

ARTICLE 25

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ARTICLE 25

TEXT OF 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.

INTRODUCTORY NOTE

1. During the period covered by this *Supplement*, there was no constitutional debate concerning the application or interpretation of Article 25 in the Security Council. Nor did such discussion occur in the General Assembly. Consequently, the material reviewed did not lend itself to the presentation of case histories in an analytical summary. There were, however, explicit and implicit references to the Article in both organs during their deliberations in connexion with various items and in some of the resolutions adopted thereon. Such references were also made by the International Court of Justice in rendering its advisory opinion, as requested by the Security Council, in connexion with the question of Namibia.¹ Such material is treated in the Summary of Practice bearing in mind the distinction already made in the study of Article 25 in *Supplements Nos. 3 and 4* between those instances in which the Security Council, in demanding acceptance of and compliance with its decisions, had made explicit references to Article 25 and those in which it had not done so but had called on the Member States concerned to comply with previous decisions or had censured non-compliance.

¹For a detailed summary of the relevant portions of the Court's advisory opinion, see paras. 13-15 below.

SUMMARY OF PRACTICE

A. Security Council

2. During the period under review, Article 25 was explicitly invoked in seven resolutions² adopted by the Security Council in connexion with the question concerning the situation in Southern Rhodesia and in an eighth (SC resolution 290 (1970)) adopted in connexion with the complaint by Guinea.

3. In two³ of the seven resolutions pertaining to the situation in Southern Rhodesia, the Security Council expressed grave concern that "some States", contrary to Council resolutions establishing sanctions against Southern Rhodesia and to their obligations under Article 25, had failed to prevent trade with the illegal régime in Southern Rhodesia. In three other resolutions,⁴ the Council again expressed grave concern that "certain States" had not complied with the provisions of previously adopted Council resolutions establishing sanctions against Southern Rhodesia. In yet another resolution,⁵ the Council enunciated deep concern that, despite their obligations under Article 25, "several States" had continued to violate sanctions covertly and overtly in contravention of the provisions of the previously adopted Council resolutions. Furthermore, in two⁶ of those resolutions, the Council urged, and in a third one⁷ called upon, "all States" to implement fully

all Security Council resolutions establishing sanctions against Southern Rhodesia, in accordance with their obligations under Article 25 and Article 2(6) of the Charter. In the seventh resolution,⁸ the Council considered that the decision of the Government of a Member State to allow entry into its territory of members of the illegal régime in Southern Rhodesia was in contravention of the Council resolution establishing sanctions and of the obligation under Article 25.

4. In connexion with the complaint by Guinea, the Security Council called upon the Government of a Member State to comply with the provisions of Council resolutions, "in particular the present resolution", on the question under consideration, in accordance with its obligations under Article 25 of the Charter.⁹

5. Some of the resolutions adopted by the Security Council in connexion with the situation in Southern Rhodesia, as well as the resolution regarding the complaint by Guinea, contained, in addition to the above-cited provisions in which Article 25 was explicitly invoked, other provisions which might be considered to have an implicit bearing on Article 25. For example, in the case of Southern Rhodesia, those provisions provided for the Security Council in the first place to note with grave concern¹⁰ and, in a subsequent resolution, to condemn¹¹ the persistent refusal of two Member States to co-operate with the United Nations in the observance and implementation of sanctions against Southern Rhodesia. In other provisions, the Security

²SC resolutions 277 (1970), 288 (1970), 314 (1972), 318 (1972), 320 (1972), 333 (1973) and 437 (1978).

³SC resolutions 277 (1970), 4th preamb. para. and sub-para. (b); and 333 (1973), 3rd preamb. para.

⁴SC resolutions 288 (1970), 3rd preamb. para.; 314 (1972), 3rd preamb. para.; and 318 (1972), 5th preamb. para.

⁵SC resolution 320 (1972), 3rd preamb. para.

⁶SC resolutions 288 (1970), para. 4; and 314 (1972), para. 2.

⁷SC resolution 320 (1972), para. 2.

⁸SC resolution 437 (1978), para. 2.

⁹SC resolution 290 (1970), para. 9.

¹⁰SC resolution 277 (1970), 4th preamb. para., sub-para. (c).

¹¹SC resolutions 320 (1972), 6th preamb. para.; and 333 (1973), 4th preamb. para.

Council called upon Member States to take more stringent measures in order to enforce and ensure full compliance by all individuals and organizations under their jurisdiction with the sanctions policy against Southern Rhodesia;¹² initially called upon Member States, in particular those with primary responsibility for the maintenance of international peace and security, and in a subsequent resolution called upon all States to co-operate fully in the effective implementation of sanctions and to assist the Council towards the fulfilment of this task;¹³ urged all States, in furtherance of the objectives of the Council, not to grant any form of recognition to the illegal régime;¹⁴ declared that any legislation passed, or act taken, by any State with a view to permitting directly or indirectly, the importation from Southern Rhodesia of any commodity fully within the scope of the obligations imposed by the resolution establishing sanctions, including chrome ore, would undermine sanctions and be contrary to the obligations of States¹⁵ and called upon all States to refrain from taking such measures;¹⁶ drew the attention of all States to the need for increasing vigilance in implementing the sanctions and called upon them to take more effective measures to ensure full implementation;¹⁷ demanded that all Member States scrupulously carry out their obligations to implement fully the relevant Council resolutions;¹⁸ condemned all acts violating the provisions of Council resolutions establishing sanctions against Southern Rhodesia;¹⁹ expressed grave concern about the detrimental consequences which violations could cause to the effectiveness of sanctions and, in the wider sense, to the authority of the Council.²⁰ The Council also expressed deep concern at the report of a Member State that it had authorized the importation of chrome ore and other minerals from Southern Rhodesia and urged that Member State to co-operate fully with the United Nations in the effective implementation of sanctions;²¹ decided that Member States should take appropriate measures to ensure that their nationals or persons in their territories did not insure any commodities or products exported from, or intended for importation into Southern Rhodesia in contravention of the relevant Council resolution;²² recalled its earlier decision which made it mandatory for Member States to prevent entry into their territories of persons ordinarily resident in Southern Rhodesia and connected with the illegal régime there; noted with regret and concern the decision of a Member State to allow the entry into its territory of members of the illegal régime and called upon that Member State to observe scrupulously the provisions of Council resolutions concerning sanctions.²³

6. In connexion with the complaint by Guinea, the relevant provision of the above-cited resolution provided for the Security Council to call upon the Member State concerned to apply without delay to the peoples of the Territories under its domination the principles of self-determination and independence in accordance with the relevant Council resolutions and General Assembly resolution 1514 (XV).²⁴

¹² S C resolutions 277 (1970), para. 8; 328 (1973), para. 7.

¹³ S C resolutions 277 (1970), para. 17; 318 (1972), para. 8.

¹⁴ S C resolution 288 (1970), para. 5.

¹⁵ S C resolution 314 (1972), para. 3.

¹⁶ *Ibid.*, para. 4.

¹⁷ S C resolutions 314 (1972), para. 5; 318 (1972), para. 9.

¹⁸ S C resolution 314 (1972), para. 6.

¹⁹ *Ibid.*, para. 7.

²⁰ S C resolution 320 (1972), 4th preamb. para.

²¹ *Ibid.*, 5th preamb. para. and para. 3.

²² S C resolution 388 (1976), para. 1 (a)(b)(c).

²³ S C resolution 437 (1978), 2nd preamb. para. and paras. 1 and 3.

²⁴ S C resolution 290 (1970), para. 7.

7. Article 25 was also invoked explicitly in seven draft resolutions which were not adopted by the Security Council. Although five²⁵ of the draft resolutions dealt with the question concerning the situation in Southern Rhodesia, the sixth²⁶ pertained to the question of South Africa and the seventh²⁷ to the situation in Namibia; all but one²⁸ directed attention to the state of compliance with Council resolutions establishing sanctions against Southern Rhodesia.

8. Of those six draft resolutions, three mentioned²⁹ particular Member States for their failure to comply with Council decisions establishing sanctions against the illegal régime in Southern Rhodesia, two³⁰ referred to non-compliance by "certain" or "some" States; while one urged,³¹ and another one³² called upon, all States to fully implement the provisions of the relevant resolutions of the Council. The seventh draft resolution³³ referred to the responsibility of the Security Council to take necessary action to secure strict compliance with the obligations entered into by States Members of the United Nations under the provisions of Article 25. All seven draft resolutions also contained other provisions relating implicitly to Article 25.³⁴

9. During the period under review, a large number of resolutions adopted by the Security Council,³⁵ as well as some draft resolutions which either were not brought to a vote³⁶ or failed of adoption,³⁷ contained paragraphs which might be considered to have an implicit bearing on Article 25. The relevant paragraphs, which did not give rise to a constitutional discussion, either contained calls for implementation of, or compliance with, the provisions of previously or currently adopted Council resolutions on the particular question, or expressed concern with and censured non-implementation of, non-compliance with, and/or defiance of, earlier Council resolutions.

10. There were explicit references to the binding nature of Article 25 in the course of deliberations in the Security Council in connexion either with the adoption of new measures, or the failure of States to abide by decisions previously taken by the Council.³⁸ While the obligation assumed by Members of the United Nations under the Article was repeatedly reaffirmed, there was no constitutional discussion about the interpretation and application of Article 25.

11. In one instance, however, during the consideration by the Security Council of the advisory opinion of the International Court of Justice rendered, on 21 June 1971³⁹ in connexion with the question of Namibia, statements of constitutional import were made regarding the preemptory character of the deci-

²⁵ S C (25), Suppl. for Jan.-March, 1970, S/9696; *ibid.*, Suppl. for Oct.-Dec., 1970, S/9976; S C (27), Suppl. for Jan.-March, 1972, S/10606; *ibid.*, Suppl. for July-Sept., 1972, S/10805 and S/10805/Rev.1.; S C (28), Suppl. for Apr.-June, 1973, S/10928.

²⁶ S C (32), Suppl. for Jan.-Mar., 1977, S/12310 and *ibid.*, Suppl. for Oct.-Dec., 1977, S/12310/Rev.1. The draft resolution was put to the vote in its revised form only.

²⁷ S C (27), Suppl. for Jan.-Mar., 1972, S/10608 and Rev.1. The draft resolution was put to the vote in its revised form only and adopted as S C resolution 310 (1972). The preamb. para. of the revised text did not contain an explicit invocation of Article 25.

²⁸ *Ibid.*

²⁹ S/9696, 5th preamb. para.; S/10928, 6th preamb. para.; S/12310/Rev.1, 7th preamb. para. See also footnotes 25 and 26.

³⁰ S/9976, 3rd preamb. para. and S/10606, 7th preamb. para. See also footnote 25.

³¹ S/9976, para. 3.

³² S/10805/Rev.1, para. 6.

³³ S/10608, 8th preamb. para.

³⁴ S/9696, 5th preamb. para. and paras. 8-11; S/9976, para. 4; S/10606, para. 8; S/10928, para. 5; S/12310/Rev.1, 3rd, 6th and 8th preamb. paras. and paras. 3 and 5; S/10608, paras. 1, 3, 5, 8.

sions of the Council and the obligations of Member States ensuing from Article 25.

12. By its resolution 284 (1970) of 29 July 1970 the Security Council asked the Court for its advice on "the legal consequences for States of the continued presence of South Africa in Namibia notwithstanding Security Council resolution 276 (1970)". Earlier, in paragraph 2 of its resolution 276 (1970) of 30 January 1970, the Council had declared that the continued presence of the South African authorities in Namibia was illegal and that all acts by the South African Government on behalf of or concerning Namibia subsequent to the General Assembly's decision to terminate the mandate as expressed in its resolution 2145 (XXI) of 27 October 1966 were illegal and invalid.

13. The Court, in arriving at its opinion, considered that the legal basis of resolution 276 (1970) was the authority vested in the Security Council under Article 24 of the Charter.⁴⁰ According to the Court, once a declaration qualifying a situation as illegal, such as the one cited above, had been made by the Security Council

³⁵In connexion with the situation in Namibia, see: S C resolutions: 276 (1970), paras. 1, 3, 4, 6; 283 (1970), 4th and 7th preamb. paras. and para. 14; 301 (1971), 6th preamb. para. and para. 15; 309 (1972), para. 2; 310 (1972), 8th preamb. para. and paras. 1, 3, 8; 323 (1972), para. 6; 366 (1974), 4th preamb. para. and para. 4; 385 (1976), 7th preamb. para. and paras. 5, 9, 10, 12; 435 (1978), paras. 2, 5, 6; 439 (1978), paras. 1, 5, 6. In connexion with the situation in the Middle East, see: S C resolutions 280 (1970), paras. 1 and 3; 298 (1971), 4th preamb. para. and para. 2; 316 (1972), 7th preamb. para. and para. 1; 332 (1973), 5th preamb. para.; 337 (1973), para. 2; 338 (1973), para. 2; 340 (1973), para. 5; 346 (1974), para. 7; 350 (1974), para. 1; 363 (1974), 4th preamb. para. and para. 1 (a); 368 (1975), para. (a); 369 (1975), 4th preamb. para. and para. (a); 371 (1975), para. 1; 378 (1975), para. 1 (a); 390 (1976), para. (a); 398 (1976), para. (a); 396 (1976), para. 1 (a); statement made at the 1969th mtg. of the Security Council on 11 November 1976 by the President, on behalf of the Council, para. 4 (see S C (31), *Resolutions and Decisions, 1976*, p. 5); S C resolutions 408 (1977), para. (a); 416 (1977), para. 1 (a); 420 (1977), para. (a); 429 (1978), para. (a); 434 (1978), para. 2; 441 (1978), para. (a); and consensus decision of 8 December 1978 (S/12958), paras. 3 and 5 (see S C (33), *Resolutions and Decisions, 1978*, pp. 8-9). In connexion with the situation in Cyprus, see: S C resolutions: 281 (1970), 291 (1970), 293 (1971), 305 (1971), 315 (1972), 324 (1972), 334 (1973), 343 (1973), 349 (1974), paras. 1 and 2; 354 (1974), operative para.; 357 (1974), paras. 1 and 3; 358 (1974), 2nd preamb. para. and paras. 1 and 2; 360 (1974), paras. 2 and 3; 361 (1974), para. 6; 364 (1974), paras. 1, 2, 3; 367 (1975), para. 4; 370 (1975), 383 (1975), 391 (1976), 401 (1976), 410 (1977), paras. 1, 2, 3; 414 (1977), paras. 2 and 3; 422 (1977) and 440 (1978), paras. 1, 2, 3. In connexion with the question of race conflict in South Africa, see: S C resolutions: 282 (1970), para. 3; 311 (1972), 4th preamb. para. In connexion with the complaint by Senegal, see: S C resolutions: 294 (1971), 11th preamb. para.; 302 (1971), paras. 4 and 9; 321 (1972), 5th preamb. para. In connexion with the situation in Territories under Portuguese administration, see: S C resolution 312 (1972), 5th preamb. para. and para. 2. In connexion with the complaint by Zambia, see: S C resolutions: 326 (1973), para. 7; 327 (1973), para. 1; 328 (1973), 4th preamb. para. and para. 7; 329 (1973), 5th preamb. para.; 424 (1978), 5th preamb. para. In connexion with the complaint by Botswana, see: S C resolution 403 (1977), para. 3. In connexion with the complaint by Lesotho, see: S C resolution 407 (1977), 5th preamb. para. In connexion with the complaint by Mozambique, see: S C resolution 411 (1977), 10th, 13th and 14th preamb. paras. and paras. 3, 6, 8, 10, 12. In connexion with the question of South Africa, see: S C resolutions: 417 (1977), 2nd preamb. para. and para. 4; 418 (1977), para. 5; 421 (1977), paras. 1 (c) and 2. In connexion with the complaint by Angola, see: S C resolution 428 (1978), para. 7.

³⁶In connexion with the situation in Territories under Portuguese administration, see: S C (27), Suppl. for Oct.-Dec., 1972, S/10839, para. 2; in connexion with the situation in Cyprus, see: S C (29), Suppl. for July-Sept., 1974, S/11391, paras. 1, 5; S C (33), Suppl. for Oct.-Dec., 1978, S/12927, 3rd preamb. para., and operative paras. 2 and 4; in connexion with the question of South Africa, see: S C (33), Suppl. for Jan.-March, 1978, S/12547, 4th and 6th preamb. paras. and operative para. 2.

³⁷In connexion with the situation in Namibia, see: S C (31), Suppl. for Oct.-Dec., 1976, S/12211, 7th preamb. para. and paras. 1, 6, 9, 12; in connexion with the question of South Africa, see: S C (32), Suppl. for Jan.-March, 1977, S/12310, Suppl. for Oct.-Dec., 1977, S/12310/Rev.1, 3rd and 7th preamb. paras. and paras. 1 and 3.

under Article 24, on behalf of all Member States, it would be untenable to maintain that those Members would be free to act in disregard of that illegality; rather, those Members would be expected to act in consequence of the declaration made on their behalf.⁴¹ Referring to the contention that Article 25 applied only to enforcement measures adopted under Chapter VII of the Charter, the Court held that it was not possible to find in the Charter any support for that view. The Court declared that:

"Article 25 is not confined to decisions in regard to enforcement action but applies to "the decisions of the Security Council" adopted in accordance with the Charter. Moreover, that Article is placed, not in Chapter VII, but immediately after Article 24 in that part of the Charter which deals with the functions and powers of the Security Council. If Article 25 had reference solely to decisions of the Security Council concerning enforcement action under Articles 41 and 42 of the Charter, that is to say, if it were only such decisions which had binding effect, then Article 25 would be superfluous, since this effect is secured by Articles 48 and 49 of the Charter."⁴²

14. The Court further stated that the language of a Council resolution should be carefully analyzed before a conclusion could be reached as to its binding effect. According to the Court, the question whether the powers under Article 25 had been exercised was to be

³⁸For relevant statements see, in connexion with the situation in Namibia: S C (25), 1528th mtg.: Turkey, paras. 20, 23; USSR, para. 103; 1529th mtg.: India, para. 78; S C (30), 1824th mtg.: Ghana, para. 46; 1827th mtg.: USSR, para. 74; S C (31), 1880th mtg.: Algeria, para. 67; 1957th mtg.: Kenya, para. 81; 1959th mtg.: United Republic of Tanzania, para. 65; 1961st mtg.: USSR, para. 40; 1963rd mtg.: Panama, para. 65; S C (33), 2092nd mtg.: Burundi, para. 49. In connexion with the question concerning the situation in Southern Rhodesia, see: S C (25), 1531st mtg.: Zambia, para. 15; 1532nd mtg.: USSR, para. 7; 1556th mtg.: Nepal, para. 78, Poland, para. 179; S C (27), 1641st mtg.: France, para. 22, Somalia, para. 5; 1642nd mtg.: Sudan (President), para. 75; 1654th mtg.: Somalia, para. 64; 1655th mtg.: Somalia, para. 47; 1664th mtg.: Guinea, para. 78; Yugoslavia, para. 47; S C (28), 1712th mtg.: Yugoslavia, para. 34; S C (33), 2090th mtg.: Nigeria, para. 62; USSR, paras. 42 and 43. In connexion with the situation in the Middle East, see: S C (25), 1538th mtg.: Syria, para. 117; 1548th mtg.: Spain, para. 16; S C (27), 1651st mtg.: USSR, para. 263; S C (28), 1718th mtg.: Nigeria, paras. 42-61; 1725th mtg.: Peru, para. 109; 1733rd mtg.: Egypt, para. 9; 1735th mtg.: India, paras. 79-93; S C (33), 2085th mtg.: United States, paras. 18-24. In connexion with the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa, see: S C (25), 1548th mtg.: Spain, para. 16. In connexion with the complaint by Guinea, see: S C (25), 1563rd mtg.: United Kingdom, para. 145. In connexion with the consideration of questions relating to Africa, see: S C (27), 1628th mtg.: Egypt, para. 27; 1630th mtg.: Yugoslavia, para. 123; 1632nd mtg.: Liberia, para. 77; 1636th mtg.: Somalia, para. 54. In connexion with the relationship between the United Nations and South Africa, see: S C (29), 1796th mtg.: Tunisia, para. 8; 1797th mtg.: Syrian Arab Republic, paras. 119-137; 1800th mtg.: Yugoslavia, para. 29; 1806th mtg.: Kenya, paras. 2-40; 1808th mtg.: United States, paras. 48-66. In connexion with the Middle East problem including the Palestinian question, see: S C (31), 1871st mtg.: Syrian Arab Republic, paras. 53-102. In connexion with the situation in the Comoros, see: S C (31), 1888th mtg.: United Republic of Tanzania, para. 18. In connexion with the request by Mozambique under Article 50 of the Charter, see: S C (31), 1890th mtg.: Egypt, para. 117, Jamaica, paras. 42 and 48; 1891st mtg.: Sweden, paras. 30-37. In connexion with the complaint by the Prime Minister of Mauritius, current Chairman of the Organization of African Unity, of the "act of aggression" by Israel, against the Republic of Uganda, see: S C (31), 1942nd mtg.: Panama, para. 5. In connexion with the question of South Africa, see: S C (32), 1989th mtg.: Liberia, para. 43.

³⁹ICJ, *Reports 1971*. For the relevant case history, see this *Supplement* under Article 96.

⁴⁰*Ibid.*, p. 52, para. 110. For the Court's view regarding the powers vested in the Security Council under Article 24 and observations by Council members thereon, see this *Supplement* under Article 24, paras. 15-18.

⁴¹*Ibid.*, p. 52, para. 112.

⁴²*Ibid.*, p. 53, para. 113.

determined in each case, having regard to the terms of the resolution to be interpreted, the discussions leading to it, the Charter provisions invoked and, in general, all circumstances that might assist in determining the legal consequences of the resolution of the Security Council.⁴³

15. The Court reached the conclusion that specified decisions made by the Security Council in resolution 276 (1970)⁴⁴ were adopted in conformity with the purposes and principles of the Charter and in accordance with Articles 24 and 25; consequently, they were binding on all States Members of the United Nations, which were thus under obligation to accept and carry them out.⁴⁵ The Court further advised that, when the Security Council adopted a decision under Article 25 in accordance with the Charter, Member States had to comply with that decision, including those members of the Security Council which had voted against it and those Members of the United Nations which were not members of the Council: to hold otherwise would be to deprive the principal organ of its essential functions and powers under the Charter.⁴⁶

16. While the majority of the members of the Security Council agreed with the conclusions of the Court on the main question put to it,⁴⁷ the observation was made that the opinions expressed by the Court on various other questions, some of which involved constitutional problems, might raise controversial issues, such as a far-reaching interpretation of Articles 24 and 25,⁴⁸ which were not essential for dealing with the question of Namibia.⁴⁹ Those who expressed reservations on the general considerations set forth in the advisory opinion regarding the jurisdiction of the Security Council maintained that, although the Security Council was empowered to take decisions binding on all States, those decisions were limited to cases which fell within the framework of Chapter VII of the Charter and had been adopted as a result of the establishment of a threat to

⁴³ *Ibid.*, p. 53, para. 114.

⁴⁴ The Court referred specifically to the decisions contained in paras. 2 and 5 of S C resolution 276 (1970). The provision of para. 2, namely, the declaration regarding illegality, was cited in paragraph 12 of this study. In para. 5, the Council called upon all States, particularly those which had economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa.

⁴⁵ ICJ, *Reports 1971*, p. 53, para. 115 and p. 54, para. 119.

⁴⁶ *Ibid.*, p. 54, para. 116.

⁴⁷ See para. 12 above for the question put to the Court by the Security Council. For a summary of the Court's advisory opinion on that question and the Security Council action thereon, see this *Supplement*, under Article 24, footnote 17.

⁴⁸ It should be noted in this connexion that the Court's advisory opinion was completely unacceptable to the Government of South Africa not only in terms of its conclusions regarding the question of Namibia but also in terms of the Court's interpretation of various provisions of the Charter, including Article 25. That Government took exception, both at the time of the Council's consideration of the advisory opinion and subsequently, to what it considered to be the opinion of the Court that the powers of the Security Council under Articles 24 and 25 were commensurate with its responsibility for the maintenance of peace and security and limited only by the fundamental principles and purposes of the Charter and that, should the Council so intend, any decision which it might take would be binding in terms of Article 25. South Africa maintained that the suggested limitations placed by the Court upon the powers of the Security Council to make binding decisions hardly amounted to limitations at all since the purposes and principles of the Charter were so wide as to be almost all-encompassing, and any situation could be considered one which might lead to a breach of the peace. Were the Court's findings in this regard to be accepted, South Africa continued, the careful safeguards incorporated in Chapter VII of the Charter would become virtually meaningless, and measures which had in the past been regarded as permissible only under that Chapter would now be authorized by Articles 24 and 25. [S C (26), 1584th mtg.: South Africa, paras. 107 and 118; S C (31), Suppl. for Jan.-Mar., 1976, S/11948 and Add.1, p. 39.]

⁴⁹ S C (26), 1589th mtg.: Italy, para. 116.

the peace, breach of the peace or act of aggression as required by Article 39.⁵⁰ It was noted on the other hand that, during the United Nations Conference on International Organization which met in San Francisco in 1945, attempts to limit obligations of Members under Article 25 of the Charter to those decisions taken by the Council in the exercise of its specific powers under Chapters VI, VII and VIII of the Charter had failed and that those obligations flowed from the authority conferred on the Council under Article 24 (1) to act on their behalf, as well.⁵¹ It was also pointed out however that, if the interpretations of the scope of various provisions of the Charter, including Article 25, were to give rise to reservations among some Member States, it was doubtful that the Council would be the appropriate forum in which to debate them. It would be improper for the Security Council, which had the highest political and executive responsibilities, to judge the juridical value of an opinion rendered by the highest court in the international system; furthermore, while the opinions of the Court on those provisions, as well as on the problem as a whole, were advisory and had no binding force, their legal and moral weight could not be denied.⁵²

17. Article 25 was also invoked explicitly in a communication⁵³ from the Executive Secretary of the Organization of African Unity to the President of the Security Council relating to the situation in a letter⁵⁴ from the President of the Council to the Secretary-General in connexion with General Assembly resolution 2880 (XXII) concerning the implementation of the Declaration on the Strengthening of International Security.

B. General Assembly

18. During the period under review, Article 25 was explicitly invoked in resolutions adopted by the General Assembly in connexion with the following items: question of Southern Rhodesia;⁵⁵ question of Namibia;⁵⁶ implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;⁵⁷ Declaration on the Strengthening of International Security;⁵⁸ report of the Security Council;⁵⁹ and activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa.⁶⁰ There was no constitutional discussion in the proceedings leading to the adoption of those resolutions.

⁵⁰ S C (26), 1588th mtg.: France, para. 18; 1589th mtg.: United Kingdom, para. 51; 1594th mtg.: Belgium, para. 51.

⁵¹ S C (26), 1594th mtg.: Liberia, paras. 19-42.

⁵² S C (26), 1593rd mtg.: Argentina, paras. 34-35, 38.

⁵³ S C (27), Suppl. for July-Sept., 1972, S/10741, para. 8 (OAU resolution on Zimbabwe).

⁵⁴ S C (27), Suppl. for Oct.-Dec., 1972, S/10822 regarding the reply of the Security Council concerning the implementation of the Declaration on the Strengthening of International Security.

⁵⁵ G A resolutions 2652 (XXV), 2765 (XXVI), 2796 (XXVI), 2946 (XXVII), 3116 (XXVIII), 3298 (XXIX), 3397 (XXX), 31/154, 32/116 and 33/38. Note that there was an instance where an Assembly resolution on this question contained only implicit references to Article 25: see G A resolution 2877 (XXVI), paras. 4 and 5.

⁵⁶ G A resolutions 2678 (XXV), 2871 (XXVI) and 3031 (XXVII). Resolutions were also adopted by the General Assembly on this question containing only implicit references to Article 25: see G A resolutions 3111 (XXVIII) 1, para. 11, 32/9 D, para. 15 and 32/9 G, paras. 2, 3.

⁵⁷ G A resolution 2708 (XXV).

⁵⁸ G A resolution 2734 (XXV).

⁵⁹ G A resolution 2991 (XXVII).

⁶⁰ G A resolutions 31/7, 32/35 and 33/40.

19. In its resolutions pertaining to the question of Southern Rhodesia, the General Assembly noted with regret, deplored and strongly condemned the policies of some Member States and, in particular, specified the policies of sometimes one,⁶¹ and at other times two⁶² Member States which, in violation of the relevant resolutions of the General Assembly and the Security Council, continued to collaborate with the illegal régime in Southern Rhodesia thereby seriously impeding the effective application of sanctions against that régime. The General Assembly also drew the attention of the Security Council to the urgent necessity of taking further steps to ensure the full and strict compliance by all States with the decisions of the Council, in accordance with Article 25, and to the need to widen the scope of the sanctions against the illegal régime and to impose sanctions against those two Member States, whose Governments persisted in their refusal to carry out the mandatory decisions of the Council.⁶³ The Assembly specifically called upon the Government of another Member State to take the necessary measures, in compliance with the provisions of relevant Security Council resolutions and bearing in mind its obligations under Article 25, to prevent the importation of chrome from Southern Rhodesia,⁶⁴ and subsequently condemned that Government for continued importation of chrome and nickel from Southern Rhodesia in contravention of the provisions of relevant Council resolutions and contrary to the specific obligations assumed by that Government under Article 25.⁶⁵ The General Assembly also condemned all violations of, as well as the failure of certain States to enforce strictly, the mandatory sanctions imposed by the Security Council, as being contrary to the obligations assumed by them under Article 25.⁶⁶

20. That condemnation, as well as the condemnation of a particular Member State for its continued collaboration with the illegal régime in Southern Rhodesia, were repeated in the General Assembly resolutions adopted in connexion with the activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa.⁶⁷

21. In its resolutions on the question of Namibia, the General Assembly was mindful of the obligations of Member States under Article 25⁶⁸ and in that context took into consideration the fact that a certain Member State had persistently violated the principles of the Charter.⁶⁹

⁶¹ G A resolutions 3298 (XXIX), 2nd preamb. para. and para. 2; 3397 (XXX), 2nd preamb. para. and para. 1; 31/154 B, 2nd preamb. para. and para. 1; 32/116 B, 2nd preamb. para. and para. 1; 33/38 B, 2nd preamb. para. and para. 1.

⁶² G A resolutions 2652 (XXV), 9th preamb. para.; 2796 (XXVI), 10th preamb. para.; 2946 (XXVII), 3rd preamb. para.; 3116 (XXVIII), 2nd preamb. para. and para. 2.

⁶³ G A resolution 2796 (XXVI), para. 12.

⁶⁴ G A resolution 2765 (XXVI), para. 1.

⁶⁵ G A resolutions 2946 (XXVII), para. 4; 3116 (XXVIII), para. 4.
⁶⁶ G A resolutions 2946 (XXVII), para. 3; 3116 (XXVIII), para. 3; 3298 (XXIX), para. 3; 3397 (XXX), para. 2; 31/154 B, para. 2; 32/116 B, para. 2; 33/38 B, para. 2.

⁶⁷ G A resolutions 31/7, paras. 8, 11; 32/35, paras. 11, 15; 33/40, paras. 11, 19. In this connexion, see also resolutions adopted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: G A (32), Suppl. No. 23, chapter IV, para. 10 (A/AC.109/549, paras. 9, 13); G A (33), Suppl. No. 23, chapter IV, para. 15 (A/AC.109/572, paras. 9, 13).

⁶⁸ G A resolutions 2678 (XXV), 6th preamb. para.; 2871 (XXVI), 13th preamb. para.; 3031 (XXVII), 16th preamb. para.

⁶⁹ G A resolution 2678 (XXV), 6th preamb. para.

22. Some of the resolutions adopted by the General Assembly with reference to the question of Southern Rhodesia, the question of Namibia, and activities of foreign economic and other interests impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained, in addition to the above provisions, other provisions in which similar language was employed, and which therefore may be considered to have an implicit bearing on that Article.⁷⁰

23. In its resolution regarding the Declaration on the Strengthening of International Security, the General Assembly urged all Member States to implement the decisions of the Security Council in accordance with their obligations under Article 25⁷¹ and, in its subsequent resolution on the report of the Security Council, the Assembly called upon Member States to ensure the strict application of the decisions of the Security Council in accordance with Article 25.⁷²

24. During the period under review, a number of resolutions adopted by the General Assembly in connexion with the following items contained implicit references to Article 25: programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;⁷³ the policies of *apartheid* of the Government of South Africa;⁷⁴ the situation in the Middle East;⁷⁵ implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;⁷⁶ elimination of all forms of racial discrimination;⁷⁷ United Nations Relief and Works Agency for Palestine Refugees in the Near East;⁷⁸ question of Territories under Portuguese administration;⁷⁹ non-use of force in international relations and permanent prohibition of the use of nuclear weapons;⁸⁰ political prisoners in South Africa;⁸¹ strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the pro-

⁷⁰ In connexion with the question of Southern Rhodesia, see: G A resolutions 2652 (XXV), para. 13 (b); 2765 (XXVI), para. 4; 2796 (XXVI), paras. 3, 6; 3298 (XXIX), 3rd and 4th preamb. paras. and paras. 4 and 5 (b); 3397 (XXX), paras. 3, 4 (a), 4 (c); 31/154 B, 3rd, 4th, 6th and 7th preamb. paras. and paras. 3, 4 (a); 31/116 B, 3rd and 6th preamb. paras. and paras. 3, 4 (a); 33/38 B, 2nd, 3rd and 5th preamb. paras. and paras. 3, 4, 5 (a), 6, 8. In connexion with the question of Namibia, see G A resolutions 2678 (XXV), paras. 3, 7; 2871 (XXVI), 10th preamb. para. and paras. 3, 6 (a); 3031 (XXVII), para. 3, 7 (a). In connexion with activities of foreign economic and other interests, see G A resolution 33/40, paras. 12, 13, 14.

⁷¹ G A resolution 2734 (XXV), para. 16.

⁷² G A resolution 2991 (XXVII), para. 2.

⁷³ G A resolution 2621 (XXV), para. 3.

⁷⁴ G A resolutions 2624 (XXV), 4th preamb. para. and para. 1; 2775 (XXVI) A, 2nd preamb. para.; 3324 (XXIX) E, para. 3, 32/105 F, 9th preamb. para.

⁷⁵ G A resolutions 2628 (XXV), para. 4; 2949 (XXVII), 4th preamb. para.

⁷⁶ G A resolutions 2708 (XXV), 6th preamb. para.; 2878 (XXVI), 5th preamb. para.; 2908 (XXVII), 5th preamb. para.; 3163 (XXVIII), 5th preamb. para.

⁷⁷ G A resolution 2784 (XXVI) II, para. 6.

⁷⁸ G A resolution 2792 (XXVI) E, para. 2.

⁷⁹ G A resolution 2795 (XXVI), para. 2.

⁸⁰ G A resolution 2936 (XXVII), para. 2. Note that the revised draft resolution [G A (XXVI), Annexes, a.i. 25, A/L.676/Rev.1 and Add.1 and 2] which was adopted as resolution 2936 (XXVII), had contained prior to the revision an explicit reference to Article 25 in its operative paragraph 2. The original text would have had the Assembly recommend that the Security Council take, as soon as possible, an appropriate decision whereby the present declaration of the General Assembly would acquire binding force under Article 25 of the Charter of the United Nations. In the revised text, the Assembly recommended that the Security Council take, as soon as possible, appropriate measures for the full implementation of the present declaration of the General Assembly.

⁸¹ G A resolution 3055 (XXVIII), para. 1.

motion of the rules of international law in relations between States;⁸² and the question of Cyprus.⁸³

25. Finally Article 25 was explicitly and implicitly invoked in proceedings of the General Assembly⁸⁴ and its Committees⁸⁵ in connexion with various other agenda items. For instance, the Article was repeatedly cited to draw attention to the obligation set forth therein imposing on all Member States the duty to comply with the decisions of the Security Council. It was also invoked to recall that, if some States failed to do so, the

⁸²G A resolution 3073 (XXVIII), para. 7.

⁸³G A resolution 32/15, para. 1.

⁸⁴See, for example, in connexion with the general debate: G A (25), Plen., 1854th mtg.: Byelorussian SSR, para. 94; 1856th mtg.: Belgium, para. 184; G A (25), Plen., 2047th mtg.: Bulgaria, para. 103; 2059th mtg.: Pakistan, para. 149. In connexion with the celebration of the twenty-fifth anniversary of the United Nations, see: G A (25), Plen., 1842nd mtg.: France, para. 91. In connexion with the situation in the Middle East, see: G A (25), Plen., 1888th mtg.: Czechoslovakia, para. 19; 1890th mtg.: Spain, para. 92; 1894th mtg.: Byelorussian SSR, para. 39; 1897th mtg.: Ecuador, para. 38; G A (27), Plen., 2103rd mtg.: Mali, para. 121. In connexion with consideration of measures for the strengthening of international security, see: G A (25), Plen., 1932nd mtg.: USSR, para. 170; G A (25), Annexes, a.i. 32, A/7922/Add.2, United Arab Republic, para. 7; G A (27), Annexes, a.i. 35, A/8775, Malta, para. 4. In connexion with non-use of force in international relations and permanent prohibition of the use of nuclear weapons, see: G A (27), Plen., 2080th mtg.: Czechoslovakia, para. 16; Egypt, para. 44; 2081st mtg.: Chile, para. 131; 2082nd mtg.: Libyan Arab Republic, para. 12; 2083rd mtg.: Brazil, para. 48; Iran, para. 6; Ukrainian SSR, para. 69; 2084th mtg.: Byelorussian SSR, para. 167; Ecuador, para. 117; 2085th mtg.: Bulgaria, para. 128; Liberia, para. 98; 2093rd mtg.: Ivory Coast, para. 107. In connexion with the report of the Security Council, see: G A (27), Plen., 2111th mtg.: Burundi, paras. 31, 33; USSR, para. 44; G A (27), Annexes, a.i. 11, A/8847, annex: Hungary; A/8847/Add.1: Austria. In connexion with the illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic, see: G A (28), Plen., 2161st mtg.: Portugal, para. 55. In connexion with the financing of the United Nations Emergency Force (UNEF) established pursuant to Security Council resolution 340 (1973), see: G A (28), Plen., 2196th mtg.: USSR, para. 79. In connexion with credentials of representatives to the twenty-eighth session of the General Assembly, see: G A (28), Plen., 2200th mtg.: Senegal, paras. 18-25. In connexion with the question of the Comoros island of Mayotte, see: G A (31), Plen., 34th mtg.: Senegal, para. 72; 38th mtg.: Liberia, para. 34. In connexion with the question of Cyprus, see: G A (31), Plen., 65th mtg.: Greece, paras. 21-23. In connexion with the question of Palestine, see: *ibid.*, 66th mtg.: Senegal, para. 25. In connexion with the policies of *apartheid* of the Government of South Africa, see: G A (33), Plen., 60th mtg.: Democratic Yemen, paras. 78-82. In connexion with the activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa, see: G A (33), Plen., 82nd mtg.: Byelorussian SSR, paras. 315-326.

Council would be obliged to take appropriate measures to guarantee respect for its resolutions. In that context, it was further recalled that the principle of the collective responsibility of United Nations Members to carry out decisions of the Security Council adopted in accordance with the Charter was one of the fundamental principles of the Organization and had to be complied with.

⁸⁵See, for example, in connexion with consideration of measures for the strengthening of international security: G A (25), 1st Com., 1725th mtg.: USSR, para. 39; 1726th mtg.: Czechoslovakia, para. 61; 1733rd mtg.: Ecuador, paras. 87, 90; 1734th mtg.: Pakistan, para. 104; United Arab Republic, para. 24; 1735th mtg.: Morocco, paras. 132-133; G A (25), Annexes, a.i. 32, A/8096, paras. 5-20. In connexion with the question of Southern Rhodesia, see: G A (25), 4th Com., 1876th mtg.: Chile, para. 11; 1880th mtg.: Uruguay, para. 46; G A (29), 4th Com., 2096th mtg.: Zambia, para. 72; 2097th mtg.: Jamaica, para. 49; G A (30), 4th Com., 2139th mtg.: Venezuela, para. 10; 2155th mtg.: Costa Rica, paras. 32, 53; G A (30), Suppl. No. 23 (A/10023), Part I, para. 163; G A (33), 4th Com., 17th mtg.: USSR, para. 33; 18th mtg.: Iraq, para. 68; also A/C.4/33/L.32, para. 6. In connexion with the elimination of all forms of racial discrimination, see: G A (25), 3rd Com., 1780th mtg.: France, para. 11. In connexion with the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories, see: G A (25), Spec. Pol. Com., 748th mtg.: Poland, para. 6. In connexion with the policies of *apartheid* of the Government of South Africa, see: G A (26), Spec. Pol. Com., 759th mtg.: Norway, para. 14; Togo, para. 8; 760th mtg.: Zambia, para. 2; 761st mtg.: Ethiopia, para. 18; 762nd mtg.: Egypt, para. 35; 764th mtg.: Denmark, para. 3; 765th mtg.: Japan, para. 32; Pakistan, para. 2; 766th mtg.: Afghanistan, paras. 18-19; Uruguay, para. 3; 767th mtg.: Ghana, para. 18; 769th mtg.: Finland, para. 14; Kuwait, para. 20; 770th mtg.: United Republic of Tanzania, para. 7; 771st mtg.: Colombia, para. 40; 772nd mtg.: Uganda, para. 21; 773rd mtg.: Jamaica, para. 41; 775th mtg.: Somalia, para. 17; 776th mtg.: Mongolia, para. 9. In connexion with the implementation of the Declaration on the Strengthening of International Security, see: G A (26), 1st Com., 1806th mtg.: Egypt, para. 121; 1807th mtg.: Indonesia, para. 28; 1810th mtg.: Finland, para. 13; 1814th mtg.: Byelorussian SSR, para. 46; 1817th mtg.: Liberia, para. 44; G A (27), First Com., 1899th mtg.: Bulgaria, para. 143; 1901st mtg.: Finland, para. 30; G A (29), 1st Com., 2044th mtg.: Byelorussian SSR, p. 36; G A (32), 1st Com., 54th mtg.: Cyprus, pp. 18-20. In connexion with the report of the Special Committee on the Question of Defining Aggression, see: G A (26), 6th Com., 1270th mtg.: Netherlands, para. 12. In connexion with the question of Namibia, see: G A (29), 4th Com., 2108th mtg.: Bahrain, para. 18. In connexion with activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa, see: G A (30), 4th Com., 2160th mtg.: Venezuela, para. 28. In connexion with the comprehensive review of the whole question of peace-keeping operations in all their aspects, see: G A (31), Spec. Pol. Com., 34th mtg.: Cyprus, para. 51; G A (32), Spec. Pol. Com., 43rd mtg.: Cyprus, para. 46. In connexion with the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, see: G A (32), 6th Com., 27th mtg.: Sri Lanka, para. 45; G A (33), 6th Com., 30th mtg.: Cyprus, para. 10.