



Repertoire of the Practice of the Security Council

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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 communications, decisions, and meetings of the Council during 2012 and 2013 are listed. Each section also includes case studies that examine specific instances where those Articles were discussed or which otherwise illustrate how the Council has applied Articles 24, 25 and 26.

During the period under review, in 27 decisions the Council referred to its primary responsibility for the maintenance of international peace and security, as provided for in Article 24, including in resolutions concerning sanctions measures on Guinea-Bissau and Libya. The primary responsibility of the Council was also discussed during meetings of the Council in connection with a wide range of issues, including the role of regional actors, the International Criminal Court and the working methods of the Council.

The Council invoked Article 25 in one resolution whereby it required the Syrian Arab Republic to cooperate with the Organization for the Prevention of Chemical Weapons in destroying its chemical weapons. Article 26 was not referred to in any decisions of the Council, but was raised during discussions in the context of cooperation between the United Nations and regional and subregional organizations in the maintenance of international peace and security.

I. The 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

This section covers Article 24 of the Charter,¹ and is divided into two subsections. Subsection A deals with decisions adopted in 2012 and 2013 that refer to the primary responsibility of the Security Council for the maintenance of international peace and security pursuant to Article 24. Subsection B examines discussions from Council meetings that refer to the Council's primary mandate.

Article 24 was explicitly referred to in seven meetings of the Council (see subsection B), but only implicitly mentioned in decisions of the Council (see subsection A). In addition, seven communications to the Council contained explicit references to Article 24.²

¹ Article 24 (3), requiring the Council to submit annual and special reports to the General Assembly, is dealt with in Part IV.

² See the following letters addressed to the President of the Council: letter dated 13 April 2012 from the representative of Egypt ([S/2012/223](#), pp. 1 and 2); letter dated 23 April 2012 from the Secretary-General transmitting a letter dated 9 April 2012 from the representative of Guinea-Bissau ([S/2012/254](#), p. 3); letter dated 24 April 2012 from the representative of Egypt ([S/2012/257](#), p. 1); letter dated 1 October 2012 from the representative of Guatemala to the Secretary-General ([S/2012/731](#), p. 2); letter dated 8 October 2012 from the representative of the Islamic Republic of Iran (on behalf of the Non-Aligned Movement) to the Secretary-General ([S/2012/752](#), pp. 45, 48, 51 and 52); letter dated 15 November 2012 from the representative of the

The role of regional actors as well as international organizations or other organs of the United Nations vis-à-vis the primary responsibility of the Council was also the subject of discussion in Council meetings, as was how the primary responsibility of the Council was exercised in areas such as addressing sexual violence in conflict or dealing with illicit cross-border flows.

A. Decisions referring to the primary responsibility of the Security Council

During 2012 and 2013, there were no explicit references to Article 24 of the Charter in decisions adopted by the Security Council. However, the Council made implicit references to Article 24 in 13 resolutions and 14 presidential statements by referring to its “primary responsibility for the maintenance of international peace and security”, as further described below. In a few instances, the Council referred to its primary responsibility for the maintenance of international peace and security in taking action under Chapter VII of the Charter in connection with countries such as Guinea-Bissau, Libya and Haiti. Typically, those references were made in preambular paragraphs of resolutions and in the initial paragraphs of presidential statements.

Additionally, the Council reaffirmed or reiterated its primary responsibility in several meetings, including where it considered the role of Member States or regional and subregional organizations with regard to collective security.

1. Resolutions

In 2012 and 2013, 13 resolutions contained implicit references to Article 24 (1). In those resolutions the Council reaffirmed, recalled, reiterated, bore in mind, or indicated that it was mindful of its primary responsibility for the maintenance of international peace and security. Eight of those resolutions were country-specific, while five concerned thematic items on the agenda of the Council.

In five of the eight country-specific resolutions, the Council took action explicitly under Chapter VII of the Charter. The Council by those resolutions modified sanctions

Islamic Republic of Iran (on behalf of the Non-Aligned Movement) and addressed also to the Secretary-General ([S/2012/831](#), pp. 2, 3, 5 and 6); letter dated 25 April 2013 from the representative of Jordan ([S/2013/247](#) p. 1).

measures concerning Libya,³ imposed sanctions measures relating to Guinea-Bissau,⁴ and twice extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH).⁵ Concerning the Sudan, the Council underlined the importance of the partnership between the United Nations and the African Union, “without prejudice to” its primary responsibility for the maintenance of peace and security, having determined that the situation in the Sudan constituted a threat to international peace and security.⁶ Finally, regarding the situation in the Middle East, specifically concerning Yemen, the Council again used the formula “mindful of its primary responsibility for the maintenance of international peace and security”, this time to call upon all sides in Yemen to reject the use of violence to achieve political goals.⁷

In the five resolutions concerning items of a thematic nature, the Council referred to its primary responsibility for the maintenance of peace and security in relation to the particular thematic item or in support of its action in the specific context of that item.⁸ For example, on “Children and armed conflict”, the Council reiterated its commitment to addressing the widespread impact of armed conflict on children.⁹ On “Small arms and light weapons”, the Council noted the significance of small arms and light weapons as being the most frequently used weapons in the majority of recent armed conflicts, which posed threats to international peace and security and undermined the effectiveness of the Council in discharging its primary responsibility.¹⁰ Concerning “Women and peace and security”, bearing in mind the purposes and principles of the Charter and its primary responsibility, the Council reaffirmed that the empowerment of women and girls and gender equality were critical to efforts to maintain international peace and security, and expressed its intention to increase its attention to women, peace and security issues.¹¹

³ Resolutions [2040 \(2012\)](#), nineteenth preambular paragraph and [2095 \(2013\)](#), nineteenth preambular paragraph.

⁴ Resolution [2048 \(2012\)](#), nineteenth preambular paragraph.

⁵ Resolutions [2070 \(2012\)](#), thirty-second preambular paragraph and [2119 \(2013\)](#), twenty-third preambular paragraph.

⁶ Resolutions [2063 \(2012\)](#), ninth preambular paragraph and [2113 \(2013\)](#), ninth preambular paragraph.

⁷ Resolution [2051 \(2012\)](#), fifteenth preambular paragraph and para. 2.

⁸ Resolutions [2033 \(2012\)](#), [2068 \(2012\)](#), [2086 \(2013\)](#), [2117 \(2013\)](#) and [2122 \(2013\)](#).

⁹ Resolution [2068 \(2012\)](#), second preambular paragraph.

¹⁰ Resolution [2117 \(2013\)](#), first and fourth preambular paragraphs.

¹¹ Resolution [2122 \(2013\)](#), third and fourth preambular paragraphs and para. 3.

2. *Presidential statements*

The Council made implicit references to Article 24 in 14 presidential statements, reaffirming or reiterating its primary responsibility for the maintenance of international peace and security.

The Council referred implicitly to Article 24 to, *inter alia*, highlight the link between its own primary responsibility and the role or responsibility of other actors, namely Member States and regional organizations, in the maintenance of peace and security. For example, in presidential statements on “Maintenance of international peace and security” and “Peace consolidation in West Africa”, the Council reaffirmed its own primary responsibility for the maintenance of international peace and security while noting the primary responsibility of States in the eradication of piracy.¹² In various presidential statements on the agenda items entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, “Peace and security in Africa”, and “The situation in the Middle East”, the Council reaffirmed or reiterated its primary responsibility while recognizing the importance of cooperation with regional and subregional organizations in the maintenance of international peace and security. In those statements, respectively, the Council characterized cooperation with regional and subregional organizations as an “integral part” of collective security,¹³ an “important pillar” of collective security,¹⁴ or as something that could “improve” collective security.¹⁵ For further information on the Council’s activities with regard to Chapter VIII of the Charter concerning the role of regional arrangements in the maintenance of international peace and security, see part VIII of this Supplement.

In a presidential statement on “Peace and security in Africa,” the Council reaffirmed its primary responsibility and, recalling Articles 33 and 34 of the Charter, also reaffirmed its commitment to the settlement of disputes by peaceful means and to promoting necessary preventive action in response to disputes or situations likely to endanger the maintenance of international of international peace and security.¹⁶ For a discussion of those articles and

¹² [S/PRST/2012/24](#), first paragraph and [S/PRST/2013/13](#), first paragraph, respectively.

¹³ [S/PRST/2013/12](#), second and third paragraphs.

¹⁴ [S/PRST/2012/26](#), first paragraph.

¹⁵ [S/PRST/2013/12](#), second and third paragraphs, and [S/PRST/2012/20](#), first and second paragraphs.

¹⁶ [S/PRST/2013/4](#), first paragraph.

Chapter VI of the Charter on the pacific settlement of disputes, see part VI of this Supplement.

B. Discussions relating to the primary responsibility of the Security Council

During the period under review, Article 24 was explicitly and implicitly referred to in numerous meetings of the Council. Explicit references to Article 24 during Council meetings covered issues such as the delineations of the Council's role in the maintenance of international peace and security vis-à-vis other organs of the United Nations and other international organizations, and the interaction between Article 24 and other Articles of the Charter.¹⁷

The following case studies illustrate the broad range of issues discussed in 2012 and 2013 in connection with the application or interpretation of the primary responsibility of the Council under Article 24, namely: the role of regional arrangements vis-à-vis the primary responsibility of the Council in maintaining international peace and security (case 1); the promotion of the rule of law in maintaining international peace and security, including the relationship between the Council and the International Criminal Court (case 2); the role of the Council in addressing cross-border trafficking as a threat to international peace and security (case 3); improvements to the working methods of the Council (case 4); and the role of the Council in addressing sexual violence in conflict as part of its primary responsibility for the maintenance of international peace and security (case 5).

Case 1

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

The Council held four meetings in 2012 and 2013 concerning its cooperation with regional and subregional organizations in the maintenance of international peace and

¹⁷ Explicit references to Article 24 were made during the following meetings of the Council: [S/PV.6705](#), p. 17 (Pakistan); [S/PV.6706 \(Resumption 1\)](#), p. 10 (Jordan); [S/PV.6760](#), pp. 15-16 (South Africa), p. 17 (Pakistan), pp. 28-29 (Cuba); [S/PV.6760 \(Resumption 1\)](#), p. 2 (Islamic Republic of Iran); [S/PV.6849 \(Resumption 1\)](#), p. 24 (Spain); [S/PV.6870](#), p. 29 (Egypt); p. 31 (Islamic Republic of Iran, on behalf of the Non-Aligned Movement), [S/PV.6870 \(Resumption 1\)](#), p. 12 (Cuba); [S/PV.7052](#), pp. 27-28 (Egypt); and [S/PV.7052 \(Resumption 1\)](#), p. 6 (Costa Rica); p. 13 (Islamic Republic of Iran, on behalf of the Non-Aligned Movement); and p. 20 (Maldives).

security.¹⁸ At the 6702nd meeting on 12 January 2012, several speakers called for greater cooperation between the Council and regional organizations in responding to threats to peace and security,¹⁹ particularly in Africa, supporting the idea of a “shared responsibility” in the maintenance of international peace and security, notwithstanding the primary responsibility of the Council in that regard.²⁰ In reference to paragraph 6 of resolution [2033 \(2012\)](#) adopted at that meeting,²¹ the representative of the United Kingdom clarified that coordination between the Council and the Peace and Security Council of the African Union, could occur “only in the context of the primacy of the Security Council regarding the maintenance of international peace and security”.²²

At the 6919th meeting held on 13 February 2013 with a focus on the European Union, the representative of the Russian Federation opined that it was “out of the question” to change the “unshakeable” leading role of the Security Council on issues of the maintenance of international peace and security, notwithstanding a growing need for an effective mechanism for the division of labour between the United Nations and regional organizations, including the European Union.²³

During the 7015th meeting on 6 August 2013, the representative of Argentina, while emphasizing the “primacy” of the Council in maintaining international peace and security, characterized as “fundamental” the role played in recent years by new subregional arrangements and organizations in conflict prevention and in the promotion and maintenance of international peace and security.²⁴ Several other speakers emphasized the particular value of regional arrangements in the maintenance of peace and security, notwithstanding the Council’s primary responsibility. The representative of Botswana recognized that managing and maintaining peace often depended on regional dynamics that could be better addressed by local institutions.²⁵ The representative of Honduras stated that participation of regional

¹⁸ [S/PV.6702](#), [S/PV.6919](#), [S/PV.7015](#), and [S/PV.7050](#).

¹⁹ [S/PV.6702](#), p. 3 (South Africa); p. 8 (Kenya); and p. 24 (United Kingdom); [S/PV.6702 \(Resumption 1\)](#), p. 3 (India); p. 7 (Ethiopia); p. 8 (Nigeria); and p. 10 (United Kingdom).

²⁰ [S/PV.6702](#), p. 22 (Togo).

²¹ Resolution [2033 \(2012\)](#), second preambular paragraph and para. 1.

²² [S/PV.6702 \(Resumption 1\)](#), p. 9-10.

²³ [S/PV.6919](#), p. 16.

²⁴ [S/PV.7015](#), p. 2.

²⁵ [S/PV.7015](#), p. 16 (Rwanda); [S/PV.7015 \(Resumption 1\)](#), pp. 30-31 (Japan); and pp. 44-45 (Botswana).

partners in times of crisis provided greater legitimacy.²⁶ The representative of Rwanda highlighted “geographic proximity, expediency and burden-sharing” as reasons for partnership with regional and subregional organizations.²⁷ Similarly, the representative of Japan noted that regional and subregional organizations could rapidly respond to settle disputes before they escalated.²⁸

While recognizing the growing role of regional organizations in response to both the principle of subsidiarity and encouragement of regional stakeholders to assume responsibility and ownership, the representative of France cautioned against “the danger of a fragmentation of collective security”. He stressed that the Security Council remained the body with the primary responsibility for the maintenance of peace and security, acting on behalf of the members of the United Nations as a whole to that end.²⁹

Case 2

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

At its 6705th meeting held on 19 January 2012 in connection with the promotion and strengthening of the rule of law, the representative of South Africa encouraged the Council to seek advisory opinions from the International Court of Justice when faced with complex legal questions, so as to demonstrate that it operated within the framework of international law, notwithstanding its primary role in the maintenance of international peace and security.³⁰ In the same vein, the representative of Pakistan urged the Council to “lead by example” in upholding and promoting the rule of law, adding that the determination of the existence of a threat to the peace by the Council must be made in accordance with Article 24 (2).³¹ The representative of Argentina stated that the Council should be guided by the values of legitimacy, democracy and justice in conflict and post-conflict situations.³²

²⁶ [S/PV.7015 \(Resumption 1\)](#), p. 24.

²⁷ [S/PV.7015](#), p. 16

²⁸ [S/PV.7015 \(Resumption 1\)](#), p. 30.

²⁹ [S/PV.7015](#), p. 27.

³⁰ [S/PV.6705](#), p. 20.

³¹ *Ibid.*, p. 17.

³² [S/PV.6705 \(Resumption 1\)](#), p. 19.

In his remarks at the 6849th meeting on 17 October 2012, the representative of the Office of the Prosecutor of the International Criminal Court stated that the respective mandates of the Council and the Court, rather than being a source of tension, linked the two bodies together in their common fight against impunity, which was an “essential contribution to the quest for world’s peace and security”.³³ Many speakers underlined the complementary and cooperative nature of the relationship between the Council and the International Criminal Court, characterizing the fight against impunity for serious crimes as being a part of the primary responsibility of the Council for the maintenance of international peace and security.³⁴

The representatives of China and the Sudan, however, cautioned of possible antagonistic aspects in the relationship between the Council and the Court. The representative of China expressed hope that the Court would “exercise caution in carrying out its functions” and avoid seeking political settlements to international conflicts, impeding the Council’s primary responsibility for the maintenance of international peace and security.³⁵ The representative of the Sudan distinguished between the respective mandates of the Council and the Court and warned against using the promotion of the rule of law within the framework of the maintenance of international peace and security “as a pretext to politicize international justice”, in a way that contravened the mandate of the Council.³⁶

In defining the Council’s responsibility for the maintenance of international peace and security, the representative of South Africa opined that the Council should refer investigations only if it contributed to the maintenance or restoration of peace.³⁷ The representative of Peru added that the referral of a situation to the Court did not relieve the Council of its primary responsibility for the maintenance of international peace and security.³⁸

Case 3

³³ [S/PV.6849](#), pp. 6-7.

³⁴ *Ibid.*, p. 19 (Russian Federation); and p. 25 (Guatemala); [S/PV.6849 \(Resumption 1\)](#), p. 7 (Australia); pp. 22 (Tunisia); and p. 24 (Spain).

³⁵ [S/PV.6849](#), p. 12.

³⁶ [S/PV.6849 \(Resumption 1\)](#), p. 30.

³⁷ [S/PV.6849](#), p. 16.

³⁸ *Ibid.*, p. 29.

Threats to international peace and security

At the 6760th meeting on 25 April 2012 in connection with threats to international peace and security, the representative of Pakistan noted that the Charter created a clear division of work among the organs of the United Nations, with the functions and powers of the Security Council “confined strictly to Article 24”. In his view, that required the Council to fully observe all Charter provisions as well as all General Assembly resolutions that clarified the relationship of the Council with the General Assembly and all other principal organs.³⁹ This position was echoed by the representative of the Islamic Republic of Iran.⁴⁰

In relation to cross-border trafficking, the representative of Pakistan added that only a sovereign State could decide how to secure its borders and ensure that movement of goods and people across its borders did not pose a threat to it or to other States. According to him, border security should become a concern of the Council only in those specific situations that posed a threat to international peace and security.⁴¹ That view was shared by the representatives of China and Brazil.⁴² The representative of South Africa suggested that the Council could take up relevant issues of cross-border trafficking that fell within its mandate.⁴³

The representative of Cuba opined that securing borders against illicit flows was beyond the functions and powers of the Council under Article 24, given that all or most Member States were participating in counter-trafficking efforts of the General Assembly and other United Nations organs and agencies.⁴⁴ However, the representative of the United Kingdom argued that the Council’s work in the maintenance of international peace and security included the need to address illicit flows across borders, through country-specific measures such as sanctions and wider thematic measures to address global threats such as terrorism or weapons of mass destruction.⁴⁵

³⁹ [S/PV.6760](#), p. 17.

⁴⁰ [S/PV.6760 \(Resumption 1\)](#), p. 2.

⁴¹ [S/PV.6760](#), p. 17.

⁴² *Ibid.*, p. 11 (China); and p. 22 (Brazil).

⁴³ *Ibid.*, pp. 15-16.

⁴⁴ *Ibid.*, pp. 28-29.

⁴⁵ *Ibid.*, p. 16.

Case 4

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

At the 6870th and 7052nd meetings, held on 26 November 2012 and 29 October 2013 respectively, on the Council's working methods, a number of speakers emphasized the need to improve the effectiveness, efficiency or transparency in the Council's functioning to better enable it to discharge its primary responsibility.⁴⁶ The representative of Egypt stressed that the Council's working methods were the collective responsibility of the general membership, given that Article 24 provided that the Council acted on behalf the entire membership of the United Nations.⁴⁷ Similarly, the representative of Costa Rica stated that Article 24 should function as a "two-way street", whereby Member States must recognize that the Council acted on their behalf, and the Council, particularly its five permanent members, must also demonstrate that it acted on behalf of the Member States.⁴⁸ The representative of the Russian Federation, however, cautioned that no innovation to improve the transparency of the work of the Security Council should harm its effectiveness, decrease its efficiency or interfere with the "frank, substantive discussions" of Council members.⁴⁹

The representatives of Pakistan and India suggested that, in order to improve its efficiency and effectiveness, the Council ought to focus on issues concerning its primary responsibility for international peace and security and refrain from encroaching on the mandates of other bodies.⁵⁰ In the same vein, the representative of the Islamic Republic of Iran opined that Article 24 did not necessarily permit the Council to address issues within the functions and powers of the General Assembly and the Economic and Social Council.⁵¹

The representative of Egypt was of the view that discussions in the Council on situations that did not constitute a threat to international peace and security were contrary to Article 24.⁵² The representative of Luxembourg, however, lauded initiatives in recent years to

⁴⁶ [S/PV.6870](#), p. 4 (Colombia); p. 5 (Russian Federation); p. 9 (China); p. 13 (Morocco); and p. 19 (United States); [S/PV.7052](#), p. 4 (Luxembourg); p. 4 (United States); p. 22 (India); p. 29 (Estonia) and p. 32 (Slovenia); [S/PV.7052 \(Resumption 1\)](#), p. 20 (Maldives).

⁴⁷ *Ibid.*, pp. 27-28.

⁴⁸ [S/PV.7052 \(Resumption 1\)](#), p. 6.

⁴⁹ [S/PV.6870](#), p. 5; [S/PV.7052](#), p. 13.

⁵⁰ [S/PV.6870](#), p. 12 (Pakistan); and p. 21 (India); [S/PV.7052](#), p. 23 (India).

⁵¹ [S/PV.6870](#), p. 31.

⁵² [S/PV.6870](#), p. 29; [S/PV.7052](#), p. 28.

better prepare the Council to anticipate threats to international peace and security, including the practice of the United Nations Department of Political Affairs of bringing relevant issues to the Council's attention.⁵³ The representative of Brazil called for the Council to increase its efforts in preventive diplomacy as part of exercising its primary responsibility.⁵⁴

Case 5

Women and peace and security

At the 6984th meeting held on 24 June 2013 on women, peace and security, the Special Envoy of the United Nations High Commissioner for Refugees said that addressing sexual violence in war zones was the duty of governments and countries. In her opinion, in the absence of governments able to take on that responsibility, the Council had to “step in and provide leadership and assistance” pursuant to its primary responsibility for the maintenance of international peace and security.⁵⁵

The representative of China, while recognizing that the Council had an active role to play in fighting sexual violence in armed conflict,⁵⁶ argued against its encroachment on the responsibilities of the Human Rights Council and the Commission on the Status of Women in that regard. For that reason, he called on the Council to implement its primary responsibility for the maintenance of international peace and security by focusing its efforts on conflict prevention, peacekeeping and post-conflict reconstruction.⁵⁷

⁵³ [S/PV.6870](#), p. 26.

⁵⁴ [S/PV.7052](#), p. 24.

⁵⁵ [S/PV.6984](#), p. 6.

⁵⁶ *Ibid.*, p. 21.

⁵⁷ *Ibid.*

II. The 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

This section covers the practice of the Security Council in 2012 and 2013 in relation to Article 25. There was one explicit reference to Article 25 in a resolution (see subsection A), but there were no implicit references to this provision in decisions. Article 25 was explicitly referred to on five occasions during meetings of the Council (see subsection B).

In addition, Article 25 was referred to explicitly in attachments to three Notes by the President of the Security Council, circulating periodic reports by the Director General of the International Atomic Energy Agency concerning the application of non-proliferation safeguards in the Islamic Republic of Iran pursuant to resolution [1929 \(2010\)](#). Paragraph 3 of each report recalled that all Member States had agreed to accept and carry out the decisions of the Security Council, citing Article 25 of the Charter.⁵⁸

A. Decisions referring to Article 25

Article 25 was explicitly referred to in one decision of the Council during the period under review. In resolution [2118 \(2013\)](#) on the situation in the Middle East, 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”.⁵⁹ The resolution was

⁵⁸ [S/2012/114](#), [S/2012/364](#) and [S/2012/677](#).

⁵⁹ Resolution [2118 \(2013\)](#), fourteenth preambular paragraph.

adopted in connection with the use of chemical weapons in an attack in the Syrian Arab Republic on 21 August 2013. The Council condemned the attack and required the Syrian Arab Republic to, inter alia, comply with “all aspects” of the decision of the Organization for the Prevention of Chemical Weapons, attached as an annex to the resolution, concerning the destruction of the chemical weapons program of the Syrian Arab Republic.⁶⁰

B. Discussions relating to Article 25

In 2012 and 2013 Article 25 was explicitly referred to in five meetings of the Council,⁶¹ as well as implicitly repeatedly in Council discussions in which speakers recalled the binding nature of Security Council decisions or emphasized the obligation of Member States to abide by them.

The case studies below examine the most salient constitutional discussions relating to the interpretation or application of Article 25 in connection with women and peace and security (case 6); the International Criminal Court (case 7); the situation in the Middle East (case 8); and the working methods of the Security Council (case 9).

Case 6

Women and Peace and Security

At the 6722nd meeting of the Council held on 23 February 2012 on women, peace and security, the representative of Pakistan criticized the inclusion of situations outside of armed conflict or threats to international peace and security in a report of the Secretary-General on conflict-related sexual violence,⁶² noting that those situations went beyond the mandate of the Council and ran counter to relevant Council resolutions. He expressed concern that some Council members, while arguing for a binding nature of Council resolutions, condoned

⁶⁰ *Ibid.*, paras. 2 and 6.

⁶¹ [S/PV.6760](#), p. 17 (Pakistan); [S/PV.6849 \(Resumption 1\)](#), p. 2 (Liechtenstein); [S/PV.6870](#), p. 26 (Japan); [S/PV.7038](#), p. 13 (Argentina); and [S.PV/7052 \(Resumption 1\)](#), p. 18 (Japan).

⁶² [S/2012/33](#).

deviations from mandates authorized by those very resolutions.⁶³ At the same meeting, the representative of the United Kingdom emphasized that Council resolutions were binding on all Member States, whether or not they were present on the Council.⁶⁴ At the 6877th meeting held on 30 November 2012, the representative of Sweden, speaking on behalf of the Nordic countries, expressed concern about the lack of implementation of Council resolutions on women and peace and security, which he stated were “binding and relevant” to all Member States.⁶⁵

Case 7

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

At the 6849th meeting, held on 17 October 2012 on the role of the International Criminal Court, the representative of Liechtenstein referred to Article 25 in the context of enforcing cooperation by a Member State whose situation had been referred to the Court pursuant to Chapter VII of the Charter of the United Nations. According to him, a lack of cooperation by a referred State with the Court was a violation of the obligation of that State under Article 25. In those circumstances, he urged the Council to provide backing to the Court by taking steps to enforce cooperation by the Member State concerned.⁶⁶

Case 8

The situation in the Middle East

At the 7038th meeting, held on 27 September 2013 on the situation in the Middle East, the representative of Argentina highlighted that the Council’s decisions were binding on all Member States pursuant to Article 25. He made this remark in the context of resolution [2118 \(2013\)](#) concerning the use of chemical weapons in Syria (see subsection A). While trusting

⁶³ [S/PV.6722](#), p. 22.

⁶⁴ [S/PV.6722](#), p. 17.

⁶⁵ [S/PV.6877](#), p. 50.

⁶⁶ [S/PV.6849 \(Resumption 1\)](#), p. 2. Liechtenstein also spoke on behalf of the representatives of Jordan and Costa Rica, the two other former Presidents of the Assembly of States Parties to the Rome Statute.

that the various actors in the Syrian conflict would cooperate to effectively implement the resolution, he pointed out that, in the case of non-compliance, it was within the exclusive power of the Council to take measures that it deemed appropriate under Chapter VII of the Charter.⁶⁷ Several other speakers also emphasized that the obligations imposed by resolution [2118 \(2013\)](#) on the Syrian Arab Republic, namely, to secure and destroy its chemical weapons through unconditional cooperation with the Organization for the Prevention of Chemical Weapons, were “legally binding”.⁶⁸ The representative of France stressed his country’s determination to implement the resolution along with other Council members, including through imposing measures under Chapter VII, if necessary.⁶⁹

Case 9

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

At the 7052nd meeting on 29 October 2013 concerning working methods and implementation of a note by the President of the Security Council ([S/2010/507](#)), the representative of Japan recognized that Member States had agreed to accept Council decisions as binding under Article 25, but that this was not necessarily a reflection on the legitimacy of those decisions.⁷⁰ He called for enhancing the legitimacy of Council decisions through improving the working methods of the Council and the reform of the Council itself.⁷¹ In the same line, the representative of Switzerland observed that the Council acted on behalf of all Member States and that all Member States agreed to accept and carry out those decisions. Therefore, all Member States had a fundamental interest in the Council’s decisions

⁶⁷ [S/PV.7038](#), p. 13.

⁶⁸ *Ibid.*, p. 5 (United States); p. 6 (United Kingdom); p. 6 (Luxembourg); p. 8 (Azerbaijan); p. 9 (Republic of Korea); and p. 15 (Australia).

⁶⁹ *Ibid.*, p. 8. At the 6841st meeting on 26 September 2012 under the same agenda item, the Secretary-General of the League of Arab States had called for binding resolutions of the Council to be “implemented in a binding manner”, in the context of the situation in Syria, [S/PV.6841](#), p. 5.

⁷⁰ [S/PV.7052 \(Resumption 1\)](#), p. 18. The representative of Japan made a similar remark at the 6870th meeting, held under the same agenda item on 26 November 2012, [S/PV.6870](#), p. 26. Also at that meeting, the representative of Singapore criticized the observation that Member States were expected to comply with Council decisions but had no way of influencing those decisions, [S/PV.6870](#), p. 27.

⁷¹ [S/PV.7052 \(Resumption 1\)](#), p. 18.

and the process leading to them.⁷² The representative of Saudi Arabia emphasized the need for all States to abide by Council resolutions “equally and without selectivity”.⁷³

⁷² [S/PV.7052](#), p. 19. Switzerland spoke on behalf of the 22 member Accountability, Coherence and Transparency (ACT) Group.

⁷³ [S/PV.7052](#), p. 25.

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

Article 26

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

Note

This section covers the practice of the Security Council concerning its responsibility for formulating plans for the establishment of a system for a regulation of armaments, pursuant to Article 26 of the Charter.

During the period under review, the Security Council did not adopt any decision explicitly invoking Article 26. However, Article 26 was mentioned explicitly during one Council meeting during this period, as described in the following case study.

Case 10

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

At its 7015th meeting on 6 August 2013, regarding cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, the representative of Costa Rica recommended that cooperation for peace and security between the Security Council and regional bodies should not be limited to Articles 52 and 54 of the Charter,⁷⁴ but should also extend to Article 26, which he described as

⁷⁴ See part VIII for a discussion of Articles 52 and 54 of the Charter.

“equally important”.⁷⁵ Quoting from Article 26, he noted that this provision gave the Council the mandate to develop plans for the regulation of armaments, “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”.⁷⁶ He stressed a need for the Council to give “real expression” to Article 26 by channelling its cooperation with regional organizations more towards arms control, the regulation of military spending and the prevention of an arms race, which he characterized as “obvious obstacles to peace and development”.⁷⁷

⁷⁵ [S/PV.7015 \(Resumption 1\)](#), p. 34.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*