

## **Part V**

# **Functions and powers of the Security Council**

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## Introductory note

Part V of the *Repertoire* covers the functions and powers of the Security Council, as provided for in Articles 24, 25 and 26 of the Charter of the United Nations, and is accordingly divided into three sections. Under each section, implicit and explicit references to those Articles in decisions, meetings and communications of the Council during 2014 and 2015 are listed. Each section also includes case studies that examine specific instances in which those Articles were discussed or which otherwise illustrate how the Council has applied Articles 24, 25 and 26.

During the period under review, as covered in section I below, the Council referred explicitly and implicitly to its primary responsibility for the maintenance of international peace and security according to Article 24 in 30 decisions concerning, inter alia, threats to international peace and security caused by terrorist acts, the situation in Libya, women and peace and security, and the maintenance of international peace and security. The primary responsibility of the Council for the maintenance of international peace and security was the subject of discussions also at several meetings of the Council on a wide range of items, including the cooperation between the United Nations and regional and subregional organizations, and the implementation of the note by the President concerning Council procedures.

Throughout 2014 and 2015, as featured in section II, the Council referred to Article 25 in four resolutions, recalling that members of the United Nations had agreed to accept and carry out the decisions of the Security Council in accordance with the Charter. Furthermore, in discussions held during meetings of the Council the speakers who took the floor made reference to Article 25 on eight occasions and in relation to different items, including the situation in the Middle East and threats to international peace and security caused by terrorist acts.

With regard to Article 26, as described in section III, in 2014 and 2015 the Council made no reference to its responsibility for formulating plans for the establishment of a system for the regulation of armaments, pursuant to that Article. No reference to Article 26 was found in communications to the Council. However, Article 26 was explicitly referred to once during a meeting of the Council.

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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 Article 24 of the Charter,<sup>1</sup> and is divided into two subsections. Subsection A deals with decisions adopted in 2014 and 2015 that refer to the primary responsibility of the Security Council for the maintenance of international peace and security. Subsection B examines references to the Council's primary responsibility pursuant to Article 24 made in discussions during Council meetings.

During the period under review, only one decision contained an explicit reference to Article 24, speakers explicitly referred to Article 24 during the course of 10 meetings of the Council, and four communications to the Council contained explicit references to Article 24.<sup>2</sup>

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<sup>1</sup> Article 24 (3), under which the Council is required to submit annual and special reports to the General Assembly, is dealt with in part IV.

<sup>2</sup> Letter dated 23 June 2014 from the representative of France to the President of the Security Council (S/2014/432, annex); letter dated 22 July 2014 from the representative of Rwanda to the Secretary-General (S/2014/526, annex); letter dated 1 August 2014 from the representative of the Islamic Republic of Iran to the Secretary-General (S/2014/573, annex I); letter dated 6 August 2014 from the representative of Luxembourg to the President of the Security Council (S/2014/575, annex).

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

As mentioned above and further described below, only one decision of the Council contained an explicit reference to Article 24, while 22 resolutions and seven presidential statements contained implicit references to the Council's primary responsibility for the maintenance of international peace and security. Such references were generally included in preambular paragraphs of resolutions and in the initial paragraphs of presidential statements.

In some cases, reference to the Council's primary responsibility for the maintenance of international peace and security was made in resolutions adopted under Chapter VII of the Charter, as further detailed below.

### Resolutions

During the period under review, only one decision of the Council, namely resolution 2154 (2014), contained an explicit reference to Article 24. The resolution was adopted under the item entitled "Maintenance of international peace and security" and in it the Council recalled that Article 24 conferred upon it the primary responsibility for the maintenance of international peace and security.<sup>3</sup> In addition, 22 resolutions contained implicit references to Article 24. In those resolutions the Council reiterated, reaffirmed, recalled, bore in mind, or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security.<sup>4</sup>

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<sup>3</sup> Resolution 2154 (2014), first preambular paragraph.

<sup>4</sup> Resolutions 2143 (2014), eleventh preambular paragraph; 2144 (2014), penultimate preambular paragraph; 2151 (2014), first preambular paragraph; 2167 (2014), third preambular paragraph; 2171 (2014), fourth preambular paragraph and para. 1; 2173 (2014), seventeenth preambular paragraph; 2174 (2014), penultimate preambular paragraph; 2175 (2014), first preambular paragraph; 2177 (2014), second preambular paragraph; 2180 (2014), penultimate preambular paragraph; 2185 (2014), first preambular paragraph; 2195 (2014), first preambular paragraph; 2199 (2015), first preambular paragraph; 2214 (2015), second preambular paragraph; 2220 (2015), first and fifth preambular paragraphs; 2222

Of the 23 resolutions mentioned above, containing explicit or implicit references to Article 24, eight were adopted under country- or region-specific items,<sup>5</sup> while 15 resolutions concerned thematic issues.<sup>6</sup>

Of the eight resolutions under country- or region-specific items, four were adopted under Chapter VII of the Charter, in connection with the situation in Libya<sup>7</sup> and the question concerning Haiti.<sup>8</sup>

The Council underlined the importance of the partnership between the United Nations and the African Union in connection with the reports of the Secretary-General on the Sudan and South Sudan, without prejudice to the Security Council's primary responsibility for the maintenance of international peace and security.<sup>9</sup> Under the item entitled "Peace and security in Africa", the Council, by resolution [2177 \(2014\)](#), recalling its primary responsibility for the maintenance of international peace and security, requested the Secretary-General to accelerate the response to the Ebola outbreak in collaboration with

Governments of the region and those providing assistance.<sup>10</sup> In connection with the situation in Libya, the Council, reaffirming its primary responsibility for the maintenance of international peace and security, emphasized the need for a comprehensive approach to fully combat Islamic State in Iraq and the Levant (ISIL), groups that pledged allegiance to ISIL, Ansar Al Charia, and all other individuals, groups, undertakings and entities associated with Al-Qaida operating in Libya.<sup>11</sup>

Of the 15 resolutions concerning thematic issues, two were adopted under Chapter VII of the Charter.<sup>12</sup> In particular, by resolution [2199 \(2015\)](#), concerning threats to international peace and security caused by terrorist acts, the Council modified the sanctions measures concerning Al-Qaida.<sup>13</sup>

The Council reiterated its primary responsibility for the maintenance of international peace and security while also reiterating its commitment to address the widespread impact of armed conflict on children,<sup>14</sup> reiterating the need to promote and ensure respect for the principles and rules of international humanitarian law,<sup>15</sup> and recognizing that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security, and consistent with Chapter VIII of the Charter, can improve collective security.<sup>16</sup> In relation to the maintenance of international peace and security, the Council expressed its determination to pursue the objective of prevention of armed conflict as an integral part of its primary responsibility for the maintenance of international peace and security.<sup>17</sup> With regard to small arms, the Council expressed concern that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continued to pose threats to international peace and security, contributed to instability and insecurity, and continued to undermine the effectiveness of the Council in discharging its primary responsibility for the maintenance of international peace and security.<sup>18</sup> Bearing in mind the purposes and principles of the Charter and its primary responsibility for the

([2015](#)), first preambular paragraph; [2225 \(2015\)](#), second preambular paragraph; [2228 \(2015\)](#), nineteenth preambular paragraph; [2240 \(2015\)](#), twelfth preambular paragraph; [2242 \(2015\)](#), second preambular paragraph; [2243 \(2015\)](#), penultimate preambular paragraph; and [2250 \(2015\)](#), third preambular paragraph.

<sup>5</sup> Resolutions [2144 \(2014\)](#), penultimate preambular paragraph; [2173 \(2014\)](#), seventeenth preambular paragraph; [2174 \(2014\)](#), penultimate preambular paragraph; [2177 \(2014\)](#), second preambular paragraph; [2180 \(2014\)](#), penultimate preambular paragraph; [2214 \(2015\)](#), second preambular paragraph; [2228 \(2015\)](#), nineteenth preambular paragraph; and [2243 \(2015\)](#) penultimate preambular paragraph.

<sup>6</sup> Resolutions [2143 \(2014\)](#), eleventh preambular paragraph; [2151 \(2014\)](#), first preambular paragraph; [2154 \(2014\)](#), first preambular paragraph; [2167 \(2014\)](#), third preambular paragraph; [2171 \(2014\)](#), fourth preambular paragraph and para. 1; [2175 \(2014\)](#), first preambular paragraph; [2185 \(2014\)](#), first preambular paragraph; [2195 \(2014\)](#), first preambular paragraph; [2199 \(2015\)](#), first preambular paragraph; [2220 \(2015\)](#), first and fifth preambular paragraphs; [2222 \(2015\)](#), first preambular paragraph; [2225 \(2015\)](#), second preambular paragraph; [2240 \(2015\)](#), twelfth preambular paragraph; [2242 \(2015\)](#), second preambular paragraph; and [2250 \(2015\)](#), third preambular paragraph.

<sup>7</sup> Resolutions [2144 \(2014\)](#) and [2174 \(2014\)](#). For more information on sanctions measures, see part VII.

<sup>8</sup> Resolutions [2180 \(2014\)](#) and [2243 \(2015\)](#). For more information on the United Nations Stabilization Mission in Haiti and on the peacekeeping and political missions in general, see part X.

<sup>9</sup> Resolutions [2173 \(2014\)](#), seventeenth preambular paragraph; and [2228 \(2015\)](#), nineteenth preambular paragraph.

<sup>10</sup> Resolution [2177 \(2014\)](#), second preambular paragraph and para. 11.

<sup>11</sup> Resolution [2214 \(2015\)](#), second preambular paragraph and para. 1.

<sup>12</sup> Resolutions [2199 \(2015\)](#) and [2240 \(2015\)](#).

<sup>13</sup> For more information on sanctions regimes, see part VII.

<sup>14</sup> Resolutions [2143 \(2014\)](#), eleventh preambular paragraph; and [2225 \(2015\)](#), second preambular paragraph.

<sup>15</sup> Resolution [2175 \(2014\)](#), first preambular paragraph.

<sup>16</sup> Resolution [2167 \(2014\)](#), third preambular paragraph.

<sup>17</sup> Resolution [2171 \(2014\)](#), para. 1.

<sup>18</sup> Resolution [2220 \(2015\)](#), fifth preambular paragraph.

maintenance of international peace and security, the Council reaffirmed that women's and girls' empowerment and gender equality were critical to conflict prevention and broader efforts to maintain international peace and security.<sup>19</sup>

### Presidential statements

During the period under review, the Council made implicit references to Article 24 in seven presidential statements,<sup>20</sup> reaffirming and recalling its primary responsibility for the maintenance of international peace and security.

In particular, the Council reiterated that cooperation with regional and subregional organizations could improve collective security, and stressed the importance of further strengthening cooperation with the African Union in order to assist in building its capacity to deal with common collective security challenges in Africa.<sup>21</sup> In addition, the Council welcomed the European Union's comprehensive approach to the maintenance of international peace and security, noted its extensive cooperation with the United Nations, and welcomed the European Union's significant humanitarian assistance to the affected people in the Syrian Arab Republic and in neighbouring countries.<sup>22</sup>

Reaffirming its primary responsibility under the Charter for the maintenance of international peace and security, the Council recalled that Member States bore the primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory.<sup>23</sup>

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

In 2014 and 2015, Article 24 was explicitly and implicitly referred to at numerous meetings of the Council. There were explicit references to Article 24 at 10 meetings, held under the items entitled

“Implementation of the note by the President of the Security Council (S/2010/507)”,<sup>24</sup> “Maintenance of international peace and security”, “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”,<sup>25</sup> and “Reports of the Secretary-General on the Sudan and South Sudan”.<sup>27</sup>

The following case studies illustrate the broad range of issues discussed during the period under review with respect to the Council's primary responsibility pursuant to Article 24. The discussions were held in connection with the implementation of the note by the President of the Security Council (S/2010/507), which concerns the Council's working methods (case 1), the cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security (case 2), and children and armed conflict (case 3).

### Case 1 Implementation of the note by the President of the Security Council (S/2010/507)

On 30 July 2014, at the 7231st meeting of the Council, the President recalled that, under Article 24 of the Charter, it was the United Nations general membership that conferred on the Council the primary responsibility for the maintenance of international peace and security.<sup>28</sup> The representative of the United Kingdom said that every Member State had an individual responsibility to meet the obligations set out in the Charter while the Council had a collective responsibility for the maintenance of international peace and security.<sup>29</sup> The representative of Chile stated that the situation in the Middle East demonstrated the difficulty in fulfilling the Council's role under the Charter: the Council appeared “irrelevant” when it came to preventing the ongoing escalation of violence.<sup>30</sup>

<sup>19</sup> Resolution 2242 (2015), second and eleventh preambular paragraphs.

<sup>20</sup> S/PRST/2014/3, third paragraph; S/PRST/2014/4, first paragraph; S/PRST/2014/27, second paragraph; S/PRST/2015/3, first paragraph; S/PRST/2015/14, first paragraph; S/PRST/2015/22, first paragraph; and S/PRST/2015/25, first paragraph.

<sup>21</sup> S/PRST/2014/27, fifth and eleventh paragraphs.

<sup>22</sup> S/PRST/2014/4, fifth and sixth paragraphs.

<sup>23</sup> S/PRST/2014/3, third and fourth paragraphs.

<sup>24</sup> See S/PV.7231, p. 2 (Rwanda); S/PV.7285, p. 28 (St. Lucia); S/PV.7285 (Resumption 1), p. 14 (Nicaragua, Uruguay); p. 20 (Islamic Republic of Iran); p. 26 (Maldives); p. 30 (Egypt); and p. 34 (Algeria); S/PV.7325, p. 2 (Australia); S/PV.7539, p. 16 (Nigeria); and S/PV.7539 (Resumption 1), p. 5 (Australia); p. 9 (Islamic Republic of Iran); p. 21 (Cuba); and p. 30 (Tunisia).

<sup>25</sup> S/PV.7247, p. 49 (Botswana); and S/PV.7389, p. 26 (France); p. 34 (Pakistan); p. 57 (Zimbabwe); p. 80 (Egypt); and p. 97 (Kuwait).

<sup>27</sup> S/PV.7343, p. 47 (Namibia).

<sup>28</sup> S/PV.7231, p. 2.

<sup>29</sup> Ibid., p. 16.

<sup>30</sup> Ibid., p. 19.

On 23 October 2014, at the 7285th meeting of the Council, the representative of Nigeria emphasized that, as the Council was the main organ of the United Nations charged with the maintenance of international peace and security, the way in which it conducted its work was a matter of great interest to the Member States and to the international community at large.<sup>31</sup> The representative of Luxembourg pointed out that improving the Council's working methods was not an end in itself but must allow the Council "to best carry out its duties under its primary responsibility of maintaining international peace and security", and added that the Council must provide itself with the means to better anticipate and prevent crises.<sup>32</sup> The representative of Saint Lucia stated that what the Council did to discharge its responsibility and how it did it was of interest to the entire international community, and added that Article 24(1) of the Charter clearly prescribed that in carrying out its duties under its responsibility the Council acted on behalf of the wider membership.<sup>33</sup>

On 20 October 2015, at the 7539th meeting of the Council, the representative of Nigeria said that Article 24 made it clear that the Council acted on behalf of the Members of the United Nations, and emphasized the need for the Council to conduct its affairs in a transparent and accountable manner.<sup>34</sup> The representative of the Islamic Republic of Iran, speaking on behalf of the Non-Aligned Movement, stated that the decision by the Council to initiate formal or informal discussions on the situation in any Member State or on any issue that did not constitute a threat to international peace and security was contrary to Article 24 of the Charter.<sup>35</sup> The representative of Tunisia, recognizing that under Article 24 the Council acts on behalf of all Member States, said that it was imperative for the Council to further improve its openness and its communication with the broader membership to ensure the accomplishment of its mandate in a transparent and efficient way.<sup>36</sup> The representative of Cuba similarly noted that Member States recognized that the Council acted on their behalf in exercising its functions under Article 24, which implied that the Council should guarantee genuine participation on the part of the 193 Member States in its work and decisions.<sup>37</sup>

<sup>31</sup> [S/PV.7285](#), p. 13.

<sup>32</sup> *Ibid.*, p. 19.

<sup>33</sup> *Ibid.*, p. 28.

<sup>34</sup> [S/PV.7539](#), p. 16.

<sup>35</sup> [S/PV.7539 \(Resumption 1\)](#), p. 9.

<sup>36</sup> *Ibid.*, p. 30.

<sup>37</sup> *Ibid.*, p. 21.

## **Case 2**

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

During the Council's 7343rd meeting, on 16 December 2014, the representative of France stated that the role of regional and subregional organizations in the maintenance of peace was fully recognized by the Charter, and noted that because of their geographic proximity, and their knowledge of local situations, the countries of a region, structured into regional and subregional organizations, were in a position "to provide a useful value-added to the understanding, prevention, management and consolidation of situations". He added that this partnership was foreseen by the Charter in its Chapter VIII, without prejudice to the Security Council's primary responsibility for the maintenance of international peace and security.<sup>38</sup> The representative of Namibia noted that although Article 24 vested the Council with the primary responsibility for the maintenance of international peace and security, the Charter also provided a role for regional organizations and arrangements in their respective regions. He added that Article 33 (1) provided that parties to any dispute likely to endanger international peace and security "shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".<sup>39</sup>

At the Council's 7402nd meeting, on 9 March 2015, the representative of the Russian Federation stated that, despite the growing demand for an effective mechanism for organizing a division of labour between the United Nations and regional associations, including the European Union, the leading role of the Council in issues related to the maintenance of international peace and security was "unshakable", was enshrined in the Charter and could not be subject to review.<sup>40</sup>

## **Case 3**

### **Children and armed conflict**

During the period under review, the primary responsibility of the Council for the maintenance of international peace and security was also discussed in relation to the item entitled "Children and armed conflict",<sup>41</sup> although none of the speakers made explicit reference to Article 24.

<sup>38</sup> [S/PV.7343](#), p. 22.

<sup>39</sup> *Ibid.*, pp. 47–48.

<sup>40</sup> [S/PV.7402](#), p. 15.

<sup>41</sup> See [S/PV.7129](#), [S/PV.7259](#), [S/PV.7414](#) and [S/PV.7466](#).

At the Council's 7129th meeting, on 7 March 2014, the representative of China stated that, in order to protect children, the Council should effectively fulfil its primary responsibility of maintaining international peace and security and reduce and curb conflicts through good offices, negotiations and mediation so as to create a safe environment for the growth of children.<sup>42</sup>

During the Council's 7414th meeting, on 25 March 2015, the Permanent Observer of the Holy See noted the rising influence of non-State actors in regions across the globe, and described the Council's responsibility for the maintenance of international peace and security as its "primordial mission", which must not allow the international community to turn its back on conflicts in the name of national political interests.<sup>43</sup>

<sup>42</sup> S/PV.7129, p. 17.

<sup>43</sup> S/PV.7414, p. 65.

At the Council's 7466th meeting, on 18 June 2015, the representative of China stated that the Council bore the primary responsibility for the maintenance of international peace and security, and should therefore strengthen preventive diplomacy and make more use of the measures provided for in Chapter VI of the Charter, such as mediation, good offices, dialogue and negotiation.<sup>44</sup> The Permanent Observer of the League of Arab States stressed the need to focus on the violations committed by non-State armed groups against children, since most of the parties listed in the annexes to the reports of the Secretary-General on children and armed conflict were non-State actors, and recalled the primary responsibility of the Council to face this danger to international peace and security.<sup>45</sup>

<sup>44</sup> S/PV.7466, p. 17.

<sup>45</sup> *Ibid.*, p. 89.

## 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 covers the practice of the Security Council in 2014 and 2015 in relation to Article 25, and it is divided into two subsections. Subsection A deals with references made in decisions adopted in 2014 and 2015, while subsection B examines how Article 25 emerged in discussions held during the Council's meetings.

During the period under review, Article 25 was explicitly referred to in four resolutions as described in subsection A below. Article 25 was also explicitly mentioned on eight occasions in discussions held during meetings of the Council as elaborated in subsection B below. In most cases, those references occurred in connection with the situation in the Middle East, and the Syrian Arab Republic.

Four explicit references to Article 25 were contained in communications addressed to the

President of the Security Council or the Secretary-General.<sup>46</sup>

### A. Decisions referring to Article 25

During the period under review, four resolutions contained explicit references to Article 25 of the Charter. In all four cases, the Council underscored that Member States were obligated under Article 25 to accept and carry out the Council's decisions.<sup>47</sup> In three resolutions concerning the situation in the Middle East, the Council demanded that all parties, in particular the Syrian authorities, immediately comply with their obligations under international humanitarian law and international human rights law, and fully and

<sup>46</sup> Letter dated 21 March 2014 from the representative of Finland to the President of the Security Council (S/2014/213, annex); letter dated 9 March 2015 from the President of the International Criminal Court to the Secretary-General (S/2015/202, annex); letter dated 12 June 2015 from the representatives of Australia, Finland, Germany, Greece and Sweden to the President of the Security Council (S/2015/432, annex); and letter dated 6 October 2015 from the representative of Serbia to the President of the Security Council (S/2015/763, annex).

<sup>47</sup> Resolutions 2165 (2014), ultimate preambular paragraph; 2191 (2014), ultimate preambular paragraph; 2231 (2015), ultimate preambular paragraph; and 2258 (2015), ultimate preambular paragraph.



immediately implement all the provisions of the relevant Security Council resolutions.<sup>48</sup>

## B. Discussion relating to Article 25

In 2014 and 2015, speakers explicitly and implicitly referred to Article 25 at several meetings of the Council held under the items entitled “The situation in Burundi”,<sup>49</sup> “The situation in the Middle East”,<sup>50</sup> “Implementation of the note by the President of the Security Council (S/2010/507)”,<sup>51</sup> “The situation concerning Iraq”<sup>52</sup> and “Threats to international peace and security caused by terrorist acts”.<sup>53</sup> In those discussions, speakers recalled the binding nature of Security Council decisions, and recalled that Member States were obligated to accept and carry out the decisions of the Council.

The following case studies focus on the discussions concerning the interpretation and application of Article 25 in relation to the situation in the Middle East (case 4), implementation of the note by the President of the Security Council (S/2010/507) (case 5), and threats to international peace and security caused by terrorist acts (case 6), examining instances in which the obligation of Member States “to accept and carry out the Council’s decisions” was most frequently raised by speakers.

### Case 4

#### The situation in the Middle East

Following the unanimous adoption of resolution 2139 (2014) relating to the strengthening of the protection of civilians in the Syrian Arab Republic, during the 7116th meeting of the Council, the representative of Chile stated that the adopted resolution must be “fully implemented in all its provisions”, and underscored that, in accordance with the provisions of the Charter, Member States agreed “to accept and carry out the decisions of the Security Council.”<sup>54</sup>

At the 7216th meeting of the Council, on 14 July 2014, further to the adoption of resolution 2165 (2014) concerning the humanitarian situation in the Syrian

Arab Republic, the representative of the United States said that under Article 25 of the Charter the Syrian Arab Republic was “obligated to accept and carry out the decisions made by the Security Council in the resolution”.<sup>55</sup>

### Case 5

#### Implementation of the note by the President of the Security Council (S/2010/507)

On 23 October 2014, during the 7285th meeting of the Council, the representative of Uruguay recalled that under Article 24 of the Charter Member States had conferred on the Security Council the primary responsibility for the maintenance of international peace and security, and that under the following Article they agreed “to accept and carry out the Council’s decisions”. He added that the decisions of the Council were “imposed on the international community both by that Article and Chapter VII”.<sup>56</sup> The representative of India stated that, given that under Article 25 all Member States agreed “to accept and carry out the decisions of the Security Council,” the working methods of the Council were of paramount importance and interest to all Member States.<sup>57</sup>

At the 7422nd meeting of the Council, on 30 March 2015, the representative of the Bolivarian Republic of Venezuela, recognizing that issues related to international peace and security concerned all Member States, encouraged the strengthening of relations between the Council and the rest of the United Nations membership, “in the spirit and purpose of Article 25 of the Charter”.<sup>58</sup>

### Case 6

#### Threats to international peace and security caused by terrorist acts

At the 7316th meeting of the Council, on 19 November 2014, the representative of India referred to Article 25 during an open debate on the theme “International cooperation on combating terrorism and violent extremism”. He said that the international community was facing unprecedented challenges from terrorism, which threatened to endanger the very foundation of democratic societies. In reference to resolution 2178 (2014), concerning foreign terrorist fighters, he asserted that the resolution’s impact would depend on how it was implemented by Member States, “keeping in mind their obligations under Article 25 of

<sup>48</sup> Resolutions 2165 (2014), para. 1; 2191 (2014), para. 1; and 2258 (2015), para. 1.

<sup>49</sup> S/PV.7104, p. 6 (Burundi).

<sup>50</sup> S/PV.7216, p. 7 (United States).

<sup>51</sup> S/PV.7231, p. 19 (Chile); S/PV.7285 (Resumption 1), p. 29 (India); and S/PV.7422, p. 11 (Bolivarian Republic of Venezuela).

<sup>52</sup> S/PV.7271, p. 17 (Chile).

<sup>53</sup> S/PV.7316, p. 28 (India).

<sup>54</sup> S/PV.7116, p. 12.

<sup>55</sup> S/PV.7216, p. 7.

<sup>56</sup> S/PV.7285 (Resumption 1), p. 14.

<sup>57</sup> Ibid., p. 29.

<sup>58</sup> S/PV.7422, p. 11.

the Charter”. He urged the Council to add its collective voice to the early conclusion of a comprehensive convention on international terrorism, so that Member States would be “legally obliged, under Article 25 of the Charter, to either prosecute or extradite terrorists”.<sup>59</sup>

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<sup>59</sup> S/PV.7316, p. 28.

### 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 Security Council concerning its responsibility for formulating plans for the establishment of a system for the regulation of armaments, pursuant to Article 26 of the Charter. Throughout the years 2014 and 2015, the Council did not explicitly or implicitly refer to Article 26 in its decisions. Nor did the communications to the Council contain any reference to Article 26.

In the discussions held during meetings of the Council in 2014 and 2015, Article 26 was referred to only once, as described in the case study below (case 7).

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

At the 7389th meeting of the Council, held on 23 February 2015 under the item entitled “Maintenance of international peace and security”, the representative of Costa Rica stressed that the Council could not “continue to ignore Article 26 of the Charter”, which compelled it to develop plans for the establishment of an arms control system to promote the maintenance of international peace and security through minimizing the diversion of resources towards weapons. She noted that such resources would be better used for development.<sup>60</sup>

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<sup>60</sup> S/PV.7389, p. 81.