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VOLUME III

ARTICLE 35

TEXT OF ARTICLE 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

NOTE

1. This note is confined to the practice of the Security Council only. The practice of the General Assembly concerning Article 35, paragraphs 1, 2 and 3 is the subject of a separate study.
2. During the review period, disputes and situations were generally submitted to the Security Council by means of a communication addressed to the President of the

Council.¹ In some instances, however, matters were brought to the Council's attention through communications addressed to both the President of the Council and the Secretary-General.²

3. During the period 2000 to 2009, Article 35 was explicitly referred to in a number of communications from Member States to the President of the Security Council.³ A number of communications, however, did not cite any specific Article as the basis on which they were submitted.⁴

4. Article 35 is commonly regarded as the basis on which matters are referred to the Security Council by States, and it is stipulated that any Member State may bring to the Council's attention "any dispute" or "any situation" which might lead to international friction or give rise to a dispute. During the review period, several matters mostly referred to as "situations" were brought to the Council's attention.⁵

5. During the period under consideration, disputes and situations were referred to the Council either directly by the affected States themselves,⁶ or by third States.⁷ In their communications to the Security Council, States mostly requested the Council to convene an urgent meeting to consider the matter.⁸

¹ For instance, see letter dated 13 February 2000 from the Federal Republic of Yugoslavia (S/2000/111); letter dated 13 July 2006 from Lebanon (S/2006/517); and letter dated 6 March 2008 from Serbia (S/2008/162).

² For instance, see letters dated 2 October 2000 and 20 February 2002 from Palestine (S/2000/930 and S/2002/182); and letter dated 14 September 2001 from Afghanistan (S/ S/2001/870).

³ For instance, see letter dated 13 April 2000 from Germany (S/2000/312); letter dated 8 August 2007 from Georgia (S/2007/480); and letter dated 22 September 2009 from Brazil (S/2009/487).

⁴ For instance, see letter dated 5 October 2003 from the Syrian Arab Republic (S/2003/939); letter dated 13 July 2006 from Lebanon (S/2006/517); and letter dated 21 July 2008 from Cambodia (S/2008/475).

⁵ For instance, see letter dated 10 May 2000 from Eritrea (S/2000/408); letter dated 6 November 2006 from Qatar (S/2006/868); and letter dated 1 March 2008 from the Libyan Arab Jamahiriya (S/2008/142).

⁶ For instance, see letter dated 14 March 2001 from Burundi (S/2001/221); letter dated 30 November 2004 from the Democratic Republic of the Congo (S/2004/935); and letter dated 21 July 2008 from Cambodia (S/2008/475).

⁷ For instance, see letter dated 10 May 2000 from Eritrea (S/2000/408); letter dated 23 February 2004 from Jamaica (S/2004/143); and letter dated 21 January 2008 from Saudi Arabia (S/2008/31).

⁸ For instance, see letter dated 2 October 2000 from Malaysia (S/2000/929); letter dated 13 July 2006 from Lebanon (S/2006/517); and letter dated 1 March 2008 from the Libyan Arab Jamahiriya (S/2008/142).

6. While Article 35 (2) provides that a State which is not a member of the United Nations may bring a dispute to the Security Council, there was no such dispute or situation submitted to the Council for its attention during the period under review.⁹

7. For detailed information regarding the Council's practice on the pacific settlement of disputes, including in connection with the referral of disputes and situations to the Security Council (referred to in paragraphs 1 – 5 above), see chapter X of the fourteenth and fifteenth supplements and part VI of the sixteenth supplement to the *Repertoire of the Practice of the Security Council*:

http://www.un.org/en/sc/repertoire/2000-2003/00-03_10.pdf (during 2000-2003);

http://www.un.org/en/sc/repertoire/2004-2007/04-07_10.pdf (during 2004-2007);

http://www.un.org/en/sc/repertoire/2008-2009/Part%20VI/08-09_PartVI.pdf (during 2008-2009).

⁹ See, for instance, fifteenth supplement to the *Repertoire of the Practice of the Security Council* (2004-2007), chapter X, part I, "Referrals by States", and see also, for instance, sixteenth supplement to the *Repertoire of the Practice of the Security Council* (2008-2009), part VI, section I "Referrals by States".