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

As outlined in section I below, in 2020, 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 12 of its decisions in connection with the situation in Libya and various thematic issues, such as United Nations peacekeeping operations, the maintenance of international peace and security, children and armed conflict, the protection of civilians in armed conflict, and cooperation between the United Nations and regional and subregional organizations. In addition, Council members and other participants at the meetings and open videoconferences discussed the primary responsibility of the Council for the maintenance of international peace and security in connection with a broad range of items. The most salient deliberations concerned thematic issues, such as the maintenance of international peace and security, implementation of the note by the President of the Security Council (S/2017/507), and peacebuilding and sustaining peace. In those deliberations, Council members and other participants explored the scope of the Council’s primary responsibility for maintaining international peace and security, including with regard to health and climate change insofar as they affected international peace and security. The working methods of the Council were also discussed as tools for enabling and enhancing the capacity of the Council to deliver on its primary responsibility.

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

¹ For more information on the procedures and working methods developed during the coronavirus disease (COVID-19) pandemic, see part II.

resolution [2165 \(2014\)](#), also included explicit references to Article 25 of the Charter.

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

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

Article 24

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

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

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

Note

Section I covers the practice of the Council concerning its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter,² and is divided into two subsections. Subsection A deals with decisions adopted in 2020 that refer to the primary responsibility of the Council pursuant to Article 24. Subsection B examines references to that Article made in discussions held during Council meetings and open videoconferences.

During the period under review, the Council did not adopt any decision explicitly referring to Article 24. That Article was, however, directly invoked in several instances during meetings of the Council, as well as in the context of open videoconferences, notably in relation to the item entitled “Maintenance of international peace and security” and during the annual discussion on its working methods in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”. Explicit references to Article 24 were also made in five communications of the Council in 2020. In a letter from the representatives of Kuwait and Saint Vincent and the Grenadines,³ Article 24 was explicitly referenced twice in connection with discussions on the

working methods of the Council, held during the informal retreat organized from 17 to 19 January 2020 in Kingstown. In addition, three explicit references to Article 24 were made in the concept note for the open videoconference held in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”, on the theme “Ensuring transparency, efficiency and effectiveness in the work of the Security Council”,⁴ on 15 May 2020. Four explicit references were also made to Article 24 in a subsequent analytical summary of that videoconference, contained in the letter dated 8 July 2020 from the representative of Saint Vincent and the Grenadines.⁵ In addition, in a letter dated 3 August 2020,⁶ the representative of Pakistan submitted a legal appraisal of the Jammu and Kashmir dispute, in which reference was made to the advisory opinion of the International Court of Justice on the *Namibia* case,⁷ which included an explicit reference to Article 24. Furthermore, in a concept note for the open videoconference held on 18 December 2020 in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, on the theme “Strengthening the cooperation between the Security Council and the International Court of Justice”,⁸ the representative of South Africa made one explicit reference to Article 24.

A. Decisions referring to Article 24

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

² 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.

³ S/2020/172.

⁴ S/2020/374, annex.

⁵ S/2020/675. References to Article 24 (3) are further featured in part IV, sect. I.F.

⁶ S/2020/772. See also sect. II.C below.

⁷ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16.

⁸ S/2020/1194, annex.

connection with thematic issues on the agenda of the Council.

Resolutions

In 2020, the Council implicitly invoked Article 24 in seven resolutions, in which it reaffirmed, recalled, bore in mind or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security while taking a variety of actions. Two of those resolutions were adopted in connection with Libya, under the items entitled “The situation in Libya” and “Maintenance of international peace and security”; in both, the Council acted explicitly under Chapter VII. The other five resolutions concerned thematic issues ranging from the safety and security of peacekeepers, women in peacekeeping and security sector reform to the implications of the coronavirus disease (COVID-19) pandemic for the maintenance of international peace and security and youth, peace and security. Information about the resolutions is provided in table 1.

Presidential statements

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

Table 1

Decisions in 2020 containing implicit references to Article 24 (1) of the Charter

<i>Decision and date</i>	<i>Paragraph</i>	<i>Item</i>	<i>Sub-item</i>
S/PRST/2020/1 9 January 2020	Third paragraph	Maintenance of international peace and security	Upholding the United Nations Charter
S/PRST/2020/3 12 February 2020	First paragraph	Children and armed conflict	Integrating child protection into peace processes
Resolution 2518 (2020) 30 March 2020	First preambular paragraph	United Nations peacekeeping operations	Safety and security of peacekeepers
S/PRST/2020/6 29 April 2020	Second paragraph	Protection of civilians in armed conflict	Protecting civilians from conflict-induced hunger
Resolution 2526 (2020) 5 June 2020	Fourth preambular paragraph	The situation in Libya	
Resolution 2532 (2020) 1 July 2020	First preambular paragraph	Maintenance of international peace and security	
Resolution 2535 (2020) 14 July 2020	Tenth preambular paragraph	Maintenance of international peace and security	
Resolution 2538 (2020) 28 August 2020	Second preambular paragraph	United Nations peacekeeping operations	
S/PRST/2020/8 10 September 2020	Second paragraph	Children and armed conflict	Attacks against schools as a grave violation of children’s rights

<i>Decision and date</i>	<i>Paragraph</i>	<i>Item</i>	<i>Sub-item</i>
Resolution 2546 (2020) 2 October 2020	Fourth preambular paragraph	Maintenance of international peace and security	Report of the Secretary-General on the implementation of resolution 2491 (2019) (S/2020/876)
Resolution 2553 (2020) 3 December 2020	First preambular paragraph	Maintenance of international peace and security	
S/PRST/2020/11 4 December 2020	Second paragraph	Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	

B. Discussion relating to Article 24

During the period under review, Article 24 was invoked both explicitly and implicitly at numerous meetings of the Council, as well as in statements delivered or submitted in the context of open videoconferences. Speakers made three explicit references to Article 24 at a meeting and its resumption held in connection with the item entitled “Maintenance of international peace and security”.⁹ In addition, Article 24 was expressly invoked on 12 occasions in statements delivered and submitted in writing in the context of an open videoconference held in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”.¹⁰

The following case studies illustrate the nature of some of the issues discussed in 2020 with regard to the interpretation of the primary responsibility of the Council for the maintenance of international peace and security pursuant to Article 24 of the Charter. The cases capture discussions held in connection with the items on the maintenance of international peace and security (cases 1, 3, 4 and 5), the implementation of the note by the President of the Security Council (S/2017/507), which concerns the working methods of the Council (case 2), and peacebuilding and sustaining peace (case 6).

Case 1

Maintenance of international peace and security

At its 8699th meeting, held on 9 January at the initiative of Viet Nam, which held the presidency of the Council for the month,¹¹ the Council held, under the item entitled “Maintenance of international peace and security”, a high-level open debate in connection with the sub-item entitled “Upholding the United Nations Charter”.¹² At the meeting, the Council adopted a presidential statement on the occasion of the seventy-fifth anniversary of the United Nations, reaffirming its primary responsibility for the maintenance of international peace and security.¹³ The Council also heard briefings by the Secretary-General and the Chair of the Elders.¹⁴

In his statement, the Secretary-General said that trust within and among nations was on the decline. This could be seen in the work of the United Nations, including the Council, when Member States struggled or failed to find reasonable common ground. He added that the current climate crisis spared no one and that international cooperation was at a crossroads, both of which presented a grave test to multilateralism and posed a challenge for the Council, which under the Charter had the primary responsibility for the maintenance of international peace and security. At a time of global division and turmoil, the Charter remained the shared framework of international cooperation for the common good. While the Charter and its purposes and principles remained as relevant as ever, he noted, the tools had to adapt to new realities,

⁹ See [S/PV.8699](#) (Switzerland) and [S/PV.8699 \(Resumption 1\)](#) (Uruguay and Georgia).

¹⁰ See [S/2020/418](#) (Saint Vincent and the Grenadines, Viet Nam, Cuba, Ecuador, India, Italy, Kuwait, Morocco, Norway, Philippines, Poland and Republic of Korea).

¹¹ The Council had before it a concept note annexed to a letter dated 31 December 2019 ([S/2020/1](#)).

¹² See [S/PV.8699](#), [S/PV.8699 \(Resumption 1\)](#) and [S/PV.8699 \(Resumption 2\)](#).

¹³ [S/PRST/2020/1](#).

¹⁴ See [S/PV.8699](#).

to be used with greater determination and creativity, including by ensuring the implementation by Member States of the Council's decisions pursuant to Article 25 of the Charter.

During the debate, some speakers recalled or reaffirmed the Council's primary responsibility for the maintenance of international peace and security: the Deputy Prime Minister and Minister for Foreign Affairs of Viet Nam expressed the belief that the Council, as the organ with the primary responsibility for the maintenance of international peace and security in accordance with the Charter, should be at the forefront to ensure respect for the purposes and principles of the Charter. He added that Council members had to take the lead by setting good examples themselves. The representative of China affirmed that the Charter conferred upon the Council the primary responsibility for the maintenance of international peace and security, noting that that was the sacred mission of the 15 members of the Council. He asserted that Council members had to enhance mutual trust, strengthen unity, avoid the politicization of certain issues and remain committed to diffusing conflicts and preventing war. The representative of the United Kingdom of Great Britain and Northern Ireland affirmed that the Council had the primary responsibility for the maintenance of international peace and security but that others, including the Secretary-General, through Article 99, also had a vital role to play. She echoed the Secretary-General's reference to Article 25 and the need to uphold the decisions of the Council in that context. The Minister for Foreign Affairs and Worship of Haiti stated that the Charter made the Council an important pillar in the architecture of the Organization, conferring upon it the primary responsibility for the maintenance of international peace and security. The representative of Argentina said that the collective security system gave the Council the primary responsibility for maintaining peace and security, noting that it was the organ legitimized through the Charter for that purpose. The representative of Mexico stated that, in matters involving international peace and security, States had to act in a manner consistent with the Charter and general international law. When States failed in that obligation, he added, it was even more important that the Council be up to the occasion to defend and enforce the Charter, in strict accordance with its powers and in full exercise of its responsibility. The representative of Morocco declared the essence of the Charter as being and continuing to be the maintenance of international peace and security, which remained the core objective of United Nations operations. He added that the Council, which bore the primary responsibility

in that area, was dedicated to serving as the guarantor of peace and security in the world.¹⁵ The representative of Brunei Darussalam pointed to the Council's moral and persuasive authority to demonstrate the principles and fundamentals contained in the Charter for the maintenance of international peace and security. The representative of Turkey stated that the Council needed to fulfil its mission as the primary United Nations organ for maintaining international peace and security because the success of the Council was, in the eyes of many, indelibly linked to the credibility of the United Nations as a whole.

At the meeting, some speakers observed that the Council was challenged or even undermined by several elements in discharging its responsibility for the maintenance of international peace and security: the representative of the Russian Federation expressed its opposition to the use of unilateral coercive measures in the absence of corresponding Council resolutions or in addition to measures taken by the Council, which undermined its role in the maintenance of international peace and security.¹⁶ The representative of Japan expressed deep regret that some Member States failed to comply with Council decisions, asserting that the States Members of the United Nations conferred on the Council primary responsibility for the maintenance of international peace and security and that the Charter required Member States to accept and carry out the decisions of the Council. The representative of Afghanistan shared a similar view, stating that the lack of implementation of or the disregard for Council resolutions by various countries not only deterred efforts in the fight for international peace and security but also led to the weakening of the political mandate of the Council. The representative of Singapore noted that the Council undoubtedly had the primary responsibility for the maintenance of international peace and security but that all Member States could and, indeed, must contribute to it. In that regard, when countries disrespected a decision of the Council, they undermined the credibility of the entire Council and weakened its ability to maintain international peace and security. The representative of Rwanda stated that there was a need for all Member States to uphold the Charter in the maintenance of international peace and security and that multilateral cooperation must be strengthened.¹⁷ He added that challenges such as terrorism, climate change and transnational organized crime would be effectively addressed if Member States worked together.

¹⁵ See [S/PV.8699 \(Resumption 2\)](#).

¹⁶ See [S/PV.8699](#).

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

Other speakers acknowledged the challenges facing the Council while pointing to the need for unity to overcome those challenges. The representative of the United States of America said that the Council must acknowledge that inaction, repetition and intransigence had created a credibility gap. She added that the Council needed to recapture its sense of unity and purpose as the body with the primary responsibility for maintaining international peace and security.¹⁸ The representative of Albania noted the need for a more responsive and effective Council as the body in charge of maintaining international peace and security, adding that, when the Council had managed to overcome its divisions and take united action, it had successfully achieved the purposes enshrined in the Charter. The representative of Kenya, noting that the Council carried the primary responsibility for the maintenance of international peace and security, pointed to the implications and effects of dissonance within the Council on important international peace and security questions and actions. The representative of Kuwait stressed that the success achieved by means of the tools provided by the Charter for the maintenance of international peace and security would depend on unity and consensus within the Council.¹⁹ The representative of Lebanon noted that, when the Council was blocked and prevented from taking any meaningful decisions, it was not fulfilling its responsibilities under the Charter.²⁰ She added that the unity of the Council was more urgent than ever, as the multilateral system was facing many critical tests and conflicts were multiplying.

Some participants focused on the ways in which the Council could overcome the challenges that it faced in maintaining international peace and security: the representative of Liechtenstein noted that the Council was equipped with an important new tool, namely the ability to refer situations involving acts of aggression to the International Criminal Court.²¹ If applied in a meaningful way, that tool could assist the Council in the prevention of conflicts, reinforcing the Council's role under the Charter in maintaining international peace and security. The representative of Ethiopia stated that the Council, as the primary organ entrusted by the Charter with the responsibility for the maintenance of international peace and security, had to embrace the changing global dynamics and recommit to pursuing robust political solutions through meaningful partnerships with regional and subregional organizations. The representative of Myanmar said that, given the Council's primary responsibility for maintaining international peace and security, all

Member States, large or small, should be subject to the principles of objectivity, impartiality and non-selectivity when carrying out its mandate.²² The representative of Slovenia, recalling that the Council had been entrusted with the primary responsibility of maintaining international peace and security, noted that, so far, the Council had succeeded in some cases but had failed in many others, adding that members of the Council discharged that responsibility on behalf of the entire United Nations membership and should therefore look beyond their national interests. The representative of Costa Rica stated that, in order for the United Nations to take up the reins of global governance, the Council had to shoulder the responsibilities incumbent upon it in the maintenance of international peace and security, bearing in mind human rights considerations in its actions and enhancing its conflict prevention efforts.

Case 2

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

On 15 May, at the initiative of Estonia, which held the presidency of the Council for the month jointly with Saint Vincent and the Grenadines, whose representative chaired the Informal Working Group on Documentation and Other Procedural Questions,²³ members of the Council held an open videoconference on the working methods of the Council in connection with the item entitled "Implementation of the note by the President of the Security Council (S/2017/507)".²⁴ During the videoconference, Council members heard briefings by the representative of Saint Vincent and the Grenadines, in her capacity as Chair of the Informal Working Group, as well as by the Executive Director of Security Council Report and a professor from Columbia University. The representatives of China, France, the Russian Federation, the United Kingdom and the United States delivered their remarks during the videoconference, as did the representative of Viet Nam, who spoke on behalf of the 10 elected members. In their written submissions, published as part of the record of the videoconference,

²² See [S/PV.8699 \(Resumption 1\)](#).

²³ The Council had before it a concept note annexed to a letter dated 7 May 2021 ([S/2020/374](#)).

²⁴ See [S/2020/418](#).

¹⁸ See [S/PV.8699](#).

¹⁹ See [S/PV.8699 \(Resumption 1\)](#).

²⁰ See [S/PV.8699 \(Resumption 2\)](#).

²¹ See [S/PV.8699](#).

representatives of non-Council member States²⁵ also made explicit and implicit references to Article 24 focusing on the responsibility of the Council to act on behalf of the wider United Nations membership in accordance with Article 24.

Several speakers underlined the importance of input from the wider United Nations membership for the discharge of Council duties stemming from Article 24. The Chair of the Informal Working Group on Documentation and Other Procedural Questions noted that, pursuant to Article 24 (1) of the Charter, the Council acted on behalf of the Members of the United Nations and that the holding of the debate demonstrated the significant value that the Council attached to the voice of the United Nations membership. Speaking on behalf of the non-permanent members, the representative of Viet Nam looked forward to receiving the views and inputs from the wider membership of the United Nations to improve the working methods of the Council so that it could better fulfil its responsibility under Article 24.

Discussing the responsibility of the Council under Article 24, several participants also raised the impact of the COVID-19 pandemic. Touching upon the unprecedented circumstances posed by the pandemic, the representative of Saint Vincent and the Grenadines remarked that, in the light of its primary responsibility for the maintenance of international peace and security, the Council could not be allowed to be paralysed. In a similar vein, the representative of China, noting that the Council bore the primary responsibility for maintaining international peace and security, stated that the international community expected the Council to play its due role and appropriately address prominent issues concerning international peace and security, adding that the pandemic had brought unprecedented challenges to the functioning of the Council. In his written statement, the representative of Azerbaijan referred to the primary responsibility for the maintenance of international peace and security conferred on the Council. He added that the emergence of the pandemic had triggered the need for additional urgent measures aimed at safeguarding the effectiveness of the Council under unprecedented and extraordinary circumstances. The representative of

Liechtenstein, in his written statement, expressed the view that the Council's response to COVID-19 was an opportunity to consider broader questions, chief among which was the need to adopt a human-centred perspective of peace and security. He added as a key lesson that addressing human security was no less important to the maintenance of international peace and security than preventing and ending the outbreak of armed conflict and that both were intimately linked, noting, however, that the Council was less prepared to deal with that fundamental dimension of security. The delegation of the United Arab Emirates, for its part, noted that the world relied on the Council for the maintenance of international peace and security, even when meetings did not take place at the iconic horseshoe table.

In their written statements, various non-Council members highlighted the prerogative of the Council to act on behalf of all States Members of the United Nations in accordance with Article 24 and, in this context, noted the importance of transparency and efficiency in its work. The representative of Cuba stated that, in accordance with Article 24, States Members of the United Nations recognized that the Council, in discharging its functions, acted on their behalf and that, consequently, the work of the Council was the collective responsibility of all Member States. She added that greater transparency in the work of the Council would thus help in fulfilling that collective responsibility. The representative of Ecuador noted in his statement that the Council acted on behalf of all Member States pursuant to Article 24, which also meant that it had the obligation to ensure prompt and effective action by the United Nations, as set out in that Article, one that had to be fulfilled without any exceptions. According to the representative of El Salvador, improving the Council's working methods and adapting them to the evolving realities of the Council and the international context was vital to fulfilling the mandate of the Charter of the United Nations and to taking decisions that would ensure rapid and effective action for the maintenance of international peace and security. Explicitly referring to Article 24 (1), the representative of Italy noted that the Council was expected to make decisions that would secure effective action on behalf of the wider United Nations membership. The Council should therefore be accountable to the wider membership, she added, especially when its inaction prevented the Council from fulfilling its responsibility to maintain international peace and security. The representative of Kuwait made a similar point, recalling that Article 24 stipulated that the Council carried out its duties on behalf of all Member States and stressing that the wider membership was responsible for ensuring that

²⁵ The representatives of the following countries submitted written statements: Afghanistan, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Canada, Chile, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Fiji, Guatemala, India, Ireland, Italy, Japan, Kuwait, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, New Zealand, Nigeria, Norway, Philippines, Poland, Republic of Korea, Singapore, Slovakia, Switzerland, Turkey, United Arab Emirates and Ukraine.

the Council was held accountable for its actions and its proper functioning in line with its mandate. According to the representative of Morocco, Articles 24, 25 and 26 provided the Council with important powers and prerogatives, which it could not exercise without adopting an effective and efficient approach. The delegation of Norway, on behalf of the Nordic countries, recalled the fundamental principle that Article 24 enshrined the responsibility of the Council to act on behalf of the entire United Nations membership, which meant that the Council had a responsibility to undertake broad engagement and consultation with non-members, particularly the concerned States. Referring to the working methods of the Council, the representative of the Philippines noted that the wider membership should be able to take part in the process not just in a “token” or perfunctory manner but in a meaningful way, which was in line with Article 24 (1). Similarly, the representative of Poland affirmed that continuous, transparent, effective, efficient and agile functioning of the Council, during both ordinary and exceptional circumstances, should be ensured in line with Article 24 (1), as well as Article 28 (1). Explicitly referring to Article 24, the representative of the Republic of Korea noted that the Article emphasized that the Council should act promptly, effectively and on behalf of the wider membership. In this regard, he welcomed the holding of the videoconference with the participation of non-Council members, expressing the belief that it was a testament to the Council’s commitment to continuing to promote transparency and efficiency, while holding itself accountable to the wider membership.

In their written statements, non-Council members stressed the need for the Council to act preventively, effectively and promptly as aspects inherent to its primary responsibility for the maintenance of international peace and security. The delegation of Australia stated that, to achieve its core function of maintaining international peace and security, the Council was encouraged to use all the tools at its disposal to enhance its ability to prevent and not just respond to conflict, in line with the sustaining peace agenda. With regard to the Council’s responsibility for the maintenance of international peace and security, the representative of Azerbaijan noted that its effectiveness and accountable functioning necessitated, first and foremost, the implementation of its decisions. He stated that Article 25 of the Charter was clear about the obligations of Member States and noted that the objective of maintaining international peace and security was hardly attainable if universally recognized fundamental values, norms and principles were overtly disregarded, misinterpreted or made conditional by

aggressors who sought to whitewash their illegal actions. According to the delegation of Cyprus, the Council, as the organ entrusted with the maintenance of international peace and security, must be kept informed about peace processes and agreements brokered by the United Nations so as to be able to endorse such agreements and to play a responsible role in their implementation, which required better synergy between the Council and the Secretary-General. Concerning the effectiveness of the Council, the representative of Malaysia stated that the Council must do its best in closing the gap between early warning and early action. He added that, with regard to the decision-making process, the Council needed to act promptly, decisively and in unison in maintaining international peace and security. Under the current veto system, the Council had too often failed in its mandate, owing to the narrow interests of some members.

Case 3

Maintenance of international peace and security

Following the adoption on 1 July of resolution [2532 \(2020\)](#), in which the Council considered that the unprecedented extent of the COVID-19 pandemic was likely to endanger the maintenance of international peace and security and demanded a general and immediate cessation of hostilities in all situations on its agenda,²⁶ on 2 July, Council members held, under the item entitled “Maintenance of international peace and security”, an open videoconference in connection with the sub-item entitled “Implications of COVID-19”.²⁷ During the videoconference, Council members heard briefings by the Secretary-General and the President of the International Committee of the Red Cross. Representatives of all Council members delivered their statements during the videoconference, while the representatives of 47 non-Council members and the European Union submitted their statements in writing.²⁸

²⁶ Resolution [2532 \(2020\)](#), final preambular paragraph and para. 1.

²⁷ See [S/2020/663](#). For more information on the item entitled “Maintenance of international peace and security”, see part I, sect. 35.

²⁸ The representatives of the following countries submitted written statements: Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Canada, Chile, Costa Rica, Cuba, Cyprus, Denmark, Ecuador, El Salvador, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, Nigeria, Pakistan, Portugal, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Spain, Switzerland, Turkey, Ukraine, United Arab Emirates and Venezuela (Bolivarian Republic of).

In his briefing, the Secretary-General noted that the COVID-19 pandemic continued to profoundly affect peace and security across the globe, adding that the wide-ranging risks, stemming from a health pandemic that had become a protection crisis, required an urgent and united response, including from the Council.²⁹ The President of the International Committee of the Red Cross, in his briefing, asserted that, on the front lines of fighting the pandemic, the convergence of health and security was not a matter of political debate but of simple and experienced truth. He noted that much could be done in the Council and beyond, citing the adoption of resolution [2532 \(2020\)](#) as a chance to reset and to translate the consensus reflected in the text into greater cooperation and action to protect civilians.

During the discussion, several Council members held the view that the Council's responsibility under Article 24 of the Charter required it to take into consideration the peace and security implications of the COVID-19 pandemic and other new types of threats. The Minister for Foreign Affairs of Estonia asserted that the adoption of resolution [2532 \(2020\)](#) confirmed that the Council must remain regularly involved in the peace and security implications of COVID-19. Recalling that the Council bore the primary responsibility for the maintenance of international peace and security under the Charter of the United Nations, the Minister for Europe and Foreign Affairs of France noted that the Council must address the destabilizing effect of pandemics, which it was able to do with HIV/AIDS in 2000 and with the Ebola virus disease in 2014 and 2018. Similarly, the representative of the Dominican Republic noted that the potential and unprecedented magnitude of the COVID-19 outbreak globally constituted a threat to international peace and security and could critically harm human security around the world. Affirming that the "men and women who signed the Charter of the United Nations 75 years ago entrusted the Security Council with upholding peace and security", the Federal Minister for Foreign Affairs of Germany asserted that the Council had to finally embrace a broader understanding of peace and security. The founders of the United Nations might have had "artillery, bombers and soldiers" in mind when they drafted the Charter, but at present a virus could be deadlier than a gun, a cyberattack could cause more harm than a soldier and climate change threatened more people than most conventional weapons. He noted that maintaining peace and security in the twenty-first century meant early, preventive action

based on good reporting and adequate capacities in the United Nations system. The Minister for Foreign Affairs of Tunisia noted that, as the nature and scope of threats evolved, it was necessary to rethink the notion of security and adapt approaches and tools, adding that a change of paradigm was greatly needed. He expressed his country's strong belief that the Council needed to discuss such issues in more depth to be able to deliver on its primary responsibility for the maintenance of international peace and security.

Other Council members held a different view, cautioning the Council not to address issues that might fall outside the scope of its mandate for the maintenance of international peace and security. In this regard, the representative of the Russian Federation expressed the belief that the efforts of the Council to help combat the pandemic should focus on the pandemic's impact on the functioning of peacekeeping missions, ensuring the continuity of peace processes and supporting the implementation of the Secretary-General's ceasefire initiative. He noted that the potential for a sharp deterioration of humanitarian situations in armed conflicts compounded by COVID-19 should be considered primarily in relation to the situation of specific countries on the agenda of the Council. He cautioned that attempts to generalize such discussions would take the Council outside the scope of its mandate. The representative of South Africa reiterated his country's position that the attention paid by the Council to global public health emergencies should be clear and directly linked to issues that fell under the purview of its mandate. He urged the Council to be cautious and to refrain from focusing on international public health matters and economic measures that were more appropriately addressed by the broader United Nations system, the Secretary-General and the General Assembly.

In their written submissions, non-Council members also discussed the links between the challenges stemming from the COVID-19 pandemic and the mandate of the Council in maintaining international peace and security. Some delegations³⁰ pointed to the earlier response of the Council to health crises such as HIV/AIDS and the Ebola virus disease, noting that the Council should have a more flexible view of what constituted a threat to international peace and security in order to discharge its mandate in the maintenance of international peace and security on behalf of the entire United Nations membership. In

²⁹ See [S/2020/663](#).

³⁰ For example, Afghanistan, Canada, Kuwait, Liechtenstein, Mexico, Netherlands, Qatar, Slovenia, Switzerland and United Arab Emirates.

contrast, other delegations,³¹ while noting that the COVID-19 pandemic had a potential impact on the maintenance of international peace and security, held the view that the Council should not interfere in or address matters that fell within the mandate of other organs or agencies of the United Nations system, such as the General Assembly or the World Health Organization.

Case 4

Maintenance of international peace and security

On 24 July, at the initiative of Germany, which held the presidency of the Council for the month,³² Security Council members held an open videoconference in connection with the item entitled “Maintenance of international peace and security” and the sub-item entitled “Climate and security”.³³ During the videoconference, Council members heard briefings by the Assistant Secretary-General for Europe, Central Asia and the Americas in the Department of Political and Peacebuilding Affairs and the Department of Peace Operations, the Director of the Centre national d’études stratégiques et de sécurité and the Director of Sustainable Pacific Consultancy, Niue. Fourteen Council members spoke during the videoconference,³⁴ as did the representatives of Belize, Ireland, Kenya, the European Union, Denmark, Fiji and Nauru.³⁵ In addition, 29 delegations from among non-Council members submitted their statements in writing.³⁶

In his briefing, the Assistant Secretary-General noted that, while there was no automatic link between climate change and conflict, climate change did exacerbate existing risks and created new ones. He

warned that failure to consider the growing impacts of climate change would undermine efforts at conflict prevention, peacemaking and sustaining peace and would risk trapping vulnerable countries in a vicious circle of climate disaster and conflict.

During the discussion, some Council members spoke in favour of addressing the issue of climate change in the context of the Council’s mandate for the maintenance of international peace and security. The Deputy Prime Minister and Minister of Finance and Development Cooperation of Belgium noted that some might think that the topic of climate change did not belong on the agenda of the Council because of its complexity. As an elected member, however, Belgium consistently backed a Council with a broader role in addressing climate-related security risks. He added that, as attested by the wide participation in the debate and the continuous support of a clear majority of Council members, from all regions, that was a broadly shared endeavour. The Federal Minister for Foreign Affairs of Germany called upon the Secretary-General to appoint a special representative on climate and security who would ensure that climate change was placed where it belonged, namely, at the heart of the Council’s work of maintaining international peace and security in the twenty-first century. He announced that Germany would convene an informal expert group of the Council on climate and security as soon as possible, with the goal of enshrining the topic in the Council’s work once and for all. Similarly, the representative of the Dominican Republic affirmed that Council members needed to continue working towards the creation of the necessary mandate to ensure that the topic of the effects of climate change on international peace and security figured regularly on the Council’s agenda. The representative of Saint Vincent and the Grenadines asserted that it was clear that the Council must work within its mandate to address the grave consequences of the climate crisis for international peace and security. She added that the Council had acknowledged the impact of extreme weather events on security but that, owing to a lack of collective political will, it had not been able to include climate and security considerations in numerous resolutions. She noted the need for adequate data on country- and region-specific situations, with consideration of the differential and gendered impacts of climate-related risks, in order to improve the Council’s capacity to maintain international peace and security. She also advocated the appointment of a special representative on climate and security and called for strengthening cooperation with regional and subregional organizations in this regard.

³¹ For example, Cuba and Venezuela (Bolivarian Republic of).

³² The Council had before it a concept note annexed to a letter dated 18 July 2020 (S/2020/725).

³³ See S/2020/751.

³⁴ Of those, 11 Council members (Belgium, Viet Nam, Germany, Estonia, United Kingdom, China, Dominican Republic, France, Indonesia, Saint Vincent and the Grenadines and South Africa) submitted written statements.

³⁵ The representative of Denmark spoke on behalf of the Nordic countries, and the representative of Nauru spoke on behalf of the Group of Friends on Climate and Security. Belize, Ireland and Kenya were represented by their respective ministers for foreign affairs.

³⁶ The delegations of the following countries submitted written statements: Brazil, Costa Rica, Cyprus, Czechia, Ecuador, Ethiopia, Georgia, Guatemala, India, Iraq, Italy, Japan, Lebanon, Liechtenstein, Luxembourg, Mexico, Nepal, Nigeria, Poland, Portugal, Qatar, Republic of Korea, Senegal, Slovakia, Spain, Sri Lanka, Switzerland, Tuvalu (on behalf of the 14 States members of the Pacific Islands Forum) and United Arab Emirates.

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

In their written contributions, some delegations of non-Council members also discussed the relation between climate change and the Council's primary responsibility for the maintenance of international peace and security. The representative of Fiji stated that the Council's core responsibility, namely the maintenance of international peace and security, was fundamental and would be fulfilled through sustained and accelerated progress in implementing the Paris Agreement on climate change. The representative of Brazil noted that the discussion on climate and security proposed for the videoconference was an opportunity to reflect on the question at hand but more so on the scope of the mandate for the maintenance of international peace and security, given to the Council by the Charter. The Council was mandated to deal with concrete, immediate threats to international peace and

security and should therefore abstain from adopting blanket statements on the proposed topic and instead opt for assessing threats to international peace and security on a case-by-case basis. According to the delegation of Guatemala, despite the success of various efforts, the impact of climate change was real, and in that context the Council must also consider its negative effects within the framework of international peace and security mandates. Climate change was one of the factors that intensified existing threats, tensions and instability, a challenge that threatened to overburden the most vulnerable countries and regions with fragile and conflict-affected environments. Affirming that the Council had the primary responsibility for maintaining international peace and security, it added that the magnitude of the challenge of climate change was becoming more evident and required thorough consideration by both permanent and non-permanent members of the Council.

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

On 17 September, at the initiative of the Niger, which held the presidency of the Council for the month,³⁷ Council members held an open videoconference in connection with the item entitled "Maintenance of international peace and security", under the sub-item entitled "Humanitarian effects of environmental degradation and peace and security".³⁸ Council members heard briefings by the President of the International Committee of the Red Cross, the Executive Secretary of the secretariat of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and a civil society and environmental activist. In addition to representatives of Council members who spoke during the videoconference, delegations of 19 Member States submitted their statements in writing, as did the delegation of the European Union and the Chair of the Peacebuilding Commission.³⁹

During the videoconference, Council members discussed the extent to which the topic of climate change should be addressed by the Council in the context of international peace and security. In this

³⁷ The Council had before it a concept note annexed to a letter dated 1 September 2020 (S/2020/882).

³⁸ See S/2020/929.

³⁹ The delegations of the following countries submitted written statements: Brazil, Denmark, Ethiopia, Guatemala, India, Ireland, Japan, Liechtenstein, Malta, Mexico, Namibia, Portugal, Republic of Korea, Senegal, Slovakia, Spain, Switzerland, United Arab Emirates and Ukraine.

regard, the Minister of State for the Commonwealth and South Asia of the United Kingdom noted that the Council must make climate risk assessment and climate resilience an integral part of its work, adding that the Council presented the best vehicle for addressing climate-related security threats. The representative of Belgium expressed the belief that it was appropriate for Council members to discuss the consequences of climate change on conflict and humanitarian needs and stated that one of his country's priorities during its term on the Council had been to mainstream climate-related security risks into relevant Council mandates. According to the representative of France, in order to enable the Council to react in a timely manner, the Secretary-General should be able to present, every two years, an assessment of the threats to international peace and security posed by the impacts of climate change in all regions of the world. The Deputy Prime Minister and Minister for Foreign Affairs, International Trade and Regional Integration of Saint Vincent and the Grenadines pointed to the need for an integrated and coherent approach that leveraged the technical capacities of all United Nations organs and specialized agencies, within their respective mandates. He noted the importance of incorporating the humanitarian and security concerns of climate change and environmental degradation into all mandated reports for situations on the Council's agenda. The representative of the Dominican Republic recognized that the Council was faced with the challenge of considering an unconventional threat to international peace and security. Noting that his country continued to look to the Council to fulfil its international peace and security mandate, the representative of South Africa expressed interest in hearing the views of Council members on the value that the Council could add to addressing the humanitarian effects of environmental degradation on peace and security. The representative of Tunisia stated that the climate change and security nexus should be considered further by the Council and that those issues needed to remain on its agenda and required a more in-depth discussion by the Council. Similarly, the representative of Viet Nam held the view that managing the adverse effects of climate change, ecosystem degradation and their humanitarian and security risks should be part of the Council's efforts to maintain international peace and security.

By contrast, the representative of China stated that there was no direct link between environmental issues and peace and security, adding that such issues needed to be discussed and handled in country-specific ways. He noted that the Council should effectively implement its primary responsibility for maintaining

international peace and security, promoting the peaceful settlement of disputes and paving the way for reconstruction. Similarly, the representative of the Russian Federation expressed doubt that the Council was a platform for a generic environment-related debate and in that respect stated that there was no automatic link between environmental issues, including climate change, and conflict. It was paramount that the Council focus its efforts on the fulfilment of its core function of the maintenance of international peace and security on the basis of the Charter of the United Nations. If that was addressed, it would certainly contribute to the protection of the environment.

In their written submissions, non-Council members also addressed the issue of climate change in the context of the maintenance of international peace and security. The representative of Brazil stated that it was incumbent on Member States to be watchful of the division of labour among the different bodies of the United Nations system, seeking synergies and complementarities while retaining their respective mandates and competencies. He noted that the Council was mandated to respond to concrete threats to international peace and security requiring immediate attention from the international community and added that diverting the Council's attention to issues beyond the mandate entrusted to it in the Charter was counterproductive and potentially detrimental to the proper functioning of the multilateral machinery. According to the representative of India, there had been an increasing tendency both within and outside the Council to start discussing environmental issues with a certain disregard for the various important principles that governed environmental discussions on topics such as climate change and biological diversity. Steering away from such principles as "common but differentiated responsibilities" or attempting to discuss such issues by obfuscating the identity of those responsible for addressing them would only do a disservice to the real issue and would make it difficult to have a meaningful discussion thereon.

In contrast, the representative of Ireland stated that the United Nations system, and the Council in particular, must address environmental factors as part of its peace mandate, adding that Ireland continued to call for a special representative on climate and security, who could further support those efforts. According to the representative of Mexico, although the Council was not the organ charged with responding to the global threat of climate change and its demonstrated effects on environmental degradation, the humanitarian impact of that threat and its effects might accentuate the risk

of instability or exacerbate existing conflicts. It was therefore necessary to work in a coordinated manner with the various entities present in the field, including humanitarian actors, to generate scientific evidence and synergies that facilitated timely analysis and improved the system's decision-making and preventive capacities. In his written submission, the representative of Portugal welcomed the inclusion of the security-climate nexus in the discussions of the Council, expressing the belief that the Council, in line with its responsibilities in the maintenance of international peace and security, should pay close attention to climate-related security risks and take on board the knowledge generated by such entities as the United Nations climate security mechanism in order to better understand the interlinkages among climate change, conflict prevention and sustaining peace. Similarly, the representative of the United Arab Emirates stated that the Council's consideration of environmental issues was a necessary part of maintaining international peace and security.

Case 6

Peacebuilding and sustaining peace

On 3 November, the Council convened an open videoconference in connection with the item entitled "Peacebuilding and sustaining peace" and the sub-item entitled "Contemporary drivers of conflict and insecurity".⁴⁰ During the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development Agency, the Vice Chancellor of the University of the West Indies and the President of the Economic and Social Council. Representatives of all Council members delivered their statements during the videoconference, while the delegations of 38 non-Council members and the European Union submitted their statements in writing.⁴¹ In her briefing,

the Deputy Secretary-General welcomed the increased attention that the Council was devoting to addressing contemporary drivers of conflict and instability and recalled the Secretary-General's appeal for a new push by the international community, led by the Council, to make a global ceasefire a reality by the end of 2020.

During the videoconference, Council members discussed the mandate of the Council in the context of contemporary drivers of conflict. According to the Minister of State in the Federal Foreign Office of Germany, unless the Council systematically and effectively considered the security implications of climate change, global pandemics, underdevelopment and violations of human rights, Council members would fall short of what the international community and, most of all, those who were most severely affected by conflicts expected them to deliver. If the Council wanted to remain relevant, it would have to "up its game" and "grapple with" the security implications of pandemics, climate change and the other pressing global issues that the world expected it to address. The Deputy Minister for Foreign Affairs of the Russian Federation expressed the view that it was extremely important that, through division of labour among the main United Nations agencies, each one must perform its functions in strict accordance with its mandate. That applied to the Council discussion on the climate agenda, and the leading role in that area fell to the relevant United Nations agencies. For the representative of France, while the causes of conflict evolved, the Charter of the United Nations and the responsibilities of the Council were immutable. It was imperative that the Council continuously adapted its actions and tools in order to fulfil its principal responsibility for the maintenance of international peace and security. According to the representative of Indonesia, the Council, as the organ with the principal mandate of maintaining international peace and security, should continue to mainstream a comprehensive approach to ensure peace and stability that encompassed security, human rights and humanitarian aspects, as well as sustainable development.

⁴⁰ See [S/2020/1090](#).

⁴¹ The delegations of the following countries submitted written statements: Azerbaijan, Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark, Ecuador, El Salvador, Eritrea, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

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

Article 25

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

Note

Section II outlines the practice of the Council in relation to Article 25 of the Charter, 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 contains references to Article 25 in decisions of the Council, subsection B examines how the principle of Article 25 was dealt with in deliberations of the Council, and subsection C features explicit references to Article 25 in communications of the Council.

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

⁴² Resolutions [2504 \(2020\)](#) and [2533 \(2020\)](#).

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

⁴⁴ See [S/2020/418](#) (Azerbaijan and Morocco).

⁴⁵ See [S/2020/1090](#) (Azerbaijan).

⁴⁶ [S/2020/212](#); [S/2020/451](#), annex; [S/2020/772](#), annex; [S/2020/814](#), annex; [S/2020/816](#), annex; [S/2020/822](#), annex; and [S/2020/1000](#).

A. Decisions referring to Article 25

In 2020, the Council adopted two decisions containing an explicit reference to Article 25 under the item entitled “The situation in the Middle East” in relation to the Syrian Arab Republic. In both resolutions, the Council underscored that Member States were obligated under Article 25 to accept and carry out its decisions.⁴⁷

In addition, five draft resolutions on the situation in the Middle East that were not adopted contained explicit references to Article 25. In all those draft resolutions, the Council would have underscored that Member States were obligated under Article 25 of the Charter of the United Nations to accept and carry out the Council’s decisions.⁴⁸

B. Discussion relating to Article 25

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

Case 7

The situation in the Middle East, including the Palestinian question

On 21 and 22 January, the Council held its first quarterly open debate for the year under the item entitled “The situation in the Middle East, including the Palestinian question”.⁴⁹ At the meeting, the Under-Secretary-General for Political and Peacebuilding Affairs and the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator briefed the Council on the latest developments that had taken place during the reporting

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

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

⁴⁹ See [S/PV.8706](#) and [S/PV.8706 \(Resumption 1\)](#).

period.⁵⁰ During the discussion following the briefing, several speakers criticized the continued and increased violations of relevant resolutions, recalling their binding nature and appealing to the Council, as well as all States, individually and collectively, to ensure compliance with those resolutions.

In their remarks, several speakers maintained that impunity for violations of Council resolutions committed by States undermined the credibility and effectiveness of the Council. The observer for the State of Palestine noted that Council resolutions, including resolution 2334 (2016), must be respected and that initiatives endorsing illegal schemes and departing from the global consensus enshrined in the Council's resolutions were rejected and doomed to fail. Insisting on the full implementation of resolution 2234 (2016), the representative of South Africa noted that the continued contravention by Israel of resolution 2334 (2016) damaged the Council's credibility and that overt violations of Council resolutions would usually elicit harsher measures imposed on the party responsible for such infractions. The representative of Kuwait made a similar point, noting the Council's inability to hold Israel accountable for failing to implement its resolutions.⁵¹ Speaking on behalf of the States members of the Organization of Islamic Cooperation, the representative of Bangladesh stated that it was incumbent upon the international community to take concrete actions to compel respect for and compliance with Council resolutions on the part of Israel. She added that Bangladesh looked upon the Council to fulfil its Charter obligations and enforce its resolutions.

Referring to destabilizing activities in the Middle East, the representative of Israel noted that the export by the Islamic Republic of Iran of its missiles was in violation of Council resolutions, in particular resolutions 1559 (2004), 1701 (2006), 2216 (2015) and 2231 (2015). The representative of Lebanon noted that violations by Israel of resolution 1701 (2006) continued unabated. In explaining the reasons behind the instability in the Middle East, the representative of Portugal, speaking on behalf of 27 European Union member States, noted that Council resolutions had been violated by both sides. He called upon all parties to take urgent steps that would contribute to the implementation of resolution 2334 (2016) and thereby increase the chances for peace and a two-State solution. Similarly, the representative of China noted that all parties concerned should earnestly implement resolution 2334 (2016).⁵²

Some speakers held the view that Council resolutions and their interpretation were not "à la carte": the representative of Germany, echoed by the representative of Lebanon, stated that international law was not like an à la carte menu and called for the implementation of resolutions adopted by the Council.⁵³ Similarly, the representative of France reiterated that resolution 2334 (2016) could not be subject to à la carte interpretation.⁵⁴

Referring to the Golan Heights, the representative of the Sudan, speaking on behalf of the Group of Arab States, called upon Israel to abide by resolutions 242 (1967) and 338 (1973) by withdrawing fully from the occupied Syrian Golan.⁵⁵ The representative of Cuba noted that the decision of the United States to recognize the sovereignty of Israel over the Golan Heights and to recognize Jerusalem as the capital of Israel constituted flagrant violations of Council resolutions. In reiterating the binding nature of Council resolutions, the representative of Jordan noted that, since Israeli violations and aggressions in occupied East Jerusalem breached Council resolutions, they were therefore null and void and without legal or political effect.⁵⁶

Case 8

The situation in the Middle East, including the Palestinian question

On 25 August, the Council held a videoconference in connection with the item entitled "The situation in the Middle East, including the Palestinian question",⁵⁷ during which the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General delivered his monthly briefing. Against the backdrop of the letter dated 20 August 2020 from the representative of the United States⁵⁸ notifying the Council of the significant non-performance by the Islamic Republic of Iran of its commitments under the Joint Comprehensive Plan of Action, the majority of Council members expressed their disagreement with the position of the United States and presented their views on the obligations of Member States, under Article 25 of the Charter, to implement resolution 2231 (2015).

⁵³ See S/PV.8706 and S/PV.8706 (Resumption 1).

⁵⁴ See S/PV.8706.

⁵⁵ See S/PV.8706 (Resumption 1).

⁵⁶ See S/PV.8706.

⁵⁷ See S/2020/837.

⁵⁸ S/2020/815. Details of related communications of the Council containing references to Article 25 are provided in subsection C below.

⁵⁰ See S/PV.8706.

⁵¹ See S/PV.8706 (Resumption 1).

⁵² See S/PV.8706.

In their initial remarks, several speakers explained their positions regarding the letter from the United States of 20 August 2020 regarding resolution 2231 (2015) and asked the President of the Council to state his position on the matter.⁵⁹ The representative of South Africa noted that the United States, having confirmed its withdrawal from the Joint Comprehensive Plan of Action and by not participating in any of the Plan's structures or subsequent activities, ceased to be a participant of the Plan and was therefore ineligible to submit a notification to the Council under the terms of resolution 2231 (2015). He also noted that, as resolution 2231 (2015) and the Plan were inextricably linked and were mutually contingent, any party that, of its own volition, withdrew from the Plan could not be regarded as a participant State and would therefore not be able to invoke the provisions of resolution 2231 (2015) as a participant State. The representative of the Russian Federation said that the United States had submitted a letter with a claim that the actions of the Islamic Republic of Iran allegedly triggered a snapback process, as foreseen in paragraph 11 of resolution 2231 (2015), noting that almost all Council members had responded immediately with a letter to the President. He observed that an overwhelming majority of the members had explicitly stated in those letters that the letter from the United States could not be considered a notification under paragraph 11 of resolution 2231 (2015), nor did it trigger the snapback procedure, since the United States had ceased its participation in the Plan. He then asked the President to inform the members of the results of bilateral consultations held after receipt of the letter from the United States and to clarify his view on the claim of the United States, in particular whether he intended to follow the procedures foreseen in paragraph 11 of resolution 2231 (2015). Holding a similar view, the representative of China pointed out that the overwhelming majority of Council members believed that the demand by the United States to restore United Nations sanctions on the Islamic Republic of Iran had no legal grounding and went against common views and that the snapback mechanism should not be deemed as invoked. He urged the President not to take any action on the demand of the United States, adding that the Council should fully respect the views of the international community and the overwhelming majority of Council members, uphold its credibility and authority and fulfil its responsibility of maintaining international peace and security. He also expressed his strong wish that the President inform the Council members of his position

on the letter from the United States and his plan to guide the discussion in the Council in that regard.

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

In the ensuing discussion, Council members reiterated their stance on the matter as reflected in the above-mentioned letters, with most concurring with the assessment of the President. The representative of France recalled the view expressed by the European members of the Council in their letter circulated on 20 August,⁶⁰ namely that the United States was not a Joint Comprehensive Plan of Action participant State under resolution 2231 (2015) anymore, and therefore they did not consider that the United States notification was effective. To be more precise, she added, the purported notification under paragraph 11 of resolution 2231 (2015) was incapable of having legal effect and so could not bring into effect the procedure foreseen under paragraph 11, that is, the snapback procedure. The representative of France took note of the converging views expressed by 13 of the 15 members of the Council on that matter and expressed the firm belief that, as a consequence, no further steps could take place within the Council.⁶¹ The representative of Germany fully subscribed to the position stated by the representative of France and expressed full support for the view of the President that the purported notification of the United States was, in legal terms, null and void. The representative of the United Kingdom aligned himself with the position expressed by the representatives of France and Germany, noting that the United Kingdom did not support a move to snapback at that time. The representative of Belgium noted that the current situation could pose a threat to the proper functioning, authority and integrity of the Council, adding that Belgium did not recognize the legality of the purported notification by the United States. He affirmed that Council members must abide by the methods and decisions agreed upon by that body and by the international community, not undermine them.

⁵⁹ See [S/2020/837](#).

⁶⁰ [S/2020/839](#). Details of related communications of the Council containing references to Article 25 are provided in subsection C below.

⁶¹ See [S/2020/837](#).

The representative of Estonia also expressed support for the Council presidency in considering the notification as ineffective for the purposes of a snapback, given that there was no agreement among the Plan's initial participants regarding the status of the United States as a participant. The representative of Saint Vincent and the Grenadines maintained the position outlined in the joint letter of the three African members of the Council, namely the Niger, South Africa and Tunisia, as well as Saint Vincent and the Grenadines,⁶² that having confirmed its withdrawal from the Plan and by not participating in any of the Plan's structures or subsequent activities, the United States ceased to be a participant and was therefore ineligible to submit a notification to the Council under the terms of resolution [2231 \(2015\)](#).⁶³ The representative of China also expressed support for the conclusion made by the President, noting that it was a step in the right direction, while the representative of the Russian Federation noted that the President was taking a prudent step, given the positions of Council members on the matter. Taking the floor to reaffirm full support for the leadership of the President, the representative of Viet Nam reiterated that the Charter of the United Nations and international law should be strictly adhered to, adding that the Plan constituted an integral part of resolution [2231 \(2015\)](#).

Delivering her second statement, the representative of the United States said that, on 20 August, the United States took the only remaining reasonable and responsible action, reminding members of the Council of the right of the United States under resolution [2231 \(2015\)](#) to trigger the snapback mechanism and its firm intent to do so "in the absence of courage and moral clarity by the Council". Noting that the Islamic Republic of Iran had defied the Council's arms embargo and stating that the Russian Federation and China revelled in the Council's dysfunction and failure, the representative of the United States regretted that other members of the Council had lost their way and currently found themselves "standing in the company of terrorists".

Case 9 Non-proliferation

In 2020, the status of the Joint Comprehensive Plan of Action was discussed by Council members at

various meetings and videoconferences in connection with the item entitled "Non-proliferation".⁶⁴

At the end of the year, on 22 December, Council members held an open videoconference and heard briefings by the Under-Secretary-General for Political and Peacebuilding Affairs, the Head of Delegation of the European Union to the United Nations and the representative of Belgium, in his capacity as Security Council Facilitator for the implementation of resolution [2231 \(2015\)](#).⁶⁵ During the videoconference, Council members discussed the recent developments with regard to the Joint Comprehensive Plan of Action and the steps taken by the United States in this context in the preceding months.⁶⁶

In her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs noted the view of the United States that, as of 20 September 2020, all provisions of prior resolutions that had been terminated by resolution [2231 \(2015\)](#) applied in the same manner and that the measures contained in paragraphs 7, 8 and 16 to 20 of resolution [2231 \(2015\)](#) had also been terminated. She added that the majority of Council members and the Islamic Republic of Iran had written to the Council stating that, among other things, the letter dated 20 August 2020 from the United States had not initiated the process set forth in paragraph 11 of resolution [2231 \(2015\)](#). She also noted that those States had expressed their strong support for the Plan and the continued implementation of the resolution. The Under-Secretary-General recalled that the President of the Council for the month of August and the President of the Council for the month of September had indicated that they were not in a position to take any action with regard to the aforementioned letter from the United States, while the President of the Council for the month of October also took note of those developments.⁶⁷ Similarly, the Head of Delegation of the European Union stated that the United States could not be considered a participant State, given that it had ceased its participation in the agreement on 8 May 2018 and therefore could not initiate the process of reinstating sanctions under resolution [2231 \(2015\)](#). He also noted that the majority of Council members regarded such attempts by the United States as having no legal basis.

During the discussion, the representative of China noted that the Joint Comprehensive Plan of Action, endorsed by the Council in its resolution [2231 \(2015\)](#), was legally binding and should be effectively

⁶² [S/2020/821](#). Details of related communications of the Council containing references to Article 25 are provided in subsection C below.

⁶³ See [S/2020/837](#).

⁶⁴ For further details, see part I, sects. 21 and 32.B.

⁶⁵ See [S/2020/1324](#).

⁶⁶ See also case 8 above and subsection C below.

⁶⁷ See [S/2020/1324](#).

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

C. Communications featuring Article 25

In 2020, 10 explicit references to Article 25 were made in seven communications of the Council. With the exception of the letter dated 3 August from the representative of Pakistan,⁶⁸ all other communications in 2020 containing a reference to Article 25 were submitted in connection with the implementation of resolution 2231 (2015) and the Joint Comprehensive Plan of Action.⁶⁹

According to the letter dated 16 March 2020 from the representative of the Russian Federation to the Secretary-General,⁷⁰ the United States “withdrew” from the full implementation of resolution 2231 (2015), thus violating its obligations under Article 25

of the Charter of the United Nations. In a subsequent communication dated 27 May 2020 on the same topic,⁷¹ the Minister for Foreign Affairs of the Russian Federation stated that, in accordance with Article 25, the United States side was obliged to carry out the decisions of the Council, “rather than undermine them through its unlawful actions”. It was noted in the letter that the position of the United States, which had taken up the path of violation, openly challenged the Council and begun to impede the implementation of resolution 2231 (2015) by other States, deserved universal condemnation. In a communication dated 20 August 2020 transmitting a letter from the Minister for Foreign Affairs of the Islamic Republic of Iran regarding the intended inadmissible submission of a “notification” by the United States in relation to resolution 2231 (2015),⁷² the Islamic Republic of Iran stated that abusing and violating the provisions of paragraphs 10 and 11 of resolution 2231 (2015) by sending a simple notification – while the United States had already breached its obligations under resolution 2231 (2015) and Article 25 of the Charter by its reimposition of unilateral and unlawful sanctions – set an extremely dangerous precedent which must be clearly and vociferously rejected by the Council and its members. In a letter dated 20 August 2020 pertaining to the implementation of resolution 2231 (2015) and the United States notification to trigger a snapback mechanism,⁷³ the Russian Federation affirmed that resolution 2231 (2015) unequivocally endorsed the Joint Comprehensive Plan of Action, which was annexed to the resolution, thus making it an inseparable part of a single text. The letter further stated that resolution 2231 (2015) specifically referred to Article 25 of the Charter, which was a way to establish the legally binding character of the resolution without invoking Chapter VII of the Charter, as recognized by the International Court of Justice. In the same letter, the Russian Federation noted that all those cumulative conditions, including the reference to Article 25 in the preamble of the resolution, the unconditional endorsement of the Plan by resolution 2231 (2015) and the attachment of the Plan to the resolution, made the Plan legally binding, without prejudice to the issue of the legal nature of the Plan before the adoption of resolution 2231 (2015). In a letter dated 21 August 2020 containing an explanation of the legal basis for the right of the United States to

⁶⁸ S/2020/772.

⁶⁹ For the background and more information on the discussion on Article 25 in connection with the Joint Comprehensive Plan of Action, see also case studies 8 and 9 in sect. II.B above. For more information on the item entitled “The situation in the Middle East, including the Palestinian question”, see part I, sect. 21; for more information on the item entitled “Non-proliferation”, see part I, sect. 32.B.

⁷⁰ See S/2020/212.

⁷¹ See S/2020/451.

⁷² See S/2020/814.

⁷³ See S/2020/816.

initiate snapback under resolution 2231 (2015),⁷⁴ the United States asserted that, when the Council imposed obligations under Chapter VII of the Charter, as was the case for resolution 2231 (2015), it did not mean that all of the provisions contained therein were legally binding. In the same letter, the United States explained that, because Article 25 of the Charter required Member States to “accept and carry out” the “decisions” of the Council, and Article 41 of Chapter VII of the Charter authorized the Council to “decide” to impose certain measures, it was generally understood that, when the Council used other verbs, such as “calls upon” or “urges” or even “demands”, it was not imposing legally binding obligations. In response to the United States,⁷⁵ the Islamic Republic of Iran, in a letter dated 12 October 2020,⁷⁶ recalled that the Council, in its resolution 2231 (2015), “underscoring that Member States are obligated under Article 25 of the Charter of the United Nations to accept and carry out the Security Council’s decisions”, called upon them to “support the implementation of the [Plan]” and “refrain from actions that undermine implementation of commitments under the [Plan]”. All

communications submitted in connection with the Joint Comprehensive Plan of Action in 2020 are listed in table 2.

During the period under review, one other communication of the Council, submitted in connection with the item entitled “The India-Pakistan question”, contained three explicit references to Article 25 of the Charter. Supplementing an earlier letter dated 3 August 2020,⁷⁷ a letter of the same date was submitted by the representative of Pakistan and included, in an annex, a legal appraisal of the Jammu and Kashmir dispute.⁷⁸ In that document, under the rubric “Legally binding effect of Security Council resolutions”, it was submitted that India had made a disingenuous attempt to erode the legally binding nature of Council resolutions and that, over the years, India had attempted to argue that the Council resolutions on Kashmir were only of a “recommendatory” nature. Citing the International Court of Justice in its advisory opinion on the *Namibia* case, which contained multiple references to Article 25 of the Charter, the document stated that Council resolutions were immutable and that they could be invalidated only by fulfilment of the obligation, consent of the parties or a subsequent resolution or decision by the Council itself. Since none of that had happened with regard to Jammu and Kashmir, according to the document, the obligations arising from the Council resolutions on the dispute could not be unilaterally annulled or renounced by India.

⁷⁴ See S/2020/822. In addition to the communications relating to the implementation of resolution 2231 (2015) and the Joint Comprehensive Plan of Action cited above, the following communications were issued in connection with the same matter but do not explicitly invoke Article 25: S/2020/921, S/2020/922, S/2020/923, S/2020/924, S/2020/927, S/2020/928 and S/2020/931.

For further details, see table 2.

⁷⁵ See S/2020/927.

⁷⁶ See S/2020/1000.

⁷⁷ S/2020/771.

⁷⁸ S/2020/772, annex I.

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

<i>Document symbol</i>	<i>Document title</i>	<i>Explicit reference to Article 25 of the Charter</i>
S/2020/212	Letter dated 16 March 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General	✓
S/2020/451	Letter dated 27 May 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council	✓
S/2020/814	Letter dated 20 August 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	✓
S/2020/816	Letter dated 20 August 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council	✓

Document symbol	Document title	Explicit reference to Article 25 of the Charter
S/2020/822	Letter dated 21 August 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General	✓
S/2020/921	Letter dated 19 September 2020 from the Secretary-General addressed to the President of the Security Council	
S/2020/922	Letter dated 19 September 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	
S/2020/923	Letter dated 20 September 2020 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council	
S/2020/924	Letter dated 20 September 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council	
S/2020/927	Letter dated 21 September 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council	
S/2020/928	Letter dated 21 September 2020 from the Permanent Representatives of the Niger, Saint Vincent and the Grenadines, South Africa and Tunisia to the United Nations addressed to the President of the Security Council	
S/2020/931	Letter dated 21 September 2020 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council	
S/2020/1000	Letter dated 12 October 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council	✓

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

Article 26

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

Note

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

In 2020, continuing with past practice, the Council did not refer explicitly to Article 26 in any of

its decisions. However, Article 26 was expressly invoked once during the 8733rd meeting, held on 26 February in connection with the item entitled “Non-proliferation”.⁷⁹ At the meeting, the President-designate of the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, invited under rule 39 of the provisional rules of procedure, noted that it was clear that issues concerning disarmament and arms control had been an important part of the United Nations since its inception, citing the example of Article 26, which conferred upon the Council the responsibility for disarmament and the “regulation of armaments”. In addition, two explicit references to Article 26 were made in the context of open videoconferences. In a statement submitted for an open videoconference held on 15 May 2020 in connection with the item entitled “Implementation of the note by the President of the

⁷⁹ See [S/PV.8733](#).

Security Council ([S/2017/507](#))”,⁸⁰ the representative of Morocco stated that Articles 24, 25 and 26 provided the Council with important powers and prerogatives, which it could not exercise without adopting an effective and efficient approach. Furthermore, in a statement submitted in the context of an open videoconference held on 24 July 2020 in connection with the item entitled “Maintenance of international

peace and security”,⁸¹ the representative of Costa Rica called for the implementation of Article 26 of the Charter and for the Council to ensure that the world’s already scarce resources were not diverted to armaments. In 2020, there were no explicit references to Article 26 of the Charter in any of the communications of the Council.

⁸⁰ See [S/2020/418](#).

⁸¹ See [S/2020/751](#).