Foreign Affairs of Germany asserted that the Council had to finally embrace a broader understanding of peace and security. In this context, he stated that the founders of the United Nations might have had “artillery, bombers and soldiers” in mind when they drafted the Charter, adding that today, a virus could be deadlier than a gun, a cyberattack could cause more harm than a soldier and climate change threatened more people than most conventional weapons. He further noted that “maintaining peace and security” in the 21<sup>st</sup> century meant early, preventative action, based on good reporting and adequate capacities in the United Nations system. In a similar vein, the Minister for Foreign Affairs of Tunisia observed that as the nature and scope of threats evolved, it was necessary to rethink security and adapt approaches and tools, adding that a change of paradigm was greatly needed. In this regard, he expressed Tunisia’s strong belief that the Council needed to discuss such issues more in depth to be able to deliver on its primary responsibility for the maintenance of international peace and security.

Other Council members held a different view, cautioning the Council not to address issues that might fall outside the scope of its mandate for the maintenance of international peace and security. In this regard, the representative of the Russian Federation expressed the belief that the efforts of the Council to help combat the pandemic should focus, first and foremost, on its impact on the functioning of peacekeeping missions, ensuring the continuity of peace processes and supporting the implementation of the Secretary-General’s ceasefire initiative. He further noted that the potential sharp deterioration of humanitarian situations in armed conflicts compounded by COVID-19 should be considered primarily in relation to the situation of specific countries on the agenda of the Council. In this context, he cautioned that

attempts to generalize such discussions would “clearly take us outside of the scope of the Council’s mandate”. Similarly, the representative of South Africa reiterated his country’s position that the attention the Council paid to global public health emergencies should be clear and directly linked to issues that fell under the purview of its mandate. He urged the Council to be cautious and refrain from focusing on international public health matters and economic measures that were more appropriately addressed by the broader United Nations system, the Secretary-General and the General Assembly.

In their written submissions, non-Council members also discussed the links between the challenges stemming from the COVID-19 pandemic and the mandate of the Council in maintaining international peace and security. In this regard, some delegations pointed to the earlier response of the Council to health crises such as HIV/AIDS and Ebola, noting that the Council should have a more flexible view of what constituted a threat to international peace and security in order to discharge its mandate in the maintenance of international peace and security on behalf of the entire United Nations membership.<sup>28</sup> In contrast, while noting that the COVID-19 pandemic could have a potential impact on the maintenance of international peace and security, other delegations held the view that the Council should not interfere in or address matters that fell within the mandate of other organs or agencies of the United Nations system, such as the General Assembly or the World Health Organization.<sup>29</sup>

#### **Case 4** **Maintenance of international peace and security**

On 24 July 2020, at the initiative of Germany which held the Presidency for the month,<sup>30</sup> Security Council members held an open videoconference in connection with the item entitled “Maintenance of international peace and security” and sub-item entitled “Climate and security”.<sup>31</sup> During the videoconference, Council members heard briefings by the Assistant Secretary-General for Europe, Central Asia and the Americas in the Departments of Political and Peacebuilding Affairs and Peace Operations, the director of the Centre National d’Études Stratégiques et de Sécurité and the director of Sustainable Pacific

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<sup>28</sup> Ibid., see, for example, Afghanistan, Canada, Kuwait, Liechtenstein, Mexico, Netherlands, Qatar, Slovenia, Switzerland and United Arab Emirates.

<sup>29</sup> Ibid., see, for example, Bolivarian Republic of Venezuela and Cuba.

<sup>30</sup> A concept note was circulated by letter dated 18 July 2020 ([S/2020/725](#)).

<sup>31</sup> See [S/2020/751](#).

Consultancy Niue. Fourteen Council members spoke during the videoconference,<sup>32</sup> as well as the representatives of Belize, Ireland, Kenya, the European Union, Denmark, Fiji and Nauru.<sup>33</sup> In addition, 29 delegations from among non-Council members submitted their statements in writing.<sup>34</sup>

In his briefing, the Assistant Secretary-General noted that while there was no automatic link between climate change and conflict, climate change did exacerbate existing risks and created new ones. He further warned that the failure to consider the growing impacts of climate change would undermine efforts at conflict prevention, peacemaking and sustaining peace, and risk trapping vulnerable countries in a vicious circle of climate disaster and conflict.<sup>35</sup>

During the discussion, some Council members spoke in favour of addressing the issue of climate change in the context of the Council's mandate for the maintenance of international peace and security. The Deputy Prime Minister and Minister of Finance and Development Cooperation of Belgium noted that some might think that the topic of climate change did not belong on the agenda of the Council because of its complexity, affirming that, as an elected member, Belgium had consistently backed a Council with a broader role in addressing climate-related security risks. He added that, as attested by the wide participation in the debate and the continuous support of a clear majority of Council members, from all continents, that was a broadly shared endeavor. The Federal Minister for Foreign Affairs of Germany called on the Secretary-General to appoint a Special Representative on climate and security who would ensure that climate change was placed where it belonged, namely, at the heart of the Council's work, which was to maintain international peace and security in the 21<sup>st</sup> century. Announcing that Germany would convene an informal expert group of the Council on climate and security as soon as possible, he added that their goal was to enshrine the topic in the Council's work once and for all. Similarly, the representative of the Dominican Republic affirmed that Council members needed to continue working towards the

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<sup>32</sup> The following 11 Council members submitted written statements: Belgium, Viet Nam, Germany, Estonia, United Kingdom, China, Dominican Republic, France, Indonesia, Saint Vincent and the Grenadines and South Africa.

<sup>33</sup> Denmark (on behalf of the Nordic countries) and Nauru (on behalf of the Group of Friends of Climate and Security). Belize, Ireland and Kenya were represented by their respective ministers for foreign affairs.

<sup>34</sup> The delegations of the following countries submitted written statements: Brazil, Costa Rica, Cyprus, Czechia, Ecuador, Ethiopia, Georgia, Guatemala, India, Iraq, Italy, Japan, Lebanon, Liechtenstein, Luxembourg, Mexico, Nepal, Nigeria, Poland, Portugal, Qatar, Republic of Korea, Senegal, Slovakia, Spain, Sri Lanka, Switzerland, Tuvalu (on behalf of the 14 States member of the Pacific Islands Forum) and United Arab Emirates.

<sup>35</sup> See [S/2020/751](#).

creation of the necessary mandate to ensure that the topic of the effects of climate change on international peace and security figured regularly on the Council's agenda. The representative of Saint Vincent and the Grenadines asserted that it was clear that the Council had to work within its mandate to address the grave consequences of the climate crisis for international peace and security. She added that the Council had acknowledged the impact of extreme weather events on security, but, due to a lack of collective political will, it had not been able to include climate and security considerations in numerous resolutions. The representative of Saint Vincent and the Grenadines further noted the need for adequate data from country- and region-specific situations, with consideration of the differential and gendered impacts of climate-related risks, in order to improve the Council's capacity to maintain international peace and security. She also advocated for the appointment of a Special Representative on climate and security and called for strengthening of the cooperation with regional and subregional organizations in this regard.

By contrast, other members held the view that the issue of climate change needed to be addressed within the country-specific contexts and in line with the Council's mandate. The Deputy Prime Minister and Minister of Foreign Affairs of Viet Nam supported the efforts to address climate-related challenges, including at the Council, noting, however, that in addressing climate and security issues, the Council needed to respect the sovereignty, national ownership and primary responsibility of States and act in line with its mandate. The representative of China stated that climate change was, in essence, a development issue rather than a security one, noting that there was no direct linkage between the two. The Council, as the organ handling international peace and security issues, had to act in line with the mandates of the relevant resolutions, analyse security challenges and the security implications of climate change for the countries concerned and discuss and handle relevant issues on a country-specific basis. In a similar vein, the representative of South Africa stated that his country remained wary of introducing climate change into the Council as a thematic issue, noting that where climate change was thought to be a clear contributing factor to a threat to international peace and security, it was appropriate for the Council to comment within the specific context of the countries that might be affected. Even in those circumstances, he continued, the contribution that the Council could make was modest and unclear and said that there were reasonable questions about when and on what scientific basis the Council would invoke climate change as a contributing factor to a specific conflict situation and where

precisely it would draw the line with respect to incorporating environmental issues into its agenda. He added that it was necessary to “guard against mandate creep” by the Council, or the Council outpacing its own resources and capacities.

In their written contributions, some delegations of non-Council members also discussed the relation between climate change and the Council’s primary responsibility or the maintenance of international peace and security. The representative of Fiji submitted that the Council’s core responsibility — the maintenance of international peace and security — was fundamental and would be fulfilled through sustained and accelerated progress in implementing the Paris Agreement on Climate Change. The representative of Brazil noted that the discussion on climate and security proposed for the videoconference was an opportunity to reflect on the question at hand, but more so on the scope of the mandate for the maintenance of international peace and security, given to the Council by the Charter. He concluded that the Council was mandated to deal with concrete, immediate threats to international peace and security and had to, therefore, as a principle, abstain from adopting blanket statements on the proposed topic, opting instead for assessing threats to international peace and security on a case-by-case basis. According to the delegation of Guatemala, despite the success of the various efforts made, the impact of climate change was real, and in that context the Council had to also consider its negative effects within the framework of international peace and security mandates. The delegation added that climate change was one of the factors that intensified existing threats, tensions and instability, a challenge that threatened to overburden the most vulnerable countries and regions with fragile and conflict-affected environments. Affirming that the Council had the primary responsibility for maintaining international peace and security, it further added that the magnitude of the challenge of climate change was becoming more evident and required thorough consideration by both permanent and non-permanent members of the Council.

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

On 17 September 2020, at the initiative of the Niger, which held the Presidency for the month, Council members held an open videoconference in connection with the item “Maintenance of international peace and security”, under the sub-item entitled “Humanitarian effects of environmental degradation and peace and security”.<sup>36</sup> Council members heard briefings by the President of the International Committee of the Red Cross, the Executive Secretary of the United Nations Convention to Combat Desertification and a civil society and environmental activist. In addition to Council members who spoke during the videoconference, representatives of 19 Member States submitted their statements in writing, as well as the representatives of the European Union and the Peacebuilding Commission.<sup>37</sup>

During the videoconference, Council members discussed the extent to which the topic of climate change should be addressed by the Council in the context of international peace and security. In this regard, the Minister of State for the Commonwealth and South Asia of the United Kingdom noted that the Council had to make climate risk assessment and climate resilience an integral part of its work, adding that the Council presented the best vehicle for addressing climate-related security threats.<sup>38</sup> The representative of Belgium believed that it was appropriate for Council members to discuss the consequences of climate change on conflict and humanitarian needs and stated that one of Belgium’s priorities during its term on the Council had been to mainstream climate-related security risks into relevant Council mandates. According to the representative of France, in order to enable the Council to react in time, the Secretary-General should be able to present every two years an assessment of the threats to international peace and security posed by the impacts of climate change in all regions of the world. The Deputy Prime Minister and Minister for Foreign Affairs, International Trade and Regional Integration of Saint Vincent and the Grenadines pointed to the need for an integrated and coherent approach that leveraged the technical capacities of all United Nations organs and specialized agencies, within their respective mandates. He further noted the importance of incorporating the humanitarian and security concerns of climate change and environmental degradation in all mandated reports for situations on the Council’s

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<sup>36</sup> A concept note was circulated by a letter dated 1 September 2020 ([S/2020/882](#)).

<sup>37</sup> The delegations of the following countries submitted written statements: Brazil, Denmark, Ethiopia, Guatemala, India, Ireland, Japan, Liechtenstein, Malta, Mexico, Namibia, Portugal, Republic of Korea, Senegal, Slovakia, Spain, Switzerland, United Arab Emirates and Ukraine.

<sup>38</sup> See [S/2020/929](#).

agenda. The representative of the Dominican Republic recognized that the Council was faced with the challenge of considering an unconventional threat to international peace and security. Noting that his country continued to look to the Council to fulfil its international peace and security mandate, the representative of South Africa expressed interest in hearing the views of Council members on what value the Council could add to addressing the humanitarian effects of environmental degradation on peace and security. The representative of Tunisia stated that the climate change and security nexus should be considered further by the Council and added that those issues needed to remain on its agenda and required a more in-depth discussion by the Council. Similarly, the representative of Viet Nam held the view that managing the adverse effects of climate change, ecosystem degradation and their humanitarian and security risks should be part of the Council's efforts to maintain international peace and security.

By contrast, the representative of China stated that there was no direct link between environmental issues and peace and security, adding that such issues needed to be discussed and handled in country-specific ways. He further noted that the Council should effectively implement its primary responsibility for maintaining international peace and security, promoting the peaceful settlement of disputes and paving the way for reconstruction. Similarly, the representative of the Russian Federation expressed the doubt that the Council was a platform for a generic environment-related debate and in that respect stated that there was no automatic link between environmental issues, including climate change, and conflict. He added that it was paramount that the Council focus its efforts on the fulfilment of its core function of the maintenance of international peace and security on the basis of the Charter of the United Nations. He concluded that if that was addressed, it would certainly contribute to the protection of the environment.

In their written submissions, non-Council members also addressed the issue of climate change in the context of the maintenance of international peace and security. The representative of Brazil submitted that it was incumbent on Member States to be watchful of the division of labour among the different bodies of the United Nations system, seeking synergies and complementarities, while retaining their respective mandates and competencies. He further noted that the Council was mandated to respond to concrete threats to international peace and security requiring immediate attention from the international community and added that diverting the Council's attention to issues beyond the mandate entrusted to it in the Charter was counterproductive and potentially detrimental to the proper



functioning of the multilateral machinery. According to the representative of India, there had been an increasing tendency, both in the Council and outside it, to start discussing environmental issues with a certain disregard for the various important principles that governed environmental discussions on topics such as climate change and biological diversity. Steering away from the principles such as “common but differentiated responsibilities” or attempting to discuss such issues by obfuscating those responsible for addressing them would only do a disservice to the real issue and would make it difficult to have a meaningful discussion on it.

In contrast, the representative of Ireland submitted that the United Nations system, and the Security Council in particular, had to address environmental factors as part of its peace mandate, adding that Ireland continued to call for a special representative on climate and security, who could further support those efforts. According to the representative of Mexico, although the Council was not the organ charged with responding to the global threat of climate change and its demonstrated effects on environmental degradation, the humanitarian impact of that threat and its effects might accentuate the risk of instability or exacerbate existing conflicts. It was therefore necessary to work in a coordinated manner with the various entities present in the field, including humanitarian actors, to generate scientific evidence and synergies that facilitated timely analysis and improved the system’s decision-making and preventive capacities. In his written submission, the representative of Portugal welcomed the inclusion of the security-climate nexus in the discussions of the Council, expressing the belief that the Council, in line with its responsibilities in the maintenance of international peace and security, should pay close attention to climate-related security risks, taking on board the knowledge generated by entities such as the United Nations Climate Security Mechanism in order to better understand the interlinkages among climate change, conflict prevention and sustaining peace. Similarly, the representative of the United Arab Emirates submitted that the Council’s consideration of environmental issues was a necessary part of maintaining international peace and security.

## **Case 6** **Peacebuilding and sustaining peace**

On 3 November 2020, Security Council members convened an open videoconference in connection with the item entitled “Peacebuilding and sustaining peace” and sub-item entitled “Contemporary drivers of conflict and insecurity”.<sup>39</sup> During the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development Agency, the Vice Chancellor of the University of the West Indies and the President of the Economic and Social Council. Representatives of all Council members delivered their statements during the videoconference, while the delegations of 38 non-Council members and the European Union submitted their statements in writing.<sup>40</sup> In her briefing, the Deputy Secretary-General welcomed the increased attention that the Council was devoting to addressing contemporary drivers of conflict and instability and recalled the Secretary-General’s appeal for a new push by the international community, led by the Council, to make a global ceasefire a reality by the end of 2020.<sup>41</sup>

During the videoconference, Council members discussed the mandate of the Council in the context of contemporary drivers of conflict. According to the Minister of State in the Federal Foreign Office of Germany, unless the Council systematically and effectively considered the security implications of climate change, global pandemics, underdevelopment and violations of human rights, Council members would fall short of what the international community — and, most of all, those who were most severely affected by conflicts — expected them to deliver. He added that if the Council wanted to remain relevant, it would have to up its game and grapple with the security implications of pandemics, climate change and all the other pressing global issues the world expected it to deal with. The Deputy Minister for Foreign Affairs of the Russian Federation deemed it extremely important that, through division of labour among the main United Nations agencies, each one had to perform its functions in strict accordance with its mandate. That applied, he continued, to the Council discussion on the climate agenda, adding that the leading role in that area fell to the relevant United Nations agencies. For the representative of France, while the causes of conflict

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<sup>39</sup> See [S/2020/1090](#).

<sup>40</sup> The following countries submitted written statements: Azerbaijan, Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark, Ecuador, El Salvador, Eritrea, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

<sup>41</sup> See [S/2020/1090](#).

evolved, the Charter of the United Nations and the responsibilities of the Council were immutable. He added that it was imperative that the Council continuously adapted its actions and tools in order to fulfil its principal responsibility for the maintenance of international peace and security. According to the representative of Indonesia, the Council, as the organ with the principal mandate of maintaining international peace and security, had to continue to mainstream a comprehensive approach to ensure peace and stability that encompassed security, human rights and humanitarian aspects, as well as sustainable development.

## **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 Security Council in relation to Article 25 of the Charter, which concerns the obligation of Member States to accept and carry out the decisions of the Council. It is divided into three subsections, namely, subsection A, which encompasses references to Article 25 contained in decisions of the Council; subsection B, which examines how the principle of Article 25 was dealt with in deliberations during the meetings and open videoconferences of the Council; and subsection C featuring explicit references to Article 25 in communications of the Council.

In 2020, the Council adopted two decisions containing explicit references to Article 25 in connection with the situation in the Middle East.<sup>42</sup> In addition, there were four instances in which Article 25 was explicitly invoked during the Council meetings, notably in the context of deliberations on the item entitled “Maintenance of international peace and security”.<sup>43</sup> Article 25 was also featured explicitly on three occasions in statements submitted for open videoconferences held in connection with the items entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”<sup>44</sup> and “Peacebuilding and sustaining peace”.<sup>45</sup> Details of the most salient issues related to this Charter provision, addressed during the meetings and in the context of open videoconferences in 2020, are provided in subsection B. In addition, during the year under review, 10 explicit references to Article 25 were also made in seven communications of the Council, more details of which are provided in subsection C.<sup>46</sup> Five draft resolutions that were not adopted also expressly

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<sup>42</sup> Resolutions [2504 \(2020\)](#), final preambular paragraph and [2533 \(2020\)](#), final preambular paragraph.

<sup>43</sup> See [S/PV.8699](#), Secretary-General, United Kingdom and Egypt; and [S/PV.8699 \(Resumption 1\)](#), Azerbaijan.

<sup>44</sup> See [S/2020/418](#), Azerbaijan and Morocco.

<sup>45</sup> See [S/2020/1090](#), Azerbaijan.

<sup>46</sup> Letter dated 16 March 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General ([S/2020/212](#)); letter dated 27 May 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the

referred to Article 25.

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

In 2020, the Council adopted two decisions containing an explicit reference to Article 25, in connection with the situation in the Middle East in relation to the Syrian Arab Republic. In both resolutions, it underscored that Member States were obligated under Article 25 to accept and carry out the Council's decisions.<sup>47</sup>

In addition, five draft resolutions submitted in connection with the abovementioned item and which were not adopted, contained explicit references to Article 25. In all those 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.<sup>48</sup>

### **B. Discussion relating to Article 25**

During the year under review, Article 25 was explicitly and implicitly referred to at numerous meetings and in statements delivered or submitted in the context of open videoconferences of the Council. The most salient discussions on the binding nature of Council decisions and the obligation of Member States to implement them took place during meetings and open videoconferences held in connection with the situation in the Middle East, including the Palestinian question (cases 7 and 8) and non-proliferation (case 9).

#### **Case 7**

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

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President of the Security Council ([S/2020/451](#)); letter dated 3 August 2020 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council ([S/2020/772](#)); letter dated 20 August 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council ([S/2020/814](#)); letter dated 20 August 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2020/816](#)); letter dated 21 August 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General ([S/2020/822](#)); and letter dated 12 October 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2020/1000](#)).

<sup>47</sup> Resolutions [2504 \(2020\)](#), final preambular paragraph and [2533 \(2020\)](#), final preambular paragraph.

<sup>48</sup> [S/2020/24](#), final preambular paragraph; [S/2020/654](#), final preambular paragraph; [S/2020/658](#), final preambular paragraph; [S/2020/667](#), final preambular paragraph; and [S/2020/683](#), final preambular paragraph. For further information, see part I, sect. 20.

On 21 January 2020, the Council held its first quarterly open debate for the year under the item “The situation in the Middle East, including the Palestinian question”. At the meeting, the Under-Secretary-General for Political and Peacebuilding Affairs and the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator briefed the Council on the latest developments that took place during the reporting period.<sup>49</sup> During the discussion following the briefing, several speakers criticised the continued and increased violations of relevant resolutions, recalling their binding nature and appealing to the Council as well as all States – individually and collectively – to ensure compliance with them.

In their remarks, several speakers maintained that impunity for States violating Council resolutions undermined the credibility and effectiveness of the Council. The Permanent Observer of the State of Palestine noted that Council resolutions, including resolution [2334 \(2016\)](#), had to be respected, adding that initiatives endorsing illegal schemes and departing from the global consensus enshrined in the Council’s resolutions were rejected and doomed to fail. Insisting on the full implementation of resolution [2234 \(2016\)](#), the representative of South Africa noted that Israel’s continued impunity in contravening resolution [2334 \(2016\)](#) damaged the Council’s credibility and that overt violations of Council resolutions would usually elicit harsher measures imposed on the party responsible for such infractions. The representative of Kuwait made a similar point, describing the Council’s inability to hold Israel accountable for failing to implement the Council’s resolutions as unacceptable.<sup>50</sup> Speaking on behalf of the States members of the Organization of Islamic Cooperation (OIC), the representative of Bangladesh, stated that it was incumbent upon the international community to take concrete actions to compel Israel’s respect for and compliance with Council resolutions. She added that Bangladesh looked upon the Council to fulfil its Charter obligations and enforce its resolutions.

Referring to destabilising activities in the Middle East, the representative of Israel noted that Iran’s exporting of its missiles was in violation of Council resolutions, particularly resolutions [1559 \(2004\)](#), [1701 \(2006\)](#), [2216 \(2015\)](#) and [2231 \(2015\)](#). With regard to resolution [1701 \(2006\)](#), the representative of Lebanon noted that Israel’s violations of the

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<sup>49</sup> See [S/PV.8706](#).

<sup>50</sup> See [S/PV.8706 \(Resumption 1\)](#).

resolution continued unabated. In explaining the reasons behind the instability in the Middle East, the representative of Portugal, speaking on behalf of 27 European Union Member States, noted that Council resolutions had been violated by both sides. He further called upon all parties to take urgent steps which would contribute to the implementation of resolution [2334 \(2016\)](#) as this would increase the chances for peace and a two-State solution. Similarly, the representative of China also noted that all parties concerned should earnestly implement resolution [2334 \(2016\)](#).<sup>51</sup>

Some speakers held the view that Council resolutions and their interpretation were not an “à la carte menu”. In this regard, the representative of Germany, echoed by the representative of Lebanon, stated that international law was not an à la carte menu and called for implementation of resolutions adopted by the Council.<sup>52</sup> Similarly, the representative of France reiterated that resolution [2334 \(2016\)](#) could not be subjected to à la carte interpretation.<sup>53</sup>

Referring to the Golan Heights, the representative of the Sudan, speaking on behalf of the Arab Group, called on Israel to abide by resolutions [242 \(1967\)](#) and [338 \(1973\)](#), by withdrawing fully from the occupied Syrian Golan.<sup>54</sup> The representative of Cuba noted that the decision of the United States to recognise Israel’s sovereignty over the Golan Heights and to recognise Jerusalem as the capital of Israel constituted flagrant violations of Council resolutions. In reiterating the binding nature of Council resolutions, the representative of Jordan noted that since Israeli violations and aggressions in the occupied East Jerusalem breached Council resolutions, they were therefore null and void and without legal or political effect.<sup>55</sup>

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<sup>51</sup> See [S/PV.8706](#).

<sup>52</sup> See [S/PV.8706](#) and [S/PV.8706 \(Resumption 1\)](#).

<sup>53</sup> See [S/PV.8706](#).

<sup>54</sup> See [S/PV.8706 \(Resumption 1\)](#).

<sup>55</sup> See [S/PV.8706](#).

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

On 25 August 2020, the Council held a videoconference in connection with the item entitled “The situation in the Middle East, including the Palestinian question”, during which the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General delivered his monthly briefing.<sup>56</sup> Against the backdrop of the letter dated 20 August 2020 from the Permanent Representative of the United States,<sup>57</sup> notifying the Council that Iran was in significant non-performance of its commitments under the Joint Comprehensive Plan of Action (JCPOA), the majority of Council members expressed their disagreement with the position of the United States and presented their views on the obligations of Member States, under Article 25 of the Charter, to implement resolution [2231 \(2015\)](#).

In their initial remarks, several speakers explained their positions regarding the United States letter of 20 August 2020 regarding resolution [2231 \(2015\)](#), and asked the President of the Council to state his position on the matter. The representative of South Africa noted that having confirmed its withdrawal from the JCPOA and by not participating in any of the JCPOA structures or subsequent activities, the United States ceased to be a JCPOA participant and was therefore ineligible to submit a notification to the Council under the terms of resolution [2231 \(2015\)](#). He further noted that as resolution [2231 \(2015\)](#) and the JCPOA were inextricably linked and were mutually contingent, any party that, of its own volition, withdrew from the JCPOA could not be regarded as a JCPOA participant State and therefore would not be able to invoke the provisions of resolution [2231 \(2015\)](#) as a participant State.<sup>58</sup> The representative of the Russian Federation said that the United States had submitted a letter with a claim that Iran’s actions allegedly triggered a snapback process, as foreseen in paragraph 11 of resolution [2231 \(2015\)](#), noting that almost all Council members had responded immediately with a letter to the President. He further observed that an overwhelming majority of Member States explicitly stated in those letters that the letter from the United States could not be considered as a notification under paragraph 11 of resolution [2231 \(2015\)](#), nor did it trigger the snapback procedure, since the United States had ceased its participation in the JCPOA. He therefore asked the President to inform the members about

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<sup>56</sup> See [S/2020/837](#).

<sup>57</sup> [S/2020/815](#). More details of related communications of the Security Council featuring references to Article 25 are provided in subsection C below.

<sup>58</sup> See [S/2020/837](#).



the results of bilateral consultations held after receiving the United States letter, and to clarify his view on the United States claim, in particular if he intended to follow the procedures foreseen by paragraph 11 of resolution [2231 \(2015\)](#). Holding a similar view, the representative of China pointed out that the overwhelming majority of Council members believed that the United States demand to restore United Nations sanctions on Iran had no legal grounding and went against common views, and that the snapback mechanism should not be deemed as invoked. Furthermore, he urged the President not to take any action on the United States demand, adding that the Council should fully respect the views of the international community and the overwhelming majority of Council members, uphold its credibility and authority and fulfil its responsibility of maintaining international peace and security. He also expressed his strong wish that the President inform the Council members of his position on the United States letter and his plan to guide the discussion in the Council in that regard.

In response to comments received from several Council members, the representative of Indonesia, speaking in his capacity as President of the Security Council for the month of August, said that after having consulted with members and receiving letters from many member countries, it was clear to him that one member had a particular position on the issue, while a significant number of members had differing views. He held the view that there was no consensus in the Council and noted that the President was therefore not in the position to take further action.

In the ensuing discussion, Council members reiterated their stance on the matter as reflected in the letters referenced above, with most concurring with the assessment of the President. The representative of France recalled the view expressed by the three European members of the Council in their letter circulated on 20 August,<sup>59</sup> namely that “[t]he United States [was] not a Joint Comprehensive Plan of Action (JCPOA) participant State under resolution [2231 \(2015\)](#) anymore, and therefore [did] not consider that the United States notification [was] effective”. To be more precise, she added, “the purported notification under operative paragraph 11 of resolution [2231 \(2015\)](#) [was] incapable of having legal effect and so cannot bring into effect the procedure foreseen under operative paragraph 11”, that is, the snapback procedure. The representative of France took note of the converging views expressed by 13 of the 15 members of the Council on that matter and as a consequence,

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<sup>59</sup> [S/2020/839](#). More details of related communications of the Security Council featuring references to Article 25 are provided in subsection C of this part.

expressed a firm belief that no further steps could take place within the Council.<sup>60</sup> The representative of Germany fully subscribed to the position stated by the representative of France and expressed full support for the view of the President that the purported United States' notification was, in legal terms, null and void. Similarly, the representative of the United Kingdom aligned himself with the position expressed by the representatives of France and Germany, noting that the United Kingdom did not support a move to snapback at that time. The representative of Belgium noted that the present situation could pose a threat to the proper functioning, authority and integrity of the Council, adding that Belgium did not recognize the legality of the purported notification by the United States. He further affirmed that Council members must abide by the methods and decisions agreed upon by that body and by the international community, not undermine them. The representative of Estonia also expressed support for the Council presidency in considering the notification as ineffective for the purposes of snapback, considering that there was no agreement among the JCPOA initial participants regarding the United States' status as a JCPOA participant. The representative of Saint Vincent and the Grenadines maintained the position outlined in the joint letter of the three African members of the Council – the Niger, South Africa and Tunisia – as well as Saint Vincent and the Grenadines,<sup>61</sup> that “[h]aving confirmed its withdrawal from the JCPOA and by not participating in any of the JCPOA structures or subsequent activities, the United States ceased to be a JCPOA participant and was, therefore, ineligible to submit a notification to the Security Council under the terms of resolution [2231 \(2015\)](#)”.<sup>62</sup> The representative of China also expressed support for the conclusion made by the President, noting that it was a step in the right direction, while the representative of the Russian Federation noted it was a prudent step that the President was taking given the positions of Council members on the matter. Taking the floor to reaffirm full support for the leadership of the President, the representative of Viet Nam reiterated that the Charter of the United Nations and international law should be strictly adhered to, adding that the JCPOA constituted an integral part of resolution [2231 \(2015\)](#).

Delivering her second statement, the representative of the United States said that on 20 August, the United States took the only reasonable and responsible action left, reminding members of the Council of the right of the United States under resolution [2231 \(2015\)](#) to

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<sup>60</sup> See [S/2020/837](#).

<sup>61</sup> [S/2020/821](#). More details of related communications of the Security Council featuring references to Article 25 are provided in subsection C of this part.

<sup>62</sup> See [S/2020/837](#).

trigger snapback and its firm intent to do so “in the absence of courage and moral clarity by the Council”. Noting that the Islamic Republic of Iran had defied the Council’s arms embargo and stating that the Russian Federation and China revelled in the Council’s dysfunction and failure, the representative of the United States regretted that other members of the Council had lost their way and now found themselves “standing in the company of terrorists”.

### **Case 9** **Non-proliferation**

During the year 2020, the status of the Joint Comprehensive Plan of Action (JCPOA) was discussed by Council members at various meetings and videoconferences in connection with the item entitled “Non-proliferation”.<sup>63</sup>

At the end of the year, on 22 December 2020, Security Council members held an open videoconference and heard briefings by the Under-Secretary-General for Political and Peacebuilding Affairs, Head of the Delegation of the European Union to the United Nations and the representative of Belgium in his capacity as Security Council Facilitator for the implementation of resolution [2231 \(2015\)](#).<sup>64</sup> During the videoconference, Council members discussed the recent developments with regard to the JCPOA and the steps taken by the United States in this context in the preceding months.<sup>65</sup>

In her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs noted the view of the United States that, as of 20 September 2020, all provisions of prior resolutions that had been terminated by resolution [2231 \(2015\)](#) applied in the same manner and that the measures contained in paragraphs 7, 8 and 16 to 20 of resolution [2231 \(2015\)](#) had also been terminated. She added that the majority of Council members and Iran had written to the Council stating that, among other things, the 20 August letter from the United States had not initiated the process set forth in paragraph 11 of resolution [2231 \(2015\)](#). She further noted that those States had expressed their strong support for the JCPOA and the continued implementation of the resolution. The Under-Secretary-General recalled that the President of the Security Council for the month of August and the President of the Security Council for the month of September had indicated that they were not in a position to take any action with regard to the letter from the United States dated 20 August, while the President of the Council

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<sup>63</sup> For further details, see part I, sect. 21 and sect. 32. B.

<sup>64</sup> See [S/2020/1324](#).

<sup>65</sup> See also case 8 above and subsection C below.

in October also took note of those developments.<sup>66</sup> Similarly, the Head of Delegation of the European Union stated that the United States could not be considered a JCPOA participant State given that it had ceased its participation in the agreement on 8 May 2018, and therefore could not initiate the process of reinstating sanctions under resolution [2231 \(2015\)](#). He also noted that the position of the majority of Council members regarded such attempts by the United States as having no legal basis.

During the discussion, the representative of China noted that the JCPOA, endorsed by the Council in resolution [2231 \(2015\)](#), was legally binding and had to be effectively implemented. The representative of the Russian Federation stated that in the context of the JCPOA, the Council acted exactly as it had to by remaining committed to international law and its obligations to strengthen international peace and security, strictly following the letter and spirit of resolution [2231 \(2015\)](#). He further noted that since there had been no snapback, the international legal regime established by resolution [2231 \(2015\)](#) remained fully in place and the document itself continued to be implemented in accordance with the previously agreed parameters and time frames. The representative of South Africa called on all parties to the JCPOA and all Council members to uphold and implement resolution [2231 \(2015\)](#), which was essential for the Council's fulfillment of its mandate to maintain international peace and security. According to the representative of the United States, the Islamic Republic of Iran's failure to abide by its Council obligations had to be met with continued diplomatic and economic pressure and the further isolation of the Iranian regime. In response, the representative of the Islamic Republic of Iran noted that by brazenly threatening other States to either violate resolution [2231 \(2015\)](#) or face punishment, the United States had not only failed to honour its own commitments under that resolution but had also substantively obstructed the implementation of commitments by other Member States.

### **C. Communications featuring Article 25**

In 2020, ten explicit references to Article 25 were made in seven communications of the Security Council. With the exception of the letter dated 3 August from the Permanent Representative of Pakistan,<sup>67</sup> all other communications referencing Article 25 in 2020 were

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<sup>66</sup> See [S/2020/1324](#).

<sup>67</sup> [S/2020/772](#).

made in connection with the implementation of resolution [2231 \(2015\)](#) and the Joint Comprehensive Plan of Action (JCPOA).<sup>68</sup>

In the letter dated 16 March 2020 addressed to the Secretary-General, the Russian Federation noted that the United States “withdrew” from the full implementation of resolution [2231 \(2015\)](#), thus violating its obligations under Article 25 of the Charter of the United Nations.<sup>69</sup> In a subsequent communication dated 27 May 2020 in relation to the same topic, the Russian Federation stated that in accordance with Article 25, the United States side was obliged to carry out the decisions of the Council, “rather than undermine them through its unlawful actions”. The letter further noted that the position of the United States, which had taken up the path of violation, openly challenged the Council and begun to impede the implementation of resolution [2231 \(2015\)](#) by other States, deserved universal condemnation.<sup>70</sup> In a communication from 20 August 2020, transmitting a letter from the Minister for Foreign Affairs of the Islamic Republic of Iran, regarding the intended inadmissible submission of a “notification” by the United States in relation to resolution [2231 \(2015\)](#), the Islamic Republic of Iran stated that abusing and violating the provisions of paragraphs 10 and 11 of resolution [2231 \(2015\)](#) by sending a simple notification – while the United States had already breached its obligations under resolution [2231 \(2015\)](#) and Article 25 of the Charter via its reimposition of unilateral and unlawful sanctions – set an extremely dangerous precedent which had to be clearly and vociferously rejected by the Council and its members.<sup>71</sup> In a letter dated 20 August 2020, pertaining to the implementation resolution [2231 \(2015\)](#) and in relation to the United States notification to trigger a “snapback” mechanism, the Russian Federation affirmed that resolution [2231 \(2015\)](#) unequivocally endorsed the JCPOA, which was annexed to the resolution, thus making it an inseparable part of a single text. The letter further stated that resolution [2231 \(2015\)](#) specifically referred to Article 25 of the Charter, which was a way to establish the legally binding character of the resolution without invoking Chapter VII of the Charter, as recognized by the International Court of Justice. In the same letter, the Russian Federation noted that all those cumulative conditions, including the reference to Article 25 in the preamble of the resolution, the

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<sup>68</sup> For background and further information on the discussion about Article 25 in connection with JCPOA, see also case studies 8 and 9 in sect. II. B above. For more information about “The situation in the Middle East, including the Palestinian question, see part I, sect. 21. For more information about “Non-proliferation/Iran”, see part I, sect. 32.B.

<sup>69</sup> See [S/2020/212](#).

<sup>70</sup> See [S/2020/451](#).

<sup>71</sup> See [S/2020/814](#).

unconditional endorsement of the JCPOA by resolution [2231 \(2015\)](#) and the attachment of the Plan to the resolution, made the Plan legally binding, without prejudice to the issue of the legal nature of the JCPOA before the adoption of resolution [2231 \(2015\)](#).<sup>72</sup> In a letter dated 21 August 2020, containing an explanation of the legal basis for the United States' right to initiate snapback under resolution [2231 \(2015\)](#), the United States asserted that when the Council imposed obligations under Chapter VII of the Charter, as was the case for resolution [2231 \(2015\)](#), it did not mean that all of the provisions contained therein were legally binding. In the same letter, the United States explained that because Article 25 of the Charter required Member States to “accept and carry out” the “decisions” of the Council, and Article 41 of Chapter VII of the Charter authorized the Council to “decide” to impose certain measures, it was generally understood that when the Council used other verbs, such as “calls upon” or “urges” or even “demands”, it was not imposing legally binding obligations.<sup>73</sup> Responding to the United States,<sup>74</sup> in a letter dated 12 October 2020, the Islamic Republic of Iran recalled that the Security Council, in its resolution [2231 \(2015\)](#), “underscoring that Member States are obligated under Article 25 of the Charter of the United Nations to accept and carry out the Security Council’s decisions”, called upon them to “support the implementation of the JCPOA” and “refrain from actions that undermine implementation of commitments under the JCPOA”.<sup>75</sup> Table 2 below lists all communications submitted in connection with the JCPOA in 2020.

During the period under review, one additional communication of the Council, submitted in connection with the item entitled “The India-Pakistan question” contained three explicit references to Article 25 of the Charter. Supplementing an earlier letter dated 3 August 2020,<sup>76</sup> the Permanent Representative of Pakistan submitted a letter of the same date including in its annex a legal appraisal of the Jammu and Kashmir dispute. In that document, under the rubric “Legally binding effect of Security Council resolutions”, it was submitted that India had made a disingenuous attempt to erode the legally binding nature of Council resolutions and that, over the years, India had attempted to argue that the Council resolutions

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<sup>72</sup> See [S/2020/816](#).

<sup>73</sup> See [S/2020/822](#). In addition to the above cited communications relating to the implementation of resolution [2231 \(2015\)](#) and the JCPOA, the following communications were issued in connection with the same matter without explicitly invoking Article 25: [S/2020/921](#), [S/2020/922](#), [S/2020/923](#), [S/2020/924](#), [S/2020/927](#), [S/2020/928](#) and [S/2020/931](#). For further details, see table 2.

<sup>74</sup> See [S/2020/927](#).

<sup>75</sup> See [S/2020/1000](#).

<sup>76</sup> See [S/2020/771](#).

on Kashmir were only of a “recommendatory” nature. Citing the International Court of Justice in its Advisory Opinion on the Namibia case, which contained multiple references to Article 25 of the Charter, the document further noted that Council resolutions were immutable and that they could be invalidated only by fulfilment of the obligation, consent of the parties or a subsequent resolution or decision by the Council itself. Since none of this had happened with regard to Jammu and Kashmir, according to the document, the obligations arising from the Council resolutions on the dispute could not be unilaterally annulled or renounced by India.<sup>77</sup>

**Table 2: Communications submitted in connection with the Joint Comprehensive Plan of Action in 2020**

<i>Date</i>	<i>Communication record</i>	<i>Communication title</i>	<i>Explicit reference to Art. 25 of the Charter</i>
16 March 2020	<a href="#">S/2020/212</a>	Letter dated 16 March 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General	✓
27 May 2020	<a href="#">S/2020/451</a>	Letter dated 27 May 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council	✓
20 August 2020	<a href="#">S/2020/814</a>	Letter dated 20 August 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	✓
20 August 2020	<a href="#">S/2020/816</a>	Letter dated 20 August 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council	✓
21 August 2020	<a href="#">S/2020/822</a>	Letter dated 21 August 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General	✓
19 September 2020	<a href="#">S/2020/921</a>	Letter dated 19 September 2020 from the Secretary-General addressed to the President of the Security Council	✗
19 September 2020	<a href="#">S/2020/922</a>	Letter dated 19 September 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	✗
20 September 2020	<a href="#">S/2020/923</a>	Letter dated 20 September 2020 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council	✗
20 September 2020	<a href="#">S/2020/924</a>	Letter dated 20 September 2020 from the Permanent Representative of the Russian	✗

<sup>77</sup> See [S/2020/772](#).

<i>Date</i>	<i>Communication record</i>	<i>Communication title</i>	<i>Explicit reference to Art. 25 of the Charter</i>
		Federation to the United Nations addressed to the President of the Security Council	
21 September 2020	<a href="#">S/2020/927</a>	Letter dated 21 September 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council	✘
21 September 2020	<a href="#">S/2020/928</a>	Letter dated 21 September 2020 from the Permanent Representatives of the Niger, Saint Vincent and the Grenadines, South Africa and Tunisia to the United Nations addressed to the President of the Security Council	✘
21 September 2020	<a href="#">S/2020/931</a>	Letter dated 21 September 2020 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council	✘
12 October 2020	<a href="#">S/2020/1000</a>	Letter dated 12 October 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	✓



### **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, as stipulated in Article 26 of the Charter.

In 2020, continuing with past practice, the Council did not refer explicitly to this Charter provision in any of its decisions. However, Article 26 was expressly invoked once during the 8733<sup>rd</sup> meeting, held on 26 February, in connection with the item entitled “Non-proliferation”. At the meeting, the President-designate of the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, invited under rule 39 of the provisional rules of procedure, noted that it was clear that issues concerning disarmament and arms control had been an important part of the United Nations since its inception, citing the example of Article 26 which conferred upon the Security Council the responsibility for disarmament and the “regulation of armaments”.<sup>78</sup> In addition, two explicit references to Article 26 were made in the context of open videoconferences. In a statement submitted on 15 May 2020 for an open videoconference held in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the delegation of Morocco stated that Articles 24, 25 and 26 provided the Council with important powers and prerogatives, which it could not exercise without adopting an effective and efficient approach.<sup>79</sup> Furthermore, in a statement submitted on 24 July 2020 in the context of an open videoconference held in connection with the item entitled “Maintenance of international peace and security”, the delegation of Costa Rica called for the implementation

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<sup>78</sup> See [S/PV.8733](#).

<sup>79</sup> See [S/2020/418](#).

of Article 26 of the Charter of the United Nations and for the Security Council to ensure that the world's already scarce resources were not diverted to armaments.<sup>80</sup> In 2020, there were no explicit references to Article 26 of the Charter in any of the communications of the Council.

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<sup>80</sup> See [S/2020/751](#).