

Part V

Consideration of the functions and powers of the Security Council

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Introductory note

Part V covers the functions and powers of the Security Council under Articles 24, 25 and 26 of the Charter of the United Nations, and is accordingly divided into three sections. Under each section, decisions, communications and deliberations of the Council that touched upon the relevant Articles are examined.

During the period under review, the Council adopted a number of decisions while being “mindful of its primary responsibility” under the Charter for the maintenance of international peace and security, including, for the first time, decisions concerning the situations in the Horn of Africa, Libya¹ and Yemen. It held discussions with regard to its primary responsibility, particularly in the consideration of such topics as its working methods, the interdependence between security and development and the impact of climate change (cases 1-3). A Council debate on the rule of law touched upon the question of the obligation of Member States to accept and carry out Council decisions, as provided in Article 25 (case 4).

¹ Until 17 March 2011, the Council considered developments in the Libyan Arab Jamahiriya at the 6686th, 6490th and 6491st meetings under the agenda item “Peace and security in Africa”. Pursuant to a note of the Security Council dated 16 March 2011 (S/2011/141), the Council decided to subsume its earlier consideration of developments in the Libyan Arab Jamahiriya at the above-mentioned three meetings under the new item “the situation in Libya”.

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.*

...

Note

This section 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.² It is divided into two subsections, dealing with decisions and discussions referring to the Council's primary responsibility. During the period under review, explicit references to Article 24, made in the context of the Council's discussion of its working methods, were found in two communications.³

² Article 24 (3) of the Charter is dealt with in part IV, sect. I.F, Annual and special reports of the Security Council to the General Assembly.

³ Letter dated 1 April 2010 from the representative of Japan to the Secretary-General (S/2010/165, p. 2); and identical letters dated 15 April 2010 from the representative of Egypt to the President of the General Assembly and the President of the Security Council (S/2010/189, pp. 3-4).

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

During the period under review, none of the decisions adopted by the Council contained an explicit reference to Article 24 of the Charter, but implicit references were made to Article 24 in a number of resolutions and presidential statements, as reflected in tables 1 and 2.

In seven resolutions adopted under items concerning country-specific issues, the Council made a common implicit reference to Article 24 (1), indicating that it was mindful of its primary responsibility under the Charter for the maintenance of international peace and security (see table 1). In five of those resolutions, the Council, "mindful of its primary responsibility", took action under Chapter VII of the Charter:⁴ four included provisions imposing measures under Article 41 against Eritrea, Iran (Islamic Republic of) and Libya,⁵ and one resolution included provisions authorizing the termination of enforcement action against Libya that the Council had previously authorized by its resolution 1973 (2011).⁶ In the remaining two resolutions, concerning the situations in Libya and Yemen,⁷ the Council indicated that it was "mindful of its primary responsibility", without invoking Chapter VII of the Charter. For example, in its resolution 2014 (2011), on the situation in the Middle East, the Council, mindful of its primary responsibility and emphasizing the

⁴ Resolutions 1929 (2010), 1970 (2011), 2009 (2011), 2016 (2011) and 2023 (2011).

⁵ Resolutions 2023 (2011), 1929 (2010), 1970 (2011) and 2016 (2011), respectively. For more information regarding measures under Article 41 against Eritrea, Iran (Islamic Republic of) and Libya, see part VII, sect. III.A, Decisions of the Security Council relating to Article 41.

⁶ Resolution 2016 (2011), thirteenth and fourteenth preambular paragraphs and paras. 5 and 6. For details concerning enforcement action against Libya, see part VII, sect. IV, Measures to maintain or restore international peace and security in accordance with Article 42 of the Charter.

⁷ Resolutions 2017 (2011) and 2014 (2011), respectively.

threats to regional security and stability posed by the deterioration of the situation in Yemen in the absence of a lasting political settlement, demanded that the Yemeni authorities, inter alia, take action to end attacks against civilians and civilian targets by security forces.⁸ Furthermore, in two presidential statements⁹ adopted in connection with threats to international peace and security caused by terrorist acts, the Council reaffirmed and recalled its “primary responsibility for the maintenance of international peace and security” in accordance with the Charter (see table 2).

In most of those decisions related to thematic issues, the Council reiterated or reaffirmed its primary responsibility for the maintenance of international peace and security (see table 3). In a number of instances, the Council not only affirmed its primary responsibility but also decided that certain matters

were closely linked to that primary responsibility. For example, in connection with the maintenance of international peace and security, the Council stated that it was fully aware of the responsibilities bestowed upon it by the Charter and of the collective aspirations of the peoples of the world, which impelled it to take effective action to maintain international peace and security and eradicate the scourge of war.¹⁰ Regarding children and armed conflict, the Council reiterated its primary responsibility and, in that connection, its commitment to address the widespread impact of armed conflict on children.¹¹ On the topic of interdependence between security and development, the Council reaffirmed its primary responsibility for the maintenance of international peace and security and its readiness to strive for sustainable peace in all situations under its consideration.¹²

⁸ Resolution 2014 (2011), eighteenth preambular paragraph and para. 5.

⁹ S/PRST/2010/19 and S/PRST/2011/5.

¹⁰ S/PRST/2010/18, final paragraph.

¹¹ Resolution 1998 (2011), second preambular paragraph.

¹² S/PRST/2011/4, first paragraph.

Table 1

Decisions concerning country-specific and general issues referring to the Council’s primary responsibility

<i>Decision and date</i>	<i>Provision</i>
Non-proliferation	
Resolution 1929 (2010) 9 June 2010 (adopted under Chapter VII)	Concerned by the proliferation risks presented by the Iranian nuclear programme, and mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security (twenty-second preambular paragraph)
Peace and security in Africa (Horn of Africa)	
Resolution 2023 (2011) 5 December 2011 (adopted under Chapter VII)	Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security (fourteenth preambular paragraph)
The situation in Libya	
Resolution 1970 (2011) 26 February 2011 (adopted under Chapter VII)	Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations (fifteenth preambular paragraph)
	<i>Same provision in resolutions 2009 (2011) (adopted under Chapter VII), fifteenth preambular paragraph, 2016 (2011) (adopted under Chapter VII), thirteenth preambular paragraph, and 2017 (2011), fourteenth preambular paragraph</i>

Decision and date

Provision

The situation in the Middle East (Yemen)

Resolution [2014 \(2011\)](#)
21 October 2011

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations, and emphasizing the threats to regional security and stability posed by the deterioration of the situation in Yemen in the absence of a lasting political settlement (final preambular paragraph)

Table 2

Decisions concerning general issues referring to the Council's primary responsibility

Decision and date

Provision

Threats to international peace and security caused by terrorist acts

[S/PRST/2010/19](#)
27 September 2010

The Security Council reaffirms its primary responsibility for the maintenance of international peace and security, in accordance with the Charter of the United Nations (first paragraph)

[S/PRST/2011/5](#)
28 February 2011

The Council recalls its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations and further recalls Article 103 of the Charter (second paragraph)

Table 3

Decisions adopted under thematic items referring to the Council's primary responsibility

Decision and date

Provision

Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security

[S/PRST/2010/1](#)
13 January 2010

The Council recalls the purposes and principles of the Charter, reiterates its primary responsibility under the Charter for the maintenance of international peace and security, and further recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of international peace and security, consistent with Chapter VIII of the Charter, can improve collective security (second paragraph)

Threats to international peace and security

[S/PRST/2010/4](#)
24 February 2010

The Security Council reaffirms its primary responsibility for the maintenance of international peace and security, in accordance with the Charter of the United Nations (first paragraph)

Decision and date

Provision

Maintenance of international peace and security: optimizing the use of preventive diplomacy tools — prospects and challenges in Africa

[S/PRST/2010/14](#)
16 July 2010

The Security Council reaffirms its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations (first paragraph)

Maintenance of international peace and security: ensuring the Security Council's effective role in maintaining international peace and security

[S/PRST/2010/18](#)
23 September 2010

The Security Council reaffirms its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security (first paragraph)

The Council is fully aware of the responsibilities bestowed upon it by the Charter, and of the collective aspirations of the peoples of the world, which impel it to take effective action to maintain international peace and security and eradicate the scourge of war (final paragraph)

Peace and security in Africa

[S/PRST/2010/21](#)
22 October 2010

The Council reiterates its primary responsibility under the Charter for the maintenance of international peace and security, and recalls that cooperation with regional and subregional organizations in matters relating to the maintenance of international peace and security and consistent with Chapter VIII of the Charter can improve collective security (second paragraph)

Maintenance of international peace and security: the interdependence between security and development

[S/PRST/2011/4](#)
11 February 2011

The Security Council reaffirms its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security and its readiness to strive for sustainable peace in all situations under its consideration (first paragraph)

Maintenance of international peace and security: impact of the HIV/AIDS epidemic on international peace and security

Resolution [1983 \(2011\)](#)
7 June 2011

Bearing in mind the primary responsibility of the Council for the maintenance of international peace and security (final preambular paragraph)

Children and armed conflict

Resolution [1998 \(2011\)](#)
12 July 2011

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children (second preambular paragraph)

Maintenance of international peace and security: impact of climate change

[S/PRST/2011/15](#)
20 July 2011

The Security Council reaffirms its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. The Council stresses the importance of establishing strategies of conflict prevention (first paragraph)

United Nations peacekeeping operations

[S/PRST/2011/17](#)
26 August 2011

The Security Council reaffirms its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security (first paragraph)

Maintenance of international peace and security: conflict prevention

[S/PRST/2011/18](#)
22 September 2011

The Council reaffirms its primary responsibility for the maintenance of international peace and security, acting in accordance with the purposes and principles of the Charter of the United Nations (third paragraph)

B. Constitutional discussion referring to the primary responsibility of the Security Council for the maintenance of international peace and security

During the period under review, explicit references to Article 24, paragraphs 1 and 2, were made on several occasions in the discussions of the Council.¹³ For example, at the 6347th meeting, on 29 June 2010, in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, the representative of

Mexico stated that it was important to recall that, according to Article 24 (2), the Council was bound to discharge its duties in accordance with the purposes and principles of the United Nations which, in his opinion, included essential components of the rule of law, such as respect for the principles of justice and adherence to international law and human rights.¹⁴

To illustrate the interpretation and application of Article 24 by the Council, the following three case studies, arranged chronologically, were drawn from deliberations in which the Council engaged in discussions on its responsibilities under the Charter and the appropriateness for the Council to include a situation or thematic issue on its agenda. Case 1 examines the Council's deliberation on its working methods, in which speakers provided their interpretations of Article 24, including those regarding the purview of the Council vis-à-vis other bodies in addressing some of the thematic issues. The remaining two cases feature discussions in which divided opinions were expressed on the question of whether the Council's primary responsibility, as espoused in Article 24, could be interpreted to extend to two thematic topics before the Council, the interdependence between security and development and the impact of climate change (cases 2 and 3).

¹³ See, in connection with the implementation of the note by the President of the Security Council, [S/PV.6300](#), p. 6 (Mexico); p. 9 (Lebanon); p. 15 (Brazil); p. 23 (Luxembourg); and p. 28 (Sierra Leone); [S/PV.6300 \(Resumption 1\)](#), p. 13 (Islamic Republic of Iran); p. 24 (Ecuador); and p. 26 (Pakistan); [S/PV.6672](#), p. 19 (Switzerland, on behalf of the group of five small countries (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland)); and pp. 21-23 (Jordan); [S/PV.6672 \(Resumption 1\)](#), p. 7 (Luxembourg); and p. 14 (Islamic Republic of Iran). In connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/PV.6347](#), p. 7 (Mexico); [S/PV.6347 \(Resumption 1\)](#), p. 14 (Peru). In connection with the situation in the Middle East, including the Palestinian question, see [S/PV.6484](#), p. 4 (Lebanon). For explicit references to Article 24 (3) in the context of annual and special reports of the Security Council to the General Assembly, see part IV, sect. I.F.

¹⁴ [S/PV.6347](#), p. 7.

**Case 1
Implementation of the note by the President of the Security Council: working methods**

At the 6300th meeting, on 22 April 2010, under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, a number of speakers explicitly cited Article 24 in the context of improving the working methods of the Council, stressing the principle enshrined in the Article that the Council should act on behalf of Member States to maintain international peace and security.¹⁵ Citing Article 24 (1), the representative of Pakistan considered it essential for the Council to comprehend the perception of the general membership of its work and methods to carry out its mandate.¹⁶ The representative of Mexico urged the Council to continue to fine-tune its working methods in order to ensure the effective implementation of its decisions by all and, ultimately, to enhance its credibility.¹⁷ The representative of Lebanon proposed an increase in the number of open meetings, Arria Formula meetings and informal interactive dialogues, on the basis that such “open-door diplomacy” would help to increase interaction between the Council and the States that entrusted it to act on their behalf to maintain international peace and security under Article 24.¹⁸

Several speakers held that the Council should, as a general rule, refrain from encroaching on the functions and powers that the Charter had placed within the purview of other bodies, such as the General Assembly, particularly in addressing thematic issues.¹⁹ The representative of the Islamic Republic of Iran stated that, although Article 24 required the Council to act on behalf of all States Members of the United

Nations, in reality the Council’s decisions decreasingly reflected the wishes and views of the general membership and, in many cases, did not even represent the genuine opinion of its own general membership.²⁰ The representative of Saint Vincent and the Grenadines, speaking on behalf of the Caribbean Community, called upon the Council to construe its mandate strictly and do a small number of things well, rather than be more expansive and “do a host of tasks poorly”, so as not to undercut the compelling logic and unique goals under which the United Nations had been established.²¹ The representative of the Philippines urged the Council to channel its resources and attention to the “basic and core issues” of peace and security and to refrain from tackling cross-cutting issues more appropriately dealt with by other bodies of the United Nations.²² Similarly, the representative of China considered that some of the thematic items on the Council’s agenda were beyond the Council’s sphere of competence, urging the Council to focus on addressing “major and urgent threats” to international peace and security.²³

At the 6672nd meeting, on 30 November 2011, under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, some speakers commended the Council’s willingness to consider thematic issues as a positive and necessary response to more challenging, complex and non-traditional threats to international peace and security.²⁴ The representative of France said that thematic debates enabled the Council to refine its approach to issues pertaining to international peace and security and to demonstrate its ability to adapt to new demands.²⁵ The representative of Belgium, speaking also on behalf of the Netherlands, observed that the contemporary notion of international peace and security encompassed a far broader scope than at the time of the creation of the United Nations.²⁶ On the other hand, other speakers expressed concern at the Council’s perceived encroachment on the prerogatives

¹⁵ S/PV.6300, p. 6 (Mexico); p. 9 (Lebanon); p. 15 (Brazil); p. 23 (Luxembourg, on behalf of Belgium, Luxembourg and the Netherlands); and p. 28 (Sierra Leone); S/PV.6300 (Resumption 1), p. 13 (Islamic Republic of Iran); p. 24 (Ecuador); and p. 26 (Pakistan); S/PV.6672, p. 19 (Switzerland, on behalf of the group of five small countries); pp. 21-23 (Jordan); S/PV.6672 (Resumption 1), p. 7 (Luxembourg); and p. 14 (Islamic Republic of Iran).

¹⁶ S/PV.6300 (Resumption 1), pp. 26-27.

¹⁷ S/PV.6300, p. 6.

¹⁸ Ibid., p. 9.

¹⁹ Ibid., pp. 6-7 (China); p. 21 (Egypt, on behalf of the Non-Aligned Movement); and p. 26 (Saint Vincent and the Grenadines, on behalf of the Caribbean Community); S/PV.6300 (Resumption 1), p. 9 (Cuba); p. 24 (Ecuador); p. 26 (Qatar); and p. 27 (Pakistan).

²⁰ S/PV.6300 (Resumption 1), p. 13.

²¹ S/PV.6300, p. 26.

²² S/PV.6300 (Resumption 1), p. 2.

²³ S/PV.6300, pp. 6-7.

²⁴ S/PV.6672, p. 5 (France); S/PV.6672 (Resumption 1), p. 4 (Australia); and p. 16 (Belgium, speaking also on behalf of the Netherlands).

²⁵ S/PV.6672, p. 5.

²⁶ S/PV.6672 (Resumption 1), p. 16.

of other United Nations bodies.²⁷ The representative of Egypt, speaking on behalf of the Non-Aligned Movement, stressed that the Council should refrain from continually encroaching on the functions and powers of the General Assembly or the Economic and Social Council and addressing issues that traditionally fell within their spheres of competence.²⁸

Some speakers commended the Council for its willingness to consider complex thematic issues while being mindful of the purview of other United Nations bodies and agencies. For example, the representative of Australia considered the Council's debate on climate change as a laudable response to challenges affecting small island States. Nonetheless, he said that the Council should not stray into the prerogatives of other organs.²⁹ Similarly, the representative of Gabon said that, although the thematic debates made a significant contribution to the Council's consideration of the multiple challenges to international peace and security, it was important to clearly define their focus so as not to encroach on the competencies of other organs.³⁰ The representative of the Russian Federation explained that it "soberly and selectively" reacted to initiatives for the Council to consider thematic issues, suggesting that the Council instead focus on issues on which it could and should take concrete decisions.³¹

A number of speakers also touched upon the Council's responsibility under Article 24 in considering the issue of improving the working methods of the Council.³² The representative of India observed that the failure of the Council to amend or innovate its working methods in line with the contemporary realities of international relations detracted from its effectiveness in implementing its mandate to maintain international peace and security.³³ Recognizing the new and emerging threats and challenges to international peace and security, the representative of Portugal stressed the need for the Council to work continuously to improve its working methods in order to increase its efficiency and fully exercise its

responsibilities.³⁴ The representative of Luxembourg said that the continuing improvement of the Council's effectiveness was of interest to all those who subscribed to the Charter, which stipulated in Article 24 that the Council acted in the name of all Member States to ensure the rapid and effective response of the Organization to preserve international peace and security.³⁵

The representative of Jordan, providing a detailed analysis of the interpretation of Article 24, paragraphs 1 and 2, pointed out that although Article 24 (1), which referred to the primary responsibility of the Council in the maintenance of international peace and security, appeared to be clear in its meaning, the Council had yet to reach consensus on whether "primary" was equal in meaning to "exclusive" and whether the meaning of "responsibility" implied rights and/or duties. He interpreted Article 24 (2), which required the Council, in discharging its duties, to act in accordance with the purposes and principles of the United Nations, as implying an obligation on the part of the Council to act, rather than a mere suggestion or discretion. He urged that that provision be read in tandem with Article 1, which would thus require the Council to act "in accordance with the purposes and principles of the Charter" and therefore, in his opinion, "in conformity with the principles of justice and international law". With that interpretation in mind, he cautioned that if the use or threat of use of a veto by a permanent member might prevent the Council from acting to deter, prevent or dismantle an alleged serious violation of the sort that might threaten international peace and security, but also create an obligation *erga omnes* on all Member States to address it, that action might subvert the Council's ability to fulfil its responsibilities under Article 24 and to uphold the principles of justice and international law, in accordance with Article 1 (1).³⁶

Case 2 Maintenance of international peace and security: the interdependence between security and development

At the 6479th meeting, on 11 February 2011, during the Council's consideration of the interdependence between security and development under the item entitled "Maintenance of international

²⁷ S/PV.6672, p. 13 (India); and p. 25 (Egypt, speaking on behalf of the Non-Aligned Movement); S/PV.6672 (Resumption 1), p. 15 (Islamic Republic of Iran).

²⁸ S/PV.6672, p. 25.

²⁹ S/PV.6672 (Resumption 1), p. 4.

³⁰ S/PV.6672, pp. 6-7.

³¹ Ibid., p. 3.

³² Ibid., p. 12 (India); and pp. 21-23 (Jordan); S/PV.6672 (Resumption 1), p. 7 (Luxembourg); and p. 20 (Portugal).

³³ S/PV.6672, p. 12.

³⁴ S/PV.6672 (Resumption 1), p. 20.

³⁵ Ibid., p. 7.

³⁶ S/PV.6672, pp. 21-23.

peace and security”, several speakers stressed that the Council should refrain from taking actions beyond its core competence of maintaining international peace and security and delving into matters that in essence fell in the domain of other United Nations development agencies, funds and programmes, the General Assembly and the Economic and Social Council.³⁷ The representative of Cuba emphasized that the provisions of the Charter were clear and that the responsibilities of the Council were limited to international peace and security, while economic and social development issues were the remit of other principal organs of the United Nations.³⁸ The representative of Egypt, speaking on behalf of the Non-Aligned Movement, called upon Member States to respect the distinction between the mandates of the various United Nations bodies and noted that, although there were conceptual interlinkages between security and development, the issue went beyond the core competencies of the Council.³⁹

Other speakers supported the Council’s decision to consider the issue of security and development in the context of its responsibility to maintain international peace and security.⁴⁰ The representative of the United Republic of Tanzania emphasized that it was time for the interdependence of security and development to be on the regular agenda of the Council, given that the nature of conflict and the kinds of threats to international peace and security confronting the Council at the time of its creation were vastly different from those of contemporary times.⁴¹ The representative of Australia observed that peace, security and development were inexplicably linked and that, when the Council sought to fulfil its responsibilities under the Charter to maintain international peace and security, it must be fully apprised of the root causes of the conflicts before it.⁴² The representative of Brazil explained that the purpose

of the debate being held at the initiative of his country during its presidency was not to reconfigure the responsibilities of different United Nations organs or agencies, or to transform the Council into a development programme, but to contribute to raising awareness of the importance of associating development with the security strategies for sustainable peace conceived by the Council.⁴³ Agreeing with the representative of Brazil, the representative of South Africa stated that the Council, in relevant deliberations, should take social and development issues into account within its Charter mandate.⁴⁴

By a presidential statement adopted at the meeting, the Council reaffirmed its primary responsibility under the Charter for the maintenance of international peace and security and its readiness to strive for sustainable peace in all situations under its consideration. It noted that, in matters relating to the maintenance of international peace and security under its consideration, conflict analysis and contextual information on, inter alia, social and economic issues was important, when such issues were drivers of conflict, represented a challenge to the implementation of Council mandates or endangered the process of consolidation of peace.⁴⁵

Case 3 Maintenance of international peace and security: impact of climate change

At the 6587th meeting, on 20 July 2011, under the item entitled “Maintenance of international peace and security”, Council members exchanged views on whether the Council should include climate change on its agenda or whether the issue should be left for consideration by other United Nations organs. In explaining the rationale for the debate during his country’s presidency, the representative of Germany reminded the Council of its responsibility to maintain international peace and security, to act with foresight and to do its best to prevent crises before they became acute. He explained that the impacts of climate change on peace and security, particularly for small island and fragile States, including rising sea levels, loss of land and increasing scarcity of natural resources, could potentially drive social tensions and violent conflict and destabilize entire regions. He thus suggested that

³⁷ S/PV.6479 (Resumption 1), p. 11 (Cuba); pp. 16-17 (Egypt, on behalf of the Non-Aligned Movement); and p. 37 (Bolivarian Republic of Venezuela).

³⁸ Ibid., p. 11.

³⁹ Ibid., p. 16.

⁴⁰ S/PV.6479, p. 12 (Bosnia and Herzegovina); p. 16 (South Africa); p. 20 (Nigeria); and p. 27 (Brazil); S/PV.6479 (Resumption 1), p. 6 (Australia); p. 14 (Luxembourg); pp. 27-28 (United Republic of Tanzania); and p. 32 (Senegal).

⁴¹ S/PV.6479 (Resumption 1), pp. 27-28.

⁴² Ibid., p. 6.

⁴³ S/PV.6479, p. 27.

⁴⁴ Ibid., p. 16.

⁴⁵ S/PRST/2011/4, first and eighth paragraphs.

the debate focus strictly on the security implications of climate change and emphasized that there was no intention to advance any kind of encroachment on the competence of the United Nations Framework Convention on Climate Change.⁴⁶

Several speakers, notably from the small island States, offered support for the Council's consideration of the matter on the grounds that the issue fell under the Council's mandate to maintain international peace and security, and that the security implications were imminent and required immediate action.⁴⁷ The representative of Nauru likened the threat of climate change to that of nuclear proliferation and terrorism, and called upon the Council to appoint a new special representative to analyse the effects of climate change and keep the Council informed of new developments.⁴⁸ Acknowledging concerns about the encroachment of the Council on issues beyond its competence, the representative of Papua New Guinea said that a discussion on climate change in the Council was appropriate, in the same way that a discussion on other issues, such as the AIDS epidemic, children in armed conflict and women in conflict, were appropriate and had not diluted the role of other United Nations organs.⁴⁹ The representative of Fiji said that, although he understood why some States classified climate change as a sustainable development issue beyond the mandate of the Council, in his view, the rising water levels created by greenhouse gas emissions and their potential to inundate his and other island States posed the gravest security threat that any State could face: that of survival.⁵⁰

Some speakers offered support for the Council's consideration of the matter by focusing on the future threats posed by climate change.⁵¹ The representative of the United Kingdom of Great Britain and Northern Ireland stressed that, although it was important to respect the different roles, functions and mandates of

the various United Nations bodies dealing with climate change, the Council should consider "emerging threats" in the maintenance of international peace and security. Greater discussion and better awareness of those new and cross-cutting security challenges, including the effects of climate change, would allow the Council to better fulfil its responsibility to prevent future conflict.⁵² The representative of Colombia opined that, although the responses needed to minimize the effects of climate change were not within the mandate of the Council, it did have a responsibility to play a role in cases of conflict situations on its agenda when those were exacerbated by the effects of climate change.⁵³ The representative of France said that the Council, in taking up the issue of climate change, was simply facing up to a new type of security threat.⁵⁴

Some speakers felt that the Council should not be the primary forum for negotiating and determining climate change policy but that it should certainly play a complementary role in those negotiations, with respect to security issues.⁵⁵ The representative of Lebanon cited General Assembly resolution 63/281, in which the Assembly invited the relevant organs of the United Nations, as appropriate and within their respective mandates, to intensify their efforts in considering and addressing climate change, including its possible security implications. He said that the present debate should be understood as an expression of such "complementarity".⁵⁶ The representative of the Philippines stressed that, while the Council could play a role, no discussion on climate change within the Council should be held without first acknowledging the state of play in other forums, especially within the United Nations Framework Convention on Climate Change.⁵⁷ The representative of Australia also reaffirmed the Framework Convention as the primary intergovernmental instrument for addressing climate change but noted that the overwhelming nature of the

⁴⁶ S/PV.6587, pp. 21-22.

⁴⁷ S/PV.6587, p. 7 (United States of America); and p. 23 (Nauru); S/PV.6587 (Resumption 1), pp. 5-6 (New Zealand); p. 19 (Papua New Guinea); p. 27 (Palau); and p. 36 (Fiji).

⁴⁸ S/PV.6587, p. 23.

⁴⁹ S/PV.6587 (Resumption 1), p. 19.

⁵⁰ Ibid., p. 36.

⁵¹ S/PV.6587, p. 9 (Bosnia and Herzegovina); p. 10 (Nigeria); p. 12 (United Kingdom); p. 14 (Colombia); and p. 15 (France); S/PV.6587 (Resumption 1), p. 15 (Japan); and p. 28 (Finland).

⁵² S/PV.6587, p. 12.

⁵³ Ibid., p. 14.

⁵⁴ Ibid., p. 15.

⁵⁵ S/PV.6587, p. 16 (Lebanon); p. 18 (Gabon); and pp. 24-25 (Australia); S/PV.6587 (Resumption 1), p. 2 (Slovenia); p. 3 (Denmark); pp. 3-4 (Luxembourg); p. 5 (Costa Rica); p. 8 (Chile); p. 16 (Singapore); and p. 31 (Philippines).

⁵⁶ S/PV.6587, p. 16.

⁵⁷ S/PV.6587 (Resumption 1), p. 31.

challenge of climate change meant that everyone, in every forum, was responsible for addressing it.⁵⁸

Other speakers expressed a more narrow view of the Council's role, seeing its discussion of climate change as anticipatory rather than participative.⁵⁹ The representative of Portugal said that the Council was not the forum for any climate change negotiations, or even discussions on measures to mitigate and adapt to environmental vulnerabilities. However, he said that, given the Council's role in recognizing new challenges and ensuring that those did not lead to tensions and, ultimately, to conflict, the Council could add value by discussing the impact that certain consequences of climate change might have for international stability, peace and security.⁶⁰ The representative of Brazil said that security tools were appropriate to deal with concrete threats to international peace and security, but inadequate to address less obvious multidimensional issues, such as climate change.⁶¹ The representative of Mexico agreed that, while climate change was so far not a threat to international peace and security in the traditional sense, it could be one, and he urged all countries to engage in collective action, in accordance with their common but differentiated responsibilities, to avoid the Council's having to act in future.⁶²

Several speakers objected to any role for the Council in addressing the issue of climate change.⁶³ The representative of Egypt, on behalf of the

Non-Aligned Movement, said that climate change and its impacts were a sustainable development issue which required a comprehensive approach that was best left to the relevant frameworks of the Framework Convention, the General Assembly and the Economic and Social Council. He expressed deep concern that the Council was encroaching on the functions and powers of those more competent bodies.⁶⁴ The representative of Argentina, on behalf of the Group of 77 and China, added that the encroachment represented a distortion of the principles and purposes of the Charter, infringed on the authority of the other principal entities of the United Nations and compromised the rights of the general membership.⁶⁵ The representative of Kuwait, on behalf of the Group of Arab States, stated that there was no role for the Council, given that climate change was a sustainable development issue,⁶⁶ while the representative of Barbados, on behalf of the Caribbean Community, advised the Council to construe its mandate strictly and to do a small number of things well, rather than do an expansive host of tasks "poorly".⁶⁷

Other speakers objected to any role for the Council, as its constitution was unrepresentative of a global membership affected by a global issue.⁶⁸ The representative of the Plurinational State of Bolivia recognized the security dimension of climate change, but felt that a discussion of the issue should take place in a forum where the "main victims" were represented, noting that the General Assembly was the only forum with that level of participation.⁶⁹ The representative of China said that the Council, in addition to lacking expertise in climate change and the means and resources necessary to address it, was not a forum for decision-making with universal representation.⁷⁰

⁵⁸ S/PV.6587, pp. 24-25.

⁵⁹ S/PV.6587, p. 8 (Brazil); p. 17 (South Africa); p. 20 (Portugal); and pp. 28-29 (El Salvador); S/PV.6587 (Resumption 1), pp. 9-10 (Mexico); pp. 10-11 (Ecuador); p. 17 (Iceland); and pp. 22-23 (Belgium).

⁶⁰ S/PV.6587, p. 20.

⁶¹ Ibid., p. 8.

⁶² S/PV.6587 (Resumption 1), pp. 9-10.

⁶³ S/PV.6587, p. 9 (China); p. 13 (Russian Federation); p. 19 (India); p. 26 (Egypt, on behalf of the Non-Aligned Movement); p. 27 (Argentina, on behalf of the Group of 77 and China); S/PV.6587 (Resumption 1), pp. 11-12 (Cuba); pp. 19-20 (Islamic Republic of Iran); p. 20 (Kuwait, on behalf of the Group of Arab States); p. 26 (Plurinational State of Bolivia); pp. 28-29 (Barbados, on behalf of the Caribbean Community); p. 35 (Bolivarian Republic of Venezuela); and p. 38 (United Republic of Tanzania).

⁶⁴ S/PV.6587, p. 26.

⁶⁵ Ibid., p. 27.

⁶⁶ S/PV.6587 (Resumption 1), p. 20.

⁶⁷ Ibid., pp. 28-29.

⁶⁸ S/PV.6587, p. 9 (China); p. 13 (Russian Federation); and p. 19 (India); S/PV.6587 (Resumption 1), p. 26 (Plurinational State of Bolivia); and p. 35 (Bolivarian Republic of Venezuela).

⁶⁹ S/PV.6587 (Resumption 1), p. 26.

⁷⁰ S/PV.6587, p. 9.

II. Obligation of Member States to accept and carry out Security Council decisions 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

This section covers the practice of the Security Council in relation to Article 25 of the Charter, concerning the obligation of States Members of the United Nations to accept and carry out the decisions of the Council.

A. Decisions and communications related to Article 25

During the period under review, the Council did not adopt any decisions which referred to Article 25, either explicitly or implicitly. However, Article 25 was explicitly invoked in one instance: in a concept paper for the Council debate on working methods, the representative of Japan reminded Member States that they were bound, under Article 25 of the Charter, to accept and carry out the decisions of the Council.⁷¹

B. Constitutional discussion related to Article 25

On several occasions, Article 25 was explicitly invoked in the deliberations of the Council.⁷² For example, in the discussion on the working methods of the Council, the representative of Mexico stated that,

⁷¹ Letter dated 1 April 2010 from the representative of Japan to the Secretary-General (S/2010/165, p. 2).

⁷² See, in connection with the implementation of the note by the President of the Security Council (S/2006/507), S/PV.6300, p. 6 (Mexico); and p. 15 (Brazil). In connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see S/PV.6347, p. 20 (Lebanon); and p. 24 (Japan); S/PV.6347 (Resumption 1), p. 7 (Liechtenstein). In connection with the protection of civilians in armed conflict, see S/PV.6650 (Resumption 1), p. 22 (representative of the International Humanitarian Fact-Finding Commission).

to protect the principle enshrined in Article 24 that the Council acted on behalf of Member States in the maintenance of international peace and security, the Council must continue to fine-tune its working methods in order to ensure that its decisions were effectively implemented by all Member States, as provided by Article 25, and ultimately to enhance its credibility.⁷³ The following case study is drawn from a deliberation on the rule of law, in which speakers provided the interpretation of Article 25, explicitly referring to the Article (case 4).

Case 4

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

At the 6347th meeting, on 29 June 2010, under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, the representative of Liechtenstein stated that the Council must remain vigilant in ensuring that its work remained within the legal bounds and the spirit of the Charter. He emphasized that Council decisions that were to be implemented by Member States, in accordance with Article 25 of the Charter, must have a clear legal foundation.⁷⁴ Arguing that the *raison d’être* of the law lay in its implementation and compliance, the representative of Japan observed that States had a dual responsibility to observe international law and to be ruled by it. Member States, he noted, were bound by the Charter, including Article 25, to faithfully implement the decisions of the Council. To promote and strengthen the rule of law at the international level, he called upon States to continually confirm their adherence to that principle and to the fundamental principle of *pacta sunt servanda*.⁷⁵ Similarly, the representative of Lebanon opined that, when certain countries did not abide by the Charter, actual implementation of the principle of honouring contracts, or *pacta sunt servanda*, was missing. He questioned the selective implementation of international resolutions and wondered why sanctions were enforced against some, but not all, States that

⁷³ S/PV.6300, p. 6.

⁷⁴ S/PV.6347 (Resumption 1), p. 7.

⁷⁵ S/PV.6347, p. 24.

failed to comply with international resolutions, despite Article 25 of the Charter obliging all Members to respect the resolutions of the Council.⁷⁶

⁷⁶ Ibid., p. 20.

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

Article 26

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

Note

This section covers the practice of the Security Council concerning its responsibility for formulating

plans for the establishment of a system for the regulation of armaments, in accordance with Article 26 of the Charter.⁷⁷

During the period under review, the Council did not adopt any decisions that invoked Article 26 of the Charter, either explicitly or implicitly; nor were there any explicit or implicit references to Article 26 in any communications or deliberations of the Council.

⁷⁷ For more information on the Military Staff Committee, see part VII, sect. VI, Assistance by and composition of the Military Staff Committee in accordance with Articles 46 and 47 of the Charter.

