

ARTICLE 41

CONTENTS

| Text of Article 41 | |
|--|-------------------|
| | <i>Paragraphs</i> |
| Introductory Note | 1-5 |
| I. General Survey | 6-13 |
| II. Analytical Summary of Practice | 14-29 |
| **A. The question whether the Security Council could take action under Article 41 without first making a determination under Article 39 | |
| B. The question of recourse to measures specifically under Article 41 to secure compliance with decisions of the Security Council | |
| 1. Decision of 29 May 1968 in connexion with the situation in Southern Rhodesia | |
| a. Précis of relevant proceedings | |
| b. Précis of relevant constitutional discussion | |
| 2. Decision of 24 June 1969 in connexion with the situation in Southern Rhodesia | |
| a. Précis of relevant proceedings | |
| b. Précis of relevant constitutional discussion | |
| C. The question of the mandatory character of measures adopted by the Security Council explicitly under Article 41 | |
| Decisions of 29 May 1968 and 24 June 1969 in connexion with the situation in Southern Rhodesia | |
| a. Précis of relevant proceedings | |
| b. Précis of relevant constitutional discussion | |
| **D. The question of circumstances under which measures provided for in Article 41 should be adopted by the Security Council | |

ARTICLE 41

TEXT OF ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

INTRODUCTORY NOTE

1. During the period under review the Security Council adopted two resolutions explicitly invoking Article 41.¹
2. One draft resolution, which also invoked Article 41 explicitly, was not put to the vote. Two other draft resolutions, which reaffirmed previous Council resolutions invoking Article 41 but referred only implicitly to the Article, were not adopted.²
3. The General Survey includes explicit references to Article 41 contained in letters from Member States to the Secretary-General as well as in statements made in the Security Council and in the General Assembly.
4. The Analytical Summary of Practice deals with the following questions: "The question of recourse to measures specifically under Article 41 to secure compliance with decisions of the Security Council" and "The question of the mandatory character of measures adopted by the Security Council explicitly under Article 41".
5. In view of the interrelationship between Article 41 and Articles 39 and 42, the reader should also consult the studies on those two Articles.

¹ One of these resolutions, resolution 232 (1966), adopted on 16 December 1966 in connexion with the situation in Southern Rhodesia, has already been treated in *Supplement No. 3*, vol. II, under Article 39, paras. 17-28, 112-117, and under Article 41, paras. 50-59. The reasons for treating this resolution in *Supplement No. 3* are in *ibid.* under Article 39, para. 4. Resolution 232 (1966) is, therefore, omitted from analysis in this volume.

² For consideration of the proceedings and relevant constitutional discussion connected with these draft resolutions, see paras. 16-22 and 23-30 below.

I. GENERAL SURVEY

6. During the period under review, Article 41 was explicitly invoked in two resolutions of the Security Council adopted in connexion with the situation in Southern Rhodesia. Resolution 232 (1966) invoked Article 39 together with Article 41.³ Resolution 253 (1968) reaffirmed previous resolutions, in particular resolution 232 (1966), and again invoked Article 41.⁴

7. Article 41, together with Article 39, was explicitly invoked in a draft resolution⁵ submitted to the Council, at its 1415th meeting on 23 April 1968, by the United Kingdom during the consideration of the situation in Southern Rhodesia. That draft resolution was not pressed to the vote.⁶

³ See footnote 1.

⁴ For consideration of the proceedings and relevant constitutional discussion connected with this resolution, see paras. 16-22 below.

⁵ S C, 23rd yr., Suppl. for April-June, pp. 133-136, S/8554.

⁶ For consideration of the proceedings and relevant constitutional discussion connected with this draft resolution, see paras. 16-22 below.

8. Two other draft resolutions, which were also submitted in connexion with the situation in Southern Rhodesia, contained implicit references to Article 41.⁷ One of these was not pressed to the vote; the other failed of adoption.⁸

9. Article 41 was explicitly referred to in a letter⁹ of 13 December 1966 from the Permanent Representative of the Ivory Coast addressed to the Secretary-General, transmitting a statement by the Minister of Foreign Affairs of the Ivory Coast on the situation in Southern Rhodesia. The statement contained the demand that, if the Security Council could not apply the provisions of Article 41 against Southern Rhodesia, it should call upon the United King-

S C, 23rd yr., Suppl. for April-June, pp. 120 and 121, S/8545 and S C, 24th yr., Suppl. for April-June, p. 338, S/9270/Rev. 1.

⁸ For consideration of the proceedings and relevant constitutional discussion connected with these draft resolutions, see paras. 16-22 and 23-26 below.

⁹ S C, 22nd yr., Suppl. for Jan.-March, pp. 46 and 47, S/7703.

dom to assume all its powers and responsibilities as administering Power in its rebel colony.

10. Explicit references to Article 41 were also made in the following letters from Member States addressed to the Secretary-General informing him of the implementation of Security Council resolution 232 (1966) on the situation in Southern Rhodesia: letter dated 30 January from Denmark,¹⁰ letter dated 20 February 1967 from Colombia,¹¹ letter dated 17 March 1967 from Burundi,¹² letter dated 18 July 1967 from Denmark,¹³ letter dated 24 April 1967 from Italy,¹⁴ and letter dated 18 August 1967 from Chile.¹⁵

11. In the Security Council explicit references to Article 41 were made *inter alia* during the consideration of the situation in Southern Rhodesia.¹⁶

12. In the General Assembly, Article 41 was explicitly referred to *inter alia* during the consideration of the following questions: the question of peace-keeping operations,¹⁷ the question of South West Africa,¹⁸ the question

¹⁰ S C, 22nd yr., Suppl. for Jan.-March, S/7781 and Add. 1 & 2, pp. 88 and 89.

¹¹ *Ibid.*, p. 167.

¹² *Ibid.*, Suppl. for July-Sept., pp. 1-22, S/7781 Add. 3, p. 4.

¹³ *Ibid.*, p. 7.

¹⁴ *Ibid.*, pp. 10-11.

¹⁵ *Ibid.*, pp. 211-212, S/8126.

¹⁶ S C, 23rd yr., 1399th mtg.: Algeria, para. 30; 1408th mtg.: Brazil, para. 56; 1428th mtg.: Pakistan, para. 74; S C, 24th yr., 1475th mtg.: Zambia, paras. 33, 35; Pakistan, para. 116; 1476th mtg.: Nepal, para. 20; USSR, para. 49; 1477th mtg.: Tanzania, para. 48; Somalia, para. 87; 1478th mtg.: India, para. 17; Sudan, para. 32; 1479th mtg.: Algeria, para. 15.

¹⁷ G A (XXI), Spec. Pol. Com., 522nd mtg.: France, paras. 15 and 16; 543rd mtg.: Jamaica, para. 27; G A (XXII), Spec. Pol. Com., 573rd mtg.: France, para. 34.

¹⁸ G A (XXI), Plen., 1427th mtg.: Brazil, para. 133; G A (S-V), Plen.,

of the policies of *apartheid* of the Government of the Republic of South Africa¹⁹ and the Palestine question.²⁰

13. The General Assembly also adopted two resolutions in which Article 41 was explicitly referred to:

(i) Under its resolution 2383 (XXIII), the General Assembly *inter alia* drew the attention of the Security Council to "the urgent necessity of applying the following measures envisaged under Chapter VII of the Charter of the United Nations:

"(a) The scope of the sanctions should be widened further to include all the measures laid down in Article 41 of the Charter with respect to the illegal racist régime in Southern Rhodesia."²¹

(ii) Under its resolution 2508 (XXIV), the General Assembly once again drew the attention of the Security Council to "the urgent necessity of applying the following measures envisaged under Chapter VII of the Charter:

"(a) The scope of the sanctions against the illegal racist minority régime should be widened to include all the measures laid down in Article 41 of the Charter."²²

No constitutional discussion, however, took place during the consideration of these resolutions.

.v.

1510th mtg.: Nepal, para. 193; G A (XXII), Plen., 1651st mtg.: Upper Volta, para. 79; 1661st mtg.: Mongolia, para. 93; 1664th mtg.: Malawi, para. 14; 1671st mtg.: Ireland, para. 29.

¹⁹ G A (XXI), Spec. Pol. Com., 534th mtg.: Philippines, para. 12; Pakistan, para. 21; G A (XXIII), Spec. Pol. Com., 615th mtg.: Netherlands, para. 45.

²⁰ G A (XXII), Spec. Pol. Com., 589th mtg.: Libya, paras. 9, 10.

²¹ G A resolution 2383 (XXIII), para. 9(a).

²² G A resolution 2508 (XXIV), para. 14(a).

II. ANALYTICAL SUMMARY OF PRACTICE

**A. The question whether the Security Council could take action under Article 41 without first making a determination under Article 39

B. The question of recourse to measures specifically under Article 41 to secure compliance with decisions of the Security Council

14. During the period under review the question of the scope and the modalities of the application of economic sanctions under Article 41 arose on two occasions in connexion with the consideration of the situation in Southern Rhodesia. On the first occasion it was maintained that the selective sanctions against Southern Rhodesia previously adopted by the Security Council must extend to total and comprehensive sanctions resulting in Southern Rhodesia's complete economic isolation.

15. On the second occasion, it was maintained on the one hand that, since the economic sanctions against Southern Rhodesia previously adopted by the Council had not achieved the desired ends, the Council should adopt comprehensive sanctions, mandatory for all States, severing all relations with Southern Rhodesia and extending the economic sanctions to South Africa and to the Portuguese colony of Mozambique. It was contended, on the other hand, that the situation did not justify a full campaign of sanctions which would have to be backed by a naval blockade of all of southern Africa.

1. DECISION OF 29 MAY 1968 IN CONNEXION WITH THE SITUATION IN SOUTHERN RHODESIA

a. *Précis of relevant proceedings*

16. By a letter²³ dated 12 March 1968 addressed to the President of the Security Council, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, and Zambia stated that selective mandatory sanctions adopted by the Security Council in its resolution 232 (1966) of 16 December 1966 had failed. It was incumbent upon the Council to examine the continuing grave situation in Southern Rhodesia (Zimbabwe) which still constituted a threat to international peace and security and to envisage the necessary measures and action under Chapter VII of the Charter with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

²³ S C, 23rd yr., Suppl. for Jan.-March, pp. 258 and 259, S/8454.

17. At the 1413th meeting on 18 April 1968, the representatives of Algeria, Ethiopia, India, Pakistan and Senegal submitted a joint draft resolution,²⁴ which provided *inter alia*:

"The Security Council,

" . . .

"Acting under Chapter VII of the Charter of the United Nations, [11th preamb. para.]

" . . .

"2. Calls upon all States to sever immediately all economic and other relations with the illegal racist minority régime in Southern Rhodesia".

18. At the 1415th meeting on 23 April 1968, the representative of the United Kingdom submitted a draft resolution²⁵ whereby:

"The Security Council,

" . . .

"Acting in accordance with Articles 39 and 41 of the United Nations Charter, [6th preamb. para.]

"1. Decides that States Members of the United Nations shall prevent:

"(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

"(b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

"(c) The shipment in vessels or aircraft of their registration or under charter to their nationals or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

"(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories but not including medical supplies, educational equipment, documents, books, periodicals, newspapers, cinematograph films containing only news or other informative or educational matter, television films containing only such matter, other material for cinematograph, television or radio purposes containing only such matter or, in special humanitarian circumstances, foodstuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or

operated from Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

"(e) The shipment in vessels or aircraft of their registration or under charter to their nationals or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

"2. Decides that States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia except payments exclusively for pensions or other humanitarian, educational or information purposes;

"3. Decides that States Members of the United Nations shall:

"(a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia;

"(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged or to be likely to further or encourage the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measures decided upon in this resolution or in resolution 232 (1966) of 16 December 1966;

"4. Decides that States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

"5. Calls upon States Members of the United Nations to take all practicable measures to discourage their nationals from emigrating to Southern Rhodesia;

"6. Decides that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 1, 2, 3, 4 and 5 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution save that landlocked States of southern Africa shall be obliged to carry out those decisions only in so far as their position permits"

19. At the 1428th meeting on 29 May 1968, the President (United States) said that a new draft resolution,²⁶ which had been arrived at in extensive consultations, had been submitted and circulated.²⁷

²⁴ S C, 23rd yr., Suppl. for April-June, pp. 120 and 121, S/8545; S C, 23rd yr., 1413th mtg., paras. 9-19.

²⁵ *Ibid.*, pp. 133-136, S/8554; S C, 23rd yr., 1415th mtg., paras. 11-17.

²⁶ S/8601. Same text as S C resolution 253 (1968).

²⁷ S C, 23rd yr., 1428th mtg., para. 8.

20. At the same meeting, the President stated that the sponsors of draft resolutions S/8545 and S/8554 did not intend to press for a vote on their draft resolutions.²⁸

Decision

At the 1428th meeting on 29 May 1968, draft resolution S/8601 was adopted²⁹ unanimously as resolution 253 (1968). It provided *inter alia*:

"The Security Council,

"Recalling and reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, and 232 (1966) of 16 December 1966,

" . . .

"Reaffirming its determination that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

"Acting under Chapter VII of the Charter of the United Nations,

" . . .

"2. Calls upon the United Kingdom as the administering Power in the discharge of its responsibility to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);

"3. Decides that, in furtherance of the objective of ending the rebellion, all States Members of the United Nations shall prevent:

"(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

"(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealing by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

"(c) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

"(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and

other educational institutions, publications, news material and, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

"(e) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia, or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

"4. Decides that all States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia, except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and, in special humanitarian circumstances, food-stuffs;

"5. Decides that all States Members of the United Nations shall:

"(a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia;

"(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232 (1966) of 16 December 1966;

"6. Decides that all States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

"7. Decides that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 3, 4, 5 and 6 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution;

"8. Calls upon all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encourag-

²⁸ *Ibid.*, para. 37.

²⁹ *Ibid.*, para. 42.

ing emigration to Southern Rhodesia, with a view to stopping such emigration;

“9. *Requests* all States Members of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

“10. *Emphasizes* the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of operative paragraph 6 of resolution 217 (1965);

“11. *Calls upon* all States Members of the United Nations to carry out these decisions of the Security Council in accordance with Article 25 of the Charter of the United Nations and reminds them that failure or refusal by any one of them to do so would constitute a violation of that Article”.

b. *Précis of relevant constitutional discussion*

21. During the discussion³⁰ several representatives contended that the problem of sanctions as provided for in resolution 232 (1966) must be reconsidered, if they were to become effective. They proposed to impose total sanctions, including all the measures provided for in Article 41 of the Charter, namely, the interruption of rail, sea, air, postal, telegraphic, radio and other means of communication, to seal the frontiers of Southern Rhodesia completely and to compel South Africa and Portugal to comply with the implementation of the sanctions to be adopted.

22. Other representatives raised objections against the adoption of comprehensive mandatory sanctions and suggested that the Council should try to implement to their full extent the selective measures under resolution 232 (1966) and, if necessary, to expand the range of these effective and practicable measures.

2. DECISION OF 24 JUNE 1969 IN CONNEXION WITH THE SITUATION IN SOUTHERN RHODESIA

a. *Précis of relevant proceedings*

23. By letter³¹ dated 6 June 1969 addressed to the President of the Security Council, the representatives of Afghanistan, Algeria, Botswana, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan,

³⁰ For the texts of the statements referred to in paras. 21 and 22, see S C, 23rd yr., 1399th mtg.: Algeria, paras. 16, 19 and 25-30; Ethiopia, paras. 92 and 93 and 106-111; United Kingdom, paras. 63-66; 1400th mtg.: Canada, paras. 23 and 24, 28 and 29; India, paras. 15-18, Jamaica, paras. 51-53; USSR, paras. 108-110; 1408th mtg.: Brazil, paras. 56 and 57; China, paras. 74, 75, 77 and 78; Pakistan, paras. 66-68; Senegal (President), paras. 90 and 91. 95.

³¹ S C, 24th yr., Suppl. for April-June, p. 187, S/923/ and Add. 1 and 2.

³² S C, 23rd yr., Suppl. for Oct.-Dec., pp. 181-295, S/8954, and S C, 24th yr., Suppl. for April-June, pp. 195-329, S/9252 and Add. 1. In its first report (S/8954) the Committee stated, among other things, that in

Swaziland, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia requested an urgent meeting of the Council and stated that, because of the lack of co-operation on the part of several Member States, notably South Africa and Portugal, the comprehensive mandatory sanctions imposed by resolution 253 (1968) had failed to bring about the desired result. The illegal régime in Southern Rhodesia had grown stronger and was contemplating to formalize the system of *apartheid* in the Territory. The rapid deterioration in the situation and the refusal of the United Kingdom to act in an appropriate manner—namely, to resort to the use of force—had created a serious situation which constituted an increased threat to international peace and security. The Council had to take more energetic measures within the framework of Chapter VII of the Charter so that the people of Southern Rhodesia (Zimbabwe) could exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

24. At the 1475th meeting on 13 June 1969, the Council included two reports³² of the Committee established in pursuance of Security Council resolution 253 (1968) together with the letter cited in the agenda and considered the question at its 1475th to 1481st meetings between 13 and 24 June 1969.

25. At the 1479th meeting on 19 June 1969, the representative of Algeria submitted a draft resolution,³³ jointly sponsored by Algeria, Nepal, Pakistan, Senegal and Zambia, which would provide *inter alia*:

“*The Security Council,*

“*Recalling and reaffirming* its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968,

“*Reaffirming* in particular its resolution 232 (1966) in which it determined that the situation in Southern Rhodesia constitutes a threat to international peace and security,

“ . . .

“*Noting* that the Governments of the Republic of South Africa and Portugal, in particular, in contravention of their obligation under Article 25 of the Charter of the United Nations, have not only carried on trade with the illegal racist minority régime of Southern Rhodesia contrary to the terms of Security Council resolutions 232 (1966) and 253 (1968) but have, in fact, given active assistance to that régime, enabling it to counter the effects of measures decided upon by the Security Council,

“ . . .

“*Acting* under Chapter VII of the Charter of the United Nations,

contravention of resolution 232 (1966) there were some countries, besides South Africa and Portugal, which had continued to trade with Southern Rhodesia. In its second report (S/9252 and Add. 1) the Committee stated that, as a result of the refusal of South Africa and Portugal to take measures in accordance with the Council's decisions and the failure of some other States to implement fully the provisions of resolution 253 (1968), it was compelled to observe that the sanctions established by that resolution against the illegal régime in Southern Rhodesia had not yet brought about the desired results. The Committee therefore felt that consideration should be given to more effective measures to ensure full implementation of Security Council resolution 253 (1968)

³³ S C, 24th yr., Suppl. for April-June, p. 338, S/9270/Rev. 1.

"2. Urges the United Kingdom, as the administering Power, to take urgently all necessary measures, including the use of force, to bring an end to the rebellion in Southern Rhodesia and enable the people of Zimbabwe (Southern Rhodesia) to exercise their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

"3. Decides that all States shall sever immediately all economic and other relations with the illegal racist minority régime in Southern Rhodesia, including railway, maritime, air transport, postal, telephonic and wireless communications and other means of communication;

"4. Censures the assistance given by the Governments of Portugal and South Africa to the illegal racist minority régime in defiance of resolutions of the Security Council;

"5. Decides that Member States and members of the specialized agencies shall carry out the measures dealing with imports and exports envisaged in Security Council resolution 253 (1968) and in the present resolution against the Republic of South Africa and the Portuguese colony of Mozambique;

"6. Calls upon all Member States and Members of the specialized agencies to carry out the decisions of the Security Council in accordance with their obligations under the Charter of the United Nations".

Decision

At the 1481st meeting on 24 June 1969, the five-Power draft resolution was put to the vote and not adopted, receiving 8 votes in favour, none against and 7 abstentions.³⁴

b. *Précis of relevant constitutional discussion*

26. During the discussion³⁵ a number of representatives strongly deplored the ineffectiveness of the economic sanctions imposed by resolution 253 (1968) and the progressive deterioration of the situation in Southern Rhodesia, criticized the failure of certain Member States to implement fully the relevant decisions of the Security Council and called for more determined effective measures, including the application of the provisions of Chapter VII of the Charter, in particular Articles 41 and 42, and the use of force by the administering Power. Measures were also

called for against South Africa and Portugal because of their continued defiance of the decisions of the Security Council.

27. Other representatives did not agree that a situation existed which could justify a campaign of full sanctions against Portugal and South Africa. The Security Council should concentrate on ensuring full implementation of its resolution 253 (1968) rather than on far-reaching new proposals that were bound to divide the Council and would therefore remain without effect. The sanctions against Southern Rhodesia should be, if possible, intensified.

C. The question of the mandatory character of measures adopted by the Security Council explicitly under Article 41

28. The question of the mandatory character of measures adopted by the Council explicitly under Article 41 or under the provisions of Chapter VII arose in connexion with the situation in Southern Rhodesia. A group of representatives maintained that these measures were mandatory for all States, whereas another one held that the Council had adopted selective measures the implementation of which was voluntary.

DECISIONS OF 29 MAY 1968 AND 24 JUNE 1969 IN CONNEXION WITH THE SITUATION IN SOUTHERN RHODESIA

a. *Précis of relevant proceedings*³⁶

b. *Précis of relevant constitutional discussion*

29. During the discussion some representatives pointed out that the failure of some Member States to carry out the measures under Council resolution 232 (1966) and 253 (1968) should result in the imposition of sanctions against them, because they were defying mandatory decisions of the Council. Others argued that, although the Council had acted under Article 41 and the provisions of Chapter VII of the Charter, the measures were mandatory only if the Council so decided.³⁷

**D. The question of circumstances under which measures provided for in Article 41 should be adopted by the Security Council

³⁶ For relevant proceedings see above, paras. 16-20, 23-25.

³⁷ For texts of relevant statements, see S C, 23rd yr., 1399th mtg.: Ethiopia, paras. 95, 106 and 110; 1400th mtg.: India, para. 17; 1408th mtg.: Brazil, para. 56; Pakistan, para. 66; 1413th mtg.: Ethiopia, paras. 13 and 14; 1415th mtg.: United Kingdom, paras. 12, 16 and 17; 1428th mtg.: India, para. 111; Pakistan, paras. 72-74; United States, para. 182; S C, 24th yr., 1475th mtg.: Pakistan, para. 116; Zambia, para. 33; 1476th mtg.: USSR, para. 49; 1477th mtg.: United Republic of Tanzania, para. 48; 1479th mtg.: Algeria, paras. 15 and 16; United Kingdom, para. 35.

³⁴ S C, 24th yr., 1481st mtg., para. 78.

³⁵ For the texts of the statements referred to in paras. 26 and 27, see S C, 24th yr., 1475th mtg.: Pakistan, paras. 93, 114 and 116; Zambia, paras. 33-35; 1476th mtg.: Finland, paras. 57 and 58; USSR, paras. 48 and 49; 1477th mtg.: Somalia, paras. 87 and 88; United Republic of Tanzania, paras. 48 and 49; 1478th mtg.: India, paras. 17 and 18; 1479th mtg.: Algeria, paras. 13-17; United Kingdom, paras. 34-40.