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Part V

Functions and powers of the Security Council

Contents

Introductory note.....	3
I. Primary responsibility of the Security Council for the maintenance of international peace and security under Article 24	5
Note	5
A. Decisions referring to the primary responsibility of the Security Council for the maintenance of international peace and security.....	6
B. Discussions relating to the primary responsibility of the Security Council for the maintenance of international peace and security.....	7
II. Obligation of Member States to accept and carry out decisions of the Security Council under Article 25	20
Note	20
A. Decisions referring to Article 25	21
B. Discussions relating to Article 25.....	21
III. The responsibility of the Security Council to formulate plans to regulate armaments under Article 26	29
Note	29

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 to those Articles in decisions, meetings and communications of the Council during 2019 are described under each of the three sections. For 2019, sections I and II also include case studies that examine specific instances in which Articles 24 and 25 were discussed, or which otherwise illustrate how the Council has applied or interpreted those Charter provisions. Section III does not include any such case studies since in 2019 there were no specific instances of relevant discussions on Article 26 of the Charter.

As outlined in section I below, in 2019, the Council made no explicit reference to Article 24 of the Charter in its decisions, and instead referred implicitly to its “primary responsibility for the maintenance of international peace and security” in 11 of its decisions in connection with various country- or region-specific items, such as the situation in Libya and the question concerning Haiti; as well as thematic ones, such as women and peace and security, maintenance of international peace and security, protection of civilians in armed conflict, and cooperation with regional and subregional organizations. In addition, the Council discussed its primary responsibility for the maintenance of international peace and security in connection with a broad range of items. The most salient deliberations took place under both country-specific items, such as the situation in the Bolivarian Republic of Venezuela, as well as thematic ones relating to the maintenance of international peace and security, the working methods of the Council in the framework of the implementation of the note by the President of 31 August 2017 ([S/2017/507](#)), and children and armed conflict.

As featured in section II, in 2019, while the Council made no explicit reference to Article 25 in its decisions, one resolution did contain an implicit reference to the obligation of Member States to accept and carry out the decisions of the Council. By contrast, Article 25 was invoked explicitly during Council meetings in nine instances: twice regarding the situation in Libya, three times in connection with the working methods of the Council in the framework of the note by the President of 31 August 2017 ([S/2017/507](#)), twice with regard to non-proliferation and on two occasions in relation to the situation in the Middle East, including the Palestinian question. Four draft resolutions concerning the situation in the Middle East that were not adopted also contained explicit references to Article 25.

As described in section III, in 2019, 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. During the deliberations, however, Article 26 was explicitly invoked on one occasion during the discussion about the working methods of the Council. None of the communications addressed to the Council referred to Article 26.

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

Article 24

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

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

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

Note

Section I covers the practice of the Security Council concerning its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter,¹ and is divided into two subsections. Subsection A deals with decisions adopted in 2019 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.

During the period under review, the Council did not adopt any decision containing explicit references to Article 24. By contrast, Article 24 was referred to explicitly on various occasions during meetings of the Council in connection with its primary responsibility for the maintenance of international peace and security, as discussed in Subsection B. In addition, only one communication in 2019 contained an explicit reference to Article 24. In a letter from the permanent representative of Venezuela, Article 24 was explicitly invoked in connection with “several dangerous actions” by the United States threatening the peace and security of Venezuela and the Latin American and Caribbean region as a whole.²

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 [S/2019/765](https://www.un.org/repertoire/structure).

A. Decisions referring to the primary responsibility of the Security Council for the maintenance of international peace and security

During the period under review, the Security Council did not explicitly refer to Article 24 in its decisions. However, in eight resolutions and three presidential statements adopted in 2019, the Council referred to its primary responsibility for the maintenance of international peace and security while taking a variety of actions. Implicit references to Article 24 were mainly featured in preambular paragraphs of resolutions and initial paragraphs of presidential statements.

1. Resolutions

In 2019, the Council implicitly invoked Article 24 in eight resolutions in which it reaffirmed, reiterated, recalled, bore in mind or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security. Two of these resolutions were adopted in connection with the items concerning Haiti and Libya.³ In both instances, the Council acted explicitly under Chapter VII of the Charter. The other six resolutions adopted in 2019 concerned thematic items and dealt with a broad range of topics including, inter alia, the “Silencing the guns in Africa” initiative, sexual violence in conflict, missing persons in armed conflict and protection of persons with disabilities in armed conflict.⁴ Further details on these resolutions are laid out in table 1 below.

2. Presidential statements

In 2019, the Council made implicit references to Article 24 in three presidential statements, in which it recalled or reaffirmed its primary responsibility for the maintenance of international peace and security.⁵ The three presidential statements dealt with a variety of issues, including the cooperation between the United Nations and the League of Arab States, the 70th anniversary of the Geneva Conventions, and the use of chemical weapons in violation of international law. Further details on these presidential statements are included in table 1 below.

³ Resolutions [2466 \(2019\)](#), fourteenth preambular paragraph; and [2473 \(2019\)](#), third preambular paragraph.

⁴ Resolutions [2457 \(2019\)](#), first preambular paragraph; [2467 \(2019\)](#), fifth preambular paragraph; [2474 \(2019\)](#), second preambular paragraph; [2475 \(2019\)](#), first preambular paragraph; [2491 \(2019\)](#), fourth preambular paragraph; and [2493 \(2019\)](#), second preambular paragraph.

⁵ [S/PRST/2019/5](#), first paragraph; [S/PRST/2019/8](#), first paragraph; and [S/PRST/2019/14](#), second paragraph.

Table 1: Decisions in 2019 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 2457 (2019) 27 February 2019	First preambular paragraph	Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	Silencing the guns in Africa
Resolution 2466 (2019) 12 April 2019	Fourteenth preambular paragraph	The question concerning Haiti	
Resolution 2467 (2019) 23 April 2019	Fifth preambular paragraph	Women and peace and security	Sexual violence in conflict
Resolution 2473 (2019) 10 June 2019	Third preambular paragraph	The situation in Libya	
Resolution 2474 (2019) 11 June 2019	Second preambular paragraph	Protection of civilians in armed conflict	Missing persons in armed conflict
Resolution 2475 (2019) 20 June 2019	First preambular paragraph	Protection of civilians in armed conflict	
Resolution 2491 (2019) 3 October 2019	Fourth preambular paragraph	Maintenance of international peace and security	
Resolution 2493 (2019) 29 October 2019	Second preambular paragraph	Women and peace and security	Towards the successful implementation of the women, peace and security agenda: moving from commitments to accomplishments in preparation for the commemoration of the twentieth anniversary of Security Council resolution 1325 (2000)
S/PRST/2019/5 13 June 2019	First paragraph	Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	Cooperation between the Security Council and the League of Arab States
S/PRST/2019/8 20 August 2019	First paragraph	The promotion and strengthening of the rule of law in the maintenance of international peace and security	
S/PRST/2019/14 22 November 2019	Second paragraph	Maintenance of international peace and security	

B. Discussions relating to the primary responsibility of the Security Council for the maintenance of international peace and security

During the period under review, Article 24 was invoked both explicitly and implicitly at numerous meetings of the Security Council. Speakers made 11 explicit references at six

meetings held under the items entitled “The situation in the Bolivarian Republic of Venezuela”,⁶ “Implementation of the note by the President of the Security Council ([S/2017/507](#))”,⁷ “Maintenance of international peace and security”,⁸ “The situation in Libya”,⁹ “Consideration of the draft report of the Security Council to the General Assembly”¹⁰ and “The situation in the Middle East, including the Palestinian question”.¹¹

The following case studies illustrate the nature of some of the issues discussed in 2019 in connection with 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 discussions were held under a broad range of items on the agenda of the Council and were focused on the impacts of climate-related disasters (case 1), the situation in the Bolivarian Republic of Venezuela (case 2), the working methods of the Council (case 3) and children and armed conflict (case 4).

Case 1

Maintenance of international peace and security

At the 8451st meeting, held on 25 January 2019, at the initiative of the Dominican Republic which held the Presidency for the month, a high-level open debate was convened under the following sub-item “Addressing the impacts of climate-related disasters on international peace and security”.¹² At the meeting, the Council heard briefings by the Under-Secretary-General for Political and Peacebuilding Affairs, the Administrator of the United Nations Development Programme, the Chief Scientist of the World Meteorological Organization and a Research Assistant at the Environmental Security Program of the Stimson Center.¹³

During the open debate, some speakers supported the engagement of the Council in discussing climate and security as part of its agenda. The representative of Belgium welcomed the role of the Council in addressing the impact of climate change on international peace and security, adding that in order to effectively discharge its mandate, the Council had

⁶ [S/PV.8506](#), United States and Bolivarian Republic of Venezuela.

⁷ [S/PV.8539](#), Norway, Morocco, Islamic Republic of Iran and Cuba.

⁸ [S/PV.8546](#), Indonesia.

⁹ [S/PV.8588](#), Libya.

¹⁰ [S/PV.8597](#), United Kingdom.

¹¹ [S/PV.8648](#), Kuwait.

¹² A concept note was circulated by a letter dated 2 January 2019 ([S/2019/1](#)).

¹³ [S/PV.8451](#).

to pay attention to early warning signs and develop greater sensitivity to situations that could lead to conflict, including climate-related situations. He also said that it was high time for climate-related risks to be reflected in the regular work of the Council and in this regard he proposed an annual thematic briefing. A similar view was expressed by Germany, whose representative underscored that the debate about the policy consequences of climate change belonged in the Council given that it was increasingly becoming a threat to international peace and security. He added that it should become routine for the Council to take the link between climate and security into account in all conflict situations. The representative of France affirmed that the risks to international security posed by the impacts of climate change had to become a central element of the conflict prevention agenda. She further noted that a rigorous and regular analysis of those risks was necessary and added in that regard that the Council and the Secretary-General needed to play a pivotal role.

The representative of Peru argued that the debate enabled the participants to discuss the tasks and competencies of the Council in the maintenance of international peace and security through a broad multidimensional approach to security. In that context, he said that it was important to address climate-related risks which could pose threats to international peace and security. He also noted that the consequences of climate change transcended the mandate of the United Nations Framework Convention on Climate Change (UNFCCC) and could require a response from the Council in the context of its responsibilities related to conflict prevention and resolution. Similarly, the representative of Canada highlighted that climate and security must have a clear place in the Council deliberations. She also acknowledged the leadership of the Council through the adoption of resolutions recognizing the adverse effects of climate change on the stability and security of regions, such as the Lake Chad basin and the Sahel. She added that it was critical for the Council to better understand climate-related security risks and report on climate risks when analysing a conflict or region. The representative of Norway echoed that position, noting the primary responsibility of the Council for maintaining international peace and security and adding that the climate-security nexus merited being firmly placed on the agenda of the Council. The representative of Ireland stated that climate and security concerns should be considered across all country-specific situations on the agenda of the Council and added that his delegation wanted to see United Nations operations across the peace and development nexus assessing the risks of climate change. The representative of the United Arab Emirates stated that the link between climate change and international security demanded concrete action and attention by the Chamber

and affirmed that addressing it did not necessarily require a change in the mechanics of the Council. A similar view was shared by the representative of Mauritius who maintained that the Council was the appropriate platform to address the threat of climate change.

In addition, various speakers expressed support for the establishment of a new special representative of the Secretary-General on climate and security.¹⁴ Speaking on behalf of the Caribbean Community (CARICOM), the representative of Barbados noted with interest the call made at the 8307th meeting of the Council on 11 July 2018 by the Pacific small island developing States for the appointment of a special representative of climate and security, who would not expand the mandate of the Council, but instead would serve the Secretary-General and fill a critical gap in the United Nations system.¹⁵

Other speakers at the meeting supported the need for the Council to define the security dimension of climate change. The representative of Indonesia specified that while the Council could deal with the security dimension of climate change, the UNFCCC should remain the principal body dealing with climate change itself. He further noted that the Council's homework was to better define what fell under the ambit of climate change itself and what constituted the security dimension of climate-related impacts, adding that individual countries bore the responsibility to respond to these impacts and that the Council should not interfere.¹⁶ The representative of South Africa stated that the Council should highlight climate change as a factor in those situations that are within its purview and where climate change is thought to be contributing significantly to insecurity. However, he cautioned against duplicating the efforts of other United Nations bodies, noting that the Council may not be the appropriate forum for addressing the issue of climate change due to its limited membership and specific peace and security focus. The representative of the Dominican Republic warned against duplicating the work of other organs but recalled that the Council had already set precedents on that matter and urged the Council to reach consensus on including climate-related effects in its work on security. Recognizing the UNFCCC and the Paris Agreement as the primary fora for coordinating the global response to climate change, the representative of Trinidad and Tobago noted that an enhanced understanding of climate-related security risks and how to address them in the Council should not, and would not, duplicate the responsibilities of other United Nations bodies. The representative of Mexico

¹⁴ Ibid., Canada, Norway, Barbados, Ireland, Nauru, Costa Rica and Tuvalu. For further information on special representatives, see part IX, sect. VI.

¹⁵ Ibid., Barbados. See also [S/PV.8307](#).

¹⁶ [S/PV.8451](#).

also highlighted the importance of a clear division of labour within the United Nations system for addressing the impact of climate change on international peace and security. He also noted that the Council should have reliable and rigorous analytical tools that could inform and support its decisions before considering making climate change a standing item on its agenda. The representative of India asked if the needs of climate justice could be served by shifting climate law-making from the inclusive UNFCCC to decision-making by a structurally unrepresentative organization. Furthermore, he weighed in favour of a cautionary approach on such a contested subject.

Some speakers favoured other bodies' engagement on climate change rather than the Council. The representative of the Russian Federation deemed it excessive, and even counterproductive to discuss climate change in the Council whose aim under the Charter was to swiftly respond to serious challenges to international peace and security. He further argued that the practice of considering this topic in the Council undercut the current division of labour within the United Nations. Instead, he suggested climate risks be taken into consideration in the context of specific and real situations on the agenda of the Council. In a similar vein, the representative of Pakistan underscored that the actions on climate change should be undertaken under the confines of the mandates of the relevant bodies. The representative of Brazil argued that environmental issues did not fall squarely under the authority of the Council as the primary organ for the maintenance of international peace and security. Similarly, the representative of the Islamic Republic of Iran observed that the Council had neither the legal competence nor the technical capacity to address the issue of climate change, recalling that there had been no consensus about this issue falling within the purview of the Council. He further noted that many countries considered the discussion of this topic by the Council as an example of its encroachment upon the powers and functions of other United Nations organs. He therefore urged the Council to stick to its core mandate only. The representative of Algeria noted that it would seem awkward for the Council to take into consideration the effects of climate-related disasters and climate change on international peace and security. He noted that the Council had numerous issues on its agenda, and a great deal was expected of it in terms of action and efficiency in preventing conflicts and resolving existing ones. In this regard, he suggested that it would be natural for the Council to focus on preventing conflicts and resolving existing ones, rather than opening new, undefined territories for consideration.

Case 2

The situation in the Bolivarian Republic of Venezuela

On 26 January 2019, at the request of the United States, the Council held its 8452nd meeting under the item entitled “The situation in the Bolivarian Republic of Venezuela”. At the outset of the meeting, the representative of the Russian Federation took the floor to explain his request for a procedural vote. He said that the internal situation in Venezuela was not an item on the agenda of the Council. He further noted that Venezuela did not represent a threat to peace and security, adding that if anything did represent a threat to peace, it was “the shameless and aggressive actions” of the United States and its allies aimed at ousting the legitimately elected President of Venezuela.¹⁷ In response, the Secretary of State of the United States said that the focus of the Council was to safeguard international peace and security. He added that the Organization of American States had passed a resolution on 10 January refusing to recognize “the illegitimate Maduro regime”. He then noted that despite the calls from regional bodies, the United Nations had yet to hold a formal meeting on that subject. He also said that there was a new leader in Venezuela, who promised to bring elections and constitutional order back to Venezuela and security back to the region and affirmed that the Council could not delay that critical conversation. The provisional agenda was put to a vote and was subsequently adopted with 9 votes in favour, 4 votes against and 2 abstentions.¹⁸ Further to the vote, the Council heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs who reported on the situation in Venezuela and recalled the Secretary-General’s statement on the importance for all actors to exercise maximum restraint to avoid an escalation of violence and confrontation.¹⁹

During their interventions, speakers expressed divergent views on whether the situation in Venezuela merited being discussed in the Council as a threat to international peace and security. The representative of Equatorial Guinea believed that the situation in Venezuela was an internal matter and that it did not pose a threat to international peace and security. He therefore urged the Council to be sufficiently cautious and to take into account recent experiences in the Middle East and Africa in order to avoid a spillover of the situation

¹⁷ [S/PV.8452](#).

¹⁸ In favour: Belgium, Dominican Republic, France, Germany, Kuwait, Peru, Poland, United Kingdom, United States. Against: China, Equatorial Guinea, Russian Federation, South Africa. Abstaining: Côte d’Ivoire, Indonesia. For more information on procedural votes, see part II, section VIII.C.

¹⁹ [S/PV.8452](#).

in the country. A similar view was held by the representative of China who opposed adding the situation of Venezuela to the agenda of the Council, stating that it was a domestic matter and that it did not constitute a threat to international peace and security. The representative of the Plurinational State of Bolivia expressed concern over the convening of the meeting. Affirming that the Council was called upon to look into matters related to threats to international peace and security, he said that Venezuela did not in any way constitute a threat. By contrast, the representative of France asserted that it was perfectly legitimate for the Council to address the situation in Venezuela as part of its role in conflict prevention. Similarly, the representative of Belgium said that it was clear that the Council had a responsibility to address the situation in Venezuela, which constituted a threat to international peace and security. The representative of Argentina said that the Council should reaffirm its role as a guarantor of international peace and security, further noting that the Council could not remain indifferent in the face of that tragedy, which, in the view of Argentina, was a threat to international peace and security. The representative of Brazil said that it was crucial for the Council to address the situation in Venezuela, while the representative of Honduras requested the Council to urgently and diligently attend to that matter. According to the representative of Indonesia, the inclusion of Venezuela on the agenda of the Council had to reflect a commitment to supporting the realization of sustained peace and stability in the country.

On 26 February 2019, the Council held its 8472nd meeting under the same item.²⁰ During the discussion, the representative of South Africa affirmed that the Council was the principal organ charged with maintaining international peace and security, observing that the Council was divided on the internal affairs of a State Member of the United Nations. He said that threats to use force against the territorial integrity and political independence of the Bolivarian Republic of Venezuela were inconsistent with the purpose of the United Nations, which was founded to maintain international peace and security. In contrast, the representative of Germany disagreed and expressed the view that the situation in Venezuela belonged on the agenda of the Council, noting that it was a threat to international peace and security. The representative of the United Kingdom agreed with the German Ambassador and noted that the agenda did not mention the situation in the region or wider threats to international peace and security. The agenda item, he added, was the situation in the

²⁰ [S/PV.8472](#).

Bolivarian Republic of Venezuela. At the same meeting, the representative of Venezuela stated that the Council was not there to make war or establish conditions for others to make war, nor was it there to endorse violence or breaches of the Charter of the United Nations. Rather, he said, the Council was there to maintain international peace and security and preserve future generations from the scourge of war. In her intervention, the representative of Cuba expressed the hope that the Council would fulfil its role and responsibility as the primary guarantor of international peace and security and would not lend its support to military adventures. Noting that the Council held the mandate for the maintenance of international peace and security, the representative of Belize urged it to respect their leaders' commitment to maintaining Latin America and the Caribbean as a zone of peace and so, directly and clearly, to dissuade any actions that would lead to any military conflagration in Venezuela.

Two days later, under the same item, the Council held its 8476th meeting on 28 February 2019, during which two competing draft resolutions on the situation in the Bolivarian Republic of Venezuela failed to be adopted.²¹ The representative of Peru stated that his country voted in favour of the draft resolution on the situation in Venezuela ([S/2019/186](#)) in order to enable the Council, in exercise of the mandate bestowed upon it by the Charter of the United Nations, to adopt a decision that contributed to regional peace and security.²² Explaining her vote, the representative of Poland expressed the belief that it was the primary responsibility of the Council to address urgently the worsening humanitarian crisis affecting millions of Venezuelans. She further stressed that it was the responsibility of the Council to address situations that endanger the maintenance of international peace and security. The representative of South Africa urged for any further action by the Council to be guided by genuine efforts to maintain international peace and security and promote the unity of peoples in that regard. In his intervention, the representative of Venezuela stated that the world could not understand why the Government of the United States refused to adopt a draft resolution prohibiting the use and threat of use of force in the case of Venezuela, given that the primary function of the Council was the maintenance of international peace and security.

On 10 April 2019, the same item was discussed at the 8506th meeting at which the Council heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Office of the United Nations High Commissioner for

²¹ [S/2019/186](#) and [S/2019/190](#). For further details, see part III, sect. II, case 1.

²² [S/PV.8476](#).

Refugees and International Organization for Migration Joint Special Representative for Venezuelan refugees and migrants in the region and a researcher at Johns Hopkins University.

During the discussion, two speakers made explicit references to Article 24.²³ In his intervention, the Vice-President of the United States affirmed that Article 24 conferred on the Council the responsibility for the maintenance of international peace and security. He further called for the Council to rededicate itself to the mission upon which it was founded – to maintain international peace and security. The representative of the Bolivarian Republic of Venezuela also expressly invoked Article 24 stating that the Council, under Articles 24, 34 and 39 of the Charter, had the responsibility for the maintenance of international peace and security and to determine the existence of any threat to the peace or of any act of aggression. In reference to the briefings heard by the Council on the humanitarian crisis in Venezuela, the representative of the United Kingdom said that it was right that the Council discussed such issues. She acknowledged that there was an “age-old debate” that the Council had never resolved as to how bad a situation had to get within a country in order for it to constitute the sort of issue that the Council would look at. However, she believed that the figures that the Council had heard, and the views of the regional and international authorities, as represented by the Joint Special Representative and the Emergency Relief Coordinator, made it “absolutely an issue that the Council should be discussing”. The representative of Indonesia noted that the Council had met three times to discuss the situation in Venezuela and had failed thus far to make any difference in the country. Based on the principles of the Charter, he added that the Council had to discharge its responsibility by assisting Venezuela in stabilizing itself and restoring normalcy.

Case 3

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

At the 8539th meeting, held on 6 June 2019, at the initiative of Kuwait which held the Presidency for the month,²⁴ the Council convened its annual open debate on working

²³ [S/PV.8506](#), United States and Bolivarian Republic of Venezuela.

²⁴ A concept note was circulated by a letter dated 29 May 2019 ([S/2019/450](#)).

methods under the item “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.

The representative of South Africa, delivering a joint statement for the 10 elected members, noted that enhancing the functionality and efficiency of the Council would serve to improve its ability to maintain international peace and security, drawing on the diverse expertise, perspectives and dynamism of non-permanent members and other stakeholders. He further argued that such an approach reflected the expectations of Member States, who had conferred on the Council the primary responsibility for the maintenance of international peace and security, for this organ to take prompt and effective actions.²⁵

The representative of the Russian Federation expressed a cautious approach with regard to thematic subjects, especially those that according to the Charter came under the remit of other United Nations organs, violating the established division of labour and distracting the Council from its work on its priority tasks. The representative of China affirmed that the Council should concentrate on its priorities and discharge its duties in strict accordance with its mandate, further explaining that it would mean focusing on major issues of great urgency that threaten international peace and security, rather than intervening in domestic settings. Noting an increase in the number of cross-cutting items on the agenda of the Council in recent years, some of which exceeded its mandates, he added that the Council had to take the concerns of Member States in that regard seriously. The representative of Cuba referred to Article 24 twice during her statement. She said that pursuant to Article 24 of the Charter of the United Nations, Members recognized that the Security Council acted on their behalf in the discharge of its functions and that the work of the Council was therefore the shared responsibility of all Member States. In this regard, she stated that greater transparency in the work of the organ would contribute to the effective exercise of that shared responsibility. She also recalled Article 24 in connection with the lack of special reports on measures to maintain international peace and security for consideration by the General Assembly which she deemed a shortcoming that the Council had to overcome. In addition, the Cuban representative stated that the Council had to align its functions with the mandate entrusted to it by the Charter of the United Nations and cease taking up issues beyond its remit, in particular those that fell under the mandate of the General Assembly.²⁶

²⁵ [S/PV.8539](#).

²⁶ *Ibid.* For further information on the relation with the General Assembly, see part IV, sect. I.

The representative of Kuwait affirmed that improving and developing the working methods of the Council were decisive factors in its ability to fulfil its responsibility for the maintenance of international peace and security.²⁷ Similarly, the representative of Morocco stated that Articles 24, 25 and 26 of the Charter of the United Nations granted the Council considerable powers and privileges, which it could not exercise without adopting an effective and efficient approach. In this regard, he added that the Council had to support in particular the development of its working methods by ensuring the proper implementation of its mandate. The representative of Norway, speaking on behalf of the Nordic countries, affirmed that Article 24 of the Charter enshrined the responsibility of the Council to act on behalf of the entire United Nations membership and called for broader engagement in that regard. She also said that interaction with the broader membership had to be improved and enhanced. As she stated, “the Council needs to talk with countries — not only about them”. The representative of the Islamic Republic of Iran emphasized that accountability started from Articles 24 and 25 of the Charter of the United Nations. He also stated that the Council — acting on behalf of the Organization’s entire membership and being accountable to it — was obliged to act in accordance with the Charter and according to which Member States agreed to carry out its decisions. He added that while Member States continued to fulfil their respective commitments, the Council had regrettably not acted in accordance with the Charter in many cases.

Speakers also addressed the use of veto in connection with the ability of the Council to perform its function of maintaining international peace and security. The representative of Singapore noted that the veto had too often been used to block Council action aimed at preventing mass atrocity crimes and expressed the view that the permanent members had to wield their special privileges with increased responsibility, adding that, otherwise, the Council would not be able to discharge its duties in the maintenance of international peace and security. The representative of Mexico recalled that the States members of the United Nations had conferred on the Council the responsibility to act in order to ensure swift and effective action in the maintenance of peace and international security and criticized, however, that on a number of occasions, it had not been “up to the task” and had allowed crimes against humanity, war crimes and genocide to occur as a result of its failure to take timely action. The representative of Costa Rica echoed similar views, reiterating the need to

²⁷ [S/PV.8539](#).

move towards defining limitations on the use of the veto as an imperative in fulfilling the mandate of the Council to maintain international peace and security.

Case 4

Children and armed conflict

On 2 August 2019, at the 8591st meeting convened at the initiative of Poland, which held the Presidency for the month,²⁸ the Security Council held an open debate under the item entitled “Children and armed conflict”. At the outset of the meeting, the Special Representative of the Secretary-General for Children and Armed Conflict noted that 2019 marked 20 years since the Council first adopted a resolution on children and armed conflict (resolution [1261 \(1999\)](#)) and the 30th anniversary of the entry into force of the Convention on the Rights of the Child. She further noted that 4 August was also the 10th anniversary of the adoption of resolution [1882 \(2009\)](#), in which the Council decided it was necessary to increase the focus of the children and armed conflict mandate on killing, maiming and rape and other forms of sexual violence.²⁹

The representative of China said that achieving peace provided the best protection for children. As children bore the brunt of war and conflicts, preventing, resolving and diffusing conflicts was a top priority, which he noted was the fundamental way out. In this respect, he affirmed that the Council should fulfil its duties by using all political means as stipulated in the Charter of the United Nations. He added that the key to implementing resolution [1882 \(2009\)](#), on the protection of children affected by armed conflict, lay in the efforts and cooperation of the governments concerned. In his intervention, the representative of Kuwait focused on the implementation of Council resolutions with a view to putting an end to violations perpetrated against children in armed conflict. He recalled the responsibility of Member States to save future generations from the scourge of war as well as the special privileges of the Council in order to achieve that noble goal. In this connection, he called on Member States to implement Council resolutions in order to achieve the purpose for which the Council was formed. The representative of Kenya called on the Council not only to maintain peace but also to use its mandate to bring peace to areas that are in conflict. He stated that the protection of children would be guaranteed only where there was peace and

²⁸ A concept note was circulated by a letter dated 30 July 2019 ([S/2019/605](#)).

²⁹ [S/PV.8591](#).

where national laws and international humanitarian law were observed and implemented. Similar observations were made by the representative of Viet Nam who reaffirmed the principle of the primary responsibility and authority of States to protect their civilians in armed conflicts, further adding that a comprehensive approach was needed to address the root causes of the hardship that children bore. In this respect, he said that the Council, under the purview of its primary responsibility, should focus more efforts on conflict prevention and resolution, adding that cooperation among the United Nations and regional organizations could be enhanced to provide more effective protection for children.

The representative of the Russian Federation underlined that the Council took consistent measures to protect children and prevent acts of violence against them. He emphasized that greater attention should be paid to the six categories of the most serious violations against children, within the framework of both the monitoring and reporting mechanism and the Working Group on Children and Armed Conflict in accordance with resolution [1612 \(2005\)](#) and subsequent documents. He expressed the belief that attempts to dilute the mandate of the Council by forcing it to consider other issues related to rights of children outside the maintenance of international peace and security context, represented a step in the wrong direction. He further called for adhering to the principle of the division of labour in order to be most effective in solving all issues related to the plight of children.

Referring to the Secretary-General's report with regard to the situation of children in Syria, Yemen and other conflict-affected areas as devastating,³⁰ the representative of Canada said that it would be "a blatant understatement" to express disappointment with the inability of the Council to maintain international peace and security in those and other cases. He added that addressing vulnerability to serious violations was not the sole responsibility of the Council.³¹ In her discussion of the Secretary-General's report, the representative of India expressed disappointment that, despite the clear mandate of the Council, the Secretary-General's report included situations that were not armed conflicts or threats to the maintenance of international peace and security and observed that the attempt to selectively expand the mandate to certain situations only politicized and instrumentalized the agenda, thereby obfuscating and diverting attention from the real threats to international peace and security.

³⁰ See [S/2019/509](#).

³¹ [S/PV.8591](#).

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 two subsections, namely, subsection A, which encompasses references to Article 25 contained in decisions of the Council and subsection B, which examines how the principle of Article 25 was dealt with in deliberations during the meetings of the Council.

In 2019, the Council did not invoke Article 25 explicitly in any of its decisions. Implicit reference, however, was made in one resolution, as illustrated in subsection A below. Article 25 was also invoked on numerous occasions during the meetings of the Council, both explicitly and implicitly. Most discussions revolved around the impact of the non-implementation of the decisions of the Council on its credibility, while others centred on the issue of the binding nature of resolutions, as stipulated in Article 25. Details of the most salient issues related to this Charter provision, addressed during the meetings in 2019, are provided in subsection B. Explicit references to Article 25 were also made in five communications of the Council.³² Furthermore, four draft resolutions that were not adopted also contained explicit references to Article 25.³³

³² Letter dated 26 February 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the Secretary-General and the President of the Council ([S/2019/185](#)); letter dated 18 April 2019 from the representative of the Russian Federation to the Secretary-General and the President of the Council ([S/2019/339](#)); letter dated 7 June 2019 from the representative of China and the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the Secretary-General ([S/2019/474](#)); letter dated 4 November 2019 from the representative of the Islamic Republic of Iran to the Secretary-General ([S/2019/863](#)); and letter dated 26 November 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the Secretary-General ([S/2019/909](#)).

³³ [S/2019/756](#), [S/2019/757](#), [S/2019/961](#) and [S/2019/962](#). See for further details, part I, sect. 23.

A. Decisions referring to Article 25

In 2019, the Council made no explicit reference to Article 25 in its decisions. However, in its resolution [2493 \(2019\)](#), the Council recalled “the primary role of Member States to implement fully all Security Council resolutions on Women, Peace and Security”.³⁴

In addition, four draft resolutions in connection with the conflict in the Syrian Arab Republic, which were submitted under the item “The situation in the Middle East” and not adopted, also contained explicit references to Article 25. In 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.³⁵

B. Discussions relating to Article 25

During the year under review, Article 25 was explicitly and implicitly referred to at numerous meetings of the Council. Nine explicit references were made during deliberations in several meetings held under the items entitled “The situation in Libya”,³⁶ “Implementation of the note by the President of the Security Council ([S/2017/507](#))”,³⁷ “Non-proliferation”,³⁸ and “The situation in the Middle East, including the Palestinian question”.³⁹ The case studies below illustrate the most significant discussions held in connection with the interpretation of Article 25 of the Charter concerning the situation in the Middle East, including the Palestinian question (case 5), non-proliferation of weapons of mass destruction (case 6), combating the financing of terrorism (case 7) and the working methods of the Council (case 8).

Case 5

The situation in the Middle East, including the Palestinian question

On 22 January 2019, the Council held its 8449th meeting, the first quarterly open debate for the year under the item “The situation in the Middle East, including the Palestinian

³⁴ Resolution [2493 \(2019\)](#), seventh preambular paragraph.

³⁵ [S/2019/756](#), [S/2019/757](#), [S/2019/961](#) and [S/2019/962](#), final preambular paragraph. For further information, see part I, sect. 22.

³⁶ [S/PV.8523](#), Libya and [S/PV.8588](#), Libya.

³⁷ [S/PV.8539](#), Morocco and Islamic Republic of Iran.

³⁸ [S/PV.8564](#), Islamic Republic of Iran and [S/PV.8695](#), Russian Federation.

³⁹ [S/PV.8648](#), Kuwait and [S/PV.8669](#), South Africa.

question”. At the meeting, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General updated the Council on the latest developments that took place during the reporting period.⁴⁰ During the discussion following the briefing, several speakers criticized the continued violations of relevant resolutions, recalling their binding nature and appealing to the Council to ensure compliance with them.

In their remarks, several speakers maintained that violations of relevant resolutions undermined their effectiveness and affected the credibility of the Council. The Permanent Observer of Palestine characterized Israel’s activities in East Jerusalem as flagrant violations of resolutions [478 \(1980\)](#) and [2334 \(2006\)](#), adding that Israel persisted with an illegal settlement campaign in blatant contempt of the authority of the Council, thereby making a mockery of its credibility. Speaking on behalf of the Member States of the Organization of Islamic Cooperation (OIC), the representative of Bangladesh held a similar view, stating that Israel’s policy constituted blatant contempt for, and systemic violations of, numerous resolutions. Urging all sides to comply with relevant resolutions, the Minister for Foreign Affairs of Indonesia asserted that continued violations of the relevant resolutions reduced the credibility of the Council. A similar standpoint was shared by the representative of South Africa who noted that there had been “minimal effort” to implement resolution [2334 \(2006\)](#), which called into question the credibility of the decisions of the Council, especially if it was the Council itself that did not take any action to ensure the implementation of its own decisions. He further urged not to allow the decisions of the Council to be undermined and blatantly violated in some areas. The representative of Germany recalled that resolutions were binding international law and not an “à la carte menu”. The representative of France made a similar observation, stating that international law and relevant Council resolutions were not optional or “to be chosen as one likes”.

With regard to Lebanon, the representative of Israel observed that, as the United Nations Interim Force in Lebanon (UNIFIL) and several Member States had stated, the tunnels built by Hizbullah violated resolution [1701 \(2006\)](#). The representative of Lebanon, on the other hand, called on the Council to shoulder its responsibilities and issue a clear and unequivocal message condemning Israel for any violation against resolution [1701 \(2006\)](#). Referring to the firing of missiles by Israel over Lebanese territory into Syria, the representative of the Syrian Arab Republic noted that such actions were in gross violation of

⁴⁰ [S/PV.8449](#).

the relevant Council resolutions, adding that they would not have occurred if the Council had not failed to impose the implementation of its relevant resolutions regarding the Arab-Israeli conflict.

Concerning the Palestinian question, the representative of Ecuador observed that resolution [2334 \(2016\)](#) was the most viable path to restoring peace in the region and that its implementation was vital for resolving the Israeli-Palestinian issue and could not be divorced from the Council action to ensure compliance with, and observance of, resolution [1322 \(2000\)](#). According to the representative of Egypt, the reason for the inability to judge whether Council resolutions had the potential to bring about peace was the fact that “we have never witnessed their implementation or any serious attempt to do so”. Explaining the reasons behind the instability in the Middle East, the representative of Viet Nam noted that Council resolutions had not been respected or implemented and had been violated. He further pointed to the lack of goodwill and practical steps by many of the parties concerned to comply with the Council and other United Nations resolutions.

At its 8583rd meeting, held on 23 July 2019, the Council convened the third quarterly debate under the same item. During the discussion at this meeting, speakers dwelled on the role of international law in the conflict and on the legal status and binding nature of Council decisions.

The representative of the United States affirmed that international consensus was not international law and stated that the conflict was not going to be resolved by reference to international law when such law was inconclusive. He further stated that the conflict would also not be resolved by constantly referencing the hundreds of United Nations resolutions on the issue, which he described as “heavily negotiated, purposely ambiguously worded resolutions” and a “cloak” to avoid substantive debate about the realities on the ground and the complexity of the conflict. He also said that one of the most often-cited resolutions, resolution [242 \(1967\)](#), had been “hotly debated over the past half-century” without getting closer to a lasting and comprehensive peace. He added that a comprehensive and lasting peace would not be created by fiat of international law or by these “heavily wordsmithed unclear resolutions”.⁴¹ In response to the representative of the United States, the representative of Germany reaffirmed his country’s belief in Council resolutions, affirming that they were binding international law. He again stated that international law was not an “à

⁴¹ [S/PV.8583](#).

la carte menu” and recalled that, on other occasions, United States representatives had insisted on international law and on the implementation of Council resolutions, such as those on the Democratic People’s Republic of Korea. He affirmed his support to that position and stated that his delegation worked very hard to implement Council resolutions word by word. He added that for his country, resolution [2334 \(2016\)](#) was binding law and the international consensus. Echoing the position of the representative of Germany, the representative of Belgium reiterated the key role of the Council as the guarantor for any comprehensive, just and lasting solution, in line with its previous resolutions and full respect for international law and expressed his country’s belief in international law and that it had to be respected. In reference to the same argument, the representative of the Russian Federation noted that the international consensus was international law because Council resolutions constituted international law and needed to be complied with. He further added that any revision of the international consensus was also in the hands of the Council. The representative of the United Kingdom further recalled the binding nature of resolutions as well as the responsibility of the Council to implement them. The representative of Uruguay underscored his country’s disagreement with those who rejected provisions adopted in the Council, the General Assembly or the judgements and opinions of the International Court of Justice.

Case 6

Non-proliferation of weapons of mass destruction

At its 8487th meeting, held on 19 March 2019 under the item “Non-proliferation of weapons of mass destruction”, the Security Council heard a briefing by the representative of Indonesia in his capacity as Chair of the Committee established pursuant to resolution [1540 \(2004\)](#). During the meeting, speakers discussed the implementation of the non-proliferation regime and the compliance of Member States with the obligations contained in resolution [1540 \(2004\)](#). In this regard, speakers highlighted the importance of effective implementation of resolution [1540 \(2004\)](#).

In his briefing, the representative of Indonesia recalled that the Council had recognized through its resolution [2325 \(2016\)](#) that the full and effective implementation of resolution [1540 \(2004\)](#) was a long-term task that would require continued efforts at all

levels.⁴² A similar view was held by the representative of Poland who underscored that obligations under resolution [1540 \(2004\)](#) were not “a one-time task”. The representative of Belgium reiterated that the full implementation of the resolution was “a long-term endeavour and a work in progress”.

Highlighting the importance of transparency and outreach for the effective implementation of resolution [1540 \(2004\)](#), the representative of Indonesia further noted that active engagement between the State and relevant sectors of society, including industry, academia and professional associations, could also contribute to its full implementation. In that regard, the representative of the Russian Federation stated that non-state actors, such as business, academic and scientific circles, played a very important but secondary role in helping States implement specific provisions. The representative of Equatorial Guinea underlined that the implementation of this resolution should not only be through the adoption of legislation, but also through technical assistance from the relevant Committee. Representatives of other Member States echoed similar views, with the representative of Côte d’Ivoire stressing the importance of capacity-building for Member States in order to help them implement their obligations, and the representative of Germany noting that assistance to States for full and effective implementation was of the utmost importance. The representative of China expressed the view that the Committee was effective in this regard by facilitating the implementation of resolution [1540 \(2004\)](#) and in enhancing capacity-building and technical assistance, while noting that it was necessary to strictly abide by the mandate of the resolution.

Furthermore, the representative of the Russian Federation noted that the particular value of resolution [1540 \(2004\)](#) was reflected in the fact that it was a “mechanism for cooperation, not coercion or the imposition of so-called solutions”. During his intervention, the representative of the United States described resolution [1540 \(2004\)](#) as the only legally binding instrument requiring Member States to adopt controls to prevent proliferation of weapons of mass destruction. The representative of France referred to resolution [1540 \(2004\)](#) as a the pillar of the non-proliferation architecture underpinning the entire collective security system.

⁴² [S/PV.8487](#).

Case 7

Threats to international peace and security caused by terrorist acts

On 28 March 2019, at the initiative of France, which held the Presidency for the month,⁴³ the Council convened its 8496th meeting, a high-level open debate on preventing and combating the financing of terrorism, which was presided by the Minister of Europe and Foreign Affairs of France.⁴⁴ At the outset of the meeting, the Council unanimously adopted resolution [2462 \(2019\)](#), under Chapter VII of the Charter, reaffirming resolution [1373 \(2001\)](#), in particular its decision that all States should prevent and suppress the financing of terrorist acts and refrain from providing any form of support to entities or persons involved in terrorist acts.⁴⁵ At the meeting, the Council also heard a briefing by the Under-Secretary-General of the United Nations Office of Counter-Terrorism who expressed readiness of his office to support Member States in implementing resolution [2462 \(2019\)](#).⁴⁶

During the debate, speakers highlighted the importance of effectively implementing the Council resolutions related to preventing and combating the financing of terrorism. Noting that the adoption of resolution [2462 \(2019\)](#) was a strong political act, the representative of France appealed to all members to commit to implementing it in all its aspects. A similar view was held by the representative of the United Kingdom who called for its effective implementation by all Member States. In his intervention, the representative of the United States affirmed that resolution [2462 \(2019\)](#) obligated Member States to criminalize terrorism financing even in the absence of a link to a specific terrorist act. That new and very important global obligation, he added, would help ensure that Member States had the frameworks in place to utilize effectively an important counter-terrorism tool, further stating that the Council was clear in its intent when creating that obligation. He reaffirmed that Member States had to implement resolution [2462 \(2019\)](#) in a manner consistent with their obligations under international law, including international humanitarian law, international human rights law and international refugee law. Similarly, the representative of

⁴³ A concept note was circulated by a letter dated 14 March 2019 ([S/2019/239](#)).

⁴⁴ [S/PV.8496](#).

⁴⁵ Resolution [2462 \(2019\)](#), para. 1.

⁴⁶ [S/PV.8496](#).

Germany said that resolution [2462 \(2019\)](#) reaffirmed the obligations under international law and was not to be misused to criminalize impartial, neutral and independent humanitarian action.

The representative of the Syrian Arab Republic affirmed that the credibility and effectiveness of the United Nations in implementing such a resolution depended primarily on the implementation of previous Council resolutions related to preventing and combating the financing of terrorism, and on preventing certain Governments and parties from exploiting such resolutions to exert political and economic pressure on other Member States. Arguing that Qatar financed, armed and trained armed groups in the Syrian Arab Republic, he further expressed concern about the “professional and balanced implementation” of the provisions of Council resolutions on combating terrorism and financing it. In response, the representative of Qatar rejected the accusations of violating Council resolutions, stating that it was no longer possible to “keep count of the United Nations reports that document the Syrian regime’s violations of all Security Council resolutions on Syria”. The representative of India noted that the usefulness of any resolution would be in its implementation. He further urged the Council to “do a better job at overseeing the implementation” of relevant resolutions on the financing of terrorism. He also welcomed the rectification by the Council of instances of non-implementation so as to enhance awareness and the effective implementation of the various Council resolutions on counter-terrorism.

Case 8

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

On 6 June 2019, at its 8539th meeting held under the item “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the Council held its annual open debate on working methods.⁴⁷ During the discussion, speakers made references to Article 25 both explicitly and implicitly.

In his briefing to the Council, the Director of the Centre for Policy Research at the United Nations University discussed the risks to sanctions regimes’ legitimacy and effectiveness. Based on a research study conducted with his colleagues, he noted that if courts

⁴⁷ A concept note was circulated by a letter dated 29 May 2019 ([S/2019/450](#)).

in different countries found that the working methods used for sanctions listings were not in line with their countries' due process norms, those Member States would be unable to implement the binding decisions of the Council under Chapter VII of the Charter.⁴⁸

The representative of Morocco explicitly invoked Article 25 in his intervention, noting that the Council could not exercise considerable powers and privileges granted to it by Articles 24, 25 and 26, unless it adopted an effective and efficient approach.

he representative of the Islamic Republic of Iran stated that accountability was an essential concept within the Council's working methods. He added that accountability started from Articles 24 and 25 of the Charter. After explaining how, according to the former, the Council was obliged to act in accordance with the Charter and how, according to the latter, Member States agreed to carry out its decisions, he noted that, in practice, Member States abided by their obligations, while the Council had regrettably not acted in accordance with the Charter in many cases. He cited the example of resolution [2231 \(2015\)](#), which contained a reference to the obligations of Member States under Article 25, arguing that the United States brazenly threatened other States to either violate that resolution or face punishment. He added further that in such situations and without being in breach of their Charter obligations, Member States had the right to defy the decisions of the Council simply because such decisions did not command a duty of compliance. He stated that according to a conditional link between Articles 24 and 25 of the Charter, States had no obligation to comply with a decision that was not in conformity with the Charter and had even a duty to defy such ultra vires decisions by the Council given that compliance with them would lead to the violation of the rights of other countries, which was prohibited under international law. He concluded that States therefore had both the legal and legitimate right and duty to defy the ultra vires decisions of the Council.

⁴⁸ [S/PV.8539](#).

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 2019, the Council did not refer explicitly to Article 26 of the Charter in any of its decisions. However, Article 26 was invoked explicitly at the 8539th meeting of the Council held on 6 June 2019, the annual open debate on working methods under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”. At the meeting, the representative of Morocco stated that Articles 24, 25 and 26 granted the Council considerable powers and privileges, which it could not exercise without adopting an effective and efficient approach. To that end, he called on the Council to support the development of its working methods by ensuring the proper implementation of its mandate.⁴⁹ In 2019, Article 26 of the Charter was also not referenced explicitly in any of the communications of the Council.

⁴⁹ [S/PV.8539](#).