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Part V

Functions and powers of the Security Council

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Introductory note

Part V of the present Supplement covers the functions and powers of the Security Council, as defined in Articles 24, 25 and 26 of the Charter of the United Nations and is accordingly divided into three sections. Explicit and implicit references made to those Articles in decisions, meetings and communications of the Council during 2023, are described under each of the three sections. Case studies in sections I and II provide an overview of specific instances in which Articles 24 and 25, respectively, were discussed in meetings of the Council, or which otherwise illustrate how the Council has applied or interpreted those Charter provisions. Consistent with previous supplements, section III does not include any case studies since there were no examples of substantive discussions on Article 26 of the Charter in 2023.

As outlined in section I, in 2023, for the first time since 2014, the Council referred explicitly to Article 24 of the Charter in one of its decisions. Continuing with recent practice, the Council also made implicit references to Article 24 by invoking its “primary responsibility for the maintenance of international peace and security” in five additional decisions adopted under both country-specific and thematic items. Article 24 was invoked explicitly in 16 instances at nine Council meetings held under both thematic and country-specific items. In addition, Council members and other participants in the meetings discussed the primary responsibility of the Council for the maintenance of international peace and security in connection with a broad range of topics. The most salient deliberations took place under the following items: “The promotion and strengthening of the rule of law in the maintenance of international peace and security” (case 1), “Threats to international peace and security” (cases 2 and 4), “Non-proliferation/Democratic People’s Republic of Korea” (case 3) and “Implementation of the note by the President of the Security Council ([S/2017/507](#))” (case 5). Article 24 of the Charter was also referenced three times in communications addressed to the Council in 2023.

As featured in section II, in 2023, the Council made an explicit reference to Article 25 in one decision, adopted under the item “The situation in the Middle East”. Article 25 was also explicitly invoked 22 times during the Council meetings held under both thematic and country-specific items on the agenda. The obligation of Member States to accept and carry out Council decisions was extensively referenced during the meetings held under a broad range of items, while the most salient deliberations took place under the items entitled

“Reports of the Secretary-General on the Sudan and South Sudan” (case 6), “Maintenance of international peace and security” (case 7), “Non-proliferation/Democratic People’s Republic of Korea” (case 8) and “The situation in the Middle East, including the Palestinian question” (case 9). In addition, five communications addressed to the Council in 2023 contained explicit references to Article 25 of the Charter.

As described in section III, in 2023, 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. However, speakers did refer explicitly to Article 26 at three Council meetings held in 2023. No communications addressed to the Council in 2023 explicitly featured this Article.

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

Article 24

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

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

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

Note

Section I covers the practice of the Council concerning its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter,¹ and is divided into three subsections. Subsection A deals with decisions adopted in 2023 that refer to the primary responsibility of the Council pursuant to Article 24. Subsection B examines explicit and implicit references to Article 24 made in discussions held during the meetings of the Council. Subsection C features explicit references to Article 24 contained in communications of the Council.

During the period under review, for the first time since 2014,² the Council adopted a decision in which it explicitly referred to Article 24. In addition, in the same decision and five other decisions adopted in 2023, the Council also made implicit references to Article 24 and its primary responsibility for the maintenance of international peace and security. During the meetings of the Council, held under both thematic and country-specific items on the agenda, speakers made 16 explicit references to Article 24 (1). Explicit references to Article 24 were also made in three communications of the Council in 2023, more details on which are provided below.

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

² See resolution [2154 \(2014\)](#), first preambular paragraph. See also *Repertoire, Supplement 2014-15*, part V.

A. Decisions referring to Article 24

During the period under review, the Council referred explicitly to Article 24 in one resolution. Further, in that same resolution, as well as in three other resolutions and two presidential statements, the Council also referred to its primary responsibility for the maintenance of international peace and security, while taking a broad range of actions. References to Article 24 were mainly featured in preambular paragraphs of resolutions and initial paragraphs of presidential statements in connection with both country-specific and thematic items on the agenda of the Council, with the exception of one resolution in which the reference was included in an operative paragraph.

1. Resolutions

In resolution [2719 \(2023\)](#), adopted under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, the Council reaffirmed its primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter.³ The Council also made an implicit reference to Article 24 in the same resolution and three other resolutions in which it underscored, bore in mind or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security. Two of the other resolutions were adopted in connection with Libya and under Chapter VII of the Charter under the items entitled “The situation in Libya” and “Maintenance of international peace and security”. In addition, the Council also referred to Article 24 implicitly in a resolution adopted under the item entitled “Maintenance of international peace and security” in relation to the values of human fraternity in promoting and sustaining peace. Additional information about these resolutions is provided in table 1 below.

2. Presidential statements

In 2023, the Council adopted two presidential statements in which it reaffirmed its primary responsibility for the maintenance of international peace and security. Both presidential statements were adopted under thematic items, the first of which was in connection with famine and conflict-induced global food insecurity and the second on

³ Resolution [2719 \(2023\)](#), first preambular paragraph.

transnational organized crime, growing challenges and new threats. Further details are provided in table 1 below.

Table 1: Decisions in 2023 explicitly or implicitly referring to Article 24 (1) of the Charter

<i>Decision and date</i>	<i>Paragraph</i>	<i>Item</i>	<i>Sub-item</i>
Resolution 2684 (2023) 2 June 2023	Fifth preambular paragraph	The situation in Libya	
Resolution 2686 (2023) 14 June 2023	Third preambular paragraph	Maintenance of international peace and security	
S/PRST/2023/4 3 August 2023	Second paragraph	Maintenance of international peace and security	Famine and conflict-induced global food insecurity
Resolution 2698 (2023) 29 September 2023	Fourth preambular paragraph	Maintenance of international peace and security	Report of the Secretary-General on the implementation of Security Council resolution 2652 (2022) (S/2023/640)
S/PRST/2023/6 7 December 2023	First paragraph	Threats to international peace and security	Transnational organized crime, growing challenges and new threats
Resolution 2719 (2023) 21 December 2023	First preambular paragraph and para. 1	Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	

B. Discussions relating to Article 24

During the review period, speakers made 16 explicit references to Article 24⁴ at nine meetings of the Council which were held under both country-specific and thematic items on the agenda, as shown in table 2 below.

Table 2: Explicit references made to Article 24 (1) of the Charter in Council meetings in 2023

<i>Item</i>	<i>Sub-item</i>	<i>Meeting record and date</i>	<i>Speaker (number of explicit references)</i>
Non-proliferation/Democratic People's Republic of Korea		S/PV.9264 20 February 2023	Ecuador (1)

⁴ As outlined in the introductory note, references to Article 24 (3), under which the Council is required to submit annual and special reports to the General Assembly, are not counted here, as this provision is covered in part IV, sect. I.F.

<i>Item</i>	<i>Sub-item</i>	<i>Meeting record and date</i>	<i>Speaker (number of explicit references)</i>
The question concerning Haiti	Report of the Secretary-General on the United Nations Integrated Office in Haiti (S/2023/274)	S/PV.9311 26 April 2023	Ecuador (1)
Peacebuilding and sustaining peace	Futureproofing trust for sustaining peace	S/PV.9315 (Resumption 1) 3 May 2023	New Zealand (1)
Protection of civilians in armed conflict	Ensuring the security and dignity of civilians in conflict: addressing food insecurity and protecting essential services	S/PV.9327 23 May 2023	Ecuador (1)
Implementation of the note by the President of the Security Council (S/2017/507)	Working methods of the Security Council	S/PV.9410 5 September 2023	United States (1), Ecuador (on behalf of the 10 elected members) (1), Denmark (on behalf of the Nordic and Baltic States) (1), Liechtenstein (1), Mexico (1), Sierra Leone (1), Philippines (1)
		S/PV.9410 (Resumption 1) 5 September 2023	Australia (1)
Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	African Union	S/PV.9435 12 October 2023	Special Representative of the Secretary-General and Head of the United Nations Office to the African Union (1)
Maintenance of international peace and security	Peace through dialogue: the contribution of regional, subregional and bilateral arrangements to the prevention and peaceful resolution of disputes	S/PV.9448 (Resumption 1) 20 October 2023	Sierra Leone (1)
The situation in the Middle East, including the Palestinian question		S/PV.9451 (Resumption 1) 24 October 2023	Tunisia (1)
		S/PV.9462 30 October 2023	Mozambique (1)

The following case studies illustrate the nature of some of the issues discussed in 2023 with regard to the interpretation of the primary responsibility of the Council for the maintenance of international peace and security pursuant to Article 24 of the Charter. The cases capture discussions held in connection with items relating to the promotion and

strengthening of the rule of law in the maintenance of international peace and security (case 1), threats to international peace and security (cases 2 and 4), non-proliferation/Democratic People's Republic of Korea (case 3) and the working methods of the Council (case 5).

Case 1

The promotion and strengthening of the rule of law in the maintenance of international peace and security

On 12 January, at the initiative of Japan, which held the presidency for the month, the Council held a high-level open debate under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” and sub-item entitled “The rule of law among nations”.⁵ During the open debate, the Council heard briefings by the Secretary-General, the President of the International Court of Justice and a professor of public international law at the University of Oxford. Speakers exchanged views on the interlinkages between the advancement of the rule of law and the responsibility of the Council to maintain international peace and security, as well the connection between the ability of the Council to fulfil its mandate and the reform of the Council and the use of the veto.⁶

In his briefing, the Secretary-General noted that the rule of law was foundational to the United Nations and to our mission of peace and that the Council had a critical role to play in advancing the rule of law through its efforts to maintain international peace and security, protect human rights and promote sustainable development. In his remarks, Mr. Dapo Akande, professor of public international law at the University of Oxford, stated that the Council had a responsibility to maintain peace and security and that any failure by it to fulfil its responsibilities undermined the rule of law, since maintaining the peace created conditions in which justice and international law were observed. He also held the view that while there was an obligation on the Council to ensure observance of international law, that responsibility ultimately fell on individual Council members, who had a responsibility — together with all States — to observe the law themselves and ensure that the Council collectively did too. Where the Council collectively failed to fulfil its responsibilities, there was a secondary

⁵ A concept note was circulated by a letter dated 3 January 2023 ([S/2023/1](#)).

⁶ See [S/PV.9241](#) and [S/PV.9241 \(Resumption 1\)](#). For more information about this item, see part I, sect. 33.

responsibility on the part of other organs of the United Nations to contribute to the maintenance of international peace and thereby to the promotion of the rule of law.

During the discussion, participants addressed a wide range of topics in connection with the mandate of the Council to maintain international peace and security. The Minister for Foreign Affairs of Japan stated that the rule of law was intrinsically linked with the responsibility of the Council and that it was only through multilateralism, of which the Council should be the guardian, that it was possible to uphold the rule of law globally. While recognizing its central role in the maintenance of international peace and security, the representative of Ecuador reiterated how important it was to strengthen the Council with more inclusive, modern and effective working methods. The representative of the United States recalled that in 2022 the Democratic People's Republic of Korea launched an unprecedented 69 ballistic missiles, all of which violated multiple Council resolutions, and that many people had raised the very real concern that the country was prepared to conduct a seventh nuclear test. Reaffirming his country's commitment to democratic values and respect for the rule of law by all States, the representative of France added that his country defended the rigorous respect of the principles of international law relating to friendly relations and cooperation between States, which were essential to the maintenance of international peace and security, for which the Council was the guarantor. The representative of South Africa reiterated her country's belief that it remained crucial for the Council to pursue unity and consensus in the consistent promotion of the rule of law as it executed its primary mandate of the maintenance of international peace and security. That was vital to enhancing the credibility of the Council and improving accountability. According to the representative of Myanmar, the failure, inability or unwillingness of the Council to fulfil its responsibilities under the Charter, as well as the overstepping of its authority, could undermine the rule of law at the international level. Recalling the role of the Council as the guarantor of peace and security in the world, that bore the primary competency in that area, the representative of Morocco expressed commitment to respecting the mandates of the main organs of the Organization as established in the Charter, adding that full respect for that separation of powers represented a *sine qua non* condition for the achievement of their respective mandates.

Several speakers discussed the ability of the Council to discharge its duties of maintaining international peace and security in the context of the reform of the Council. The

representative of Brazil held the view that the lack of representativeness of the Council was becoming more and more acute, thereby affecting its ability to uphold the rule of law among nations and, consequently, to discharge its primary responsibility — the maintenance of international peace and security. According to the representative of Ghana, in strengthening the rule of law of nations, it was important that key global institutions, organs and processes, including the Council, which was entrusted with the primary responsibility of maintaining international peace and security, should be urgently reformed. He added that it was not possible to fight new evils with old tools, emphasizing that the post-1945 construct of the Council no longer supported the effective execution of its mandate, leading many to question the very relevance of the Council. The representative of Germany noted that the recent rise in the rule of force brought new urgency to the issue of reforming the Council as the main guarantor of international peace and security.

Several speakers also expressed the view that the exercise of the veto was hampering the ability of the Council to discharge its primary responsibility for the maintenance of international peace and security, with some also expressing support for the various initiatives aimed at limiting the recourse to the veto in the Council.⁷ Speakers also discussed the involvement of the General Assembly in cases when the Council was unable to fulfil its role in maintaining international peace and security.⁸

Case 2

Threats to international peace and security

On 14 February, at the initiative of Malta, which held the presidency for the month, the Council convened a high-level open debate under the item entitled “Threats to international peace and security” and the sub-item entitled “Sea-level rise: implications for international peace and security”.⁹ At the meeting, the Council heard briefings by the Secretary-General, the President of the General Assembly, the Co-Chair of the International

⁷ See [S/PV.9241](#), France; and [S/PV.9241 \(Resumption 1\)](#), Austria (speaking on behalf of 50 member States of the Group of Friends of the Rule of Law), Liechtenstein, Republic of Korea, Denmark (speaking also on behalf of Finland, Iceland, Norway and Sweden), European Union (speaking on behalf of its Member States and North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Georgia and San Marino), Turkey, Germany, Uruguay, Guatemala, Mexico, Latvia, Ireland, Lithuania and New Zealand.

⁸ See [S/PV.9241 \(Resumption 1\)](#), Singapore, Austria (speaking on behalf of 50 member States of the Group of Friends of the Rule of Law), Liechtenstein, Republic of Korea and Denmark (speaking also on behalf of Finland, Iceland, Norway and Sweden).

⁹ A concept note was circulated by a letter dated 2 February 2023 ([S/2023/79](#)).

Law Commission Study Group on Sea-Level Rise and Minister for Foreign Affairs of Romania, and the Director of Climate Change of the Pacific Community and President of Tofia Niue. During the open debate, Council members and other speakers discussed the extent to which the topic of the meeting fell within the purview of the Council's primary responsibility for the maintenance of peace and security.¹⁰

In his briefing, the Secretary-General stated that sea level rise was not only a threat in itself, but a threat multiplier, and that the Council had a critical role to play in mobilizing the political will to address the devastating security challenges posed by rising seas. The President of the General Assembly recalled that climate change demanded focus and coherence across the United Nations system, and pointed out that the Council had a responsibility to act in that regard. Similarly, the Co-Chair of the International Law Commission Study Group on Sea-Level Rise and Minister for Foreign Affairs of Romania encouraged the Council to stay actively involved in the efforts to address the risks that climate change in general, and sea level rise in particular, posed around the world. He further noted that, due to its serious implications for international peace and security, the topic should continue to hold the attention of the Council. The Director of Climate Change of the Pacific Community and President of Tofia Niue stressed that the Council had the greatest mandate and reason to address the issue, because the fall-out of failing to do so would fall directly into its remit of response.

During the discussion, several Council members recognized the nexus between sea-level rise and climate change and, more broadly, security.¹¹ Some of them also expressed the view that addressing that connection was part of the mandate of the Council in maintaining international peace and security. Specifically, the Minister for Foreign and European Affairs and Trade of Malta recalled that the Council was established with the responsibility to ensure the maintenance of international peace and security, and expressed the commitment of his delegation to ensure that climate change remained an important part of the discussions of that organ. The Minister further stated that the issues created by sea-level rise ran through the heart of State sovereignty, as they represented a direct threat to the security of those areas and the people who called those areas their home. He added that while the legal issues arising

¹⁰ See [S/PV.9260](#) and [S/PV.9260 \(Resumption 1\)](#). For more information about this item, see part I, sect. 36.

¹¹ See [S/PV.9260](#), Malta, United States, Switzerland, United Arab Emirates, Albania, Gabon, Japan, Ghana, United Kingdom and Ecuador.

from rising sea levels were under review by the International Law Commission, the obvious security-related risks required the attention of the Council. Similarly, the representative of the United Arab Emirates and Director-General of the 28th Conference of the Parties to the United Nations Framework Convention on Climate Change noted that the potential consequences of sea-level rise, such as disputes over resources, displacement of people and implications for sovereignty and statehood, had to be at the heart of maintaining international peace and security. He recognized that Malta bringing the topic to the attention of the Council was a response to the gap in the engagement of the organ. The representative of Albania stated that climate change was, and would continue to be, an acute security issue and that it should be a core topic on the agenda of the Council. The representative of Japan acknowledged that the Council alone could not offer comprehensive solutions to climate-change-related development issues, but that it could, as an organ primarily responsible for the maintenance of international peace and security, fulfil its duty by calling together other United Nations bodies. The representative of the United Kingdom believed that the Council had a clear role in driving a more coherent United Nations response to the security implications of climate change. Moreover, the representative of Gabon stressed that the Council had to consider action concerning issue of sea-level rise both at the international and regional levels, and endorsed the call for the appointment of a special representative on climate and security, which would fill a critical gap in the United Nations system. He further recalled that, more than ever, the question was no longer whether the Council was the competent organ to deal with the issue, but rather how the work of the Council would take into account the multifaceted security risks associated with climate change. The State Secretary of Switzerland was also of the view that the Council had a key role to play, and added that it must have the capacity to anticipate the impacts of climate change on international peace and security through conflict early-warning systems based on sound science. The representative of Ecuador noted that discussions in the Council on climate change related realities, such as rising sea-levels, were fundamental. Expressing a similar view, the representative of the United States noted that rising sea-levels would make it harder for peacekeeping operations to fulfil their mandates, particularly for missions that had coastal borders.

Other speakers also believed that, given its responsibility for maintaining international peace and security, the Council had a crucial role to play on the issue at hand as well as the

duty to address issues concerning climate and security.¹² In particular, several speakers also expressed their support for the draft resolution on climate security that was submitted before the Council in December 2021¹³ and expressed regret that it was not adopted.¹⁴

Several Council members argued that the Council was not the appropriate body with a mandate to discuss the topic of sea-level rise. The representative of China was of the view that while the Council could, under country-specific items and in line with the specific circumstances, examine and provide targeted responses based on an accurate grasp of climate-driven security risks, the United Nations Framework Convention on Climate Change and its Paris Agreement constituted the main framework for international cooperation on climate change. The representative of the Russian Federation stated that, while no one disputed the scientific consensus that the rapid sea-level rise seen over the past century was directly linked to climate change, the securitization of the climate agenda, which included the challenges posed by rising sea levels, was counterproductive. He further emphasized that there was no scientific basis to the climate-security nexus. Noting that the issue was being discussed in the International Law Commission, as well as in the Sixth Committee of the General Assembly, the representative of the Russian Federation believed that it was premature to discuss it, particularly in the Council, which was not a dedicated platform for the topic. The representative of Brazil stressed that such an important issue of sea-level rise must be discussed in an inclusive, legitimate and representative forum, with the mandate and the right tools to tackle climate change and its implications, adding that climate change did not fall within the mandate of the Council. The representative of Brazil also noted that if the goal of the discussion was to focus on how to prevent political and security concerns related to sea-level rise, then the securitization of the debate could prove itself undesirable and counterproductive.

Several other speakers also shared the view that the issue of sea-level rise, and climate change more broadly, was outside of the scope of the Council's mandate. The representatives

¹² See [S/PV.9260](#), Singapore, Liechtenstein, Republic of Korea, Jordan and Mexico; and [S/PV.9260 \(Resumption 1\)](#), Denmark, on behalf of the Nordic countries, Viet Nam, Slovenia, Chile, Morocco, Portugal, Austria, Federated States of Micronesia, Georgia, Latvia, Canada, Ireland, Kiribati, Marshall Islands, Kenya, Tonga, on behalf of the Pacific Islands Forum, Papua New Guinea, European Union, together with Albania, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, the Republic of Moldova, Serbia and Ukraine, Guatemala, Niger, Maldives, Netherlands and Sierra Leone.

¹³ See [S/2021/990](#). See also [S/PV.8926](#) and *Repertoire, Supplement 2021*, part V.

¹⁴ See [S/PV.9260](#), Singapore and Republic of Korea; and [S/PV.9260 \(Resumption 1\)](#), Latvia, Ireland, Kiribati, Niger and Sierra Leone.

of India, Indonesia and the Philippines pointed out that the main forum for discussing climate change and for international commitments addressing the various aspects of climate action was the United Nations Framework Convention on Climate Change.¹⁵

Case 3

Non-proliferation/Democratic People's Republic of Korea

On 20 February, the Council held a meeting under the item entitled “Non-proliferation/Democratic People's Republic of Korea” at which it heard a briefing by the Assistant Secretary-General for the Middle East, Asia and the Pacific in the Departments of Political and Peacebuilding Affairs and Peace Operations.¹⁶ During the meeting, speakers reflected on the Council's primary responsibility for the maintenance of international peace and security in the context of a reported intercontinental ballistic missile launching drill conducted by the Democratic People's Republic of Korea.

In his remarks, the Assistant Secretary-General stated that the meeting in question reaffirmed that the Council had the primary responsibility for the maintenance of international peace and security. He added that the unity of the Council on the Democratic People's Republic of Korea was essential to ease tensions and overcome the diplomatic impasse and recalled the statement by the Secretary-General which had noted that, while the primary responsibility for international peace and security rested with the Council, the Secretariat was its partner in that effort.

The representative of the United States recalled that the Council was tasked with preserving international peace and security and asserted that the repeated ballistic missile launches by the Democratic People's Republic of Korea, coupled with its threatening rhetoric, were undermining just that. In that context, she called on the Council to urge the Democratic People's Republic of Korea to comply with its international obligations and encourage it to engage in a meaningful dialogue. The representative of the United Kingdom expressed the view that the Council had an important role to play in addressing the very serious concerns of the international community about the nuclear weapons of the Democratic People's Republic of Korea and in supporting peaceful dialogue. The

¹⁵ See [S/PV.9260 \(Resumption 1\)](#), Philippines, Indonesia and India.

¹⁶ See [S/PV.9264](#). For more information about this item, see part I, sect. 34.

representative of Albania stated that the silence of the Council to the growing illicit activities was wrong and that, because the Council had the responsibility act, not doing so eroded its credibility.

The representative of Ecuador recalled that, in the light of paragraph 1 of Article 24 of the Charter, the Council acted on behalf of the members of the Organization and that in the General Assembly meeting held on 8 June 2022,¹⁷ the Member States, including Ecuador, had sent a strong and targeted message of concern to the Council regarding the launching of ballistic missiles by the Democratic People's Republic of Korea and encouraging the Council to prevent the lack of response to continued violations of international law and its own provisions from affecting its credibility. The representative of Japan affirmed that the Council had the primary responsibility for the maintenance of international peace and security and that no one could disagree that firing an intercontinental ballistic missile into the exclusive economic zone of another State was a matter of peace and security. The representative of Japan further noted that the Council was meeting because it was its duty to deal with the clear threats to international peace and security and called on Council members to continue to fulfil their responsibility.

The representative of Ghana said that Council members had collectively been entrusted with a powerful mandate by the architects of the present order to act on behalf of all Member States to maintain international peace and security. This placed a unique and heavy responsibility on all members of the Council, not only to reflect immediate national interests, but to work collectively in the global interest. The representative of Switzerland pointed to the importance of the Council meeting on the subject and rejected any characterization of Council meetings and deliberations as a provocation to the Democratic People's Republic of Korea, underscoring that the Council could not shirk its duty and responsibilities.

According to the representative of Gabon, the regular launches by the Democratic People's Republic of Korea were a challenge to the role of the Council as a guardian of international peace and security, but also a challenge to the ability of the Council to use all mechanisms at its disposal to stem that large-scale threat to security on the Korean peninsula and in the world. The representative of Malta held the view that some had argued that Council action, and even Council meetings, in response to such actions would provoke the

¹⁷ See [A/76/PV.77](#).

Democratic People's Republic of Korea. She recalled, however, that after resolution [2397 \(2017\)](#) concerning the sanctions measures imposed on the Democratic People's Republic of Korea was adopted, no further intercontinental ballistic missile launches took place for almost five years, which showed the effectiveness of the Council when it was united.

The representative of the Russian Federation reiterated his country's opposition to any military activity that threatened the security of the Korean peninsula and the countries of North-East Asia. He held the view that the objective of defining the steps that the Council could take to facilitate the search for a peaceful solution through negotiations was totally absent from the agenda of the meetings on the Democratic People's Republic of Korea and added that some Council members showed selectivity with regard to what the Council should or should not discuss.

Case 4

Threats to international peace and security

On 13 June, at the initiative of the United Arab Emirates, which held the presidency for the month, the Council convened a high-level open debate under the item entitled "Threats to international peace and security" and the sub-item entitled "Climate change, peace and security".¹⁸ At the meeting, the Council heard briefings by the Under-Secretary-General for Peace Operations, Juan Manuel Santos Calderón, the former President of Colombia, Nobel Peace Laureate and member of The Elders, as well as a climate, peace and security expert at the Consortium of International Agricultural Research. Council members and other speakers discussed the extent to which the topic of the meeting fell within the purview of the Council's primary responsibility for the maintenance of peace and security.¹⁹

In his statement, the former President of Colombia, stated that the Council must step up and play its part in addressing the unprecedented challenge of climate insecurity, working with other United Nations entities and other international institutions to find sustainable and just solutions. He added that there was much that the Council could do to integrate climate more effectively into United Nations operations on the ground, building on the work of the Informal Expert Group on Climate and Security, including by having more climate and

¹⁸ A concept note was circulated by a letter dated 5 June 2023 ([S/2023/408](#)).

¹⁹ See [S/PV.9345](#) and [S/PV.9345 \(Resumption 1\)](#).

security advisers attached to peacekeeping missions and using climate forecasting as part of the Organization's prevention toolkits. Concluding, he called for unity, constructive dialogue and cooperation among Council members, not only on climate, peace and security, but also on the Council's mandate as a whole.

During the discussion, several Council members expressed the view that addressing the nexus between climate change and security was part of the mandate of the Council in maintaining international peace and security. The Minister of Climate Change and Environment of the United Arab Emirates noted that while the United Nations Framework Convention on Climate Change served as the primary intergovernmental forum for negotiating the global response to climate change, its role was never intended to be exclusive. Cautioning against polarization around the Council's consideration of the issue, the Minister noted that the stakes were too high to dismiss or vilify those with legitimate concerns about the Council's jurisdiction. Asserting that the nexus of climate change, peace and security might be an underdeveloped issue for the Council, she held the view that if Council members chose to overlook it in their deliberations, they risked jeopardizing the possibility of long-term peace and security. The Minister for Environment, Science, Technology and Innovation of Ghana said that the unprecedented security risks associated with climate change underpinned his delegation's belief that the Council, as the primary body responsible for the maintenance of international peace and security, had a role to play and should continue to find space on its agenda to discuss the issue and complement efforts to tackle it. The Minister of State Administration and Public Service of Mozambique noted that her country advocated for an interventionist multilateralism in all thematic issues with the potential to contribute to promoting the welfare of humankind, including the global agenda to combat climate change, especially taking into account the link between climate and international peace and security. Asserting that there was no room for debate on the science with regard to the climate crisis undermining collective peace and security, the Special Presidential Envoy for Climate Change of the United States stated that without concerted action from the Council and every single governmental entity that dealt with those issues, the impact of the crisis on the world was going to get worse, and it would continue to threaten their peace, their lives and their security in greater fashion. The State Secretary of Switzerland stressed that the Council had to act on the complex interplay between climate, peace and security, as that was the only way to fulfil its mandate, which was to maintain international peace and security. Noting that the

climate change link to international peace and security was clear, the representative of the United Kingdom pointed to the need for urgent, coordinated global action to address the threat and highlighted that the Council could do more to support the role of climate and peace and security advisers in United Nations missions by helping to drive a more coherent and integrated response to stabilization, peacebuilding and climate-resilient development across United Nations activities. The representative of Malta underscored that the nexus between climate change, peace and security warranted the attention and action of the Council and that having the Council address those issues was in no manner diverting the attention from other relevant bodies. The representative of Albania noted that, despite the “warning bells incessantly ringing”, there was not yet agreement on the need for the Council to address climate change and its impact on security. He added that the Council could not remain indifferent to the security implications of climate.

The representative of France underscored that it was time for action in the Council, which required its full mobilization to be in a position to better assess, anticipate and prevent the impact of climate change on international peace and security. The representative of Japan held the view that the Council should squarely address climate security in order to break the vicious cycle of climate change multiplying the risk of conflicts and those conflicts, in turn, making States more vulnerable to the adverse impacts of climate change. Other speakers were also of the view that, given its responsibility for maintaining international peace and security, the Council had a crucial role to play as well as the duty to address issues concerning climate and security.²⁰

Other Council members argued that the Council was not the appropriate body with a mandate to discuss climate change and raised other questions relating to the authority of the Council in that area. The representative of Brazil held the view that the discussion brought up a very serious and potentially unsolvable problem regarding the encroachment of the Council into themes typically addressed by the United Nations Framework Convention on Climate Change and the United Nations development pillar. Furthermore, he argued that while the Council, when performing its functions, might and should contribute by supporting the efforts

²⁰ See [S/PV.9345](#), Germany; and [S/PV.9345 \(Resumption 1\)](#), Mexico, Slovenia, Jordan, Austria, Viet Nam, Liechtenstein, Kenya, Singapore, Denmark, Portugal, Romania, Guatemala, Papua New Guinea, Latvia, Republic of Korea, Qatar, Ireland, Spain, Morocco, Marshall Islands, Ukraine, Federated States of Micronesia, Belgium, Sierra Leone and Georgia.

of host countries on the ground, that did not mean that the Council had or should have a mandate to address climate change thematically and systematically. He concluded that not only did the Council lack the necessary legitimacy to address climate change in a consistent, comprehensive and meaningful way, but it also lacked the adequate tools to do so.

The representative of China was of the view that the Council should analyze the dynamics between climate and security by putting the issue in context, while taking into account the Council's own mandate and existing agendas and the resources and means available to it, as well as country-specific situations. He added that the Council should be guided by its mandate, making bona fide efforts to help developing countries in a tangible way to address the security risks of climate change. The representative of the Russian Federation affirmed that in some country-specific and region-specific situations, the climate element could be an additional factor that exacerbated conflict. However, he reiterated that the Russian Federation had consistently maintained that discussing climate change was not part of the Council's mandate and merely detracted attention from the main causes of conflict.

Several other speakers noted that the issue of climate change was outside of the scope of the Council's mandate.²¹ The representatives of the Islamic Republic of Iran and Ethiopia pointed out that the Council lacked the tools to efficiently respond to that issue,²² and the representatives of India and Nicaragua emphasized that related discussions and negotiations on climate change should occur within other mechanisms, including the United Nations Framework Convention on Climate Change, the Kyoto Protocol and its Second Commitment Period, or the Paris Agreement.²³

Case 5

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

On 5 September, at the initiative of Albania, which held the presidency of the Council for the month and whose representative held the Chair of the Informal Working Group on

²¹ See [S/PV.9345 \(Resumption 1\)](#), India, Iran (Islamic Republic of), Ethiopia and Nicaragua.

²² Iran (Islamic Republic of) and Ethiopia.

²³ India and Nicaragua.

Documentation and other Procedural Questions, the Council held an open debate under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.²⁴ During the meeting, speakers exchanged views on the primary responsibility of the Council to maintain international peace and security, the challenges it faced in discharging its duties, as well as its obligation to act on behalf of the wider United Nations membership.²⁵

Many speakers recalled that the Council, in accordance with Article 24 (1) of the Charter, in carrying out its duties under the primary responsibility for the maintenance of international peace and security, acted on behalf of all Member States. The representative of Albania, speaking in his capacity as Chair of the Informal Working Group on Documentation and Other Procedural Questions, noted that against the backdrop of multifaceted crises and armed conflicts in different parts of the world, adverse effects of climate change, terrorism and the use of new and emerging technologies for terrorist purposes, and consistent with its primary responsibility to maintain international peace and security, the Council was expected to act — and to do so efficiently, transparently and effectively on behalf of the rest of the membership. Recalling that it was vitally important that the work of the Council, both substantive and procedural, served the interests of all Member States, the representative of the United States said that in carrying out its primary responsibility for the maintenance of international peace and security, as provided in Article 24, the Council was acting on behalf of all Members of the United Nations.

The representative of Ecuador, speaking on behalf of the 10 elected members of the Council, noted that the strengthening of the engagement of the Council with the wider membership and cooperation and interaction with the General Assembly and other United Nations bodies also meant more opportunities for all States Members, on whose behalf the Council acted in accordance with Article 24 (1), to interact with the Council. Delivering a statement on behalf of the Nordic and Baltic States, the representative of Denmark held the view that opportunities for the wider membership to engage meaningfully in the work of the Council remained key to ensuring that the Council could draw on their perspectives, knowledge and capacity, in line with Article 24. In that regard, the Peacebuilding Commission could offer valuable advice and cross-cutting perspectives in support of the

²⁴ A concept note was circulated by a letter dated 28 August 2023 ([S/2023/630](#)).

²⁵ See [S/PV.9410](#) and [S/PV.9410 \(Resumption 1\)](#).

work of the Council. The representative of Liechtenstein was of the view that the flow of communication between the Council and the United Nations membership as a whole was critical to the fulfilment of obligations stipulated in the Charter, notably in Article 24, which encouraged the Council to be transparent in its deliberations to the membership it represented. Noting that the adoption of General Assembly resolution [76/262](#) on the veto initiative had contributed to the accountability of the Council and had strengthened its relationship with the Assembly, the representative of Mexico asserted that the relevance of that mechanism lay in the empowerment it offered to the membership, as a whole, to speak out on Council inaction on international peace and security issues that mattered to all, thus furthering the transparency and representativeness obligation that the Charter imposed on the Council in Article 24 (1). The representative of the Philippines underscored that it was imperative that the broader membership actively engaged in the Council's decision-making processes in a meaningful way, not just in a token or perfunctory manner, as outlined in Article 24 (1) of the Charter, which emphasized the duty of the Council to act on behalf of the wider membership. The representative of Pakistan noted that the reporting of the Council to the Assembly would enable the latter to ensure that the Council was indeed acting on behalf of the entire United Nations membership.

Several participants addressed the scope of topics that could be considered as falling within the purview of the mandate of the Council. The representative of the Russian Federation indicated that the agenda of the Council was constantly expanding to include issues of domestic politics, human rights, climate and other matters. For the representative of Cuba, the tendency of the Council to address issues beyond its mandate, in particular those falling within the remit of the General Assembly, was increasing. The representative of Sierra Leone stated that the Council should uphold the primacy of and respect for the Charter in relation to its functions and powers, and to that end, refrain from the practice of engaging and initiating formal or informal discussions on situations in any Member State or on any issue that did not constitute a threat to international peace and security, which was contrary to the provisions of Article 24. Acknowledging that dialogue with other bodies, notably the Peacebuilding Commission, the International Criminal Court and humanitarian assistance organizations, was essential to the fulfilment of the functions of the Council, the representative of Argentina expressed the view that having a multiplicity of responsibilities and coordinating with other actors did not imply that the Council, which was entrusted with

the maintenance of international peace and security, should take over the functions of other organs.

The ability of the Council to discharge its mandate for maintaining international peace and security was also discussed in the context of the use of the veto. Citing the example of a veto cast in May 2022 under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”,²⁶ the representative of the Republic of Korea urged permanent members of the Council to refrain from using the veto in such situations in order to maintain the public’s trust in the ability of the Council to discharge its primary responsibility. The representative of the Philippines said that the exercise of the right of the veto had to be judiciously used to avoid undue constraints on the primary mandate of the Council to maintain international peace and security. The representative of Singapore stated that the wider membership expected Council members, especially the permanent ones, to act with unity of purpose in discharging their primary responsibility for the maintenance of international peace and security, citing in that regard examples of the use of veto as hampering the Council in delivering on its mandate.

At the open debate, several participants also touched upon the question of the Council’s mandate in the context of its working methods. The representative of the Russian Federation held the view that, given the sensitive nature of the issue of the working methods of the Council, any reform of the Council had to be aimed at genuinely improving the effectiveness and efficiency of the Council in fulfilling its main tasks of maintaining international peace and security. The representative of Viet Nam stated that despite its commendable efforts to ensure continued functioning through difficult times, including during the COVID-19 pandemic, the Council had not always been able to effectively discharge its primary responsibility, adding that deliberation on its working methods could serve as an important tool to improve the Council’s functioning. Additionally, the representatives of the Philippines, Poland and Morocco also pointed out that improving the working methods of the Council would enable the Council to fulfil its primary responsibility for the maintenance of international peace and security in a more efficient manner.

The topic of the reform of the Council was also raised in connection with the ability of the Council to discharge its duties for the maintenance of international peace and security.

²⁶ See [S/PV.9048](#).

The representative of Cuba noted that the Council had to be reformed in order to effectively fulfil its primary responsibility to maintain international peace and security. The representative of Germany held the view that the Council must undergo a profound reform to fulfil its mandate in a rapidly changing world. In that context, the representative of Germany noted that the question was whether the Council could fulfil its primary responsibility — the maintenance of international peace and security.

Some speakers also referred to the connection between sanctions measures imposed by the Council and its overall mandate. For example, the representative of Ecuador described targeted sanctions imposed by the Council as an important tool for addressing threats to international peace and security and critical to the execution of the Council's mandate. Noting that sanctions imposed on his country were more symbolic than a means of effective action to achieve peace, the representative of the Central African Republic held the view that the evaluation of such measures was critical to enable the Council to achieve its primary goal – the maintenance of international peace and security.

C. Communications featuring Article 24

In 2023, three explicit references to Article 24 of the Charter were made in the communications of the Council.

In a letter dated 28 August addressed to the President of the Council,²⁷ transmitting a concept note for the open debate on the working methods of the Council, held on 5 September under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”, the representative of Albania stated that the annual open debates had served to take stock of the evolution of the working methods of the Council and to engage with the wider membership on behalf of which the Council acted, pursuant to Article 24 of the Charter.

In a letter dated 12 September addressed to the President of the Council,²⁸ the representative of Egypt conveyed a letter from the Minister of Foreign Affairs of Egypt, regarding the fourth consecutive unilateral filling of the Grand Ethiopian Renaissance Dam,

²⁷ See [S/2023/630](#). For more information, see case 5 above.

²⁸ See [S/2023/664](#).

in which he called upon the Council to discharge its responsibilities under Article 24 of the Charter, and to remain seized of the matter to ensure that a peaceful resolution was reached.

In a letter dated 9 October addressed to the President of the Council,²⁹ the Chair of the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa transmitted the joint communique of the 17th annual joint consultative meeting between members of the African Union Peace and Security Council and the United Nations Security Council, which took place in Addis Ababa on 6 October 2023, in which the members of the two organs had underlined that Article 24 of the Charter accorded the Council with the primary responsibility for maintaining international peace and security.

²⁹ See [S/2023/749](#).

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

Article 25

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

Note

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

In 2023, the Council adopted one decision containing an explicit reference to Article 25 in connection with the situation in the Middle East. Speakers also made 22 explicit references to Article 25 during meetings of the Council held under both thematic and country- and region-specific items. More information is provided in subsection B which covers the most salient discussions related to this Article, including case studies on the Council's interpretation of the obligations of Member States stemming from its decisions concerning the Sudan, the binding nature of Council decisions in the context of discussions held under the item entitled "Maintenance of international peace and security", as well as in connection with non-proliferation/Democratic People's Republic of Korea and the situation in the Middle East, including the Palestinian question. In addition, during the year under review, five explicit references to Article 25 were made in the communications of the Council, more details on which are provided in subsection C.

A. Decisions referring to Article 25

In 2023, the Council adopted one decision containing an explicit reference to Article 25 under the item "The situation in the Middle East", in relation to the Syrian Arab Republic. In resolution [2672 \(2023\)](#), the Council underscored that Member States were obligated under

Article 25 of the Charter to accept and carry out the Council’s decisions.³⁰ By the resolution, the Council also demanded, inter alia, the full and immediate implementation of all provisions of all relevant Council resolutions on the humanitarian situation in the Syrian Arab Republic and extended the authorization, until 10 July 2023, for United Nations agencies and their implementing parties to provide cross-border humanitarian assistance for the border crossing at Bab al-Hawa, and requested the Secretary-General to provide a special report on the humanitarian needs in Syria no later than 10 June 2023.³¹

In addition, two draft resolutions submitted in connection with the abovementioned item, and which were not adopted, contained explicit references to Article 25. In both draft resolutions, the Council would have underscored that Member States were obligated under Article 25 of the Charter of the United Nations to accept and carry out Council’s decisions.³²

B. Discussions relating to Article 25

In 2023, Article 25 was explicitly invoked 22 times during the Council meetings held under both country-specific and thematic items, as shown in table 3 below.

Table 3: Explicit references made to Article 25 of the Charter in Council meetings in 2023

<i>Item</i>	<i>Sub-item</i>	<i>Meeting record and date</i>	<i>Speaker (number of explicit references)</i>
The promotion and strengthening of the rule of law in the maintenance of international peace and security	The rule of law among nations	S/PV.9241 (Resumption 1) 12 January 2023	Republic of Korea (1), Pakistan (1)
The situation in the Middle East, including the Palestinian question		S/PV.9309 25 April 2023	Russian Federation (1)
		S/PV.9484 22 November 2023	Russian Federation (1)
		S/PV.9489 29 November 2023	Russian Federation (1)
Peacebuilding and sustaining peace	Futureproofing trust for sustaining peace	S/PV.9315 (Resumption 1) 3 May 2023	Pakistan (1)
Children and armed conflict	How to prevent and respond to grave violations	S/PV.9366 (Resumption 1) 5 July 2023	Pakistan (1)

³⁰ Resolution [2672 \(2023\)](#), final preambular paragraph.

³¹ *Ibid.*, paras. 1-2.

³² See [S/2023/506](#), final preambular paragraph and [S/2023/507](#), final preambular paragraph. For more information about “The situation in the Middle East”, see part I, sect. 21.

<i>Item</i>	<i>Sub-item</i>	<i>Meeting record and date</i>	<i>Speaker (number of explicit references)</i>
	against children in armed conflict		
Non-proliferation	Fifteenth report of the Secretary-General on the implementation of Security Council resolution 2231 (2015) (S/2023/473)	S/PV.9367 6 July 2023	Russian Federation (1)
	Letter dated 5 December 2023 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Security Council (S/2023/963)	S/PV.9511 18 December 2023	Iran (Islamic Republic of) (1)
Maintenance of international peace and security	Famine and conflict-induced global food insecurity	S/PV.9392 (Resumption 1) 3 August 2023	Pakistan (1)
	Upholding the purposes and principles of the UN Charter through effective multilateralism: maintenance of peace and security of Ukraine	S/PV.9421 20 September 2023	Russian Federation (3)
	Peace through dialogue: the contribution of regional, subregional and bilateral arrangements to the prevention and peaceful resolution of disputes	S/PV.9448 20 October 2023 S/PV.9448 (Resumption 1) 20 October 2023	Ecuador (1) Iran (Islamic Republic of) (1), Liechtenstein (1), Pakistan (1)
Implementation of the note by the President of the Security Council (S/2017/507)	Working methods of the Security Council	S/PV.9410 5 September 2023 S/PV.9410 (Resumption 1) 5 September 2023	Liechtenstein (1) Pakistan (1)
Non-proliferation/Democratic People's Republic of Korea		S/PV.9406 25 August 2023 S/PV.9485 27 November 2023	Republic of Korea (1) Ecuador (1), Republic of Korea (1)

In addition to the explicit references to Article 25, speakers cited the obligation of Member States to accept and carry out decisions of the Council, as well as their binding nature, at multiple meetings held under a broad range of items. The case studies below feature the most salient discussions in 2023 with respect to the Council's interpretation of the obligation of Member States to implement its decisions, notably in the context of deliberations on the Sudan (case 6), maintenance of international peace and security (case 7),

non-proliferation/Democratic People’s Republic of Korea (case 8), and the Middle East, including the Palestinian question (case 9).

Case 6

Reports of the Secretary-General on the Sudan and South Sudan

On 25 January, the Council held a meeting under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, during which it heard a briefing by the Prosecutor of the International Criminal Court about the situation in Darfur.³³ At the meeting, several speakers shared their views on the obligations stemming from Council decisions, in particular resolution [1593 \(2005\)](#) by which the Council had decided to refer the situation in Darfur to the Court.

In his briefing, the Prosecutor of the International Criminal Court stated that the Government of the Sudan was not meeting the requirements of cooperation set out by the Council under Chapter VII of the Charter, as contained in resolution [1593 \(2005\)](#). Noting that the cooperation had deteriorated, not improved, since his most recent briefing, the Prosecutor added that it could get better if there was a will to cooperate with the will and international obligations of resolution [1593 \(2005\)](#). What was needed was a change of posture by those charged with responsibility or those who had assumed responsibility in the Sudan — because what was being talked about was the potency and the credibility, not of the International Criminal Court, but also of the Council. The Prosecutor further posed the question of whether decisions and obligations of the Council, when finally achieved, could be disregarded and whether any individual, State or authority could thumb its nose at the will of the Council. If the answer was yes, he enquired what were the courses of action that member States or the Council could take or decide upon in order to encourage the implementation and the discharge of international obligations. Concluding, the Prosecutor held the view that the time had come for the Sudan to ensure its cooperation with his Office, as required by international law pursuant to resolution [1593 \(2005\)](#).

During the discussion, several Council members called on the Sudanese authorities to abide by the decisions contained in resolution [1593 \(2005\)](#), as well as on all Member States to comply with their obligations of cooperating with the International Criminal Court, in

³³ See [S/PV.9249](#). For more information on this item, see part I, sect. 7.

accordance with the resolution.³⁴ In this regard, the representative of Brazil specifically urged the Sudanese authorities to fully cooperate with the International Criminal Court in order to provide unimpeded access to documentation relevant to investigations and to enhance the field presence of the Office of the Prosecutor in Khartoum. Furthermore, the representative of Japan underscored that the Sudan was obliged to accept and carry out the decision of the Council contained in resolution [1593 \(2005\)](#).

Recalling that the Sudan had not thus far signed the Rome Statute, the representative of the Sudan pointed out, however, that his country's cooperation was in compliance with resolution [1593 \(2005\)](#).

Case 7

Maintenance of international peace and security

On 20 October, at the initiative of Brazil, which held the presidency for the month, the Council convened a high-level open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace through dialogue: the contribution of regional, subregional and bilateral arrangements to the prevention and peaceful resolution of disputes".³⁵ At the meeting, the Council heard briefings by the Assistant Secretary-General for the Middle East, Asia and the Pacific in the Departments of Political and Peacebuilding Affairs and Peace Operations, the former President of Chile, Michelle Bachelet, the former President of South Africa, Thabo Mbeki, and the Director of the Peace Accords Matrix. During the open debate, participants made four explicit references to Article 25 of the Charter and discussed the obligation of Member States to accept and carry out specific resolutions concerning particular conflict situations.³⁶

Several speakers expressed their views on the overall nature of Article 25. The representative of Ecuador recalled that matters relating to Chapters VI, VII, VIII and XII of the Charter fell under the remit of the Council, whose decision-making power was binding on all Member States, in accordance with Article 25. Asserting that the Council should clarify when it acted under Chapter VI, as opposed to Chapter VII, the representative of Liechtenstein noted in that respect that Article 25, which was key to the understanding that

³⁴ See [S/PV.9249](#), Switzerland, United States, Ecuador, Brazil, France, Albania and Japan.

³⁵ A concept note was circulated by a letter dated 3 October 2023 ([S/2023/732](#)).

³⁶ See [S/PV.9448](#) and [S/PV.9448 \(Resumption 1\)](#). For more information about this item, see part I, sect. 37.

Council decisions were legally binding on Member States at large, did not specify whether relevant decisions should be taken under Chapter VI or Chapter VII of the Charter. She added that more relevant to that determination must be that the Council took a decision. The representative of Japan held the view that there remained some challenges with respect to which sufficient confidence among countries did not exist, leading to little, none or failed dialogue, and regrettably to obligations under international law, including those flowing from Council resolutions, not being respected. In addition, the representative of Slovenia argued that despite the many Council resolutions addressing the issue, women's full, equal and meaningful participation in peacemaking, peacekeeping and peacebuilding remained an aspiration rather than a political priority, which needed to change.

Some speakers referred to the obligation of Member States stemming from Council resolutions on specific conflict situations. The representative of the Islamic Republic of Iran stated that the withdrawal of the United States from the Joint Comprehensive Plan of Action (JCPOA), followed by the subsequent actions of the United States and Germany, France and the United Kingdom, in violation of their obligations under the JCPOA and resolution [2231 \(2015\)](#), presented a significant and fundamental challenge to the agreement. Further, noting that all the remaining restrictions on missile activities, the export and import of weapons and financial transactions involving certain Iranian individuals and entities had been completely terminated and were no longer subject to any restrictions by the Council, the representative of the Islamic Republic of Iran stated that his delegation trusted that Member States would diligently fulfil their commitments under Article 25 of the Charter and honour the termination of the restrictions, as laid out in resolution [2231 \(2015\)](#). Citing what he described as nearly 30 years of occupation of its sovereign territories by Armenia in violation of the Charter, international law and the relevant Council resolutions, the representative of Azerbaijan stated that the international community had failed to ensure the implementation of its own decisions. The representative of Pakistan affirmed that Jammu and Kashmir was an internationally recognized disputed territory and that in all its resolutions on the subject, the Council had decided that the final disposition of Kashmir should be determined by its people through a United Nations-supervised plebiscite. He further recalled that India had accepted that decision and that it was bound to comply with it in accordance with Article 25. The representative of Pakistan also stated that it was the responsibility of the Council to implement its own resolutions.

Case 8

Non-proliferation/Democratic People's Republic of Korea

On 27 November, the Council held a meeting under the item entitled “Non-proliferation/Democratic People's Republic of Korea” during which it heard a briefing by the Assistant Secretary-General for the Middle East, Asia and the Pacific in the Departments of Political and Peacebuilding Affairs and Peace Operations.³⁷ The meeting was held further to a letter dated 21 November from the representative of the Republic of Korea addressed to the President of the Council, requesting the Council to promptly hold a meeting to consult on and respond to the serious violations of Council resolutions following the long-range ballistic missile launch by the Democratic People's Republic of Korea.³⁸ At the meeting, speakers made two explicit references to Article 25 of the Charter and pointed to violations of several Council resolutions.

In his briefing, the Assistant Secretary-General for the Middle East, Asia and the Pacific noted that while sovereign States had the right to benefit from peaceful space activities, Council resolutions expressly prohibited the Democratic People's Republic of Korea from conducting any launches using ballistic missile technology. He recalled that the Secretary-General had strongly condemned the launch on 21 November 2023 and had reiterated his call on the Democratic People's Republic of Korea to fully comply with Council resolutions and to resume dialogue towards a complete and verifiable denuclearization of the Korean peninsula. The Assistant Secretary-General further reported that on 27 September 2023, the Democratic People's Republic of Korea had adopted a constitutional amendment further enshrining its policy on nuclear forces in the Constitution, demonstrating its intention to continue pursuing nuclear weapons and ballistic missile programmes, in violation of relevant Council resolutions.

During the discussion, many speakers condemned the launch of the military reconnaissance satellite by the Democratic People's Republic of Korea.³⁹ They held the view that such actions constituted a violation of Council resolutions and further called for their cessation. The representative of Ecuador, recalling that Article 25 of the Charter provided

³⁷ See [S/PV.9485](#).

³⁸ See [S/2023/908](#).

³⁹ See [S/PV.9485](#), United States, Albania, Ecuador, France, Japan, Malta, United Kingdom, Switzerland, Brazil, Ghana, United Arab Emirates and Republic of Korea.

that the Member States of the United Nations agreed to accept and carry out the decisions of the Council, asserted that his delegation called once again on the Democratic People's Republic of Korea to fulfil its obligations under the Charter and Council resolutions, and urged it to refrain from further launches and to immediately end its nuclear-weapon development programme. The representative of the Republic of Korea stated that the Democratic People's Republic of Korea was moving beyond violating the multiple Security Council resolutions and was determined to continue the breach of its obligations under the Charter, in particular the obligation under Article 25 to accept and carry out the decisions of the Council.

Several participants referred to specific violations of resolution [1718 \(2006\)](#) concerning the Democratic People's Republic of Korea sanctions regime, in particular regarding technical cooperation and arms transfers. The representative of Switzerland recalled that cooperation projects in the fields of space and armaments were, as a matter of principle, incompatible with Council sanctions, unless previously exempted by the Committee established pursuant to resolution [1718 \(2006\)](#). He further reminded that while the obligations arising from the sanctions regime applied first and foremost to the Democratic People's Republic of Korea, they also applied to all States. The representative of Malta expressed grave concern that the Democratic People's Republic of Korea had successfully obtained technical guidance from another country to complete the launch, which she described as, not only unacceptable in itself, but also as a clear violation of the obligations under resolution [1718 \(2006\)](#). The representative of Albania added that the violations of the sanctions regime by the Democratic People's Republic of Korea not only increased tensions on the Korean peninsula but also exacerbated threats to peace and security elsewhere, including in Europe. Regarding arms transfers, the representative of the Republic of Korea stated that the Democratic People's Republic of Korea was supplying ammunition to the Russian Federation in its war on Ukraine, and in that regard noted that all arms transfers to or from the Democratic People's Republic of Korea, as well as technical cooperation concerning its weapons programmes, directly violated multiple Council resolutions. Similarly, the representative of Japan stated that arms transfers between the Democratic People's Republic of Korea and the Russian Federation did not only exacerbate the situation in Ukraine, but also severely undermined the non-proliferation regime.

Referring to the 16 November major exercises of the United States and Republic of Korea navies in the Sea of Japan, involving heavy offensive weapons, including destroyers,

fighters and helicopters, the representative of the Russian Federation noted that it would be interesting to hear from the United States delegation how those actions were in line with the requirements of resolution [2397 \(2017\)](#), paragraph 27, regarding the need to work to reduce tensions in the Korean peninsula and beyond. The representative of the Democratic People's Republic of Korea stated that the Council's sanctions resolutions against his country, on which the United States and other Member States had based their criticism of the satellite launch, were no more than illegal and unlawful pieces of paper that contravened the spirit and objectives of the Charter.

During the discussion, several Council members also reflected on the impact of the lack of response by the Council to the breach of its decisions and called to restore its unity and action in that regard.⁴⁰ The representatives of the United States and the Republic of Korea held the view that the response of the Council to violations of its resolutions determined the credibility and authority of the body, and the representative of Albania added that inaction in the Council empowered the Democratic People's Republic of Korea to continue with its nuclear programme, giving it a licence for further militarization and continued threats to its neighbours.

Case 9

The situation in the Middle East, including the Palestinian question

At a high-level open debate held on 29 November under the item entitled "The situation in the Middle East, including the Palestinian question", the Council heard briefings by the Secretary-General and the Special Coordinator for the Middle East Peace Process, concerning the implementation of resolution [2712 \(2023\)](#) which called on all parties in the conflict in Gaza to comply with their obligations under international law and for urgent and extended humanitarian pauses and corridors through the Gaza Strip.⁴¹ During the debate, one speaker made an explicit reference to Article 25 of the Charter and participants discussed more broadly the obligation of Member States to accept and carry out decisions of the Council.

⁴⁰ Ibid., United States, Albania, France, Japan, Malta, United Kingdom, Ghana and Republic of Korea.

⁴¹ See [S/PV.9489](#). For more information about this item, see part I, sect. 22.

In his briefing, the Secretary-General expressed concern that the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had verified 104 incidents impacting 82 UNRWA installations, 24 of which had happened since the adoption of resolution [2712 \(2023\)](#). Recalling that the resolution called for urgent and extended humanitarian pauses and corridors and the full, rapid, safe and unhindered humanitarian access, the Secretary-General reported that hospitals across Gaza still lacked the basic supplies, staff and fuel needed to deliver primary health care at the scale required.⁴² With regard to the hostages held by Hamas, he acknowledged the arrangement announced on 22 November, which had so far led to the release of 60 hostages, but he reiterated that all the hostages had to be released immediately and unconditionally. Moreover, he noted that, in accordance with the resolution, he would revert to the President of the Council with a set of options on the effective monitoring of the implementation of the resolution and that he had already established a working group composed of the Department of Political and Peacebuilding Affairs, the Department of Peace Operations, the Office for the Coordination of Humanitarian Affairs and the Office of Legal Affairs to urgently prepare proposals in that regard. He concluded that the implementation of the resolution had only been partial at best and was woefully insufficient, highlighting that the measure of success would not be the number of trucks dispatched or the tons of supplies delivered, as important as those are, but success will be measured in the lives saved, suffering ended and hope and dignity restored.

In the ensuing discussion, most Council members and other participants referred to the deteriorating humanitarian situation on the ground and urged parties to cooperate and act in good faith. In that regard, they called for the full implementation of resolution [2712 \(2023\)](#).⁴³ For example, the Minister of State of the United Arab Emirates and the representatives of Switzerland and Ghana referred to the briefing of the Secretary-General and stressed the importance of establishing mechanisms to ensure the effective implementation of the resolution. More broadly, the Minister for Foreign Affairs of China stated that the United Nations should play a greater role in monitoring and coordinating humanitarian efforts in Gaza. Similarly, the Prime Minister and Minister for Foreign Affairs of Qatar looked forward to more steps being taken by the Council to guarantee the flow of

⁴² See resolution [2712 \(2023\)](#), para. 2.

⁴³ See [S/PV.9489](#), China, United Arab Emirates, Switzerland, Japan, Albania, Malta, Ecuador, Mozambique, France, Russian Federation, Saudi Arabia and Malaysia.

sufficient and humanitarian assistance throughout the Gaza Strip, including by establishing a monitoring mechanism to oversee its delivery through all crossing points and front lines.

The representative of the Russian Federation pointed out that without any mechanism to monitor its implementation, it was not surprising that resolution [2712 \(2023\)](#) was not being implemented. He referred to unambiguous statements by representatives of the Israeli leadership about their plans to continue their intensive clearing of the Gaza Strip after the end of the humanitarian pause. The representative of the Russian Federation further noted that while his Council colleagues understood that this was an open violation of the resolution and Article 25 of the Charter, they had not condemned it. He stressed that the only way to address the situation was for the Council to adopt decisive measures in that regard, the implementation of which could be ensured, through an international monitoring mechanism. He added that, as stipulated in resolution [2712 \(2023\)](#), the Russian Federation expected the Secretary-General to submit proposals as soon as possible on specific options for organizing a mechanism to monitor its implementation.

Moreover, some Council members expressed concern over the possibility of further regional spillover of the conflict and recognized the vital role of the United Nations Interim Force in Lebanon along the Blue Line. In that regard, they called for de-escalation of tensions, exercise of restraint and the full implementation of resolution [1701 \(2006\)](#).⁴⁴

With regard to the Israeli settlements in the West Bank, the representative of Ecuador stressed that it was necessary to respect the provisions of resolution [2334 \(2016\)](#). The Minister of State of the United Arab Emirates noted that Israel continued to build and expand its settlements, further dividing Palestinian communities in violation of international law and Council resolutions.

The representative of Malta reaffirmed her delegation's commitment to the two-State solution along the pre-1967 borders, while addressing the legitimate aspirations of both sides, in line with the relevant Council resolutions and the internationally agreed parameters. In the same vein, the representative of Mozambique was of the view that the two-State solution remained relevant and indispensable for lasting peace and harmony in the region. He added that it required both the conflicting parties and the wider United Nations family to redouble their efforts to achieve that desirable goal in accordance with resolutions [242 \(1967\)](#) and [2334 \(2016\)](#).

⁴⁴ Ibid., United Kingdom, United States and Malta.

C. Communications featuring Article 25

In 2023, in addition to the two explicit references contained in the draft resolutions not adopted and featured above, five more explicit references to Article 25 were made in the communications of the Council in connection with the implementation of resolution [2231 \(2015\)](#) and the subsequent termination of certain provisions contained therein, as well as Council decisions on Jammu and Kashmir.

In a letter dated 23 May addressed to the Secretary-General and the President of the Council,⁴⁵ referring to several communications⁴⁶ and claims by some States concerning the implementation of resolution [2231 \(2015\)](#) by the Islamic Republic of Iran, the representative of the Russian Federation maintained that Iran was respecting in good faith the relevant call addressed to it in paragraph 3 of annex B to resolution [2231 \(2015\)](#). In that regard, the representative of the Russian Federation stated that it was “ironic that the States propagating those assertions used them as a pretext for diverting the attention of the international community from the facts of their own violations of that resolution” and recalled that strict observance of its provisions was not a question of their choice or free will, but of their obligations stemming from Article 25 of the Charter.

In a letter dated 5 August addressed to the President of the Council,⁴⁷ the Chargé d'affaires a.i. of the Permanent Mission of Pakistan transmitted a letter by the Foreign Minister of Pakistan on Jammu and Kashmir noting that in accordance with Article 25 of the Charter, all Member States “agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.” He added that Council resolutions could only be invalidated by fulfilment of the obligation, consent of the parties, or a subsequent resolution or decision of the Council. Against that backdrop, in the view of the Foreign Minister of Pakistan, India’s actions of 5 August 2019, and the subsequent steps ever since, constituted a breach of the Charter, Council resolutions and international law.

⁴⁵ See [S/2023/373](#).

⁴⁶ See [S/2023/362](#) and [S/2023/368](#).

⁴⁷ See [S/2023/582](#).

In a letter dated 18 October addressed to the President of the Council,⁴⁸ the representative of the Islamic Republic of Iran transmitted his country's statement regarding the termination of certain provisions of resolution [2231 \(2015\)](#) and invoked Article 25 of the Charter as the basis for the obligation of all Member States to give due regard to the termination of the restrictions foreseen in that resolution.

In a letter dated 5 December addressed to the Secretary-General and the President of the Council,⁴⁹ referring to a communication from several Member States⁵⁰ concerning the implementation of resolution [2231 \(2015\)](#) by the Islamic Republic of Iran, and further to one of his prior communications,⁵¹ the representative of the Russian Federation stated that “it was highly deplorable that France, Germany and the United Kingdom, along with the European Union, had decided to follow the path of the United States in violating the provisions of abovementioned resolution and in blatantly neglecting Article 25 of the Charter, thus, hindering the prospects of restoration of the Joint Comprehensive Plan of Action”. He further held the view that the claims that the actions of those States were “reversible should Iran fully comply with the JCPOA commitments” provided no justification and did not relieve them of responsibility to implement their obligations.

Finally, in a letter dated 15 December addressed to the President of the Council,⁵² the representative of Pakistan transmitted a letter from the Foreign Minister of Pakistan regarding the situation in disputed Jammu and Kashmir, in which he noted that the decision of the Council, whereby the final disposition of Jammu and Kashmir would be determined by its people “through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations”, had been accepted by India and Pakistan and the Council. In that context, the Foreign Minister of Pakistan cited Article 25 of the Charter and noted that all the parties were legally obligated to implement that and other relevant Council resolutions.

⁴⁸ See [S/2023/786](#).

⁴⁹ See [S/2023/965](#).

⁵⁰ See [S/2023/875](#).

⁵¹ See [S/2023/812](#).

⁵² See [S/2023/994](#).

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

Article 26

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

Note

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

In 2023, continuing with past practice, the Council did not refer explicitly to this Charter provision in any of its decisions. However, Article 26 was expressly invoked on three occasions during the Council meetings convened under thematic items. At an open debate held on 26 January under the item entitled “Peacebuilding and sustaining peace”, the representative of Costa Rica noted that the increase in military spending had reduced the financial resources available for investments in health, education, justice, sustainable development and environmental protection and that in the absence of appropriate arms regulation efforts, that situation could be expected to further increase the diversion of the world’s resources to armaments, the very thing that Article 26 of the Charter sought to reduce, and to exacerbate the impacts on conflict and armed violence.⁵³ It was therefore more urgent than ever for the Council, with the assistance of the Military Staff Committee, to submit plans for the establishment of a system for the regulation of weapons, which should include plans to strengthen efforts in the monitoring and enforcing of Council arms embargoes at the national and regional levels.⁵⁴ At another open debate held under the same item on 3 May, the representative of Costa Rica asserted that the New Agenda for Peace offered an opportunity to promote transparency and foster trust and dialogue as an alternative to arms acquisition, adding that it could revive the objective set forth in Article 26 of the

⁵³ See [S/PV.9250 \(Resumption 1\)](#).

⁵⁴ For more information on the Military Staff Committee, see part VII, sect. VI.

Charter which called for “the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources”.⁵⁵ In addition, at an open debate held on 24 April under the item entitled “Maintenance of international peace and security”, the representative of Ecuador held the view that it was not possible to speak of effective multilateralism unless there was a move towards effective arms control and disarmament, adding that even Article 26 of the Charter referred to the least possible diversion of the world’s human and economic resources into armaments.⁵⁶

In 2023, there were no explicit references to Article 26 of the Charter in any of the communications addressed to the Council.

⁵⁵ See [S/PV.9315 \(Resumption 1\)](#).

⁵⁶ See [S/PV.9308](#).