

ARTICLE 39

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TEXT OF ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measure shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

INTRODUCTORY NOTE

1. No material requiring treatment in the Analytical Summary of Practice has been found for the period under review.
2. The General Survey contains material relating to an instance in which a communication submitting a question for consideration by the Council included an allegation of "acts of aggression".
3. In a number of decisions taken by the Security Council in connexion with the Palestine question, while reference was not made expressly to Article 39, earlier resolutions containing direct or indirect reference to Article 39 were mentioned. In addition to these decisions, the General Survey contains information concerning an instance in which proposals involving Article 39 were submitted in the Council in connexion with the Palestine question.
4. Incidental references to Article 39 were also made during the debates in the Sixth Committee at the ninth session of the General Assembly, in connexion with the agenda item "Question of defining aggression: report of the Special Committee on the Question of Defining Aggression". ^{1/}

^{1/} G A (IX), Suppl. No. 11, A/2638. For texts of relevant statements, see G A (IX), 6th Com., 403rd mtg., USSR, para. 17; 405th mtg.: El Salvador, para. 49; France, paras. 16, 17, 23 and 24; Iran, paras. 7-10; 408th mtg.: Mexico, paras. 27 and 30; Uruguay, para. 5; Yugoslavia, paras. 14 and 16; 409th mtg., Greece, para. 18; 410th mtg.: Belgium, para. 14; Netherlands, paras. 29 and 40; 411th mtg., Byelorussian SSR, para. 16; 412th mtg., Israel, para. 30; 413th mtg., Canada, para. 35; 414th mtg.: Ecuador, paras. 14-17; Egypt, para. 7; New Zealand, para. 28; USSR, para. 36; 415th mtg., Mexico, para. 39; 416th mtg., Cuba, paras. 12-13; 417th mtg., Netherlands, paras. 11 and 12.

I. GENERAL SURVEY

5. In the period covered by this Supplement, there was only one case in the submission of which reference to the provisions of Article 39 was made when the attention of the Council was initially drawn to the question. This case concerns "the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China". 2/
6. The Council in the course of its consideration of the Palestine question adopted a number of resolutions 3/ which either reaffirmed or recalled or directed the attention of the Governments concerned to its resolutions of 15 July 1948 or of 11 August 1949, either directly, or by recalling resolutions mentioning these two decisions.
7. In connexion with the Palestine question and a complaint by Syria against Israel concerning incidents in the area east of Lake Tiberias, a draft resolution and two sets of amendments 4/ thereto which contained references to Article 39 were submitted to the Council. These proposals were not voted upon; instead, the fifth operative paragraph of the resolution adopted by the Council at its 715th meeting on 19 January 1956, 5/ called upon the Government of Israel to comply with its obligations in the future, in default of which the Council would have to consider "what further measures under the Charter are required to maintain or restore the peace". 6/

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- 2/ (a) Letter dated 30 January 1955 and draft resolution, annexed to it, submitted by the representative of the Union of Soviet Socialist Republics (S C, 10th yr., Suppl. for Jan., Feb. and March 1955, p. 27, S/3355).
 (b) Another item concerning "the question of hostilities in the area of certain islands off the coast of the mainland of China" was submitted concurrently by New Zealand (letter dated 28 January 1955, S C, 10th yr., Suppl. for Jan., Feb. and March 1955, p. 27, S/3354). This item was referred to as a situation, the continuance of which was likely to endanger the maintenance of international peace and security.
- The two items were included in the agenda. The Council decided to conclude consideration of the New Zealand item before it should take up the USSR item. At the 691st meeting on 14 February 1955, the Council adjourned for the time being its consideration of the New Zealand item. (S C, 10th yr., 691st mtg., paras. 124 and 125). A USSR motion requesting the Council to consider the next item on the agenda (i.e., the item submitted by the USSR) was rejected by 10 votes to 1 (S C, 10th yr., 691st mtg., para. 134).
- 3/ Resolutions of: 29 March 1955 (S C, 10th yr., 695th mtg., para. 114, S/3378); 19 January 1956 (S C, 11th yr., 715th mtg., provisional record, pp. 53 and 54, S/3538); 4 April 1956 (S C, 11th yr., 722nd mtg., provisional record, pp. 23-25, S/3575); 4 June 1956 (S C, 11th yr., 728th mtg., provisional record, p. 23, S/3605).
- 4/ Draft resolution submitted by Syria (S C, 10th yr., 709th mtg., provisional record, pp. 17-20, S/3519); amendments to the Syrian draft resolution submitted by the USSR (S C, 10th yr., 710th mtg., provisional record, p. 32, S/3528); amendments to the joint draft resolution, submitted by Iran (S C, 10th yr., 711th mtg., provisional record, pp. 15 and 16, S/3532).
- 5/ S C, 11th yr., Suppl. for Jan., Feb. and March 1956, p. 6, S/3538.
- 6/ In the proceedings, several statements were made regarding the quoted phrase, in the light of Article 39 and Chapter VII of the Charter. See, S C, 11th yr., 714th mtg., provisional record, Iran, p. 13; USSR, pp. 16, 17, 29 and 30; United Kingdom, pp. 27 and 28; 715th mtg., provisional record, France, p. 32; Iran, pp. 33 and 35; Syria, p. 59; USSR, p. 61; United Kingdom, p. 39.