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**Part V**  
**Functions and powers of the  
Security Council**

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## Introductory note

Part V of the present Supplement covers the functions and powers of the Security Council, as defined in Articles 24, 25 and 26 of the Charter of the United Nations, and is accordingly divided into three sections. Under each section, explicit and implicit references made to those Articles in decisions, meetings, and communications of the Council during 2021 are listed. Part V also features explicit and implicit references made by participants in the context of open videoconferences held further to the procedures and working methods developed by Council members during the coronavirus disease (COVID-19) pandemic, despite them not being considered meetings of the Council. Case studies in sections I and II provide an overview of specific instances in which Articles 24 and 25 were discussed in meetings and open videoconferences, or which otherwise illustrate how the Council has applied or interpreted those Articles. Consistent with previous supplements, section III does not include any case studies, since there were no examples of substantive discussions on Article 26 in 2021.

As outlined in section I below, in 2021, the Council made no explicit reference to Article 24 of the Charter in its decisions, instead referring to its “primary responsibility for the maintenance of international peace and security” in 17 of its decisions, predominantly in connection with thematic issues such as threats to international peace and security caused by terrorist acts, cooperation between the United Nations and regional and subregional organizations, United Nations peacekeeping operations, the protection of civilians in armed conflict, and children and armed conflict, as well as a number of country- and region-specific issues, such as the situation in Libya and peace and security in Africa. Article 24 was, however, invoked explicitly in two Council meetings, held under the items entitled “Peace and security in Africa” and “Maintenance of international peace and security”. In addition, Council members and other participants in Council meetings and open videoconferences discussed the primary responsibility of the Council for the maintenance of international peace and security in connection with a broad range of issues. As illustrated in the case studies in section I, Council members and other participants deliberated on the scope of the Council’s mandate to maintain international peace and security, including with regard to emerging challenges to international peace and security such as the impact of climate change, the role of the Council in conflict prevention, including vis-à-vis other principal organs of the United Nations, and the connection between the working methods of the Council and the effective implementation of its mandate. In addition, during the discussions on the situation in Bosnia and Herzegovina, Council members exchanged views on the role of the Council with respect to the appointment of the High Representative for Bosnia and Herzegovina. Furthermore, the mandate of the Council with regard to the developments concerning the Grand Ethiopian Renaissance Dam was discussed during the meetings held in connection with the item entitled “Peace and security in Africa”. In 2021, one communication of the Council contained an explicit reference to Article 24.

As featured in section II, in 2021, the Council made an explicit reference to Article 25 in one decision, adopted in connection with the item entitled “The situation in the Middle East”. Article 25 was also explicitly invoked during two Council meetings held under the items entitled “The situation in the Middle East” and “Maintenance of international peace and security”. The obligation of Member States to accept and carry out the decisions of the Council was discussed extensively during meetings and open videoconferences held in connection with a

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<sup>1</sup> For more details of the procedures developed during the COVID-19 pandemic, see part II of the present Supplement, as well as *Repertoire, Supplement 2020*, part II.

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broad range of issues, including items related to non-proliferation, concerning resolutions [1540 \(2004\)](#) and [2231 \(2015\)](#). In addition, five communications of the Council contained 15 explicit references to Article 25, mostly in connection with resolution [2231 \(2015\)](#) and the implementation of the Joint Comprehensive Plan of Action.

As described in section III, in 2021, the Council did not refer to its responsibility to formulate plans for the establishment of a system for the regulation of armaments pursuant to Article 26 in any of its decisions. One participant in a Council meeting, however, referred to that Article explicitly on one occasion. No communications addressed to the Council in 2021 featured the Article explicitly.

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

### Article 24

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

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

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

### Note

Section I covers the practice of the Council concerning its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter,<sup>2</sup> and is divided into two subsections. Subsection A deals with decisions adopted in 2021 that refer to the primary responsibility of the Council pursuant to Article 24. Subsection B examines references to that Article made in discussions held during Council meetings and open videoconferences.

During the period under review, the Council did not adopt any decision explicitly referring to Article 24. That Article was, however, expressly invoked in two Council meetings held under the items entitled “Peace and security in Africa” and “Maintenance of international peace and security”. Furthermore, five explicit references to Article 24 were made in written statements submitted by delegations in connection with meetings held under the items entitled “Implementation of the note by the President of the Security Council (S/2017/507)” and “United Nations peacekeeping operations”. In addition, an explicit reference to Article 24 was made in one communication of the Council, namely, in the concept note for the Arria-formula meeting held on 29 November 2021, on the theme “Accountability in the Syrian Arab Republic”, annexed

to a letter dated 30 December 2021 from the representative of Estonia to the Secretary-General.<sup>3</sup>

### A. Decisions referring to Article 24

During the period under review, the Council did not refer explicitly to Article 24 in its decisions. Instead, in 7 resolutions and 10 presidential statements, the Council referred to its primary responsibility for the maintenance of international peace and security while taking a broad range of actions. Consistent with past practice, implicit references to Article 24 were featured mainly in preambular paragraphs of resolutions and initial paragraphs of presidential statements predominantly in connection with thematic items on the agenda of the Council.

#### Resolutions

In 2021, the Council implicitly referred to Article 24 in seven resolutions, in which it reiterated, reaffirmed or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security while taking a broad range of actions. In one resolution, the Council expressed grave concern that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continued to undermine the effectiveness of the Council in discharging its primary responsibility.<sup>4</sup> With one exception, all references in resolutions to the Council’s primary responsibility for the maintenance of international peace and security were made in connection with thematic issues, namely, the protection of civilians in armed conflict, children and armed conflict, United Nations peacekeeping operations, and the maintenance of international peace and security. The Council referred to its primary responsibility in connection with one country-specific item, “The situation in Libya”, in which it acted under Chapter VII of the Charter. Further information about the resolutions is provided in table 1.

#### Presidential statements

During the year under review, the Council adopted 10 presidential statements containing implicit references to Article 24, in which it reaffirmed, reiterated, bore in mind or indicated that it was acting

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<sup>2</sup> Article 24 (3), under which the Council is required to submit annual and special reports to the General Assembly, is covered in part IV, sect. I.F.

<sup>3</sup> S/2021/1112.

<sup>4</sup> Resolution 2616 (2021), second preambular paragraph.

in accordance with its primary responsibility for the maintenance of international peace and security. All references in the presidential statements were in connection with thematic issues, namely, the maintenance of international peace and security, cooperation between the United Nations and regional

and subregional organizations in maintaining international peace and security, peace and security in Africa, and threats to international peace and security caused by terrorist acts. More details about the presidential statements are provided in table 1.

Table 1

**Decisions in 2021 containing implicit references to Article 24 (1) of the Charter**

| <i>Decision and date</i>                                    | <i>Paragraph</i>            | <i>Item</i>   | <i>Sub-item</i>   |
|---|-----------------------------|---|---|
| <a href="#">S/PRST/2021/1</a><br>12 January 2021            | Eighteenth paragraph        | Threats to international peace and security caused by terrorist acts  | International cooperation in combating terrorism 20 years after the adoption of resolution <a href="#">1373 (2001)</a>                          |
| <a href="#">S/PRST/2021/2</a><br>29 January 2021            | First paragraph             | Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security |   |
| <a href="#">S/PRST/2021/8</a><br>8 April 2021               | First paragraph             | Maintenance of international peace and security   | Mine action and sustaining peace: stronger partnerships for better delivery   |
| <a href="#">S/PRST/2021/9</a><br>19 April 2021              | Second paragraph            | Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security |   |
| Resolution <a href="#">2573 (2021)</a><br>27 April 2021     | First preambular paragraph  | Protection of civilians in armed conflict   |   |
| <a href="#">S/PRST/2021/10</a><br>19 May 2021               | First paragraph             | Peace and security in Africa  | Addressing root causes of conflict while promoting post-pandemic recovery in Africa   |
| Resolution <a href="#">2578 (2021)</a><br>3 June 2021       | Sixth preambular paragraph  | The situation in Libya  | Report of the Secretary-General on the implementation of Security Council resolution <a href="#">2526 (2020)</a> ( <a href="#">S/2021/434</a> ) |
| <a href="#">S/PRST/2021/15</a><br>9 August 2021             | First paragraph             | Maintenance of international peace and security   |   |
| Resolution <a href="#">2589 (2021)</a><br>18 August 2021    | First preambular paragraph  | United Nations peacekeeping operations  | Protecting the protectors   |
| Resolution <a href="#">2594 (2021)</a><br>9 September 2021  | First preambular paragraph  | United Nations peacekeeping operations  | United Nations transitions  |
| <a href="#">S/PRST/2021/18</a><br>15 September 2021         | First paragraph             | Peace and security in Africa  |   |
| Resolution <a href="#">2598 (2021)</a><br>29 September 2021 | Fourth preambular paragraph | Maintenance of international peace and security   |   |
| <a href="#">S/PRST/2021/21</a><br>28 October 2021           | Second paragraph            | Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security |   |

| <i>Decision and date</i>                                   | <i>Paragraph</i>            | <i>Item</i>                                     | <i>Sub-item</i>   |
|--|-----------------------------|---|---|
| Resolution <a href="#">2601 (2021)</a><br>29 October 2021  | Second preambular paragraph | Children and armed conflict                     |   |
| <a href="#">S/PRST/2021/22</a><br>9 November 2021          | First paragraph             | Maintenance of international peace and security | Exclusion, inequality and conflict  |
| <a href="#">S/PRST/2021/23</a><br>16 November 2021         | Second paragraph            | Maintenance of international peace and security | Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations |
| Resolution <a href="#">2616 (2021)</a><br>22 December 2021 | Second preambular paragraph | Maintenance of international peace and security |   |

## B. Discussions relating to Article 24

During the period under review, Article 24 was invoked both explicitly and implicitly at numerous meetings of the Council, as well as in statements delivered or submitted in the context of open videoconferences. Speakers made two explicit references to Article 24 at Council meetings held in connection with the items entitled “Peace and security in Africa”<sup>5</sup> and “Maintenance of international peace and security”.<sup>6</sup> In addition, there were five explicit references to Article 24 in written statements submitted by delegations in connection with two meetings held under the items entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”<sup>7</sup> and “United Nations peacekeeping operations”.<sup>8</sup>

The case studies below illustrate the most salient discussions in 2021 with respect to the interpretation of the primary responsibility of the Council for the maintenance of international peace and security pursuant to Article 24 of the Charter, namely under the items entitled “Maintenance of international peace and security” (cases 1, 2, 6, 7 and 8) and “Implementation of the note by the President of the Security Council ([S/2017/507](#))” (case 3). In addition, during the meetings held under the item entitled “The situation in Bosnia and Herzegovina”, Council members discussed the authority of the Council to approve the appointment of the High Representative for Bosnia and Herzegovina (case 4). At the meetings held in connection with the item entitled “Peace and security in Africa”, speakers also discussed the mandate of the

Council with regard to developments concerning the Grand Ethiopian Renaissance Dam (case 5).

### Case 1 Maintenance of international peace and security

On 23 February, at a high-level open videoconference in connection with the item entitled “Maintenance of international peace and security” convened at the initiative of the United Kingdom, which held the presidency of the Security Council for the month,<sup>9</sup> Council members discussed the issue of climate and security.<sup>10</sup> They heard briefings by the Secretary-General and the Chair of the Youth Advisory Group on Climate Change. All Council members spoke during the videoconference, as did the President of Malawi, Prime Minister and Minister for Finance and Corporate Governance of Antigua and Barbuda and the Minister for Foreign Affairs of Germany. In addition, the delegations and representatives of 43 non-Council members including the International Committee of the Red Cross submitted statements in writing.

During the videoconference, Council members discussed the impact of climate change on the maintenance of international peace and security. In his remarks, the President of France noted that failure on the climate front would undermine conflict prevention and peacebuilding efforts. That was why France fully supported the initiative to address the issue of climate change at the level of the Council as part of its mandate to maintain international peace and security. According to the President and Commander-in-Chief of the Defence Forces of Kenya, the implementation of the Council’s mandate to maintain global peace and

<sup>5</sup> See [S/PV.8816](#) (Egypt).

<sup>6</sup> See [S/PV.8923 \(Resumption 1\)](#) (Bolivarian Republic of Venezuela).

<sup>7</sup> See [S/2021/572](#) (Cuba, Ecuador, El Salvador and Islamic Republic of Iran).

<sup>8</sup> See [S/2021/783](#) (Ecuador).

<sup>9</sup> A concept note was circulated by a letter dated 17 February 2021 ([S/2021/155](#)).

<sup>10</sup> See [S/2021/198](#). For more information on the item entitled “Maintenance of international peace and security”, see part I, sect. 34. For more information on high-level meetings and videoconferences, see part II.

security would only get more difficult with time if climate change remained on its present course. In that context, he noted that efforts must be redoubled to direct all resources and multilateral frameworks of the rules-based international order to mitigate the effects of climate change. Similarly, the Prime Minister and Minister for Foreign Affairs of Saint Vincent and the Grenadines asserted that, as the primary organ for maintaining international peace and security, the Council had a responsibility to address the consequences of climate change, in line with its mandate. He added that failure to tackle the debilitating impacts of climate change through the lens of peace and security meant, in part, an abdication of the Council's duty. He acknowledged that the Council had a role to play, without encroaching on the work of the inclusive decision-making body of the United Nations Framework Convention on Climate Change, which he reaffirmed as the primary body dealing with climate change. The Minister for Foreign Affairs and Defence of Ireland said that climate change had many complex impacts, not least on international peace and security, which was the very business of the Council. The Special Presidential Envoy for Climate of the United States said that the climate threat was so massive and multifaceted that it was impossible to disentangle it from the other challenges that the Council faced.

In contrast, the representative of the Russian Federation stated that the connection between climate and conflict could be considered only with regard to concrete country- and region-specific cases and that there was no reason to refer to it in a generic manner and a global context. He added that not every conflict entailed threats to international peace and security with which the Council dealt. The Prime Minister of Viet Nam proposed that the Council, with its paramount mission of maintaining international peace and security, needed to galvanize the efforts of the international community through a set of measures, including upholding the principles of respect for the sovereignty, national ownership and principal responsibilities of States.

In their written contributions, delegations and representatives of non-Council members discussed the connection between the Council's mandate to maintain international peace and security and climate-related security risks. According to the delegation of Austria, the primary responsibility of the Council lay more broadly in maintaining international peace and security, in accordance with the purposes and principles of the United Nations, including the competence to investigate any situation, such as climate change and its adverse impacts, which might

lead to international friction. Similarly, the delegation of Belgium shared the view of most Council members in demanding a more active role from the Council to address climate-related security risks, as it was the only United Nations institution with a mandate to maintain international peace and security, on which it needed to deliver. The delegation of Guatemala noted that, owing to its primary responsibility for the maintenance of international peace and security, the Council should integrate climate security assessments in all mandated reports of situations on its agenda. The representative of Lebanon argued that the Council, entrusted with the maintenance of international peace and security, should work towards ensuring that conflict prevention and peacebuilding approaches increasingly integrated climate considerations. The Minister for Foreign Affairs of Maldives maintained that, while everyone recognized that associating climate-related risks with international peace and security was a complex and broad challenge, the Council must solve difficult and complex issues for it to live up to its primary responsibility for international peace and security. The representative of Liechtenstein stated that addressing the climate and security nexus was a prerequisite for the Council to fulfil its mandate. The representative of Saint Lucia recalled that, since its establishment, the Council had focused predominantly on issues of war, military activity and violent conflict. However, over the years, the Council had evolved and expanded the scope of security topics, thereby proving its capability as a dynamic and evolving organ. In that context, while the climate-security connection remained complex, the Council, as the highest organ with the primary responsibility to maintain international peace and security, had to evolve to meet the challenges that existed.

Expressing a different view, the representative of Brazil raised concerns with the possible "securitization" of the climate agenda by the Council, stating that it should address climate change issues on a case-by-case basis in the context of concrete threats to international peace and security and refrain from seeking comprehensive one-size-fits-all formulas. A reallocation of the climate agenda to the Council would curb representativeness regarding a topic that interested the whole United Nations membership and had its own, more representative, dedicated multilateral regime. While agreeing that climate change was but one of several serious environmental challenges with potential peace and security implications, the delegation of South Africa cautioned the Council to guard against "mandate creep", whereby the Council would outpace its own resources and capacities. Moreover, where climate change was shown to be a clear contributing



factor to a threat to international peace and security, it could be appropriate for the Council to comment on that apparent link within the specific context of the countries which might be affected.

## Case 2

### Maintenance of international peace and security

On 7 May, at the initiative of China, which held the presidency of the Security Council for the month,<sup>11</sup> Council members held a high-level open videoconference in connection with the item entitled “Maintenance of international peace and security”, with a focus on upholding multilateralism and the United Nations-centred international system.<sup>12</sup> During the videoconference, Council members heard a briefing by the President of the General Assembly.

Addressing Council members on behalf of the 193 States Members of the United Nations, the President of the General Assembly noted that, under the Charter of the United Nations, the Council was entrusted with a special responsibility in relation to international peace and security. He added that the success or failure of the Council to achieve its mandate was seen as the success or failure of the United Nations. On many occasions, the Council had been divided and unable to rise to the challenge, mostly owing to differences among its members, in particular the permanent members. Council reform was a core interest of the United Nations and went to the heart of its legitimacy. In that context, the President of the Assembly affirmed the need for a more representative, accountable and transparent Council.

Following the briefing, several Council members expressed their views on the Council’s mandate, in particular vis-à-vis emerging challenges such as climate change. The State Councillor and Minister for Foreign Affairs of China asserted that it was important to place greater emphasis on public health, counter-terrorism, climate change and other non-traditional security threats so as to eliminate the root causes of crises and cement the foundation for security, adding that the Council could play a bigger role in this context within its mandate. The Minister for Foreign Affairs of Estonia noted that, given the clear links between climate and security, the Council should also show leadership in that field. The Minister for Foreign Affairs and Defence of Ireland affirmed that the Council had unique legitimacy for the maintenance of international peace and security and pointed to the urgent need for a

concerted multilateral response to climate change – with all organs of the United Nations, including the Council, playing their role. According to the Cabinet Secretary for Foreign Affairs of Kenya, a firm multilateral consensus needed to be established around the nexus between international peace and security and climate change. She expressed the view that it was no longer tenable to underestimate the devastating effects of climate change and called on the Council to pronounce itself unequivocally on the matter and offer the leadership and momentum required to galvanize global action against climate change-related risks to international tranquillity and security. The Minister of State and Minister for Foreign Affairs and Cooperation of the Niger remarked that the time had come to extend the scope of the Council’s action to take into account other emerging challenges that could jeopardize international peace and security, such as cybercrime, just as it had done with the COVID-19 pandemic and climate change. He added that the objective of the Council was not only to manage conflicts, but that it had a fundamental responsibility to prevent them. According to the Minister of State for Tourism, French Nationals Abroad and Francophonie, attached to the Minister for Europe and Foreign Affairs of France, the Council should not remain idle in the face of climate change. That is why France had proposed that the Secretary-General report regularly to the Council on that specific subject, so that it could put in place the necessary preventive measures.

Citing other global threats, beyond climate change, the Minister for Foreign Affairs of the Russian Federation asserted that the permanent members of the Council bore special responsibility for maintaining international peace and security. He emphasized that the United Nations must constantly adapt to ever-changing conditions, while continuing to fully respect the division of labour between the main Charter bodies and maintaining the support of all the Member States. Underscoring the importance of the principle of the sovereign equality of Member States, the Secretary of State of the United States stated that hostile actions by one State against another, including through disinformation or weaponized corruption, the undermining of free and fair elections and democratic institutions or attacks against journalists and dissidents abroad, could also threaten the international peace and security that, under the Charter, the Council was obliged to maintain.

Several Council members highlighted the connection between the need for Council reform and its legitimacy and ability to discharge its mandate for the maintenance of international peace and security.

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<sup>11</sup> A concept note was circulated by a letter dated 29 April 2021 (S/2021/416).

<sup>12</sup> See S/2021/456.

The Minister for Foreign Affairs and Defence of Ireland noted that a reformed and more representative Council that better reflected twenty-first century global realities would have enhanced legitimacy, which was essential to delivering on its mandate to maintain international peace and security. The Minister for Foreign Affairs, Migration and Tunisians Abroad of Tunisia believed that the time had come to agree on a reform that could render the Council more democratic, representative, transparent and effective, which would bolster the legitimacy of that central organ. According to the Minister for Foreign Affairs of Viet Nam, to fulfil its primary responsibility for the maintenance of international peace and security, the Council needed to be reformed, in order to enhance transparency, democracy, representativeness and effectiveness and improve its working methods. The Foreign Secretary of India expressed the view that the Council needed to be made more representative of developing countries if it were to continue to engender trust and confidence in its ability to provide leadership to the entire world. He added that the narrow representation and privileges of a few in the primary decision-making organ of the United Nations posed a serious challenge to the Council's credibility and effectiveness.

### Case 3 Implementation of the note by the President of the Security Council (S/2017/507)

At a meeting held on 16 June at the joint initiative of Estonia, which held the presidency of the Security Council for the month, and Saint Vincent and the Grenadines, whose Permanent Representative chaired the Informal Working Group on Documentation and Other Procedural Questions,<sup>13</sup> the Council convened an open debate under the item entitled "Implementation of the note by the President of the Security Council (S/2017/507)".<sup>14</sup> During the meeting, Council members heard briefings by the Chair of the Working Group, the co-author of the fourth edition of *The Procedure of the UN Security Council*, Lorraine Sievers, and the Executive Director of Security Council Report. The representatives of China, France, the Russian Federation, the United Kingdom and the United States delivered statements during the meeting, as did the representative of Kenya, who spoke on behalf of the 10 elected members of the Council. In addition, delegations of 28 non-Council members submitted statements in writing.<sup>15</sup>

Several speakers discussed the impact of the COVID-19 pandemic on the working methods of the Council and its capacity to discharge its primary responsibility for the maintenance of international peace and security.<sup>16</sup> In that regard, the Chair of the Working Group noted that the ability of the Council to discharge its mandate had been challenged during the pandemic, as it had been unable to convene in person and interact with the wider United Nations membership. Similarly, citing specific examples of the impact of the pandemic on the Council's working methods, the Executive Director of Security Council Report asked whether the Council's innovations and its development of remote working methods and procedures had limited its ability to deliver on its primary responsibility for the maintenance of international peace and security. While recognizing how far the Council had adapted to challenging circumstances through the adoption of virtual working methods, the representative of the United Kingdom noted that certain downsides had affected the Council's capacity to fulfil its mandate, including to face new challenges. In that regard, she stated that the new working methods had inhibited responsiveness, citing a lack of formal Council meetings since March 2020. The representative of the United States noted that the utilization of videoconference technologies had demonstrated to the world that the Council continued to perform its role in maintaining international peace and security during the pandemic.

More broadly, several speakers made the connection between the Council's working methods in general and its ability to discharge its mandate. The Chair of the Working Group stated that the working methods remained the foundation upon which the Council effectively discharged its mandate and that, despite formidable challenges, improving those methods and adapting them to reflect current circumstances should not waver. Noting that the Council bore the primary responsibility for maintaining international peace and security, the representative of China stated that the Council needed to constantly improve its working methods, ensure fairness and justice, embody openness and inclusiveness, further enhance its efficiency and effectiveness, and better fulfil the critical duties entrusted to it under the Charter of the United Nations. Speaking on behalf of the elected members of the Council, the representative of Kenya noted their commitment to effectively execute the Council's mandate and drive forward improvements in its methods of work. The representative of the Russian Federation asserted that any changes to the

<sup>13</sup> A concept note was circulated by a letter dated 2 June 2021 (S/2021/527).

<sup>14</sup> See S/PV.8798.

<sup>15</sup> See S/2021/572.

<sup>16</sup> See S/PV.8798.

working methods of the Council should be aimed at really improving the effectiveness and efficiency with which the Council carried out its primary function of maintaining international peace and security.

The representative of Kenya called for restraint on the use of the veto, especially on actions aimed at preventing or ending mass atrocity crimes, which went to the very heart of the Council's mandate. Reflecting on the effectiveness of the Council, the representative of the United Kingdom opined that the Council best fulfilled its mandate by solving problems through interactive debate, critical analysis, challenge, building consensus and making decisions that moved issues forward, which sometimes meant more talking in private rather than in public and discussing new issues that could be uncomfortable to some. With respect to efficiency, she added that lengthy meetings and the use of prepared statements rarely, if ever, fulfilled the Council's mandate. The representative of Kenya noted that targeted sanctions were an important tool for addressing threats to international peace and security and were therefore critical to the execution of the mandate of the Council. He affirmed that engagement with regional organizations spoke to the importance of Chapter VIII of the Charter in executing the mandate of the Council.

In their written statements, delegations of several non-Council members discussed the Council's working methods in the context of its primary responsibility for the maintenance of international peace and security, with some explicitly referring to Article 24.<sup>17</sup> In that regard, some delegations<sup>18</sup> referred to the impact of the COVID-19 pandemic on the finding of innovative ways to ensure the Council's continuous functioning, thus enabling it to exercise its primary responsibility for the maintenance of international peace and security. Other delegations<sup>19</sup> underscored the importance of ensuring transparency in the work of the Council as the organ entrusted with acting on behalf of the entire membership of the United Nations with its primary responsibility for the maintenance of international peace and security. The representative of Ecuador posited that the Council acted on behalf of the States Members of the United Nations, in accordance with Article 24, adding that the other side of that representation was the obligation to ensure prompt and effective action by the United Nations and that the responsibility set out in the Article must be carried out without exception. According to the delegation of El Salvador, the task of building back better for a more

equal, resilient and sustainable world created a space for reflection on how to ensure the strict fulfilment of Article 24 and, in particular, how to ensure prompt and effective action on the collective responsibility to maintain international peace and security. The same delegation also noted that resolutions, presidential statements and press statements were important mechanisms for carrying out the Council's principal responsibility to maintain international peace and security. According to the delegation of Guatemala, the holding of numerous Arria-formula meetings had enabled the Council to obtain truthful information and thus be more effective in its responsibility to maintain international peace and security. Referring explicitly to Article 24, the representative of the Islamic Republic of Iran noted that, in fulfilling its tasks, the Council had a legal, political and moral responsibility to act promptly, effectively, properly and responsibly. According to the representative of the Republic of Korea, there was wide agreement that the veto power lay at the heart of the problems that undermined the Council's abilities to fully carry out its mandate.

#### **Case 4 The situation in Bosnia and Herzegovina**

At a meeting held on 29 June under the item "The situation in Bosnia and Herzegovina",<sup>20</sup> the Security Council heard a briefing by the Officer-in-Charge of the Europe and Central Asia Division of the Department of Political and Peacebuilding Affairs.<sup>21</sup> Following the briefing, several Council members exchanged views on the role of the Council with respect to the appointment of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, pursuant to the receipt of a letter dated 3 June 2021 addressed to the Secretary-General,<sup>22</sup> in which the current High Representative announced the appointment of his successor by the Steering Board of the Peace Implementation Council.

The representative of the Russian Federation argued that the procedure for the appointment of the High Representative that had developed over the years involved the confirmation of candidates by the Steering Board, with the consent of the sides in Bosnia and Herzegovina, and approval by the Council, usually in the form of a resolution.<sup>23</sup> He noted that it was clear that any candidate for the position who did not have the support of the Council would lack legitimacy.

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<sup>17</sup> See [S/2021/572](#).

<sup>18</sup> For example, Austria, Cyprus, El Salvador, Switzerland and United Arab Emirates.

<sup>19</sup> Argentina, Brazil and Cuba.

<sup>20</sup> See [S/PV.8810](#).

<sup>21</sup> For more information about the situation in Bosnia and Herzegovina, see part I, sect. 17.A.

<sup>22</sup> See [S/2021/597](#), annex.

<sup>23</sup> See [S/PV.8810](#).

Similarly, the representative of China stated that the role of the Council in the appointment of the High Representative had been outlined in the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement). He added that, in practice, the Council endorsed the appointment either through a resolution or in the form of a letter from the President, affirming that it had become an established practice that should continue to be respected when appointing the next High Representative. In that regard, he encouraged all parties concerned to engage in consultations to find a reasonable and feasible solution, help the High Representative to perform his duties, uphold the authority of the Security Council and contribute to maintaining peace and stability in Bosnia and Herzegovina and the wider Western Balkans region. The representative of the Niger also pointed out the relevance of the established practice of the Council on the matter, which consisted of endorsing the appointment of the High Representative through a Council resolution, which the Council had always done by consensus in the past.

Other Council members offered a different view, according to which the decision regarding the appointment of the High Representative rested solely with the Steering Board and that the approval of the Council was not a requirement. According to the representative of the United States, based on the conclusions of the Peace Implementation Conference held in 1996, there was no determinative role for the Council in the appointment process. Concluding that the appointment of the High Representative was a closed matter as there was no requirement that the Council take action to confirm the designation, the representative expressed the view that no one was trying to undermine the Council's authority or to circumvent procedures. Similarly, the representative of Ireland expressed the view that the previous practice, whereby the Council had marked the appointment of each new High Representative, was an expression of political support, which was an important step, but not legally necessary for the decision of the Steering Board to take effect. According to the representative of the United Kingdom, it was not the case that the endorsement of the Council was required in order to finalize the appointment of the High Representative. She further noted that there was no determinative role for the Secretary-General or the Council in the appointment process and no legal requirement that the Council take action to confirm the designation of the High Representative.

On 22 July, at a meeting convened under the same item,<sup>24</sup> the Council voted on a draft resolution submitted by China and the Russian Federation,<sup>25</sup> which was not adopted, having failed to obtain the required number of votes.<sup>26</sup> In the draft resolution, the Council would have welcomed and agreed to the designation, by the Steering Board of the Peace Implementation Council, of Christian Schmidt as the High Representative until 31 July 2022, with the subsequent closure of his Office.

Before the vote, the representative of the Russian Federation noted that the experience of the previous 25 years demonstrated that the role of the Council in appointing a new High Representative was irreplaceable, adding that the Council continued to be involved in the peace process pursuant to the Dayton Agreement, under Chapter VII of the Charter of the United Nations.<sup>27</sup> Similarly, the representative of China asserted that the question of whether or not the appointment procedures of the High Representative were just and reasonable put at stake the authority of the Council on issues related to Bosnia and Herzegovina. He added that, under the Dayton Peace Agreement, the Council played an undeniable role in the appointment of the High Representative, and to ignore that practice – or worse, to attempt to force through appointments by circumventing the Council – would set a “deplorable new precedent” and have a negative impact on the process. According to the representative, China and the Russian Federation had jointly submitted the draft resolution in order to, *inter alia*, maintain the authority and established practices of the Council.

After the vote, the representative of the Russian Federation said that they had warned that any attempts to avoid involving the Council in the process were not only illegitimate but also dangerous, adding that the post of the High Representative would remain vacant following the resignation of the current incumbent. The representative of China expressed a similar view, stating that the candidate nominated by the relevant parties had failed to receive the Council's endorsement and therefore lacked legitimacy.

Explaining their abstentions, the representatives of Ireland, the United Kingdom and the United States reiterated the view that the approval of the Council was

<sup>24</sup> See [S/PV.8823](#).

<sup>25</sup> [S/2021/667](#).

<sup>26</sup> The draft resolution received 2 votes in favour (China and Russian Federation) and 13 abstentions (Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam).

<sup>27</sup> See [S/PV.8823](#).

not a requirement for the appointment of the High Representative. The representative of the United Kingdom affirmed that the appointed High Representative would take up his role on 1 August 2021, regardless of action taken or not taken by the Council. Referring to the proposed draft resolution, she said that the proposals therein went beyond the previous practice of the Council and encroached upon matters that were the responsibility of the Peace Implementation Council. Similarly, the representative of Mexico noted that the draft resolution included elements that his delegation believed were not within the purview of the Council. The representative of France said that it was not up to the Council to set conditions for the appointment of the High Representative or to decide on the closure of the Office, adding that a resolution welcoming his appointment would be a welcome political statement, but not a legal requirement.

#### **Case 5 Peace and security in Africa**

At a meeting held on 8 July in connection with the item entitled “Peace and security in Africa”,<sup>28</sup> the Security Council heard briefings by the Special Envoy of the Secretary-General for the Horn of Africa, the Executive Director of the United Nations Environment Programme and the representative of the Democratic Republic of the Congo, who read out a statement by his country’s Deputy Prime Minister and Minister for Foreign Affairs, on behalf of the President of the Democratic Republic of the Congo and Chairperson of the African Union.<sup>29</sup>

During the meeting, several speakers discussed the mandate of the Council with respect to the developments concerning the Grand Ethiopian Renaissance Dam. The Special Envoy recalled that, on 15 June, the League of Arab States had adopted a resolution on the dispute, in which, among other things, it called on Ethiopia to refrain from filling the reservoir without reaching an agreement and on the Council to hold consultations on the matter. He noted that Ethiopia had rejected the League’s communiqué, which it had seen as an attempt to politicize and internationalize the dispute, and had stressed its commitment to mediation by the African Union, while reiterating its plan to move forward with the second filling of the dam in July. The representative of the Democratic Republic of the Congo stated that, in order to assist in the facilitation efforts, the Council had invited the representatives of Egypt, Ethiopia and the

Sudan to continue discussions, under the auspices of the African Union and mediation by its Chairperson, in accordance with the principle of subsidiarity and the Charter of the United Nations. The representative of Kenya said that it was unfortunate that the issue was being discussed in the Council, whose mandate was to deal with dangers to international peace and security, and noted that his country recognized the critical importance of the principle of subsidiarity, which it recommended to the Council. The representative of Saint Vincent and the Grenadines also underscored the importance of respecting the principle of subsidiarity in the matter. The representative of Mexico stated that, while the Council must focus on all matters that could potentially pose a threat to international peace and security, in this case, a preventive approach must be sought.<sup>30</sup> Moreover, as it was an issue that affected three African countries, and based on Chapter VIII of the Charter, Mexico considered it particularly important that the international community support the efforts of the African Union to bring the positions of the three countries closer together and resume negotiations.<sup>31</sup> The representative of France emphasized that it was important for the meeting on the Dam to be held, because the responsibility of the Council was to prevent the prolongation of the dispute from becoming a threat to the maintenance of international peace and security.

In their interventions, the Ministers for Foreign Affairs of Egypt and the Sudan and the Minister of Water, Irrigation and Energy of Ethiopia shared divergent views on the Council’s mandate with respect to the developments concerning the Grand Ethiopian Renaissance Dam. The Minister for Foreign Affairs of Egypt stated that his delegation was driven by an enduring confidence in the capacity of the Council to discharge its duty to maintain international peace and security by taking the necessary action in relation to the question. He expressed the hope that the Council would recognize the gravity of the situation and fulfil its responsibility to maintain international peace and security, underscoring that, in executing their unique responsibility, Council members were instructed, pursuant to Article 24 of the Charter, to act on behalf of the general membership of the United Nations. The Minister for Foreign Affairs of the Sudan stated that, having been informed of the issue and the fact that it posed a direct challenge to its mandate, the Council had been given an opportunity to shoulder its

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<sup>28</sup> See [S/PV.8816](#).

<sup>29</sup> For more information about “Peace and security in Africa”, see part I, sect. 9.

<sup>30</sup> For more information about the determination of a threat to the peace, a breach of the peace or an act of aggression, see part VII, sect. I.

<sup>31</sup> For more information about regional arrangements and consideration of the provisions of Chapter VIII of the Charter, see part VIII.

responsibilities. In contrast, the Minister of Water, Irrigation and Energy of Ethiopia expressed the view that discussing the Dam was an unfitting use of the time and resources of the Council. He noted that the African Union was seized of the matter and was ably facilitating negotiations; it was therefore regrettable that Egypt and the Sudan had opted to bring the matter to the Council. He further noted that, for the first time since its establishment, the Council was being asked to pronounce itself on a water development project. The Council was a political and security organ, and it was unhelpful and misguided to present an issue that required a hydrotechnical solution to the global security body. The Minister also requested that the Council return the matter to the able and legitimate leadership of the African Union, adding that there was no subject matter as far from the mandate of the Council as the one in question.

At a meeting held on 15 September 2021 in connection with the same item,<sup>32</sup> the Council adopted a presidential statement, in which, while indicating that it bore in mind its primary responsibility for the maintenance of international peace and security, the Council encouraged Egypt, Ethiopia and the Sudan to resume negotiations at the invitation of the Chairperson of the African Union, in order to finalize expeditiously the text of a mutually acceptable and binding agreement on the filling and operation of the Grand Ethiopian Renaissance Dam, and called upon the three countries to take forward the African Union-led process in a constructive and cooperative manner.<sup>33</sup> The Council further underscored that the statement did not set out any principles or precedent for any other transboundary water disputes.<sup>34</sup> Explaining his country's position with regard to the presidential statement, the representative of India expressed the view that transboundary water issues did not belong to the domain of the Council.<sup>35</sup> He added that it was therefore important to place on record, as mentioned in the last paragraph of the presidential statement, that the statement did not set out any principles or precedent for the Council to intervene or adjudicate in any other transboundary water disputes.

### **Case 6 Maintenance of international peace and security**

At a meeting held on 7 September at the initiative of Ireland, which held the presidency of the Security Council for the month, under the item entitled

“Maintenance of international peace and security”,<sup>36</sup> the Council heard briefings by the Chair of The Elders and one Elder Emeritus. During the meeting, a number of speakers shared their views on the Council's primary responsibility for the maintenance of international peace and security.

In her remarks, the Chair of The Elders noted that, collectively, the members of the Council had all been entrusted with a powerful mandate to act on behalf of the United Nations as the primary international body charged with maintaining international peace and security. That placed heavy responsibilities on all members of the Council, not only to reflect their immediate national interests, but also to work collectively in the global interest. In that regard, a united and purposeful Council was needed at present moment, more than ever. The Chair expressed the hope that, although the Council had already started to grapple with climate change as a security threat, it would engage more decisively and through a resolution, as climate change was a core threat to international peace and security.

During the debate, several Council members referred to the Council's responsibility to recognize and adapt to new threats to international peace and security, such as climate change. The representative of the United Kingdom asserted that in the 76 years since the Council had been entrusted with the responsibility to maintain international peace and security, the nature of the threats had evolved. She noted that the way in which the Council responded to new challenges, including climate change and COVID-19, would shape the world over the next decade and well beyond. The representative added that the Council must evolve as the threats to international peace and security evolved, that it should not self-censor and that, where there were clear emerging threats to international peace and security, it should consider them in a timely fashion. The representative of Norway said that the Council had a responsibility to adapt to changing circumstances and to develop new ways of responding to non-traditional threats to international peace and security, including climate change. According to the representative of Estonia, in order to remain relevant and fulfil its responsibility in upholding international peace and security, the Council needed to address new and emerging security threats, such as malicious cyberactivities. The representative of Kenya expressed the view that it was no longer tenable to underestimate the devastating effects of climate change as both an underlying cause and a multiplier of conflicts and insecurity globally. He therefore asked The Elders to share their views on what innovative

<sup>32</sup> See [S/PV.8860](#).

<sup>33</sup> [S/PRST/2021/18](#), first, fourth and sixth paragraphs.

<sup>34</sup> *Ibid.*, seventh paragraph.

<sup>35</sup> See [S/PV.8860](#).

<sup>36</sup> See [S/PV.8850](#).

approaches were necessary for the Council to engage with the level of seriousness needed to address the impact of the climate crisis in Africa, on small island States and on the world over. The representative of Mexico said that there had been numerous occasions when the Council had not been up to the task of fulfilling its mandate under the Charter of the United Nations, citing the example of its slow response to the COVID-19 pandemic. He noted that the paralysis of the Council during major crises undermined its authority and relevance. The representative of Tunisia observed that the Council might need to develop new working mechanisms and approaches to be able to address new challenges and, in that regard, sought the opinion of The Elders on the role that the Council could play in dealing with those new threats, especially in the absence of consensus among Council members about whether all of those threats fell within its competence. The representative of Viet Nam concurred with the view that the Council should not let new challenges to international peace and security fly under its radar. Noting that the threats to peace and security had changed since 1945, the representative of Ireland stated that climate change was the defining challenge of the current generation. Necessary systems needed to be put in place to allow the Council to take into account the adverse impacts of climate change in the delivery of its mandate. Responding to questions, the Chair of The Elders urged the Council to see climate change as a security issue and for Council members to come together around a strong draft resolution on the subject.

Some Council members underscored the importance of preventive action as a tool for the maintenance of international peace and security. The representative of Norway stated that the Council had a mandate to prevent conflict, but often shied away from acting early owing to political sensitivities and a wish by States to avoid Council attention with regard to their internal affairs. This was regrettable, she added, because it reduced the ability of the Council to perform one of its most important roles. The representative of the United Kingdom, acknowledging the Council's primary responsibility for international peace and security, said that a coherent approach to conflict prevention required action by the entire United Nations system. The representative of Estonia affirmed that the main purpose of the Council was to maintain international peace and security. He added that prevention and preparedness were the key and that Council members needed to be able to find common ground quicker than before.

Several Council members stressed that the Council should act within the legal framework of the Charter in the implementation of its mandate. The representative of the Niger mentioned that the Council,

whose primary responsibility was the maintenance of international peace and security, must continue to recall the importance of the Charter, which furnished it with its tools for action, and to reaffirm its commitment thereto. The representative of Saint Vincent and the Grenadines affirmed that the bedrock principles of international law outlined in the Charter, such as the sovereignty, territorial integrity and political independence of all States, must continue to serve as the centrepiece of all efforts to maintain international peace and security. Similarly, the representative of China stated that the maintenance of international peace and security was the primary responsibility of the Council under the Charter and that it was imperative for the Council to respect the sovereignty and independence of all countries and the development path chosen by their peoples of their own free will. According to the representative of Viet Nam, the Charter laid the timeless foundation for an international order that served the interests of the international community. He noted that collective and individual actions must fully abide by and uphold international law and the principles of the Charter.

Council members also addressed the mandate of the Council vis-à-vis the other principal organs of the United Nations. The representative of India recalled that the United Nations had several principal organs with clearly defined roles and functions. In that regard, issues of social and economic significance were to be dealt with primarily by the General Assembly, not the Council. He added that the tendency to burden the Council with an increasing number of global challenges, premised on their perceived connection to threats to peace and security, would be self-defeating. In taking into account the division of labour enshrined in the Charter, the representative of the Russian Federation noted that the Council played a singular role in dealing with matters of international peace and security. In that regard, she expressed the conviction that, despite the breadth of its agenda, issues related to conflict resolution should always remain at the core of the Council's deliberations, while those only indirectly related to its core mandate could be addressed more appropriately within other United Nations forums.

#### **Case 7 Maintenance of international peace and security**

At a meeting held on 16 November at the initiative of Mexico, which held the presidency of the Security Council for the month,<sup>37</sup> the Council convened an open debate under the item "Maintenance of international

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<sup>37</sup> A concept note was circulated by a letter dated 19 October (S/2021/888).

peace and security” and the sub-item entitled “Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations”.<sup>38</sup> At the meeting, the Council heard briefings by the Secretary-General, the President of the General Assembly, the President of the Economic and Social Council and the President of the International Court of Justice. In addition, the representatives of four non-Council members submitted statements in writing.<sup>39</sup>

Following the briefings and the statements by Council members, the Council adopted a presidential statement in which it, *inter alia*, reaffirmed its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security and recognized that the principal organs of the United Nations had the responsibility, within their own mandates, to contribute to the realization of the purposes established in Article 1 of the Charter.<sup>40</sup>

In his briefing, the President of the Economic and Social Council asserted that, while there was no disputing that the Security Council had the primary responsibility for the maintenance of international peace and security, conflict prevention was also at the core of the work of the United Nations and must actively involve all principal organs.<sup>41</sup> Reflecting on the response to the COVID-19 pandemic, he noted that that was one area among several where the Security Council and the Economic and Social Council could work together, in coordination with the General Assembly, in a complementary manner, in accordance with the respective mandates of the principal organs.

During the discussion, several speakers referred to the primary responsibility of the Council in maintaining international peace and security and pointed to the division of labour between the principal organs of the United Nations and the need to operate within their respective mandates. The representative of Tunisia noted that, if the Charter conferred the primary responsibility for the maintenance of international peace and security to the Council, it also attributed to the General Assembly several prerogatives in that area. He added that Tunisia attached great importance to the role of the principal organs, each in their specific area of remit, in maintaining international peace and security. The representative of India observed that there had been recent attempts to assume work in the Council that would have been better undertaken in the

specialized agencies and organs created for that purpose. According to him, burdening the Council with an increasing number of issues distracted it from relevant issues of international peace and security and was, therefore, best avoided. The representative of the Russian Federation expressed the conviction that the Council should not be distracted from its main task of maintaining international peace and security and underscored the need to step up efforts in ensuring that all United Nations bodies worked effectively, adhering to the principle of the division of labour. The representative of South Africa expressed the view that regular interaction, coordination and collaboration between the Council and other primary organs of the United Nations in fulfilling the Council’s mandate could not be overemphasized, as it would establish increased coherence and complementarity among those organs in a mutually reinforcing manner, respectful of each other’s mandates, and with a view to generating a mutual understanding among them.<sup>42</sup>

Some speakers held a broader view of the mandate of the Council in maintaining international peace and security. The representative of Kenya stated that, to effectively fulfil its mandate, in coordination with the other United Nations principal organs, the Council must consider and address the economic, political and social dimensions of conflict.<sup>43</sup> The representative of France noted that the Council’s capacity to maintain international peace and security depended on its ability to anticipate risks, prepare for them and provide sustainable and credible responses focused on the needs of populations. He noted that the Council should have a comprehensive overview of the risks to international security posed by climate change, pandemics or disinformation. The representative of Saint Vincent and the Grenadines said that, while continuing its leading role in the maintenance of international peace and security, the Council should also adopt more creative and innovative approaches to address existing implementation gaps, which ranged from conflict prevention to post-conflict peacebuilding and across the spectrum of thematic questions concerning women and youth, climate change and environmental degradation and other fundamental challenges of sustainable development. The representative of Ireland stated that respect for human rights belonged at the Council and that the entirety of the human rights architecture was inextricably linked to the work done in the Council. The representative of Liechtenstein asserted that a human security perspective would be a much broader lens through which the Council could view its mandate, adding that climate

<sup>38</sup> See [S/PV.8906](#) and [S/PV.8906 \(Resumption 1\)](#). For more information about the relations between the principal organs of the United Nations, see part IV.

<sup>39</sup> See [S/2021/952](#).

<sup>40</sup> [S/PRST/2021/23](#), second and third paras. See also sect. I.A above.

<sup>41</sup> See [S/PV.8906](#).

<sup>42</sup> See [S/PV.8906 \(Resumption 1\)](#).

<sup>43</sup> See [S/PV.8906](#).



change, corruption, small arms, pandemics and human rights violations would all become relevant as and when they affected the security of individuals.<sup>44</sup>

Several participants<sup>45</sup> also noted that, on some occasions, the Council had been unable to fulfil its primary responsibility for the maintenance of international peace and security owing to divisions among its permanent members.

### **Case 8 Maintenance of international peace and security**

At a meeting held on 9 December at the initiative of the Niger, which held the presidency of the Security Council for the month,<sup>46</sup> the Council convened a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Security in the context of terrorism and climate change”.<sup>47</sup> During the meeting, the Council heard briefings by the Secretary-General, the Chair of the African Union Commission and the Executive Secretary of the Lake Chad Basin Commission and Head of the Multinational Joint Task Force.<sup>48</sup>

In their discussions, several Council members expressed the view that addressing climate-related security issues fell within the scope of the Council’s primary responsibility for the maintenance of international peace and security and called for the adoption of a draft resolution submitted by Ireland and the Niger.<sup>49</sup> In that regard, the President of the Niger said that it seemed imperative, in the aftermath of the twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, that the Council capitalize on the various consensuses reached in order to encourage strategies aimed at mitigating the effects of climate change, in accordance with its mandate to maintain international peace and security.<sup>50</sup> He opined that it was high time for the Council, as part of its preventive mandate, to take into account the security risks of climate change as an additional element of the peace and security architecture. Similarly, the President of Estonia expressed the view that the Council had the relevant tools and the mandate to respond to climate-related security risks and affirmed the need for a Council resolution on climate and

security. He stated that it was of the utmost importance that the Secretary-General receive a mandate to collect data and coordinate policy to that end and that regular reporting would be a major step towards developing tangible preventive measures. According to the representative of the United States, the climate crisis was a security crisis and a threat to international peace and, therefore, a threat and a crisis that the Council needed to address. She added that only the Council could ensure that the security impacts of climate change were integrated into the critical work of conflict prevention and mitigation, peacekeeping, peacebuilding, disaster reduction and humanitarian response. It was the responsibility of the Council to ensure that it – and through it, the Secretariat – had the tools and data necessary to confront one of the century’s greatest and fastest-growing threats to peace and security. The representative of France noted that the environmental fight was also a fight for international peace and security, which was why it was appropriate for the Council to address the threats linked to climate change. The representative of Mexico underscored that the idea was not to address the general impact of climate change in the Council, for which there were other platforms, but to identify those situations in which climate change could have multiplier effects that affected international peace and security. The representative of Ireland said that it was clear that the threats to international peace and security had changed since the Council had first come together in 1945. She added that the Council’s responsibility to tackle them, however, had not changed, and the Council must recognize and accept its role in the fight against climate change. The representative of Norway noted that climate action depended on concerted and coordinated multilateral cooperation with its responsibility to maintain international peace and security, adding that the Council had a pivotal role to play in those efforts. Similarly, the representative of Viet Nam expressed the view that the Council had a special role to play in addressing security risks and threats, including by working closely with others to prevent conflict from happening, addressing compounding threats, including climate change and terrorism, and ensuring sustainable peace. He affirmed that the Council needed to demonstrate leadership, unity and solidarity and act swiftly in fulfilling its responsibility. The representative of Tunisia maintained that, given the current climate change-related challenges that the world faced, it was necessary to go beyond the context-based approach in addressing the situation and to include climate risks systematically in the Council’s exercise of its primary responsibility to maintain international peace and security.

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<sup>44</sup> See [S/PV.8906 \(Resumption 1\)](#).

<sup>45</sup> Croatia, Liechtenstein and Turkey.

<sup>46</sup> A concept note was circulated by a letter dated 30 November 2021 ([S/2021/988](#)).

<sup>47</sup> See [S/PV.8923](#) and [S/PV.8923 \(Resumption 1\)](#). See also [S/2021/1026](#).

<sup>48</sup> See [S/PV.8923](#).

<sup>49</sup> [S/2021/990](#).

<sup>50</sup> See [S/PV.8923](#).

Other Council members held a different view, noting that the issue of climate change was outside of the scope of the Council's mandate. The representative of the Russian Federation stated that each country or region needed to be looked at individually, as well as in connection with factors other, and often more significant, than climate change that gave rise to socioeconomic or political stability. He added that nothing could really be helped by including the issue of climate change on the agenda of the Council, with its limited membership and very specific toolkit, but it certainly could lead to a muddling and a doubling of efforts within the United Nations. The representative of India stated that it was not appropriate to draw a separate link between security and climate change, especially when all aspects of climate change were already being dealt with holistically under the mandate of the Framework Convention. He added that any action in the Council that ignored the basic principles and provisions relating to climate change had the potential to disrupt the nature of the overall discussion on that important topic. Moreover, while his delegation recognized that climate change had affected people's lives and exacerbated conflicts in many places, viewing conflicts only through the prism of climate change presented a misleading perspective. The representative of China called on the Council to take the perspective of peace and security, in accordance with its own mandate. In that context, he noted that the principle of common but differentiated responsibility must be respected.

Among non-Council members, participants also offered their views on the Council's role in addressing climate-related security issues as part of its mandate to maintain international peace and security. For example, the representative of the Islamic Republic of Iran asserted that climate change was primarily an issue related to sustainable development and therefore outside the purview of the Council. He added that the Council's engagement, which lacked the requisite expertise and tools in the sphere, would be an encroachment upon the mandate of other main organs of the United Nations. The representative of Brazil cautioned against approaching climate change from a strict security angle as, in doing so, the international community might distance itself from an adequate response. He added that it was necessary to avoid duplication of work, noting the need to ensure that specific mandates and responsibilities within the United Nations system were respected. He further stated that the Framework Convention was properly equipped for discussing and addressing any specific new concerns of the parties regarding climate change issues in an inclusive and balanced manner, having a

clearly established mandate and adequate tools and mechanisms to do so. According to the representative of the Bolivarian Republic of Venezuela, if the practice of having the Council address the issue of climate change were to be consolidated, it would open the door to invoking issues related to climate change for the purpose of including certain countries on its agenda for purely political motivations that were not in line with those established in Article 24 of the Charter of the United Nations.<sup>51</sup> He stated that the inclusion of the climate issue on the Council's agenda would perpetuate that organ's practice of usurping functions that were not within the scope of its competence. Similarly, the representative of Belarus expressed the view that focusing on climate change would violate the principle of the division of responsibilities among the organs of the United Nations system.

By contrast, noting that the Council had the primary responsibility for the maintenance of international security, the representative of Germany, on behalf of the Group of Friends on Climate and Security, welcomed the Council's recognition of the effects of climate change when considering a growing number of mandates for peacekeeping and special political missions. The representative of the European Union reiterated his delegation's expression of support for the adoption of a draft resolution on climate change, describing that as an opportunity for the Council to strengthen its ability to understand and address climate-related security risks, within its mandate. Similarly, the representative of the Netherlands said that her country saw a clear role for the Council when it came to addressing the security implications that resulted from climate change, given the Council's responsibility for maintaining peace and security. The representative of Lebanon stated that, as the Council was entrusted with the maintenance of international peace and security, it should work towards ensuring that conflict prevention and peacebuilding approaches increasingly integrated climate considerations into their strategies, which could lead to enhanced coordination with the Peacebuilding Commission. The representative of the Dominican Republic stated that the potential for the negative effects of climate change to translate into root causes of conflict was becoming increasingly clear, which was a reality that the Council, as the organ with the primary responsibility to ensure international peace and security, could not ignore.

On 13 December 2021, at a meeting convened under the same item and in connection with the

<sup>51</sup> See [S/PV.8923 \(Resumption 1\)](#).

sub-item entitled “Climate and security”,<sup>52</sup> the Council voted on a draft resolution submitted by Ireland and the Niger and another 111 Member States.<sup>53</sup> The draft resolution was not adopted, owing to the negative vote of a permanent member of the Council.<sup>54</sup> Before the vote, the representative of Ireland, also on behalf of the Niger, stated that the draft resolution was about enabling the Council to address climate change with the tools it had within its mandate. She added that it was long overdue for the principal organ of the United Nations dealing with international security to take responsibility for integrating climate-related security risks across its conflict resolution, prevention and mediation work. The representative of the Russian Federation disagreed, arguing that positioning climate change as a threat to international security diverted the attention of the Council from genuine, deep-rooted causes of conflict in the countries on the Council’s agenda. He added that such an approach was convenient for countries that were actively helping those conflicts to erupt or that had undertaken military activity as a diversion from the Council’s mandate.

After the vote, several Council members expressed their views on the scope of the Council’s primary responsibility for the maintenance of international peace and security. The representative of the Niger stated that, owing to its responsibility to safeguard international peace and security, the Council was obligated to consider all situations that had or could potentially have an impact on global security. Observing that some had claimed that including the impacts of climate change on security on the Council’s agenda was irrelevant given that other structures were already addressing the issue, the representative asked why the Council had adopted resolutions related to the COVID-19 pandemic, when the World Health Organization existed and was more than capable of addressing the matter. The representative of India underscored that the Council was not the place to discuss climate action or climate justice and asked why a Council resolution was needed to take action on climate change when commitments to climate action had already been made under the Framework Convention. The honest answer, according to the representative, was that there was no real requirement for the draft resolution except for the purpose of

bringing climate change under the ambit of the Council. He stated that the reason for the draft resolution was to hand over the responsibility to combat climate change to an organ that did not work through consensus or reflect the interests of developing countries, in the name of preserving international peace and security. The representative of China stated that the Council was already dealing with climate issues in the context of a number of country-specific matters on its agenda and should continue to do so from the perspective of peace and security.

In contrast, the representative of Norway expressed the view that the aim of the draft resolution was to climate-proof conflict prevention and peace and security efforts, not to take on the task of other United Nations bodies. The representative of Viet Nam, while concurring that the Framework Convention remained the primary and inclusive forum for negotiating climate action, stated that a matter of such multifaceted significance required urgency and enhanced efforts, including with regard to the security dimension, and therefore did not exclude the role of the Council as the primary organ in charge of the maintenance of international peace and security. The representative of the United States said that, by vetoing the draft resolution, the Russian Federation had stopped the world’s most important organ for maintaining international peace and security from taking a small, practical and necessary step to combat the impacts of climate change. The representative of Tunisia said that climate change was one of the factors affecting international peace and security in many regions, including the Sahel, and that the Council must therefore take those threats into consideration in an integrated and systematic manner, as it shouldered the primary responsibility for maintaining peace and security. He added that, during its term on the Council, Tunisia had sought to include unconventional threats, such as climate change and pandemics, on the Council’s agenda, as those phenomena posed a threat to collective security and should therefore not be overlooked by the Council. The representative of Estonia said that the draft resolution would have ensured a more structured and systemic approach and would have created the necessary tools to enable the United Nations to do its part in preventing and resolving conflicts that were driven by the effects of climate change. He opined that there was no credible answer from the Council members that had chosen to ignore the challenges that posed a threat to international peace and security, which was the Council’s primary responsibility.

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<sup>52</sup> See [S/PV.8926](#).

<sup>53</sup> See [S/2021/990](#).

<sup>54</sup> See [S/PV.8926](#). The draft resolution received 12 votes in favour (Estonia, France, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam), 2 against (India and Russian Federation) and 1 abstention (China).

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

### Article 25

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

### Note

Section II outlines the practice of the Council in relation to Article 25 of the Charter of the United Nations, which concerns the obligation of Member States to accept and carry out the decisions of the Council. It is divided into three subsections. Subsection A covers references to Article 25 contained in decisions of the Council, subsection B contains an examination of how the principle of Article 25 was dealt with in deliberations of the Council and subsection C features explicit references to Article 25 in communications of the Council.

In 2021, the Council adopted one decision containing an explicit reference to Article 25 of the Charter, in connection with the situation in the Middle East.<sup>55</sup> Article 25 was also explicitly invoked in two instances during the meetings of the Council, notably in the context of deliberations on the items entitled “The situation in the Middle East” and “Maintenance of international peace and security”.<sup>56</sup> More information on the most salient discussions related to the Article is provided in subsection B, which includes case studies on the Council’s interpretation of the obligations of Member States stemming from decisions on the non-proliferation of weapons of mass destruction (case 9) and on non-proliferation in the context of the implementation of resolution [2231 \(2015\)](#), by which the Council endorsed the Joint Comprehensive Plan of Action (case 10). In addition, during the year under review, 15 explicit references to Article 25 were made in five communications of the Council,<sup>57</sup> details on which are provided in subsection C.

### A. Decisions referring to Article 25

In 2021, the Council adopted one decision containing an explicit reference to Article 25, under the item entitled “The situation in the Middle East”, in

relation to the Syrian Arab Republic. In the resolution, the Council 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.<sup>58</sup> In the same resolution, the Council also demanded the full and immediate implementation of all provisions of all relevant Council resolutions on the humanitarian situation in the Syrian Arab Republic and extended, until 10 July 2022, subject to the issuance of the Secretary General’s substantive report, the authorization for United Nations agencies and their implementing parties to provide cross-border humanitarian assistance for the border crossing at Bab al-Hawa and the mandate of the United Nations Monitoring Mechanism for the Syrian Arab Republic.

### B. Discussions relating to Article 25

During the year under review, Article 25 was referred to explicitly on two occasions, during Council meetings held under the items entitled “The situation in the Middle East” and “Maintenance of international peace and security”, respectively.<sup>59</sup> In addition, speakers made implicit references to the obligation of Member States to accept and carry out decisions of the Council, as well as to the binding nature of those decisions, at multiple meetings held under a broad range of items. For example, during meetings held under the item entitled “The situation in the Middle East”, several speakers referred to the need for the Syrian Arab Republic to fulfil its obligations under relevant Council decisions, in particular with regard to complying with or abiding by resolution [2118 \(2013\)](#) on the use of chemical weapons.<sup>60</sup> Similar references were made during discussions held in connection with the item “The situation in the Middle East, including the Palestinian question” with several participants calling on Israel to abide by or comply with the relevant Council decisions, in particular resolution

<sup>58</sup> Resolution [2585 \(2021\)](#), final preambular paragraph.

<sup>59</sup> See [S/PV.8830](#) (United Kingdom); and [S/PV.8850](#) (Niger).

<sup>60</sup> See, for example, [S/2021/22](#) (Norway and United States); [S/PV.8785](#) (United States and Mexico); [S/PV.8830](#) (Mexico, Ireland and Norway); [S/PV.8849](#) (United States, Estonia, Norway and United Kingdom); [S/PV.8872](#) (United States, Norway, France, Ireland, United Kingdom and Turkey); and [S/PV.8921](#) (United States, Norway, Ireland, France and Turkey).

<sup>55</sup> Resolution [2585 \(2021\)](#), final preambular paragraph.

<sup>56</sup> See [S/PV.8830](#) (United Kingdom); and [S/PV.8850](#) (Niger).

<sup>57</sup> See [S/2021/53](#), [S/2021/639](#), [S/2021/669](#), [S/2021/718](#) and [S/2021/914](#).

2334 (2016).<sup>61</sup> In addition, references were also made to the importance of ensuring Member States' compliance with obligations contained in resolution 1373 (2001) in the context of discussions held in connection with the item entitled "Threats to international peace and security caused by terrorist acts".<sup>62</sup> The case studies below illustrate some of the most salient discussions that took place in 2021 with regard to the Council's interpretation of the obligation of Member States to implement its decisions, notably in the context of discussions on the non-proliferation of weapons of mass destruction (case 9) and on non-proliferation as it pertains to the implementation of resolution 2231 (2015), by which the Council endorsed the Joint Comprehensive Plan of Action (case 10).

### Case 9 Non-proliferation of weapons of mass destruction

On 30 March, Security Council members held an open videoconference in connection with the item entitled "Non-proliferation of weapons of mass destruction",<sup>63</sup> during which they heard a briefing by the representative of Mexico, in his capacity as Chair of the Committee established pursuant to resolution 1540 (2004).

In his remarks, the Chair of the Committee asserted that resolution 1540 (2004) remained a vital component of the global non-proliferation architecture aimed at preventing non-State actors, including terrorists, from gaining access to weapons of mass destruction. He noted that, while States had made significant progress in the full implementation of the resolution, some gaps remained. He added that the Council recognized that the full and effective implementation of the resolution was a long-term task that would require continuous efforts at the national, regional and international levels. The Chair said that 184 countries had submitted initial reports providing the Committee with information on the measures that they had taken, or planned to take, to comply with their obligations under resolution 1540 (2004). He underscored that the effectiveness of the practical steps

taken by States to implement the resolution was important, adding that one of the activities in that respect was for States to develop voluntary national implementation action plans, as encouraged by the Council in paragraph 5 of its resolution 2325 (2016). According to the Chair, the Committee played an important role in facilitating assistance to Member States to fulfil their obligations by matching assistance requests from States with offers of assistance from States or international, regional or subregional organizations. The Chair concluded by stating that a central theme of the comprehensive review of resolution 1540 (2004), which had been delayed as a result of the COVID-19 pandemic and was now scheduled for completion prior to the renewal of the mandate of the Committee in April 2021, was the status of the implementation of the resolution by the States Members of the United Nations.

During the discussion, Council members exchanged views on the obligations of Member States stemming from resolution 1540 (2004). The representative of Estonia noted the need to ensure that the resolution and its implementation remained effective and strong, adding that assistance and cooperation measures could help make implementation more effective. According to the representative of France, the resolution must be implemented in a very concrete way, including by securing sensitive materials and goods, strengthening border controls, setting up a legal framework to combat the proliferation of weapons of mass destruction and their means of delivery and establishing export control mechanisms. The representative of Ireland stated that the full implementation of resolution 1540 (2004) would ensure that non-State actors were prevented from acquiring and using weapons of mass destruction. She encouraged States to continue to take their responsibilities under the resolution seriously.

The representative of the Niger stressed that national Governments had the primary responsibility for ensuring the effective implementation of resolution 1540 (2004) and called on them to take the necessary steps to strengthen their capabilities to counter the threats posed by the possibility of terrorists acquiring weapons of mass destruction. According to the representative of Norway, to achieve the full implementation of resolution 1540 (2004), it was important to ensure that States requiring and requesting assistance received it.

The representative of the Russian Federation expressed the view that the successful implementation of the resolution at national levels should be promoted by the efforts of the Committee to monitor and coordinate global efforts to provide technical support

<sup>61</sup> See, for example, *S/2021/404* (Mexico, Niger, Saint Vincent and the Grenadines, Tunisia, Bangladesh, Egypt, Indonesia, Islamic Republic of Iran, Kuwait, League of Arab States and Malaysia); *S/PV.8804* (Niger and Saint Vincent and the Grenadines); *S/PV.8826* (Niger, China and Tunisia); *S/PV.8847* (Tunisia and China); *S/PV.8883* (China, Niger, Tunisia and Viet Nam); and *S/PV.8913* (Ireland).

<sup>62</sup> See, for example, *S/2021/48* (Armenia, Australia, Azerbaijan (on behalf of the Non-Aligned Movement), Bangladesh, Brazil, Cuba, Jordan, Malaysia, Nigeria, Peru and Turkey).

<sup>63</sup> See *S/2021/325*.

to States in need, upon their request. He noted that, although the Committee functioned on the basis of Chapter VII of the Charter of the United Nations, it was not mandated to force any “services” on the States Members of the United Nations, and the resolution did not restrict the sovereign right of States to define their own ways of implementing its provisions. The representative of Saint Vincent and the Grenadines echoed the views of the Chair, noting that the full and effective implementation of resolution 1540 (2004) was a long-term task that would require continuous efforts at all regional and international levels. Her delegation applauded the 184 Member States that had submitted implementation reports on measures they had taken or planned to undertake in compliance with their obligations under resolution 1540 (2004), as encouraged in paragraph 5 of resolution 2325 (2016). According to the representative of the United States, Member States could take forward steps even before the comprehensive review to help to promote the implementation of resolution 1540 (2004). As an example, he cited the appointment of national “1540 points of contact”, which were an important resource for enhancing States’ interactions with the Committee and for promoting effective coordination within Member States as they sought to implement the resolution.

#### **Case 10 Non-proliferation**

On 14 December, the Security Council held a meeting under the item entitled “Non-proliferation”,<sup>64</sup> during which it heard briefings by the Under-Secretary-General for Political and Peacebuilding Affairs, the Head of the Delegation of the European Union to the United Nations and the representative of Ireland in her capacity as Security Council Facilitator for the implementation of resolution 2231 (2015) concerning the Joint Comprehensive Plan of Action.

In her remarks, the Under-Secretary-General noted that the status of the resumed negotiations in Vienna indicated that the full restoration of the Joint Comprehensive Plan of Action and resolution 2231 (2015) would require additional effort and patience. She stated that the Secretary-General had expressed the hope that, in their current negotiations, the United States and the Islamic Republic of Iran would mobilize the same spirit and commitment that had resulted in the Plan of Action. She added that there was no viable alternative to the full and effective implementation of both the Plan and the resolution. In her briefing, the Facilitator for the implementation of resolution 2231 (2015) noted that the Council must continue to play its part in demonstrating

that the resolution, by which the Council endorsed the Plan of Action, was working as it should. At the conclusion of her briefing, the Facilitator underscored the call to all Member States, regional organizations and international organizations, set out in paragraph 2 of the resolution, to take such actions as might be appropriate to support the implementation of the Plan of Action, including by refraining from actions that undermined the implementation of commitments thereunder.

During the discussion, Council members expressed their support for the implementation of the Joint Comprehensive Plan of Action and called for compliance with resolution 2231 (2015). In that regard, the representative of the United States recalled that her country’s President, Joseph Biden, had been clear that he was prepared to return the United States to compliance, and to remain in compliance, so long as the Islamic Republic of Iran did the same. The representative of the United Kingdom noted that her country’s priority was to see the United States return to the agreement and the Islamic Republic of Iran return to compliance, adding that the latter’s continued development of a ballistic missile programme was inconsistent with resolution 2231 (2015). The representative of Viet Nam expressed the hope that all parties would continue their efforts to strengthen dialogue and negotiations to resolve differences and reaffirm their commitments to fully and effectively implementing the Plan of Action and resolution 2231 (2015). The representative of Saint Vincent and the Grenadines expressed regret regarding the withdrawal of the United States from the Plan of Action in May 2018 and its subsequent decisions to reimpose sanctions and terminate waivers, as those actions ran counter to the requirements and objectives of resolution 2231 (2015) and the Plan of Action. She further expressed regret regarding the decision by the Islamic Republic of Iran to cease performing several of its nuclear-related commitments under the Plan of Action and urged it to return to full compliance to fulfil the totality of its obligations. According to the representative of Ireland, speaking in her national capacity, it was imperative for the United States and the Islamic Republic of Iran to fully meet their commitments and ensure full implementation of resolution 2231 (2015).

In his remarks, the representative of France stated that the Islamic Republic of Iran could not be unaware of its obligations, under resolution 2231 (2015), not to carry out any activities related to ballistic missiles designed to deliver nuclear weapons, including launches using ballistic missile technology. The representative of Tunisia, renewing the call for the full and effective implementation of the Joint Comprehensive Plan of

<sup>64</sup> See S/PV.8930.

Action and of resolution [2231 \(2015\)](#) by all parties, said that his delegation took note of the differences of interpretation regarding the implementation of the provisions of annex B to the resolution, in particular with regard to ballistic missile-related activities. According to the representative of Kenya, the decision by the United States to reaffirm the measures and provisions contained in resolution [2231 \(2015\)](#) early in 2021, and the engagement of both the United States and the Islamic Republic of Iran in ongoing negotiations, were all important positive steps towards the full and effective implementation of the Plan of Action and the resolution.

According to the representative of the Russian Federation, the Joint Comprehensive Plan of Action contained a carefully negotiated balance of interests and must be implemented exactly in the form in which it was approved by the Council in resolution [2231 \(2015\)](#), without any deletions or additions. He maintained that contraventions by the United States of resolution [2231 \(2015\)](#), including the Plan of Action, could not be considered the norm and should be rectified. He added that the Russian Federation did not share the approach set out in the report of the Secretary-General, whereby the lifting of illegal unilateral sanctions by the United States was equated with introducing exemptions from those sanctions, thus legitimizing the practice of unilateral restrictions in contravention of resolution [2231 \(2015\)](#) and the letter and spirit of the Charter of the United Nations.

The representative of the Islamic Republic of Iran expressed the view that the United States was in continuous and systematic material breach of its legal obligations under resolution [2231 \(2015\)](#), the Charter and international law. He further noted that the United States had also exerted unprecedented pressures on other States to either not implement their obligations under resolution [2231 \(2015\)](#) or face punishment.

### C. Communications featuring Article 25

In 2021, 15 explicit references to Article 25 were made in five communications of the Council, which are listed in table 2.

In a summary of the Arria-formula meeting held on 2 December 2020 on the theme “Implementation of the 2015 Minsk Package of Measures on the settlement in Ukraine: a year since the Paris ‘Normandie’ summit”, which was annexed to a letter dated 14 January from the representative of the Russian Federation to the President of the Council,<sup>65</sup> it was

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<sup>65</sup> [S/2021/53](#).

noted that the representative of Lugansk in the Trilateral Contact Group had clarified that, from the moment of its endorsement by the Council in its resolution [2202 \(2015\)](#), the Package of Measures for the Implementation of the Minsk Agreements had acquired the nature of a norm of international law, in accordance with Article 25 of the Charter of the United Nations, thus becoming binding.

In a letter dated 9 July addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council,<sup>66</sup> the observer for the State of Palestine drew attention to the deteriorating situation in the Occupied Palestinian Territory and underscored the call for action by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to uphold international law and implement the relevant United Nations resolutions, including resolution [2334 \(2016\)](#), in order to immediately address the critical situation on the ground. In that context, the observer referred explicitly to Article 25 in affirming that, despite the Council’s “regrettable ongoing paralysis”, States needed to uphold their obligations and commitments.

In the annex to a letter dated 20 July addressed to the Secretary-General,<sup>67</sup> in which the representative of the Islamic Republic of Iran transmitted a letter from his country’s Minister for Foreign Affairs containing a review of the challenges experienced in the implementation of resolution [2231 \(2015\)](#) and the Joint Comprehensive Plan of Action over the previous six years, Article 25 was explicitly referenced 11 times.

In a letter dated 6 August addressed to the Secretary-General,<sup>68</sup> the representative of Cyprus pointed to the violations of his country’s national airspace, the infringements of international air traffic regulations in its flight information region and the illegal use of closed ports and airports in Cyprus by Turkey during the months of April and May. In that context, the representative stated that Turkey was openly declaring that it would continue to violate Council resolutions, “in total disregard” for Article 25 of the Charter and noted that the Council must stand behind its resolutions and ensure that they had meaning. In a letter dated 29 October addressed to the Secretary-General and covering the months of June, July and August,<sup>69</sup> the representative of Cyprus again stated that Turkey was openly declaring that it would continue violating Council resolutions, “in total disregard” for Article 25.

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<sup>66</sup> [S/2021/639](#).

<sup>67</sup> [S/2021/669](#).

<sup>68</sup> [S/2021/718](#).

<sup>69</sup> [S/2021/914](#).

Table 2  
**Communications submitted in 2021 containing explicit references to Article 25**

| <i>Communication record</i> | <i>Communication title</i>  | <i>Topic</i>   |
|-----------------------------|---|--|
| <a href="#">S/2021/53</a>   | Letter dated 14 March 2021 from the Permanent Representative of the Russian Federation to the President of the Security Council   | Summary of the Arria-formula meeting held on 2 December 2020 on the theme “Implementation of the 2015 Minsk Package of Measures on the settlement in Ukraine: a year since the Paris ‘Normandie’ summit” |
| <a href="#">S/2021/639</a>  | Identical letters dated 9 July 2021 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council | Agenda item 5, entitled “Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory”, of the tenth emergency special session of the General Assembly          |
| <a href="#">S/2021/669</a>  | Letter dated 20 July 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General  | Review of the challenges in the implementation of resolution <a href="#">2231 (2015)</a> and the Joint Comprehensive Plan of Action during the past six years  |
| <a href="#">S/2021/718</a>  | Letter dated 6 August 2021 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General   | Violations of the national airspace of Cyprus  |
| <a href="#">S/2021/914</a>  | Letter dated 29 October 2021 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General   | Violations of the national airspace of Cyprus  |

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

#### *Article 26*

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

#### **Note**

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

In 2021, the Council did not refer explicitly to that provision in any of its decisions. However, Article 26 of the Charter was expressly invoked once, during a meeting held on 22 November in connection with the item entitled “Small arms”.<sup>70</sup> At the meeting, the representative of Costa Rica noted that global military spending levels represented “clear evidence” that Article 26 had been, for the previous 76 years, “a dead letter in the cemetery of intentions in the Charter”.<sup>71</sup> She urged all States to commence, without delay, the phased and intentional reduction of global military spending, which was not only feasible, but imperative. In 2021, there were no explicit references to Article 26 in any of the communications of the Council.

<sup>70</sup> See [S/PV.8909](#) and [S/PV.8909 \(Resumption 1\)](#). See also [S/2021/966](#).

<sup>71</sup> See [S/PV.8909](#).