



## *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 2024, are described under each of the three sections. Case studies in sections I and II provide an overview of specific instances in which Articles 24 and 25, respectively, were discussed in meetings of the Council, or which otherwise illustrate how the Council has applied or interpreted those Charter provisions. Consistent with previous supplements, section III does not include any case studies since there were no examples of substantive discussions on Article 26 in 2024.

As outlined in section I, in 2024, the Council made no explicit reference to Article 24 of the Charter in its decisions, instead referring to its “primary responsibility for the maintenance of international peace and security” in seven decisions, adopted under both country- and region-specific and thematic items. Article 24 was invoked explicitly in 18 instances at eleven Council meetings, held under both country- and region-specific and thematic items. In addition, Council members and other participants in the meetings discussed the primary responsibility of the Council for the maintenance of international peace and security in connection with a broad range of topics. The most salient deliberations took place under the following items: “Implementation of the note by the President of the Security Council ([S/2017/507](#))” (case 1), “Maintenance of international peace and security” (cases 3 and 5), “Non-proliferation” (case 2), and “The situation in the Middle East, including the Palestinian Question” (case 4). Six communications of the Council also contained explicit references to Article 24.

As shown in section II, in 2024, the Council made no explicit references to Article 25 of the Charter in any of its decisions. Article 25 was, however, explicitly invoked 17 times during the Council meetings held under both country- and region-specific and thematic items. The obligation of Member States to accept and carry out Council decisions was extensively referenced during meetings held under a broad range of items. The most salient deliberations took place under the items entitled “Non-proliferation/Democratic People’s Republic of Korea” (case 8), “Protection of civilians in armed conflict (case 7), and “The situation in the

Middle East, including the Palestinian question” (case 6). In 2024, there were no explicit references to Article 25 in communications addressed to the Council.

As described in section III, in 2024, 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 of the Charter in any of its decisions. However, speakers made two explicit references to Article 26 at one Council meeting. Additionally, two communications circulated as documents of the Council contained explicit references to this Article.

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

### *Article 24*

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

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

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

### **Note**

Section I covers the practice of the Security Council concerning its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter of the United Nations,<sup>1</sup> and is divided into three subsections. Subsection A deals with decisions adopted in 2024 that refer to the primary responsibility of the Council pursuant to Article 24. Subsection B contains an examination of explicit and implicit references to Article 24 made in discussions held during the meetings of the Council. Subsection C features explicit references to Article 24 contained in communications of the Council.

During the period under review, the Council did not adopt any decisions explicitly citing Article 24 but nevertheless referred to its primary responsibility for the maintenance of international peace and security while taking a broad range of actions. During the meetings of the Council, held under both country- and region-specific and thematic items, speakers made 18 explicit references to Article 24. Seven explicit references to Article 24 were also made in six communications of the Council in 2024, more details on which are provided below.

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

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

During the period under review, the Council referred implicitly to Article 24 in four resolutions and three presidential statements, in which it reaffirmed, reiterated or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security. These implicit references to Article 24 were featured mainly in preambular paragraphs of resolutions and initial paragraphs of presidential statements in connection with both country-specific and thematic items. Additional information about these decisions is provided in table 1 below.

**Table 1: Decisions in 2024 referring implicitly to Article 24 (1) of the Charter**

<i>Decision and date</i>	<i>Paragraph</i>	<i>Item</i>	<i>Sub-item</i>
Resolution <a href="#">2722 (2024)</a> 10 January	First preambular paragraph	Maintenance of international peace and security	
<a href="#">S/PRST/2024/2</a> 23 May	First paragraph	Maintenance of international peace and security	Strengthening the role of the African State in addressing global security and development challenges
Resolution <a href="#">2730 (2024)</a> 24 May	First preambular paragraph	Protection of civilians in armed conflict	
Resolution <a href="#">2733 (2024)</a> 31 May	Seventh preambular paragraph	The situation in Libya	
<a href="#">S/PRST/2024/5</a> 25 September	Second and sixth paragraphs	Maintenance of international peace and security	Leadership for peace: united in respect of the Charter of the United Nations, in search of a secure future
<a href="#">S/PRST/2024/6</a> 21 October	First paragraph	Maintenance of international peace and security	Anticipating the impact of scientific developments on international peace and security
Resolution <a href="#">2764 (2024)</a> 20 December	Second preambular paragraph	Children and armed conflict	

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

During the review period, speakers made 18 explicit references to Article 24<sup>2</sup> at ten meetings of the Council which were held under both country-specific and thematic items, as shown in table 2 below.

<sup>2</sup> As outlined in the introductory note, references to Article 24 (3), under which the Council is required to submit annual and special reports to the General Assembly, are not counted here, as that provision is covered in part IV, sect. I.F.

**Table 2: Explicit references to Article 24 (1) of the Charter in Council meetings, 2024**

<i>Item</i>	<i>Sub-item</i>	<i>Meeting record and date</i>	<i>Speaker (number of explicit references)</i>
Maintenance of peace and security of Ukraine		<a href="#">S/PV.9731</a> 24 September	United States (1)
The situation in the Central African Republic		<a href="#">S/PV.9673</a> 27 June	Central African Republic (1)
The situation in the Middle East, including the Palestinian question		<a href="#">S/PV.9534</a> 23 January	Liechtenstein (1)
		<a href="#">S/PV.9608</a> <a href="#">(Resumption 2)</a> 25 April	Uganda (on behalf of the Movement of Non-Aligned countries) (1)
		<a href="#">S/PV.9631</a> 20 May	Guyana (1)
		<a href="#">S/PV.9687</a> <a href="#">(Resumption 1)</a> 17 July	Sri Lanka (1)
		<a href="#">S/PV.9687</a> <a href="#">(Resumption 2)</a> 19 July	Uganda (on behalf of the Movement of Non-Aligned countries) (1)
		<a href="#">S/PV.9763</a> 29 October	Uganda (on behalf of the Movement of Non-Aligned countries) (1)
Consideration of the draft report of the Security Council to the General Assembly		<a href="#">S/PV.9627</a> 16 May	United Kingdom (1)
Implementation of the note by the President of the Security Council ( <a href="#">S/2017/507</a> )	Working methods of the Security Council	<a href="#">S/PV.9571</a> 11 March	Mozambique (on behalf of the 10 elected members) (1), Philippines (1) India (1) Pakistan (1)
		<a href="#">S/PV.9571</a> <a href="#">(Resumption 1)</a> 14 March	Cuba (1) Estonia (1), Poland (1)
Non-proliferation of weapons of mass destruction		<a href="#">S/PV.9589</a> 26 March	Ecuador (1)
Threats to international peace and security		<a href="#">S/PV.9829</a> 30 December	Ecuador (1)

The following case studies illustrate the discussions in the Council held in 2024 with regard to the primary responsibility of the Council for the maintenance of international peace and security pursuant to Article 24 of the Charter. The cases capture discussions held in

connection with items relating to the working methods of the Council (case 1), non-proliferation (case 2), maintenance of international peace and security (cases 3 and 5), and the situation in the Middle East, including the Palestinian question (case 4).

## Case 1

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

On 11 and 14 March, at the initiative of Japan, which held the presidency of the Security Council for the month and whose representative held the Chair of the Informal Working Group on Documentation and other Procedural Questions,<sup>3</sup> the Council held an open debate under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.<sup>4</sup> During the open debate, speakers exchanged views on the primary responsibility of the Council to maintain international peace and security, the challenges it faced in discharging its duties and its obligation to act on behalf of the wider United Nations membership.

Multiple speakers referred to the close connection between the working methods of the Council and its ability to implement its mandate.<sup>5</sup> Speaking in his capacity as Chair of the Informal Working Group, the representative of Japan stated that, given the challenging political dynamics worldwide, the solemn responsibility of the Council to maintain international peace and security had never been more crucial. He added that Council members needed to remind themselves that efforts to enhance the transparency, efficiency and effectiveness of the Council’s work were critical. The representative of the United Kingdom stressed the need for a Council that was able to solve problems, build consensus and, most importantly, to take action — all to carry forward its primary responsibility for maintaining international peace and security. To that end, she added, the Council needed to balance transparency and confidentiality, which at times required closed-door consultations and in other instances needed to use the full breadth of meeting and dialogue formats. The representative of the Russian Federation stated that any reforms in the area of working

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<sup>3</sup> A concept note was circulated by a letter dated 1 March ([S/2024//208/Rev.1](#)).

<sup>4</sup> See [S/PV.9571](#) and [S/PV.9571 \(Resumption 1\)](#).

<sup>5</sup> See [S/PV.9571](#), Japan, Mozambique (on behalf of the elected member of the Council), United States, France, Philippines, Norway (on behalf of the Accountability, Coherence and Transparency group), Morocco, South Africa, Greece, Italy; and [S/PV.9571 \(Resumption 1\)](#), Ireland, Paraguay, Bahrain, United Arab Emirates and Saudi Arabia.



methods of the Council should be aimed at a real increase in the Council's effectiveness and efficiency in carrying out its main task, namely, to maintain international peace and security. The representative of Greece opined that, through the improvement of its working methods, the Council could enhance its efficiency, transparency, effectiveness and accountability, thereby fulfilling its role more effectively. While underscoring his delegation's efforts to involve all Council members closely in its work on several files, the representative of France argued that it remained clear that making improvements to the working methods could never replace the spirit of responsibility and compromise that remained essential to finding solutions to crises.

Several delegations referred to the obligation of the Council to act on behalf of Member States of the United Nations under Article 24 (1) of the Charter. For example, speaking on behalf of the elected members of the Council, the representative of Mozambique reiterated the need for the Council to strengthen its engagement with the wider membership, as well as its cooperation and interaction with the General Assembly, the Economic and Social Council, the Human Rights Council, the Peacebuilding Commission and other United Nations bodies, which also meant more opportunities for all Member States, on behalf of whom the Council acted in accordance with Article 24 (1), to interact with the Council. The representative of China stated Council members should strive to speak with one voice, representing all Member States and that the Council had to listen to the prevalent voices of the international community and act in line with the overwhelming consensus of the broader membership. The representative of India noted that one of the meaningful ways of engaging with the wider membership, as mandated under Article 24, was through a discussion on the Council's annual report to the General Assembly. She added, however, that despite long-standing demands for analytical reportage, the reports remained simply factual markers indicating the number of times the Council had met or the total number of debates that had been conducted. Recalling that the Council represented and worked on behalf of the membership as a whole, the representative of Egypt stated that, as a general rule, its meetings and work should be accessible to all Member States. The representative of Estonia maintained that it was important to ensure opportunities for the wider membership to engage meaningfully in the work of the Council, in line with Article 24, and urged a more inclusive approach to the acceptance of requests for participation under rule 37 of the Provisional Rules

of Procedure.<sup>6</sup> The representative of Lithuania stated that, in order to effectively fulfil its primary responsibility for maintaining international peace and security, the Council had to make full use of all experience and instruments at its disposal, adding that inclusive dialogue with interested and affected Member States that were not Council members was essential in that regard.

Participants also referred to the connection between the mandate of the Council under Article 24 of the Charter and its accountability to the wider membership of the United Nations in its decision-making. The representative of Singapore recalled that the Council acted on behalf of the wider membership and should be accountable for its decisions.<sup>7</sup> The representative of the Philippines underscored that it was imperative that the broader membership actively engaged in the Council's decision-making processes in a meaningful way, not just in a token or perfunctory manner, as outlined in Article 24 (1). The representative of Chile held the view that progress towards greater inclusiveness in the decision-making process of the Council could enhance the Council's legitimacy and enhance confidence in it. The representative of Poland stated that the use of the veto power had to be aligned with *jus cogens*, as well as with Article 24, which emphasized that the Council should act in accordance with the Organization's purposes and principles.<sup>8</sup> The representative of Paraguay stated that the Council should recognize that its legitimacy depended on the respect of the membership in the plenary and on its faithful fulfilment of its mandate and that it should therefore make efforts to become more representative, inclusive, transparent, effective and accountable in its decisions.

## Case 2

### Maintenance of international peace and security

On 13 February, at the initiative of Guyana, which held the presidency for the month,<sup>9</sup> the Security Council convened a high-level open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "The impact of climate change and food insecurity".<sup>10</sup> During the open debate, the Council heard briefings by the Secretary-

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<sup>6</sup> See [S/PV.9571 \(Resumption 1\)](#).

<sup>7</sup> See [S/PV.9571](#).

<sup>8</sup> See [S/PV.9571 \(Resumption 1\)](#).

<sup>9</sup> A concept note was circulated by a letter dated 6 February 2024 ([S/2024/146](#)).

<sup>10</sup> See [S/PV.9547](#), [S/PV.9547 \(Resumption 1\)](#) and [S/PV.9547 \(Resumption 2\)](#).

General, the Executive Secretary of the United Nations Framework Convention on Climate Change, the Deputy Director-General of the Food and Agriculture Organization and the Director of Global Initiatives and Head of Peace, Climate and Sustainable Development at the International Peace Institute.<sup>11</sup>

In his statement, the Secretary-General noted that climate chaos and food crises were serious and mounting threats to global peace and security and that it was only right that they should be addressed by the Council.<sup>12</sup> He added that climate and conflict were two leading drivers of global food crises, the main causes of acute food insecurity for almost 174 million people in 2022 and that every one of the 14 countries most at risk from climate were suffering conflict, including in Haiti, Ethiopia, the Sudan and the Sahel. He concluded by urging the Council to consider how to it could best address the interlinked threats to climate, food security and international peace and security.

In his remarks, the Executive Secretary of the United Nations Framework Convention on Climate Change stated that the Council had a role to play and that it should be requesting a regular stream of information on climate security risks, which the Framework Convention on Climate Change could help develop. He added that, ultimately, the Council should be abreast of this crisis driver in real time to aid in better decision-making. The Director of Global Initiatives and Head of Peace, Climate and Sustainable Development at the International Peace Institute stated that the pushback on climate experience in the Council had left a significant gap in responsibility, particularly for small island developing States that did not have a specific agenda in the Council yet faced that existential threat. Moreover, she emphasized that the role of the Council was not to replace the Framework Convention on Climate Change, but to examine how climate magnified existing realities to peace and security, including and beyond the countries on its agenda. According to the Director, the Council could set up a provisional investigative body to better understand the link between food security, climate and conflict under Article 34 of the Charter.<sup>13</sup>

In the ensuing discussion, many participants recognized the nexus between food security, peace and security and climate change. Some of them also expressed the view that addressing that connection was part of the mandate of the Council in maintaining international peace and security. For example, the President of Guyana stressed the need for

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<sup>11</sup> For more information on the briefings and discussion, see part I, sect. 34.

<sup>12</sup> See [S/PV.9547](#).

<sup>13</sup> For more information on discussions related to Article 34 of the Charter, see part VI, sect. II.

the Council to explicitly address food and climate issues, noting that these components were intricately linked to the rule of law, democracy and governance.<sup>14</sup> Recalling the Council's primary responsibility in the maintenance of international peace and security, the Minister of Agriculture and Rural Development of Algeria stated that, by convening such thematic debates, the Council raised public awareness and sounded the alarm in relation to some of the issues that posed a threat to international security and stability, such as the interconnection between climate change, food security and conflict. The Deputy Minister of Foreign and European Affairs and State Secretary for Political and Multilateral Affairs and Development Cooperation of Slovenia emphasized that Council members had a challenging tasks ahead of them to preserve peace and security in the context of addressing issues related to the effects of climate change that were relevant to the Council's mandate and that they could do this by looking at all situations on the agenda through a climate-sensitive lens. The representative of the United Kingdom encouraged the Council to support the United Nations system in coordinating climate, food security and peace efforts by encouraging a coherent, integrated response, including within its mandates. The representative of Mexico stated that, although the Council had recognized the connection between armed conflicts, food insecurity and the threat of famine, it was essential to overcome the impasse related to the triple nexus between food insecurity, peace and security and climate change.<sup>15</sup> The representative of Belize stated that the role of the Council, given its mandate, was both anticipatory and reactionary, and that it was well within the Council's purview to address the adverse of climate change in its efforts for preventive diplomacy, conflict prevention and peacebuilding.<sup>16</sup>

The State Secretary of Switzerland maintained that, in order to develop context-specific responses, the Council had to take into account the impact of climate change on peace and security by, for example, mandating United Nations missions to analyse the risks associated with climate change and to serve as a platform for early warning and mobilizing the efforts of the international community.<sup>17</sup> The representative of France stated that the Council had to be kept fully informed, in a detailed manner, of the impact of climate crises and conflicts on the food situation in the most vulnerable regions. She added that the Council had to place greater emphasis on risk prevention and strengthen mandates of United Nations mission so they could support the most vulnerable countries in terms of risk assessment and

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<sup>14</sup> See [S/PV.9547](#).

<sup>15</sup> See [S/PV.9547 \(Resumption 1\)](#).

<sup>16</sup> See [S/PV.9547 \(Resumption 2\)](#).

<sup>17</sup> See [S/PV.9547](#).

management and propose concrete measures. While noting that the Council had incorporated climate considerations into its resolutions since 2017, the representative of Spain called for a more systematic approach such as the one provided in the draft resolution [S/2021/990](#) which was vetoed in 2021.<sup>18</sup>

Several delegations questioned whether the Council had the mandate or was the appropriate forum to discuss the impact of climate change on food security. The representative of the Russian Federation stated that there was no direct link between climate and socioeconomic issues and the Council's mandate, adding that such matters would be more productively discussed in specialized forums.<sup>19</sup> Moreover, while noting that the Russian Federation was willing to discuss the real root causes of the problems confronting the populations of developing countries from a political perspective, they should not be discussed in general and had to be tethered to specific country and regional situations and take into account every aspect and underlying cause of conflict. Similarly, while noting that the Council had devoted its attention to the link between climate change and security in recent years and that some consensus had emerged, the representative of China underlined the need for a greater understanding of the interplay between those two factors and that each situation should be studied on its own merit in order to determine its causes and the points of intervention. The representative of South Africa observed that what the Council could do to assist in furthering the global effort on climate change was unclear, since its specialized security mandate did not include development issues and its work was not based on scientific and technical data.<sup>20</sup> He added that it was often difficult to determine a direct causal nexus between climate change and threats to international and peace and security. The representative of Indonesia questioned whether the Council was equipped to act on these interlinked challenges, highlighting the need for, among other measures, Council reform and improving its working methods, strengthening the role of the Peacebuilding Commission and ensuring synergy and coherence within the United Nations system. The representative of Brazil shared the view that the Council lacked the authority or tools to address climate change and that such matters were better addressed within the Framework Convention on Climate Change which, contrary to the Council, operated based on consensus, transparency and inclusivity.<sup>21</sup> Furthermore, while acknowledging that both climate change and conflict

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<sup>18</sup> See [S/PV.9547 \(Resumption 1\)](#). See also [S/PV.8926](#).

<sup>19</sup> See [S/PV.9547](#).

<sup>20</sup> See [S/PV.9547 \(Resumption 1\)](#).

<sup>21</sup> See [S/PV.9547 \(Resumption 2\)](#).

were drivers of food insecurity, the representative stated that the linkage between climate and conflict was fragile. Similarly, the representative of India noted that discussions on climate and development should occur in universally representative forums like the Framework Convention on Climate Change, warning that placing them in exclusive bodies like the Council could undermine equity and climate justice.<sup>22</sup>

### Case 3

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

On 20 June, at the initiative of the Republic of Korea, which held the presidency for the month,<sup>23</sup> the Security Council convened a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Addressing evolving threats in cyberspace”.<sup>24</sup> At the meeting, the Council heard briefings by the Secretary-General, the Chief Executive Officer of CyberPeace Institute, and a professor of law and technology from Leeds Beckett University.<sup>25</sup>

In his statement, the Secretary-General noted that, while breakthroughs in digital technologies were revolutionizing economies and societies, malicious activity in cyberspace was on the rise by both State and non-State actors and that serious cybersecurity incidents were disturbingly common.<sup>26</sup> He added that malicious activity that undermined public institutions, electoral processes and online integrity eroded trust, fueled tensions and even sowed the seeds of violence and conflict. In that context, while recalling that this was only the second time that the Council had held a formal meeting on the issue, the Secretary-General stressed that so many of the issues before the Council were affected and linked to cyberspace, including the protection of civilians, peace operations, counter-terrorism and humanitarian operations, and that integrating them into Council deliberations would be a useful way to lay the groundwork for more effective responses. The Secretary-General concluded by noting that the Pact which would emerge from the Summit of the Future in September 2024 represented a unique chance to support the maintenance of international

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<sup>22</sup> See [S/PV.9547 \(Resumption 1\)](#).

<sup>23</sup> A concept note was circulated by a letter dated 7 June 2024 ([S/2024/446](#)).

<sup>24</sup> See [S/PV.9662](#) and [S/PV.9662 \(Resumption 1\)](#).

<sup>25</sup> For more information on the briefings and discussion, see part I, sect. 34.

<sup>26</sup> See [S/PV.9662](#).

peace and security in cyberspace and stated that he looked forward to working with the Council, the General Assembly and all Member States to ensure that technology was used appropriately.

In her remarks, the Professor of Law and Technology from Leeds Beckett University expressed the view that the Council could make an immense difference to enhance peace and security in cyberspace, particularly from a regional perspective. She noted that, as the Council determined its mandate to do so, it was important to consider collaborative measures that could be effectively leveraged to counter existing threats and build capacity, including establishing and enhancing capacity at regional levels. The professor also noted that it would be important for the Council to pursue a multilateral agenda that decisively affirmed the peace and security dimensions of the rule of law in cyberspace.

In the ensuing discussion, members and non-members of the Council exchanged views regarding the extent to which threats in cyberspace fell within mandate of the Council and what role it could play in addressing them. Many of them were of the view that threats to international peace and security from the cyber domain clearly fell within the purview of the Council and provided specific explanations as to why this was the case. For example, the Minister for Foreign Affairs of the Republic of Korea stated that developments since the first Council meeting on the subject in 2021,<sup>27</sup> including cross-border cyberattacks and the outbreak of major armed conflicts in which attacks were also carried out in cyberspace, sharply underscored why the Council had to proactively step up its engagement on threats emanating from cyberspace.<sup>28</sup> The representative of Mozambique stated that the imperative of the Council's involvement was supported by the fact that many countries, big and small, seriously considered cyberspace, which had no borders, to be a domain of possible conflict, alongside the land, sea, air and space dimensions. The representative of Algeria maintained that in order to fulfil its responsibility in accordance with its mandate, the Council had to play a decisive role in de-escalating tensions and promoting accountability when malicious cyber activities threatened international peace and security such as those that supported terrorism or the proliferation of weapons of mass destruction, exacerbated existing conflicts or targeted critical civilian infrastructure. The representative of the European Union underscored the need for the Council, as part of its mandate, to highlight the unique and specific international

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<sup>27</sup> See [S/2021/621](#).

<sup>28</sup> See [S/PV.9662](#).



threats emerging from the cyber domain.<sup>29</sup> The representative of Austria stated that, in order to discharge its mandate, it was essential that the Council continues to respond to contemporary threats to international peace and security.<sup>30</sup> He also stressed that cyber activities were a form of State behavior that was addressed by the Council and did not constitute a new domain that required its own new rules or a distinct application of international law.

In terms of specific Council action, many participants were of the view that the Council should convene meetings on cybersecurity to monitor incidents and the evolving nature of threats to international peace and security.<sup>31</sup> The representative of the United States stated that the Council had to intensify its discussion of the issue by building on the previous Arria-formula meetings and open debates to raise awareness of emerging threats posed by new technologies and explore collectively effective measures that could be deployed against the malicious use of such technologies. Some delegates also raised the need or utility of Secretariat reporting to the Council in that regard.<sup>32</sup> Many participants further recommended integrating or streamlining cyber security issues throughout the Council's mandate.<sup>33</sup> The representative of Mozambique, for example, observed that cyber threats should be intrinsically linked to other Council agenda items, such as counter-terrorism, election interference, the protection of critical infrastructure and the safeguarding of peace operations and humanitarian action.<sup>34</sup> Other speakers also referred to the connection of cyber security with other thematic mandates, such as the protection of civilians and women and peace and security.<sup>35</sup>

Delegations highlighted the potential role of the Council, particularly in easing tensions, building confidence and supporting the peaceful settlement of disputes linked with

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<sup>29</sup> The Representative spoke on behalf of the European Union and its Member States. The candidate countries North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina and Georgia, as well as Andorra, aligned themselves with this statement.

<sup>30</sup> See [S/PV.9662 \(Resumption 1\)](#).

<sup>31</sup> See [S/PV.9662](#), Republic of Korea, Mozambique, Sierra Leone, Slovenia, Japan, Switzerland, France, United Arab Emirates, Latvia, Philippines and Singapore; and [S/PV.9662 \(Resumption 1\)](#), El Salvador, Norway (also on behalf of Denmark, Finland, Iceland and Sweden), Croatia and Morocco.

<sup>32</sup> Ibid., Republic of Korea, United Arab Emirates, Latvia and Philippines; and [S/PV.9662 \(Resumption 1\)](#), Croatia.

<sup>33</sup> See [S/PV.9662](#), Republic of Korea, United States, Mozambique, Sierra Leone, Ecuador, France, Germany, United Arab Emirates; and [S/PV.9662 \(Resumption 1\)](#), Austria, Portugal, Guatemala, Belgium, Viet Nam, Panama, Argentina, Australia, International Committee of the Red Cross and Kiribati.

<sup>34</sup> See [S/PV.9662](#).

<sup>35</sup> Ibid, Sierra Leone, Latvia, Costa Rica; and [S/PV.9662 \(Resumption 1\)](#), Uruguay, El Salvador, Panama and International Committee of the Red Cross.



the cyber domain.<sup>36</sup> Some participants suggested that the Council could contribute to the implementation of international norms or reinforce the established principles of State behavior in cyberspace.<sup>37</sup> In this regard, the representative of Switzerland underlined the importance of the applicability of international law to cyberspace, and especially international humanitarian law to activities in cyberspace in the context of armed conflict.<sup>38</sup> The representative of Germany expressed the view that, by putting international cyberconflicts on its agenda, investigating situations of cyberconflict or facilitating the peaceful settlement of such situations, the Council would help to build the evolving framework of responsible State behavior in cyberspace. The representative of Liechtenstein argued that the Council had a crucial role in ensuring accountability for cyberattacks by way of its power to make referrals to the International Criminal Court.<sup>39</sup> Some delegations called on the Council to support capacity-building initiatives to address cyber threats in support of Member States.<sup>40</sup>

Speakers underscored the importance of complementarity between Council action and other United Nations processes, including the work of the General Assembly's Open-ended Working Group on Security of and Use of Information and Communications Technologies, and the importance of avoiding a duplication of work.<sup>41</sup> The representative of Ecuador opined that the product of the Working Group's work could serve as a guide for the Council's work.<sup>42</sup> The representative of Indonesia stressed the importance for the Council to establish parameters and mechanisms that could help it to foster collaboration and synergy, providing a better understanding of the risks that cyberthreats posed to international peace and security. While noting the importance of avoiding duplication with the work already being done in other processes, the representative of Singapore stated that a role for the Council could not be ruled out as part of its Charter-given responsibility for the maintenance of international peace and security. He added that discussions in the Council could help inform the work of the General Assembly.

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<sup>36</sup> See [S/PV.9662](#), Slovenia, Switzerland and Germany; and [S/PV.9662 \(Resumption 1\)](#), Austria, Belgium, Croatia, Chile and Bangladesh.

<sup>37</sup> See [S/PV.9662](#), Mozambique, Switzerland, France, Gambia, Germany, Philippines and Singapore; and [S/PV.9662 \(Resumption 1\)](#), Greece, Portugal and Georgia.

<sup>38</sup> See [S/PV.9662](#).

<sup>39</sup> See [S/PV.9662 \(Resumption 1\)](#).

<sup>40</sup> See [S/PV.9662](#), Mozambique, Sierra Leone, Switzerland, Gambia; and [S/PV.9662 \(Resumption 1\)](#), Kazakhstan, El Salvador, Guatemala, Chile, Ghana and Georgia.

<sup>41</sup> See [S/PV.9662](#), Sierra Leone, Algeria, Malta, Switzerland, Gambia, Latvia and Indonesia; and [S/PV.9662 \(Resumption 1\)](#), Romania, Pakistan, Uruguay, Portugal, INTERPOL, Brazil, Norway (also on behalf of Denmark, Finland, Iceland and Sweden), Croatia, Bangladesh, Ghana, Italy and Argentina.

<sup>42</sup> See [S/PV.9662](#).

Several participants noted their reservations and outlined certain limitations on the role of the Council in addressing cyber security issues. For example, the representative of Cuba emphasized that the Open-Ended Working Group remained the most appropriate, inclusive and democratic mechanism for conducting exchanges and finding consensus on cyber-issues.<sup>43</sup> While acknowledging the Council's important role in addressing specific cyberthreats that challenged international peace and security, the representative of Pakistan stated that the Working Group was best placed to promote international cooperation and consensus-based responses to the challenges posed and opportunities offered by the rapid advances in ICTs. Similarly, the representative of Brazil noted achievements of the Working Group, including ongoing discussions on measures for implementing the framework for responsible State behavior, which illustrated the viability and importance of holding these debates in the appropriate forum. Nevertheless, he added that, consistent with its functions and powers under the Charter, the Council could respond to specific and concrete cyber incidents that constituted a threat to international peace and security. The representative of Bangladesh, on the other hand, expressed the view that since cyber space was not part of the traditional concept of security, the right platform to address it needed to be determined through open and transparent discussions. The representative of Switzerland stated that it was not for the Council to develop rules of behavior or agreements, which instead was the prerogative of the Assembly and the expert processes it had mandated.<sup>44</sup> Similarly, the representative of Egypt opined that the Council should not be utilized as a legislative body that attempts to set norms and rules on behalf of Member States on matters that necessarily required inclusive and transparent processes, as the recommendations that have been endorsed by the General Assembly by consensus can form the basis for politically or legally binding rules.

The representative of the Russian Federation stated that the topic of cyber space had its own specificities and should be discussed in specialized forums where there was relevant expertise. He added that duplicating the efforts of the international community and spreading the topic across various United Nations forums was counterproductive and could reverse all the results achieved over decades under the auspices of the General Assembly. Moreover, recalling that threats in cyberspace were extremely difficult to identify, with attribution being even more difficult, the representative rejected the call for raising the awareness of the

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<sup>43</sup> See [S/PV.9662 \(Resumption 1\)](#).

<sup>44</sup> See [S/PV.9662](#).

international community of the issues of international information security through the convening of regular meetings of the Security Council and underscored that its mandate envisaged a prompt response to real threats to international peace and security.

## Case 4

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

On 17 July, the Security Council held a high-level open debate under the item entitled “The situation in the Middle East, including the Palestinian question” and heard by the Chef de Cabinet, on behalf of the Secretary-General.<sup>45</sup> In his statement, the Chef de Cabinet addressed the humanitarian crisis in the Gaza Strip, as well as the situation of the Israeli hostages in the aftermath of the Hamas attacks on Israel on 7 October 2023.<sup>46</sup>

During the subsequent discussion, several Council members referred to the responsibility of the Council, in accordance with its mandate, to end the conflict in Gaza. In his remarks, the Minister for Foreign Affairs of the Russian Federation highlighted that the Middle East is facing unprecedented risks to the security, well-being and peaceful lives of its peoples. The waves of violence are spilling far beyond the Arab Israeli conflict zone and all Council members had a responsibility to stop the human tragedy that was unfolding.<sup>47</sup> Similarly, while recalling that the situation in Gaza had dominated the Council’s agenda for months, the representative of Sierra Leone echoed demands for an immediate and permanent ceasefire. The representative of Guyana commended the United States, Egypt and Qatar for their continued diplomatic efforts. She recalled that it is the responsibility of the Council to continue to do all in its power to bring an end to the war and had to continue to proactively work towards a permanent solution to the matter. The representative of Slovenia expressed certainty that a deep reflection on the role of the Council in this crisis was taking place among its members, including in the context of the disregard of international law, violations of international humanitarian law and human rights law. In that context, he added that the Council had to call for the implementation of all relevant Council resolutions and International Court of Justice orders on provisional measures to be fully implemented, to

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<sup>45</sup> See [S/PV.9687](#), [S/PV.9687 \(Resumption 1\)](#) and [S/PV.9687 \(Resumption 2\)](#).

<sup>46</sup> For more information on the briefing and discussion, see part I, sect. 19.

<sup>47</sup> See [S/PV.9687](#).

reflect on the structure of a renewed political process leading to a two-State solution and supporting reconstruction. In her remarks, the representative of the United States offered the view that, because the Council was able to speak with one voice and back a concrete, realistic plan, there had been progress with the agreement by Israel and Hamas to the ceasefire framework endorsed by the Council in resolution [2735 \(2024\)](#). She added that, while there were still gaps to be closed, the Council had to keep pressure on Hamas to accept the deal outlined in the resolution and to begin implementing it.

Some speakers specifically referred to the responsibility of the Council to address the humanitarian situation in Gaza. The representative of Algeria stressed that the Council had to take the necessary steps outlined in resolution [2417 \(2018\)](#). The representative of Malta remarked that it was the duty of the Council to ensure that humanitarian workers received the necessary tools and protection to mitigate the extreme risks they faced. The Special Envoy on the Middle East and North Africa of Switzerland called on the Council to intensify efforts to break the spiral of violence and restore the principles of humanity long undermined by the conflict.

Non-members of the Council also widely referred to the mandate of the Council in connection with the conflict in Gaza. Speaking on behalf of the Non-Aligned Movement, the representative of Uganda stated that the Council had to uphold its mandate to maintain international peace and security and had to act to implement its own resolutions.<sup>48</sup> He added that the question of Palestine could not be exempt from the authority of the Council and called on it to overcome its paralysis to justly resolve the protracted conflict and tragic injustice. The representative of Sri Lanka underscored the primary responsibility of the Council for the maintenance of international peace and security and noted increasing public pressure for the Council to act decisively.<sup>49</sup> The representative of Jordan called on the Council to shoulder its responsibility by ensuring a ceasefire and the implementation of all relevant Council resolutions. He added that the Council had to provide the necessary protection to the Palestinian people and to United Nations facilities. In the same vein, the representative of Türkiye, recalling that the Council was the main organ of the United Nations responsible for the maintenance of international peace and security, called on the body to fulfil its obligation to end the conflict. The representative of Mauritania, speaking on behalf of the Organization of Islamic Cooperation, emphasized the responsibility of the

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<sup>48</sup> See [S/PV.9687 \(Resumption 2\)](#).

<sup>49</sup> See [S/PV.9687 \(Resumption 1\)](#).

Council to sponsor an irreversible political solution to the conflict to pave the way for lasting peace.<sup>50</sup>

Several delegations exchanged views on the implications of what the challenges the Council faced in implementing its mandate. For example, the representative of Colombia opined that the situation in the Middle East, and particularly the Palestinian question, was testing the ability of the Council to fulfil its mandate of maintaining international peace and security, recalling the adoption of resolutions [2712 \(2024\)](#), [2728 \(2024\)](#) and [2735 \(2024\)](#), which she added were not being implemented in full. The representative of South Africa noted that it continues to appeal to the international community to exert its influence over parties to the conflict in order to compel them to accept and abide by the decisions made by the Security Council and the International Court of Justice. The efforts of the international community and the Security Council, in particular, must therefore pursue sustainable and just peace for all people in the region.<sup>51</sup> The representative of Namibia stated that the Council had to restore faith in its capacity to do better in upholding its primary responsibility to maintain international peace and security.<sup>52</sup>

Several delegations discussed the Council's ability to fulfil its mandate in relation to the use of the veto.<sup>53</sup> Specifically, the Acting Minister for Foreign Affairs of the Islamic Republic of Iran argued that the Council's inaction with respect to the situation in the Middle East, including the Palestinian question, had continued for years, and called for rectification through the Council's fulfilment of its legal, political and human duty, especially by its permanent members.<sup>54</sup>

## Case 5

### Maintenance of international peace and security

On 25 September, at the initiative of Slovenia, which held the presidency for the month,<sup>55</sup> the Security Council held a high-level open debate under the item entitled

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<sup>50</sup> See [S/PV.9687 \(Resumption 2\)](#).

<sup>51</sup> See [S/PV.9687 \(Resumption 1\)](#).

<sup>52</sup> See [S/PV.9687 \(Resumption 2\)](#).

<sup>53</sup> See [S/PV.9687](#), Iran (Islamic Republic of) and Venezuela (Bolivarian Republic of); and [S/PV.9687 \(Resumption 1\)](#), Syrian Arab Republic.

<sup>54</sup> See [S/PV.9687](#).

<sup>55</sup> A concept note was circulated by a letter dated 6 September 2024 ([S/2024/662](#)).

“Maintenance of international peace and security” and the sub-item entitled “Leadership for peace: united in respect of the Charter of the United Nations, in search of a secure future”.<sup>56</sup>

At the outset of the open debate, the Council adopted a presidential statement in which it reaffirmed its primary responsibility for the maintenance of international peace and security and its commitment to international law, including the Charter of the United Nations.<sup>57</sup> The Council further expressed full awareness of the responsibilities bestowed upon it by the Charter, and of the collective aspirations of the peoples of the world, which impelled it to take effective action to maintain international peace and security.<sup>58</sup> The Council further expressed its commitment to fulfilling its responsibilities in the most effective manner.<sup>59</sup>

At the meeting, the Council heard briefings by the Secretary-General, the President of the International Committee of the Red Cross and the former President of Liberia and member of The Elders.<sup>60</sup> In his statement, the Secretary-General noted a deepening of geopolitical divisions and mistrust, the spread of impunity, the multiplication of conflicts and the undermining of the legitimacy and effectiveness of the United Nations and the Council.<sup>61</sup> While noting the recent adoption of the Pact for the Future, he stated that there would be a need for strong political will to implement the reforms contained therein and to rebuild the legitimacy and effectiveness of the Council. The Secretary-General stressed that leadership for peace meant ensuring that the Council acted in a meaningful way to ease global tensions and to help address conflicts and that a united Council could make a tremendous difference for peace.

The President of the International Committee for the Red Cross believed that the Council’s success was measured by how its members overcame global divisions and noted that bridging those differences required leadership. Furthermore, while commending Council members for systematically calling on parties in conflict to comply with international humanitarian law, she stressed that it was necessary to see the Council’s rhetorical support in this context be put into action and for Council members to declare upholding the Geneva Conventions as their political priority. The former President of Liberia and member of The Elders stated that the Council was widely seen as ineffective and that reform was urgent and

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<sup>56</sup> See [S/PV.9732](#), [S/PV.9732 \(Resumption 1\)](#) and [S/PV.9732 \(Resumption 2\)](#).

<sup>57</sup> [S/PRST/2024/5](#), second paragraph.

<sup>58</sup> *Ibid.*, sixth paragraph.

<sup>59</sup> *Ibid.*

<sup>60</sup> For more information on the briefings and discussion, see part I, sect. 34.

<sup>61</sup> [S/PV.9732](#).

overdue. To build on the momentum of the Pact for the Future, the Elders called for a coalition to launch a reform process and drive negotiations for a more representative and effective Council.

During the subsequent discussion, members and non-members of the Council exchanged views on what they saw as key challenges impeding the ability of the Council to fully implement its responsibility to maintain international peace and security, which they noted was having a significant impact on its overall effectiveness and credibility in the multilateral system. In his statement after the briefers, the Prime Minister of Slovenia recalled that the Council had several tools in its toolbox to deal with crises and conflicts but was increasingly reluctant to use them. He added that when the Council lacked strong unity and determination to act, warring parties interpreted this as a weakness, leading to growing violations of the Charter and international humanitarian law. Similarly, the Minister for Foreign Affairs and International Cooperation of Sierra Leone stated that the impunity with which some warring parties acted, eroded not only the rule of law, but also the foundation of multilateralism. In that regard, he stressed that the Council had to reclaim its authority, credibility, relevance and legitimacy. The Minister for Foreign Affairs of China believed that it was important to uphold the authority of the Council, support its central role in the collective security framework, and oppose any illegal unilateral sanctions not authorized by the organ. The Minister for Foreign Affairs and National Community Abroad of Algeria highlighted the acute crisis affecting international multilateralism, which had been accompanied by neutralization, absenteeism and even the exclusion of the role of the Council. The Minister for Foreign Affairs of the Republic of Korea expressed the view that, in order to rebuild trust and strengthen the multilateral system, it was essential to enable the Council to function effectively.

The Minister for Foreign Affairs and International Cooperation of Sierra Leone stated that, given its mandate, the Council had to lead by example and expressed regret that it faced an unprecedented internal challenge, namely, geopolitical rivalry turning the Council from a forum for diplomacy into a battleground for national interests. To rebuild trust, the Council had to act with impartiality, ensuring that its decisions were guided by a commitment to uphold international law, human rights and the rules of war. The Vice-Minister for Foreign Affairs and Cooperation of Mozambique stated that the Council's effectiveness depended on its capacity to adopt decisive and non-ambiguous resolutions, presidential statements and press statements that promoted positive change and enhanced peace and security.



Speakers discussed possible ways of making the Council more effective and improving its credibility. In that regard, the President of Slovenia stated that, as echoed by multiple delegations, leadership involved establishing standards, ensuring that they were upheld and ensuring accountability for those who violated international humanitarian law.<sup>62</sup> Many delegations underscored the need for structural reform to make the Council more representative, legitimate, effective and efficient, and thereby able to deliver on its mandate to maintain international peace and security.<sup>63</sup> Participants also referred to the particular responsibility of permanent members of the Council in ensuring upholding the interests of the international community, contributing to its effectiveness.<sup>64</sup> Many speakers further criticized the frequent use of the veto by permanent members, preventing Council action in cases of violations of international law, including international humanitarian and international human rights law.<sup>65</sup> A number of speakers called on the Council to use all of the tools at its disposal to implement its mandate and engage more effectively in mediation, conflict prevention, peacekeeping and peacebuilding.<sup>66</sup> Some speakers called for a Council that was effective in addressing the new challenges of the twenty-first century as part of its responsibility to maintain international peace and security, including non-traditional security threats such as climate change, pandemics and natural disasters, cybersecurity, sea-level rise, forced migration and global inequality.<sup>67</sup> Finally, speakers also exchanged views on the challenges the Council faced in implementing its mandate in the context of the conflicts in Gaza, Ukraine and the Sudan, among others.

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<sup>62</sup> Ibid., Slovenia, Switzerland, Malta, United Kingdom, Algeria, Guyana and Mozambique; See [S/PV.9732 \(Resumption 1\)](#), Poland, Morocco, Spain, Portugal, Saudi Arabia, Austria, Bangladesh, Netherlands and Ireland; and [S/PV.9732 \(Resumption 2\)](#), Romania, Türkiye and Chile.

<sup>63</sup> See [S/PV.9732](#), United States, Algeria, Sierra Leone, Mozambique, France and Japan; [S/PV.9732 \(Resumption 1\)](#), European Union, Panama, Czechia, Maldives, Cabo Verde, Liechtenstein, Spain, Uganda (also on behalf of the Movement of Non-Aligned Countries), Fiji, Saudi Arabia and Austria; and [S/PV.9732 \(Resumption 2\)](#), North Macedonia, Croatia, Burundi, Türkiye, South Africa, Argentina, Kyrgyzstan, Australia, Azerbaijan, Chile and Thailand..

<sup>64</sup> See [S/PV.9732](#), Slovenia; [S/PV.9732 \(Resumption 1\)](#), European Union, Panama, Czechia, New Zealand, Montenegro, Mexico and Singapore; and [S/PV.9732 \(Resumption 2\)](#), Argentina and Kyrgyzstan.

<sup>65</sup> See [S/PV.9732](#), Guyana, Republic of Korea, France and Russian Federation; [S/PV.9732 \(Resumption 1\)](#), Poland, Maldives, Finland (also on behalf of Denmark, Iceland, Norway and Sweden), Liechtenstein, New Zealand, Spain, Portugal, Montenegro, Mexico, Estonia (also on behalf of Lithuania), Iran (Islamic Republic of), Singapore, Malaysia and Brazil; and [S/PV.9732 \(Resumption 2\)](#), Argentina, Australia, United Arab Emirates and Chile.

<sup>66</sup> See [S/PV.9732](#), Slovenia, Switzerland, China, Republic of Korea, Sierra Leone and Ecuador; and [S/PV.9732 \(Resumption 1\)](#), Poland, Nepal, Slovakia, Portugal and Montenegro; and [S/PV.9732 \(Resumption 2\)](#), Argentina, United Arab Emirates and Thailand.

<sup>67</sup> See [S/PV.9732](#), Switzerland, China and Republic of Korea; and [S/PV.9732 \(Resumption 1\)](#), Panama, Maldives, Palau, Estonia (also on behalf of Lithuania) and Austria.



### **C. Communications featuring Article 24**

In 2024, seven explicit references to Article 24 of the Charter were made in six communications of the Council, addressing a broad range of topics.

In a letter dated 29 May addressed to the President of the Council,<sup>68</sup> the representative of South Africa transmitted a public dossier of evidence presented by her Government to the Council “relating to the State of Israel’s intent and incitement to commit genocide against the Palestinians in Gaza”. In the dossier, South Africa cited a separate Declaration of Judge Nolte of the International Court of Justice in which he stated that the Council had the primary responsibility for the maintenance of international peace and security pursuant to Article 24 (1) of the Charter and that it was the Council that should decide what measures should be taken to maintain or restore international peace and security, and thus to prevent the violation of related rules of international law.

In a letter dated 10 June addressed to the Secretary-General,<sup>69</sup> the representative of the Islamic Republic of Iran transmitted a letter from the Acting Minister for Foreign Affairs of the Islamic Republic of Iran, regarding the recent provisional measures of the International Court of Justice, dated 24 May, ordering Israel to immediately halt its military offensive and any other actions in Rafah, in which he recalled the primary responsibility of the Council for maintenance of international peace and security as per Article 24 of the Charter.

In the identical letters dated 30 July addressed to the Secretary-General and the President of the Council,<sup>70</sup> transmitting a concept note for the high-level debate held on 12 August under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Addressing the historical injustice and enhancing Africa’s effective representation in the United Nations Security Council”, the representative of Sierra Leone noted that the collective security scheme in which Member States conferred upon the Council primary responsibility for the maintenance of international peace and security, was outlined in Article 24 (1) of the Charter.

By a letter dated 6 August 2024 addressed to the President of the Council,<sup>71</sup> transmitting the analytical summary of the annual open debate on the working methods of the Council, held on 11 and 14 March, the representative of Japan reported that a Member State

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<sup>68</sup> See [S/2024/419](#).

<sup>69</sup> See [S/2024/452](#).

<sup>70</sup> See [S/2024/574](#).

<sup>71</sup> See [S/2024/596](#).

made a reference to Article 24 of the Charter, stating that the use of the veto must be aligned with jus cogens. In the same document, the representative of Japan indicated that some speakers referred to Article 24 during the debate to highlight the significance of engagement between the Council and the wider United Nations membership.<sup>72</sup>

In a letter dated 1 September addressed to the President of the Council,<sup>73</sup> the representative of Egypt transmitted a letter from the Minister of Foreign Affairs of Egypt regarding the fifth consecutive unilateral filling of the Grand Ethiopian Renaissance Dam, in which he, inter alia, urged the Council to assume its responsibilities under Article 24 of the Charter, by taking appropriate measures to ensure that Ethiopia ceased its “unlawful unilateral practices in the Nile basin”.

In a letter dated 22 October addressed to the President of the Council,<sup>74</sup> the Chair of the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa transmitted the joint communique of the 18<sup>th</sup> annual joint consultative meeting between members of the African Union Peace and Security Council and the United Nations Security Council, which took place on 18 October 2024, in which the members of the two organs had underlined that Article 24 of the Charter accorded the Council with the primary responsibility for maintaining international peace and security.

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<sup>72</sup> For more information, see [S/PV.9571](#) and [S/PV.9571 \(Resumption 1\)](#).

<sup>73</sup> See [S/2024/646](#).

<sup>74</sup> See [S/2024/762](#).

## **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: 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 of the Council; and subsection C, which features explicit references to Article 25 in communications of the Council.

In 2024, the Council did not adopt any decisions containing explicit references to Article 25. There were 17 instances of speakers expressly invoking Article 25 during the Council meetings, primarily under the item entitled “The situation in the Middle East, including the Palestinian question”. More information is provided in subsection B, which covers the most salient discussions related to the Article, including case studies on the Council’s interpretation of the obligations of Member States to abide by the decisions of the Council. In 2024, no explicit references to Article 25 were made in the communications of the Council.

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

In 2024, the Council did not adopt any decisions containing an explicit reference to Article 25.

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

In 2024, Article 25 of the Charter was explicitly invoked 17 times during Council meetings held under both country and region-specific and thematic items, as shown in table 3 below.

**Table 3: Explicit references made to Article 25 of the Charter in Council meetings, 2024**

<i>Item</i>	<i>Sub-item</i>	<i>Meeting record and date</i>	<i>Speaker (number of explicit references)</i>
The situation in the Middle East, including the Palestinian question		<a href="#">S/PV.9534</a> 23 January	Liechtenstein (1)
		<a href="#">S/PV.9588</a> 26 March	France (1), Russian Federation (1), Sierra Leone (1)
		<a href="#">S/PV.9596</a> 5 April	Algeria (1)
		<a href="#">S/PV.9608</a> 18 April	Malta (1)
		<a href="#">S/PV.9608 (Resumption 1)</a> 18 April	Liechtenstein (1)
		<a href="#">S/PV.9667</a> 25 June	France (1)
		<a href="#">S/PV.9687 (Resumption 1)</a> 17 July	Venezuela (Bolivarian Republic of) (1)
		<a href="#">S/PV.9687 (Resumption 2)</a> 19 July	Colombia (1)
		<a href="#">S/PV.9763 (Resumption 1)</a> 29 October	Venezuela (Bolivarian Republic of) (1)
Children and armed conflict	How to advance our collective norms towards protecting children and ending all grave violations	<a href="#">S/PV.9669 (Resumption 2)</a> 27 June	Pakistan (1)
Maintenance of international peace and security	Multilateral cooperation in the interest of a more just, democratic and sustainable world order	<a href="#">S/PV.9686</a> 16 July	Iran (Islamic Republic of) (1), Russian Federation (1)
Maintenance of international peace and security	Leadership for peace: united in respect of the Charter of the United Nations, in search of a secure future	<a href="#">S/PV.9732 (Resumption 2)</a> 26 September	Pakistan (1)
Non-proliferation/Democratic People's Republic of Korea		<a href="#">S/PV.9643</a> 31 May	Republic of Korea (1)

<i>Item</i>	<i>Sub-item</i>	<i>Meeting record and date</i>	<i>Speaker (number of explicit references)</i>
Protection of civilians in armed conflict	Twenty-fifth anniversary of Security Council resolution <a href="#">1265 (1999)</a>	<a href="#">S/PV.9632 (Resumption 1)</a> 21 May	Liechtenstein (1)

In addition to the explicit references to Article 25 of the Charter, speakers cited the obligation of Member States to accept and carry out decisions of the Council, as well as their binding nature, at multiple meetings held under a broad range of items. The case studies below feature the most salient discussions in 2024 with respect to the Council’s interpretation of the obligation of Member States to implement its decisions, notably in the context of deliberations on the Middle East, including the Palestinian question (case 6), the protection of civilians in armed conflict (case 7) and the item entitled “Non-proliferation/Democratic People’s Republic of Korea” (case 8).

## Case 6

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

At a meeting held on 25 March under the item entitled “The situation in the Middle East, including the Palestinian question”, the Security Council adopted resolution [2728 \(2024\)](#) in which, while expressing deep concern about the catastrophic humanitarian situation in the Gaza Strip, it demanded an immediate ceasefire for the month of Ramadan respected by all parties leading to a lasting sustainable ceasefire and the immediate and unconditional release of all hostages.<sup>75</sup> The Council also emphasized the urgent need to expand the flow of humanitarian assistance to and reinforce the protection of civilians in the entire Gaza Strip and reiterated its demand for the lifting of all barriers to the provision of humanitarian assistance at scale, in line with international humanitarian law as well as resolutions [2712 \(2023\)](#) and [2720 \(2023\)](#).

Resolution [2728 \(2024\)](#) was adopted with fourteen votes in favour and one abstention (United States). In explaining the decision to abstain in the vote, the representative of the United States stated that her delegation did not agree with everything in the text, but nevertheless fully supported some of the critical objectives in what she described was a “non-binding resolution”.<sup>76</sup> Expressing a different view, the representative of Slovenia recalled the

<sup>75</sup> Resolution [2728 \(2024\)](#), fourth preambular paragraph and para. 1. See also [S/PV.9586](#).

<sup>76</sup> See [S/PV.9586](#).

binding nature of Council resolutions and called for the swift implementation of resolution [2728 \(2024\)](#), which he noted was clear, in particular with regards to the ceasefire, the unconditional release of hostages and the urgent need for the expansion of the flow of humanitarian aid. Also stressing that Council resolutions were binding, the representative of China called on the parties concerned to fulfil their obligations under the Charter and to take due action as required by resolution [2728 \(2024\)](#). Speaking on behalf of the Group of Arab States, the representative of Yemen reaffirmed that the resolution should be considered as a first step leading to another binding resolution that stipulated an immediate sustainable ceasefire in the Gaza Strip.

On 26 March, the Council held a meeting under the same item, during which it heard a briefing by the Special Coordinator for the Middle East Peace Process concerning the status of the implementation of resolution [2334 \(2024\)](#).<sup>77</sup> Following the briefing, several Council members made explicit references to Article 25 of the Charter and exchanged their views on the obligation of States to implement resolutions of the Council, including resolution [2728 \(2024\)](#).

Citing Article 25 of the Charter, the representative of the Russian Federation expressed trust that resolution [2728 \(2024\)](#) would be fully implemented by all parties and United Nations members and recalled the duty of the Council to ensure strict compliance and the implementation of its provisions on the ground. The representative of Sierra Leone also underscored that resolution [2728 \(2024\)](#) was binding on the parties and all Member States and that Article 25 and the advisory opinion of the International Court of Justice on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) provided adequate guidance. The representative of Algeria underscored that the Charter was clear that Council resolutions were binding. The representative of China recalled that every country joined the United Nations with a commitment to implement the decisions of the Council, which was an obligation under the Charter.

While noting that it was time to ensure that the parties implemented the resolution, the representative of Switzerland stated that resolution [2728 \(2024\)](#) was founded on the premise that the parties would respect their obligations under international law, including international humanitarian law and international human rights law. More broadly, she also observed that the situation in the West Bank reminded Council members that non-compliance with

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<sup>77</sup> See [S/PV.9588](#).

resolutions of the Council had grave consequences for peace. The representatives of Ecuador, Guyana, Republic of Korea, Mozambique, Slovenia and the United Kingdom also emphasized the need for the full implementation of both resolutions [2334 \(2016\)](#) and [2728 \(2024\)](#).

## Case 7

### Protection of civilians in armed conflict

On 21 May, at the initiative of Mozambique, which held the presidency for the month,<sup>78</sup> the Security Council held an open debate under the item entitled “Protection of civilians in armed conflict” and the sub-item entitled “Twenty-fifth anniversary of Security Council resolution [1265 \(1999\)](#)”.<sup>79</sup> During the open debate, the Council heard briefings by the Special Adviser to the Secretary-General on the Prevention of Genocide, the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, the President of the International Committee of the Red Cross, and the Executive Director of the Center for Civilians in Conflict.<sup>80</sup>

In her remarks, the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator reported that the situation of civilians in armed conflict in 2023 was resoundingly dire. She noted that, in total, the United Nations alone recorded more than 33,000 civilian deaths in armed conflict during the year, which represented a 72 per cent increased as compared with 2022.<sup>81</sup> The Assistant Secretary-General further noted that the harm and suffering caused to civilians in 2023 signalled an alarming lack of compliance with international humanitarian law and international human rights law, and also indicated that the Council’s resolutions on the protection of civilians of the past 25 years remained largely unheeded. While noting that much had been achieved 25 years on from when the Council first discussed the protection of civilians, including a culture of protection taking root and a comprehensive protection framework coming into existence, she concluded that the Council and Member States had to demand and ensure compliance with international humanitarian law, international human rights law and the Council’s resolutions.

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<sup>78</sup> A concept note was circulated by a letter dated 2 May 2024 ([S/2024/359](#)).

<sup>79</sup> See [S/PV.9632](#), [S/PV.9632 \(Resumption 1\)](#) and [S/PV.9632 \(Resumption 2\)](#). See also the report of the Secretary-General on the protection of civilians in armed conflict ([S/2024/385](#)).

<sup>80</sup> For more information on the briefings and discussion, see part I, sect. 25.

<sup>81</sup> See [S/PV.9632](#).

In her statement, the President of the International Committee of the Red Cross expressed regret that over the past 25 years, and despite the many resolutions adopted by the Council, civilians had been attacked, displaced, violated, wounded or killed, as the number of active conflicts where humanitarian action was prevented was increasing. She urged the Council to reiterate its call for parties to uphold international humanitarian law and resolution [2474 \(2019\)](#) to prevent people from going missing and to clarify the fates of those who had.

During the subsequent discussion, members and non-members of the Council exchanged views on the status of the implementation of the protection of civilians framework as established by the Council since the adoption of resolution [1265 \(1999\)](#). Many speakers underscored the need for Member States to reaffirm their commitment to the full and effective implementation of the resolution. For example, the representative of Sierra Leone observed that, 25 years after the adoption of resolution [1265 \(1999\)](#), the Council had continued to demonstrate its commitment to ensuring the protection of civilians during conflicts through various resolutions and other Council products, but expressed regret that armed conflicts continued to escalate across the globe. The representative of Guyana observed that the road to the implementation of resolution [1265 \(1999\)](#) was fraught with obstacles, including the rise of non-State actors and the increasing use of misinformation and disinformation as a tool of war and of asymmetric warfare tactics. She added that the lack of implementation of the resolution could also be attributed to the increasingly relative approach that some actors had taken to the interpretation of international humanitarian law. The representative of South Africa stated that the global community must unite in its commitment to prevent and address the root causes of armed conflict, including addressing global development challenges and ensuring the protection and well-being of civilians caught in the crossfire.<sup>82</sup>

The representative of China underscored the need for the Council to continue to uphold the authority of international humanitarian law and ensure its universal and consistent application.<sup>83</sup> The representative of Colombia urged Member States to implement the provisions of the resolution, particularly those that pertained to the protection of civilians and to ensuring unhindered and safe access to humanitarian personnel to civilians in situations of armed conflict.<sup>84</sup> The representative of Malta stated that it was imperative for the Council to

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<sup>82</sup> See [S/PV.9632 \(Resumption 1\)](#).

<sup>83</sup> See [S/PV.9632](#).

<sup>84</sup> See [S/PV.9632 \(Resumption 2\)](#).



utilize every tool at its disposal to ensure compliance with the international laws designed to protect civilians.<sup>85</sup> The representative of Ecuador stated that it was incumbent upon the Council to ensure that all Member States, as well as all parties to armed conflict, respect their obligations under international humanitarian law, including allowing and facilitating unimpeded access for humanitarian assistance. The representative of Bulgaria stated that the Council had a special role in urging parties to conflict to respect the rules of war, to engage in political dialogue and to train forces on protecting civilians.<sup>86</sup> Similarly, the representative of Argentina underscored that the protection of civilians agenda could not move forward without a genuine commitment to respecting international law, including the Charter, and that the United Nations and the Council had to redouble their efforts to strengthen the compliance of conflicting parties with international humanitarian law and international human rights law and to ensure accountability for violations. The representative of Austria emphasized that the Council had an important role to play in condemning violations of international humanitarian law and holding perpetrators of such violations accountable.

The representative of the Republic of Korea cited the need for a strategic approach to protection of civilians mandates in peacekeeping missions to ensure their full implementation and to tackle emerging challenges, such as misinformation and disinformation and cyberattacks on critical infrastructure.<sup>87</sup> A number of delegations also underscored the need for the Council to ensure accountability for crimes perpetrated against civilians.<sup>88</sup>

## Case 8

### Non-proliferation/Democratic People's Republic of Korea

On 28 June, the Security Council held a meeting under the item entitled “Non-proliferation/Democratic People's Republic of Korea”, during which it heard briefings by the High Representative for Disarmament Affairs and the Executive Director of Conflict Armament Research.<sup>89</sup>

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<sup>85</sup> See [S/PV.9632](#).

<sup>86</sup> See [S/PV.9632 \(Resumption 1\)](#).

<sup>87</sup> See [S/PV.9632](#).

<sup>88</sup> Ibid., Malta, Ecuador, Republic of Korea, Chile. See also, [S/PV.9632 \(Resumption 2\)](#), Djibouti, Cambodia, Pakistan, Myanmar, Azerbaijan.

<sup>89</sup> See [S/PV.9676](#). For more information on the briefings and discussion, see part I, sect. 31. C.

In her remarks, the High Representative for Disarmament Affairs noted that the Council had been briefed on a number of occasions regarding the launches of ballistic missiles or satellites using ballistic missile technologies by the Democratic People's Republic of Korea. She further noted that, in recent months, there had also been allegations of transfers of ballistic missiles and ammunition from that country to the Russian Federation in violation of Council resolutions, allegedly for use in the conflict in Ukraine. In that regard, she stated that it was her understanding that the Panel of Experts that supported the Committee established pursuant to resolution [1718 \(2006\)](#) had been reviewing, before the expiration of its mandate on 30 April 2024, a report by Ukraine on missile debris recovered on its territory, following information about short-range ballistic missiles manufactured in the Democratic People's Republic of Korea and used by the armed forces of the Russian Federation in Ukraine. While noting that Council sanctions were at the top of international collective efforts to maintain peace and security and to prevent illicit transfers of arms, the High Representative recalled that the relevant resolutions in that regard were legally binding on all Member States. She concluded by reiterating the call of the Secretary-General on the Democratic People's Republic of Korea to fully comply with international obligations, including those under the relevant Council resolutions, adding that all relevant States had to avoid taking any action that could lead to further escalation, not only in the Korean Peninsula, but also in other regions, and further undermine the arms control and non-proliferation regime.

The Executive Director of Conflict Armament Research briefed the Council about his organization's investigations into the use in Ukraine of missiles manufactured in the Democratic People's Republic of Korea and recalled that resolutions [1718 \(2006\)](#), [1874 \(2009\)](#) and [2270 \(2016\)](#) prohibited Member States from procuring arms or related material from the Democratic People's Republic of Korea and prohibited that country from exporting them. He added the proliferation and use of missiles manufactured in the Democratic People's Republic of Korea led to the further erosion of global non-proliferation regimes and that individuals and entities involved in facilitating the transfer of key components and materials of those missiles may also have committed sanctions violations.

During the subsequent discussion, a number of Council members, as well as the representatives of the European Union and Ukraine, stated their condemnation of the alleged transfer of ballistic missiles from the Democratic People's Republic of Korea to the Russian

Federation, which they described as violations of relevant Council resolutions.<sup>90</sup> They stressed that the Council resolutions remained in force and that all Member States were obligated to implement them in full.<sup>91</sup> The representative of France described transfers as flagrant violations of paragraph 8 of resolution [1718 \(2006\)](#) which prohibited all Member States from supplying the Democratic People's Republic of Korea with arms or acquiring them from it. Similarly, the representative of the Republic of Korea stated that any direct or indirect measures enhancing the Democratic People's Republic of Korea's military capabilities constituted a flagrant violation of unanimously adopted Council resolutions. More generally, the representative of Malta warned that the Democratic People's Republic of Korea's unlawful weapons of mass destruction program threatened international peace and security on the Korean Peninsula and beyond. The representative of the European Union stressed the need for unified adherence to Council resolutions, as their violation undermine both the work of the Council and multilateralism, as ways to maintain international peace and security.

A number of delegations also voiced concerns that the Comprehensive Strategic Partnership Treaty signed between the Russian Federation and the Democratic People's Republic of Korea, maintaining that the treaty risked deepening military cooperation between the two countries in violation of Council resolutions.<sup>92</sup> Specifically, the Republic of Korea expressed concern with the explicit references to renewed military cooperation contained in the treaty, noting that such provisions violated multiple Council resolutions, threatened to alter the international peace and security landscape and undermined the global non-proliferation regime. The representative of Guyana emphasized that the implementation of the treaty had to fully align with international law and relevant Council resolutions. While acknowledging the legitimate framework for States to engage in the arms trade, the representative of Sierra Leone underscored that bilateral engagement had to comply with and fully respect Council resolutions and sanctions, which were binding on Member States, and formed part of the very bedrock of the collective security scheme of the Charter. Several speakers further reiterated their disappointment with the non-renewal of the mandate of the Panel of Experts in April 2024, which they maintained prevented the conduct of independent investigations into the violation of the sanctions regime, with some also mentioning the

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<sup>90</sup> See *Ibid.*, United States, France, Japan, United Kingdom, Malta, Guyana, Sierra Leone, Slovenia, Switzerland, Republic of Korea, European Union and Ukraine.

<sup>91</sup> See [S/PV.9676](#), United States, France, Japan, United Kingdom, Malta, Slovenia and Republic of Korea.

<sup>92</sup> *Ibid.*, France, Japan, Malta, Slovenia, Republic of Korea and Ukraine.

decision of the Russian Federation to vote against it.<sup>93</sup> The representative of the United States added that the Council had to take seriously its responsibility to vigilantly monitor implementation to counter the threats posed to international peace and security by the Democratic People's Republic of Korea.

In his remarks, the representative of the Russian Federation stated that that the Comprehensive Strategic Partnership Treaty was concluded to play a stabilizing role in North-East Asia against the backdrop of an unprecedented escalation of tension and was supposed to make a positive contribution to the balance of power in the region. Moreover, he added that the treaty, which provided for mutually military assistance only in the event of an armed attack against one of the parties, fully complied with the Charter and the norms of international law and customary international relations. The representative of the Russian Federation also described speculation about Russia's use of missiles from the Democratic People's Republic of Korea in Ukraine as unfounded. Lastly, the representative urged the United States and its allies to implement the Council's resolutions which provided for the resolution of existing problems on the Korean Peninsula by political and diplomatic means.

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

In 2024, there were no explicit references to Article 25 in any of the communications addressed to the Council.

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<sup>93</sup> Ibid., France, Japan, United Kingdom, Malta, Ecuador, Sierra Leone, Slovenia, Switzerland, Republic of Korea, European Union and Ukraine.

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

#### *Article 26*

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

#### **Note**

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

In 2024, consistent with past practice, the Council did not refer explicitly to Article 26 of the Charter in any of its decisions. However, Article 26 was expressly invoked twice during a Council meeting convened on 18 March under the item entitled “Maintenance of international peace and security” and the subitem entitled “Nuclear disarmament and non-proliferation”.<sup>94</sup> At the meeting, the representative of Sierra Leone recalled that in January 1947, the Council had accepted, as one of its most urgent tasks, the global elimination of nuclear weapons and all other weapons of mass destruction in line with the General Assembly resolution [41\(I\)](#), underlining that the general reduction of armaments and armed forces had been an important measure to strengthen and maintain international peace and security. In that context, the representative of Sierra Leone expressed regret that events had overtaken the early Council initiatives on weapons of mass destruction, ending its substantive work on the regulation of armaments based on Article 26. At the same meeting, the representative of Guyana affirmed that the Council had a duty to promote peace with the least diversion of resources for armaments and a responsibility to confront threats posed to the global disarmament and non-proliferation architecture, including any non-compliance with such obligations, as established in Article 26 and subsequent Council resolutions.

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<sup>94</sup> See [S/PV.9579](#).

In 2024, two communications circulated as documents of the Council contained explicit references to Article 26 of the Charter. In a letter dated 16 April addressed to the Secretary-General,<sup>95</sup> transmitting a concept note for an open debate held on 23 and 26 April under the item entitled “Women and peace and security” and the sub-item entitled “Preventing conflict-related sexual violence through demilitarization and gender-responsive arms control”, the representative of Malta noted that Article 26 recognized the need to ensure the maintenance of international peace and security with the least diversion of the world’s economic and human resources to arms. Additionally, in his annual report on women and peace and security,<sup>96</sup> the Secretary-General noted that 2023 saw global military expenditures increase for the ninth consecutive year, with an increase of 6.8 per cent in real terms from 2022. In that regard, he further noted that surging military spending was not in line with Article 26, which envisaged promoting the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources.

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<sup>95</sup> See [S/2024/311](#). See also [S/PV.9614](#), [S/PV.9614 \(Resumption 1\)](#) and [S/PV.9614 \(Resumption 2\)](#).

<sup>96</sup> See [S/2024/671](#).