

# ARTICLE 24

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## TEXT OF 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.

## INTRODUCTORY NOTE

1. Under Article 24, the Members of the United Nations have conferred primary responsibility for the maintenance of international peace and security upon the Security Council. The primary character of this responsibility is also reflected in the terms of Article 11 (2), which provides that questions on which action is necessary shall be referred to the Security Council by the General Assembly, and in the provisions of Article 12 (1), which limits the authority of the General Assembly in respect of any dispute or situation while the Security Council is exercising the functions assigned to it by the Charter. The latter limitation is also stipulated in Articles 10, 11 (2) and 14.

2. As indicated in the previous studies of this Article in the Repertory, examination of the practice of United Nations organs in respect of an Article of such broad scope as Article 24 has necessarily been confined to matters which have in practice arisen only in the proceedings of the Security Council. The practice of the General Assembly in connexion with the maintenance of international peace and security, though relevant to a better understanding of the subject as a whole, is dealt with under the Articles 1/ on the functions and powers of the General Assembly. Whereas Article 24 prescribes the general field of responsibility of the Security Council for the maintenance of international peace and security, other Articles of the Charter, as indicated in Article 24 (2), set forth the specific powers granted to the Council for the discharge of that responsibility. The Analytical Summary of Practice in this study is, therefore, limited to such decisions of the Security Council as bear upon questions which arose in the proceedings of the Council in connexion with its general responsibility for the maintenance of international peace and security, as distinct from its specific powers defined in other relevant Articles. One such question arose during the period under review on two of the three occasions when the Security Council, because of lack of unanimity among its permanent members, was unable to discharge the responsibility conferred upon it under Article 24 (1), and called an emergency special session of the General Assembly.

3. For reasons explained in the previous Repertory studies, the questions considered by the Security Council under its responsibility for the maintenance of international peace and security, and the decisions adopted by the Council in connexion with these questions, are presented in this study in the form of two annexes which are described in the General Survey.

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1/ See this Supplement, under Articles 10, 11, 12 and 14.

## I. GENERAL SURVEY

### A. Article 24 (1) and (2)

4. Annex I presents a list of questions arranged in the chronological order of their inclusion in the agenda of the Security Council. They are listed under the headings included in the annual reports of the Council to the General Assembly, which the Security Council has considered under its responsibility for the maintenance of international peace and security. The range of questions in the list includes those which may be deemed to fall under Chapters VI, VII and VIII of the Charter. Annex II is a tabulation of measures provided for in positive decisions adopted by the Security Council in connexion with these questions. As indicated in previous Repertory studies, the headings in the tabulation have been devised for convenience of presentation, and no constitutional significance is to be attached to the inclusion of any particular decision under any given heading.

### B. Article 24 (3)

5. Article 24 (3), considered in conjunction with Article 15 (1), places upon the Security Council the obligation to submit annual and, when necessary, special reports to the General Assembly, to render an account of the Council's discharge of the responsibility conferred upon it by Members for the maintenance of international peace and security. During the period under review, the Security Council submitted its twelfth, thirteenth and fourteenth annual reports. All the special reports concerned the admission of new Members. 2/ At its 790th meeting, on 9 September 1957, the Security Council decided, 3/ under the third paragraph of rule 60 of its provisional rules of procedure 4/ and in response to the request contained in General Assembly resolution 1017 (XI), to submit a special report 5/ to the General Assembly concerning the admission of new Members.

6. The annual reports of the Security Council to the General Assembly are prepared in the following stages:

(a) Formulation of the first draft by the Secretariat;

(b) Circulation of this draft as a confidential document among the members of the Council;

(c) Discussion of proposals for changes and submission of observations at a closed meeting of the Council;

(d) Full approval at a closed meeting of the Council, following which the annual report is published as a General Assembly document and submitted for the consideration of the General Assembly.

7. As before, the General Assembly did not debate the substance of the annual reports submitted by the Security Council, but adopted resolutions taking note of the reports.

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2/ See this Supplement under Article 4.

3/ S C, 12th yr., 790th mtg., paras. 93 and 94.

4/ S/96/Rev.4 (United Nations publication, Sales No.: 1952.I.18).

5/ G A (XII), Annexes, a.i. 25, A/3662.

## II. ANALYTICAL SUMMARY OF PRACTICE

**\*\* A.** The question whether the authority of the Security Council is limited to the exercise of the specific powers laid down in Chapters VI, VII, VIII and XII

**\*\* B.** The question of the bearing on the primary responsibility of the Security Council of proposals to refer a matter to the General Assembly

**C.** The question of the inability of the Security Council to discharge its primary responsibility under Article 24

8. On three occasions, the Security Council, having failed because of the lack of unanimity of its permanent members to take a decision in a proceeding involving the maintenance of international peace and security, called 6/ an emergency special session of the General Assembly, as provided in resolution 377 (V). In two of its decisions, the Council made specific reference to this resolution. 7/ The circumstances in which the inability of the Council to discharge its responsibility under Article 24 should be reported to the General Assembly were the subject of discussion on two occasions.

*1. Decision of 31 October 1956 in connexion with the Palestine question: steps for the immediate cessation of the military action of Israel in Egypt, and letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council*

9. Following the failure of the Security Council to adopt 8/ two draft resolutions 9/ submitted in connexion with the first of the above items, the Council, in connexion with the second item, discussed a third draft resolution 10/ at its 751st meeting, on 31 October 1956. By this, the Council would consider that "a grave situation has been created by action undertaken against Egypt", take into account the lack of unanimity of its permanent members at the 749th and 750th meetings, which had prevented it from exercising its primary responsibility for the maintenance of international peace and security, and decide to call an emergency special session of the General Assembly, as provided in resolution 377 (V) "Uniting for peace", in order to make appropriate recommendations.

10. Objection to this third draft resolution was raised on the ground that a prerequisite for the invocation of the "Uniting for peace" resolution of the General Assembly was inaction by the Security Council because of lack of unanimity among its permanent members, but no draft resolution on the substance of the question had been circulated or voted upon in the Council. A further prerequisite, it was maintained, was a determination by the Council, under Chapter VII of the Charter, that there existed a threat to the peace, a breach of the peace or an act of aggression. No such determination had been made by the Security Council in connexion with the item under discussion.

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6/ Resolutions of 31 October 1956 (S C, 11th yr., Suppl. for Oct.-Dec., p. 116, S/3721), of 4 November 1956 (S C, 11th yr., Suppl. for Oct.-Dec., p. 126, S/3731) and of 7 August 1958 (S C, 13th yr., Suppl. for July-Sept., p. 126, S/4083).

7/ The reference was omitted in the resolution of 7 August 1958.

8/ S C, 11th yr., 749th mtg., para. 186; *ibid.*, 750th mtg., para. 23.

9/ S C, 11th yr., Suppl. for Oct.-Dec., p. 110, S/3720; *ibid.*, p. 112, S/3723.

10/ *Ibid.*, p. 116, S/3721.

11. In favour of the draft resolution, it was contended that there had been a breach of the peace, and one of the two draft resolutions which had previously failed of adoption had covered the problem in respect of which it had been proposed to convene the emergency special session of the General Assembly. 11/

#### Decision

At its 751st meeting, on 31 October 1956, the Security Council adopted 12/ the third draft resolution by 7 votes in favour, 2 against, with 2 abstentions.

2. *Decision of 7 August 1958 in connexion with letter dated 22 May 1958 from the representative of Lebanon and letter dated 17 July 1958 from the representative of Jordan*

12. After four draft resolutions 13/ on the substance of the above question had failed of adoption 14/ because of lack of unanimity among its permanent members, the Security Council, at its 838th meeting, on 7 August 1958, considered two further draft resolutions, one introduced by the United States, 15/ the other by the Union of Soviet Socialist Republics. 16/ Both would have had the Council take into account its inability, because of the lack of unanimity of its permanent members, to exercise its primary responsibility for the maintenance of international peace and security, and decide to call an emergency special session of the General Assembly.

13. The draft resolutions differed in the formulation of the question to be considered by the General Assembly as a consequence of the lack of unanimity of the permanent members of the Council. During the discussion, it was observed that the effectiveness of the General Assembly in dealing with the case would depend upon how the question was formulated in the Security Council resolution calling for an emergency special session. The United States draft resolution described the question by reference to the letters from the representatives of Lebanon and of Jordan that had previously been placed on the agenda by the Security Council. The draft resolution of the Soviet Union described it as the question of the immediate withdrawal of United States troops from Lebanon and United Kingdom troops from Jordan.

14. In favour of the United States draft resolution, it was contended that resolution 377 (V) required that the emergency special session should deal with the agenda item concerning which the Security Council had been unable to take action because of the lack of unanimity among its permanent members. In opposition to the United States draft resolution, it was maintained that the Security Council had experienced no difficulty in dealing with the subject matter specified therein; the complaints in the letters from Lebanon and Jordan had not been substantiated; in calling for an emergency special session of the General Assembly, the United States draft resolution failed to specify where the threat to peace, for which the session was to be called, lay; and the text contained no terms of reference on the question for the General Assembly.

11/ For texts of relevant statements, see S C, 11th yr., 749th mtg.: Peru, para. 118; 751st mtg.: President (France), paras. 96-99; Peru, paras. 115-117; United Kingdom, paras. 81-87; Yugoslavia, paras. 88-90.

12/ S C, 11th yr., 751st mtg., para. 147.

13/ S C, 13th yr., 831st mtg., para. 88, S/4047/Rev.1; *ibid.*, Suppl. for July-Sept., p. 31, S/4050/Rev.1; *ibid.*, p. 38, S/4054; *ibid.*, S/4055/Rev.1.

14/ S C, 13th yr., 834th mtg., paras. 67-69; *ibid.*, 837th mtg., para. 9.

15/ S C, 13th yr., Suppl. for July-Sept., p. 39, S/4056/Rev.1.

16/ S C, 13th yr., 838th mtg., para. 37.

15. In support of the draft resolution of the Soviet Union, it was contended that the threat to peace lay in the intervention of United States and United Kingdom troops in Lebanon and Jordan and not in the Lebanon and Jordan complaints, whose consideration the Security Council had not exhausted. The introduction of United States and United Kingdom troops into Lebanon and Jordan without a determination by the Security Council that there had been a threat of outside intervention constituted a threat to peace. In opposition to the draft resolution of the Soviet Union, it was contended that the assumption which lay behind it had been rejected by the Council; the question which it formulated had never been on the agenda of the Council and could not be considered by the Council or placed on the agenda of an emergency special session of the General Assembly. It was further observed that while the Security Council had not exhausted its capacity to make a fruitful contribution to the substance of the questions before it, it had to seek an alternative way of finding a medium for discussion in the United Nations which would diminish the tensions in the Middle East.

16. After further discussion, the United States draft resolution was revised to refer to the agenda items by number rather than by title and to delete specific reference to General Assembly resolution 377 (V). 17/

#### Decision

At the 838th meeting, on 7 August 1958, the revised draft resolution was adopted unanimously. 18/ The representative of the Soviet Union indicated that he would not press for a vote on his draft resolution. 19/

### ANNEX I

#### Chronological list of questions considered by the Security Council under its responsibility for the maintenance of international peace and security a/

<u>Question</u>	<u>Submitted by b/</u>
1. Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888 (S/3654):	France and United Kingdom, 23 September 1956
(a) Letter from the representative of the United States relating to the Suez Canal. (S/3817/Rev.1)	United States, 24 April 1957
(b) Letter from the representative of France relating to the Suez Canal (S/3829)	France, 15 May 1957

17/ For texts of relevant statements, see S C, 13th yr., 838th mtg.: Canada, paras. 103 and 106; Iraq, paras. 94-99; Panama, paras. 156-160 and 211-213; USSR, paras. 139, 146-150, 214, 217 and 221; United Arab Republic, para. 128; United Kingdom, paras. 219 and 220; United States, paras. 215, 216, 222 and 224.

18/ S C, 13th yr., 838th mtg., para. 225.

19/ Ibid., para. 226.

a/ See para. 4 above.

b/ The date of submission is that of the original communication submitting the question to the Security Council.

<u>Question</u>	<u>Submitted by</u>
2. Palestine question:	
(a) Letter from the representative of Jordan (S/3678)	Jordan, 15 October 1956
(b) Letter from the representative of Israel (S/3682)	Israel, 17 October 1956
(c) Letter from the representative of the United States concerning steps for the immediate cessation of the military action of Israel in Egypt <u>c/d/</u> (S/3706)	United States, 29 October 1956
(d) Letter from the representative of Syria concerning the construction of a bridge in the demilitarized zone established by the General Armistice Agreement between Israel and Syria (S/3827)	Syria, 13 May 1957
(e) Letter from the representative of Jordan (S/3878)	Jordan, 4 September 1957
(f) Letter from the representative of Israel (S/3883)	Israel, 5 September 1957
(g) Letter from the permanent representative of Israel (S/4123)	Israel, 4 December 1958
(h) Letter from the permanent representative of Israel (S/4151 and Corr.1)	Israel, 26 January 1959
3. Letter from the representative of France concerning military assistance rendered by the Egyptian Government to the rebels in Algeria (S/3689 and Corr.1)	France, 25 October 1956
4. Situation in Hungary <u>c/</u> (S/3690)	France, United Kingdom and United States, 27 October 1956
5. Letter from the representative of Egypt <u>c/</u> (S/3712)	Egypt, 30 October 1956
6. India-Pakistan question:	
(a) Letter from the Minister for Foreign Affairs of Pakistan (S/3767)	Pakistan, 2 January 1957
(b) Letter from the representative of Pakistan (S/3868)	Pakistan, 21 August 1957
7. Tunisian question (I):	
(a) Letter from the representative of Tunisia concerning an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef (S/3952)	Tunisia, 13 February 1958

c/ Certain matters in connexion with these questions were also considered by the General Assembly.

d/ See also item 5 below, letter from the representative of Egypt (S/3712).

<u>Question</u>	<u>Submitted by</u>
(b) Letter from the representative of France concerning the "situation resulting from the aid furnished by Tunisia to rebels ... directed against the integrity of French territory" (S/3954)	France, 14 February 1958
8. Letter from the representative of Sudan (S/3963)	Sudan, 20 February 1958
9. Letter from the representative of USSR concerning "flights by United States military aircraft ... in the direction of the frontiers of the Soviet Union" (S/3990)	USSR, 18 April 1958
10. Letter from the representative of Lebanon concerning the situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon (S/4007)	Lebanon, 22 May 1958

## ANNEX II

Tabulation of various measures provided for in positive decisions adopted by the Security Council in connexion with questions which it has considered under its responsibility for the maintenance of international peace and security a/

### I. Preliminary measures for the elucidation of fact

Directing the subsidiary organ to conduct a survey

Palestine question:

Decision of 22 January 1958 (S/3942, operative para. 2)

### II. Determination of the nature of the question

Determination of the status of the demilitarized zone

Palestine question:

Decision of 22 January 1958 (S/3942, second preambular para.)

### III. Injunctions to Governments and authorities involved in hostilities

#### A. Precautionary action

1. India-Pakistan question:

Decision of 2 December 1957 (S/3922, operative para. 1)

2. Lebanon question:

Decision, President's statement of 22 July 1958 (837th mtg., paras. 18-27 and 40)

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a/ See para. 4 above.

## B. Establishment of an armistice

Palestine question:

Decision of 22 January 1958 (S/3942, operative paras. 5 and 6)

IV. Measures in connexion with injunctions to be taken by the Governments and authorities directly involved in hostilities

## A. Demilitarization of an area

India-Pakistan question:

Decision of 2 December 1957 (S/3922, sixth preambular para.)

## B. Obligation to co-operate with subsidiary organ

Palestine question:

Decision, President's statement of 28 May 1957 (782nd mtg., paras. 197-201)

## C. Co-operation of the parties to prevent recurrences of incidents

Palestine question:

Decision, President's statement of 15 December 1958 (844th mtg., paras. 106-109)

\*\*V. Measures in connexion with injunctions to be taken by other Governments and authorities

VI. Measures for settlement

## A. Procedures of pacific settlement noted, advised or recommended

## 1. Sudan question:

Decision, President's statement of 21 February 1958 (812th mtg., paras. 79-81)

## 2. Tunisian question (II):

Decision, President's statement of 4 June 1958 (821st mtg., paras. 59-61)

## B. Provisions bearing on issues of substance, including terms of settlement

## 1. Determination of accession of territory by plebiscite

India-Pakistan question:

Decision of 24 February 1957 (S/3779, second preambular para.)

Decision of 2 December 1957 (S/3922, fourth preambular para.)

## 2. Election of a constituent assembly

India-Pakistan question:

Decision of 24 January 1957 (S/3779, operative para. 1)

## 3. Compliance with requirements to be met in settlement of the question

Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888:

Decision of 13 October 1956 (S/3675, second preambular para. and operative paras. 1-6)

VII. Measures to promote the implementation of resolutions of the Security Council

A. Establishment or employment of subsidiary organs

1. For observation or supervision in connexion with the ending of hostilities

(a) Palestine question:

Decision of 22 January 1958 (S/3942, operative para. 1)

(b) Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council:

Decision of 11 June 1958 (S/4023, operative para. 1)

2. For good offices, mediation or conciliation

India-Pakistan question:

Decision of 2 December 1957 (S/3922, operative para. 2, requesting the United Nations Representative for India and Pakistan to make recommendations to the parties for further action)

B. Intercession by the President of the Security Council

India-Pakistan question:

Decision of 21 February 1957 (S/3793, operative para. 1)

C. Endorsement of decisions of subsidiary organs

Palestine question:

Decision of 22 January 1958 (S/3942, operative para. 3)

D. Time limits fixed for compliance

Palestine question:

Decision of 22 January 1958 (S/3942, operative para. 3 c)

E. Reaffirmation of previous decisions

India-Pakistan question:

Decision of 24 January 1957 (S/3779, second preambular para. and operative para. 1)

Decision of 21 February 1957 (S/3793, preamble)

Decision of 2 December 1957 (S/3922, seventh preambular para.)

F. Request to the President to examine proposals for settlement with the parties

India-Pakistan question:

Decision of 21 February 1957 (S/3793, operative para. 1)

G. Invitation to the parties to co-operate with the President in examination of proposals for the settlement

India-Pakistan question:

Decision of 21 February 1957 (S/3793, operative para. 2)

H. Request to the Secretary-General and to the United Nations Representative for India and Pakistan to render such assistance as the President might request

## India-Pakistan question:

Decision of 21 February 1957 (S/3793, operative para. 3)

- I. Directive to the Chief of Staff of the United Nations Truce Organization in Palestine to regulate activities within the zone between the armistice demarcation lines

## Palestine question:

Decision of 22 January 1958 (S/3942, operative para. 1)

- J. Directive to the Chief of Staff to conduct survey of property records

## Palestine question:

Decision of 22 January 1958 (S/3942, operative para. 2)

- K. Note of the intention of the Secretary-General to take the situation under consideration

## Palestine question:

Decision, President's statement of 15 December 1958 (844th mtg., para. 108)

VIII. Measures to ensure further consideration and to ascertain compliance

- A. Request for information on the progress of settlement

1. From subsidiary organs

## (a) Palestine question:

Decision, President's statement of 28 May 1957 (782nd mtg., para. 216)

Decision, President's statement of 9 September 1957 (790th mtg., paras. 93 and 94)

Decision of 22 January 1958 (S/3942, operative para. 7)

## (b) India-Pakistan question:

Decision of 2 December 1957 (S/3922, operative para. 4)

## (c) Lebanon question:

Decision of 11 June 1958 (S/4023, operative para. 3)

2. From the President

## India-Pakistan question:

Decision of 21 February 1957 (S/3793, operative para. 1)

3. From the subsidiary organ through the Secretary-General

Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council:

Decision of 11 June 1958 (S/4023, operative para. 3)

- B. Provision by express decision to consider the matter further

## India-Pakistan question:

Decision of 24 January 1957 (S/3779, operative para. 2)

- C. Provision by presidential statement to arrange for further discussion of the question

Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888: Decision, President's statement of 26 April 1957 (777th mtg., para. 102)

- D. Retention of the question by presidential statement on the list of matters of which the Security Council is seized

1. Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888: Decision, President's statement of 21 May 1957 (779th mtg., para. 127)
2. Letter dated 20 February 1958 from the representative of Sudan addressed to the Secretary-General: Decision, President's statement of 21 February 1958 (812th mtg., para. 80)

IX. Measures in connexion with the inability of the Security Council to exercise its responsibility for the maintenance of international peace and security

Convocation of an emergency special session of the General Assembly under the provision of General Assembly resolution 377 (V) of 3 November 1950

1. Letter dated 29 October 1956 from the representative of the United States, addressed to the President of the Security Council, concerning the Palestine question: steps for the immediate cessation of the military action of Israel in Egypt (S/3706); and letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council (S/3712): Decision of 31 October 1956 (S/3721)
2. The situation in Hungary: Decision of 4 November 1956 (S/3733)
3. Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council (S/4007); and letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council (S/4053): Decision of 7 August 1958 (S/4083)