

## ARTICLE 50

### TEXT OF ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### NOTE

1. No resolutions were adopted by the Security Council during the period under review which made an explicit reference to Article 50.

2. A resolution adopted by the Security Council contained, however, a provision which might be considered as having a direct bearing on Article 50. In the course of the consideration of the question concerning the situation in Southern Rhodesia, the Security Council had before it a draft resolution,<sup>1</sup> submitted by the President at its 1428th meeting on 29 May 1968, of which paragraph 15 would provide that the Security Council:

“Requests States Members of the United Nations, the United Nations Organization, the specialized agencies, and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping it solve such special economic problems as it may be confronted with arising from the carrying out of these decisions of the Security Council.”<sup>2</sup>

The USSR submitted an amendment<sup>3</sup> to the draft resolution which would replace paragraph 15 above with the following:

“Decides that the material losses that may be inflicted on Zambia in connexion with the implementation of this decision of the Security Council shall be compensated by those States which, having failed to take the necessary measures to put an end to the illegal racist régime in Southern Rhodesia and, in particular, the measures provided for in the above mentioned resolutions of the Security Council and of the General Assembly, bear political responsibility for the continued existence of this régime in Southern Rhodesia.”<sup>4</sup>

After rejecting the amendment, the Council adopted paragraph 15, on a separate vote, and the draft resolution as a

whole as its resolution 253 (1968).<sup>5</sup> However, no constitutional discussion preceded the adoption of this resolution.

3. Incidental references to Article 50 were made in the General Assembly in the course of consideration of the following items: “Question of South West Africa”,<sup>6</sup> “Comprehensive review of the whole question of peace-keeping operations in all their aspects”,<sup>7</sup> and “The policies of *apartheid* of the Government of the Republic of South Africa”.<sup>8</sup>

4. Explicit<sup>9</sup> or implicit<sup>10</sup> references to Article 50 were (1965), 217 (1965), 221 (1966), 232 (1966) and General Assembly resolution 2262 (XXII), which draft resolution S/8601 recalled and reaffirmed in its first and second preambular paragraphs.

<sup>5</sup> S C, 23rd yr., 1428th mtg., paras. 39, 42.

<sup>6</sup> G A (XXI), Plen., 1427th mtg., Brazil, para. 133.

<sup>7</sup> G A (S-V), Plen., 1521st mtg., Pakistan, para. 47.

<sup>8</sup> G A (XXIV), Spec. Pol. Com., 653rd mtg., United Arab Republic, para. 47.

<sup>9</sup> Letter dated 3 February 1967 from Portugal (S/7735/Rev.1, incorporated in S C, 22nd yr., Suppl. for Jan.-March, pp. 113-116, S/7781, annex II) stated, as did the three other letters from Portugal listed below, that, as a result of the carrying out of a number of measures envisaged in Security Council resolutions, the economy of “the Portuguese province of Mozambique” was suffering severe financial and economic losses, and requested “in terms of, and for the purposes of, Article 50 of the Charter”, that consultations be initiated between the Security Council and the Portuguese Government in order that “the modalities for paying the compensation to which the province of Mozambique has a right, may be agreed upon”; a *note verbale* dated 15 February 1967 from Malawi (S/7751, incorporated in S C, 22nd yr., Suppl. for Jan.-March, pp. 103-105, S/7781, annex II), stated that “in view of its geographical situation, Malawi is confronted with certain special economic problems arising from the carrying out of the measures decided upon by the Security Council”, and expressed the readiness of the Government of Malawi to enter into consultations under the terms of Article 50 of the Charter; a memorandum dated 27 February 1967 from Botswana (S/7813, incorporated in S C, 22nd yr., Suppl. for Jan.-March, pp. 156-162, S/7781/Add. 2, annex), stated that “the application . . . of any additional sanctions against Southern Rhodesia under resolution 232 (1966) would pose, in the terms of Article 50 of the United Nations Charter, special economic problems for Botswana”; letter dated 22 September 1967 from Portugal (S C, 22nd yr., Suppl. for July-Sept., pp. 308 and 309, S/8166); letter dated 20 March 1968 from Portugal (S C, 23rd yr., Suppl. for Jan.-March, pp. 276 and 277, S/8481); memorandum dated 22 August 1968 from Botswana (S C, 23rd yr., Suppl. for July-Sept., pp. 177-181, S/8786, annex II), in which the Government of Botswana stated that the memorandum, as well as an earlier one, constituted an “exercise of the right of Botswana to consult the Security Council in terms of Article 50 of the United Nations Charter”; letter dated 13 October 1969 from Portugal (S C, 24th yr., Suppl. for Oct.-Dec., pp. 91 and 92, S/9476).

<sup>10</sup> Letter dated 19 July 1968 from Malawi (S C, 23rd yr., Suppl. for

<sup>1</sup> S/8601. S C, 23rd yr., 1428th mtg., paras. 2 and 42; same text as S C resolution 253 (1968).

<sup>2</sup> The decisions referred to are contained in paragraphs 2-9 of draft resolution S/8601 which called for comprehensive economic and other sanctions, short of the use of force, intended to further the objective of bringing the rebellion in Southern Rhodesia to an end.

<sup>3</sup> S C, 23rd yr., 1428th mtg., para. 34, S/8603.

<sup>4</sup> The resolutions referred to are Security Council resolutions 216

also contained in a number of communications from Member States submitted in response to the request by the Secretary-General for information on the measures taken in

pursuance of Security Council resolutions 232 (1966) and 253 (1968) in connexion with the question concerning the situation in Southern Rhodesia.

July-Sept., pp. 195 and 196, S/8786, annex II), in which the Government of Malawi stated that it could accept compliance with the new sanctions in pursuance of resolution 253 (1968) "only at the cost of severely imperilling its own economy, if not breaking it", referred to paragraph 15 of this resolution regarding assistance to Zambia, noting that "no recognition has been made of Malawi's interest in the same context", and added that Malawi "cannot be expected to participate in such sanctions to an extent where its own economy will be destroyed"; letter dated 4 October

1968 from Zambia (S C, 23rd yr., Suppl. for Oct.-Dec., pp. 34-38, S/8786/Add.2), in which the Government of Zambia stated that it had "striven to implement the resolution to the greatest extent possible without causing irreparable damage to the Zambian economy and the Zambian people's standard of living", and added that, despite operative paragraph 15 of resolution 253 (1968) regarding assistance to Zambia, no Member States or organizations had offered Zambia such assistance as a result of this resolution.