

**Repertory of Practice of United Nations Organs
Supplement Nos. 7-9 (1985-1999)¹**

(Advance version, to be issued in volume III of Supplement Nos. 7-9 (forthcoming)
of the Repertory of Practice of United Nations Organs)

VOLUME III

ARTICLE 35

The practice of the General Assembly and the practice of the Security Council relating to Article 35 are the subject of two separate studies, presented sequentially hereinafter.

¹ At the bilateral meeting between the Codification Division of the Office of Legal Affairs and the Security Council Affairs Division of the Department of Political Affairs, on 11 March 2011, it was agreed that in order to expedite the elimination of the backlog in volume III, studies on *Supplements 7, 8 and 9* of the volume would be merged.

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VOLUME III

ARTICLE 35

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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.

INTRODUCTORY NOTE

1. The present study summarizes the communications by which situations or disputes were brought to the attention of the General Assembly during the period under review. While the primary focus is on initial requests for the inclusion in the agenda of questions or situations thought to affect international peace and security, letters containing referrals to the development or escalation of ongoing situations are also included. Annexed to this *Supplement* is a tabulation of communications submitted to the General Assembly regarding situations or disputes that had not been under consideration prior to 1985.
2. The present study is confined to the practice of the General Assembly, as the practice of the Security Council relating to Article 35 is the subject of a separate study for the Repertory of Practice. Moreover, separate studies on the

practice of the Security Council relating to Article 35 for the period under review are also available through the *Repertoire of the Practice of the Security Council*.²

3. During the period under review, communications were addressed to the Secretary-General by directly affected Member States or by third-party Member States; no situation or dispute was referred to the General Assembly by a non-Member State, as permitted under Article 35, para. 2.

4. The authority granted to the Interim Committee of the General Assembly to consider and report on any dispute or situation submitted to the General Assembly under Article 35 was not utilized during the period covered by the present study.

5. In accordance with previous *Repertory* studies³, the Analytical Summary of Practice does not cover the General Assembly's procedure in regard to submissions under Article 35, as that procedure bears no difference to the procedure followed for any other question put to the General Assembly for consideration.

² See, for example, the *Repertoire of the Practice of the Security Council* 1985-1988, chapter X, part III. The studies are available on the website of the *Repertoire of the Practice of the Security Council* at <http://www.un.org/en/sc/repertoire/>

³ See, e.g., *Repertory of Practice of United Nations Organs, Supplement No. 5*, study on Article 35 (para. 2), and *Supplement No. 6*, study on Article 35 (para. 2).

I. GENERAL SURVEY

6. During the period under consideration, Member States submitted forty-three requests for the inclusion of new items on the agenda of the General Assembly that were related to disputes or situations deemed to have the potential to threaten international peace and security.⁴ These matters were brought to the General Assembly's attention through communications addressed to the Secretary-General that formally requested the addition of new items to the sessional agenda.⁵

7. Requests were submitted by directly affected Member States⁶ or by third-party Member States⁷. Many of the issues brought before the General Assembly

⁴ All of the requests submitted are listed in a table which appears in the Annex to the present study.

⁵ For instance, see the letter dated 17 September 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General, requesting that the item "Iraqi aggression and the continued occupation of Kuwait in flagrant violation of Security Council resolutions" be added to the agenda of the forty-fifth session of the General Assembly (A/45/233).

⁶ For examples of referrals from directly affected States, see letter dated 3 December 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General (A/41/943); letter dated 3 January 1985 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General (A/40/66); letter dated 21 August 1986 from the Permanent Representative of the Libyan Arab Jamahiriya requesting the inclusion of the item titled "Declaration of the Assembly of Heads of State and Government of the Organization of African Unity in the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" in the agenda of the forty-first session (A/41/241); letter dated 18 October 1993 from the Permanent Representatives of Albania, Bulgaria, Croatia, the Czech Republic, the Republic of Moldova, Romania, Slovakia, the former Yugoslav Republic of Macedonia and Ukraine to the United Nations addressed to the Secretary-General, requesting the inclusion of the item "Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)" in the agenda of the forty-eighth session of the General Assembly (A/48/239).

⁷ For examples of referrals from indirectly affected States, see letter dated 19 March 1985 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/40/182); letter dated 15 September 1988 from the Permanent Representatives of Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Mongolia, Poland, Romania, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Viet Nam to the United Nations addressed to the Secretary-General requesting the inclusion of the item "Situation on the Korean peninsula and implementation of the relevant resolution on the question of Korea adopted by the General Assembly at its thirtieth session" to be included in the agenda of the forty-third session (A/43/242); letter dated 29 May 1986 from the Minister for External Relations of Brazil addressed to the Secretary-General requesting the inclusion of the item titled "Zone of peace and co-operation in the South-Atlantic" to be included in the provisional agenda of the forty-first session (A/41/143); letter dated 19 August 1992 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General, requesting the

were referred to as either “questions”⁸ or “situations”⁹, though none expressly referred to Article 35.

8. Seven of the requests submitted during the period under review were not placed on the agenda.¹⁰ Two of the requests were merged and made into a single item.¹¹

9. With respect to the distribution of competences between the Security Council and the General Assembly, it is important to recall that Articles 11 and 12 of the Charter establish a system of notification intended to avoid unnecessary overlapping of the functions of the Security Council and the General Assembly on questions relating to the maintenance of international peace and security.

10. In 1986, the Working Group of the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization referred briefly to Article 35 during discussion in the context of a proposal made by Romania.¹² It was stressed that Article 35 contemplated that both Member States (Article 35, para. 1) and non-Member States (Article 35, para. 2) have a role in reporting situations or disputes to the General Assembly.¹³

inclusion of the item “The situation in Bosnia and Herzegovina” in the agenda of the forty-sixth session (A/46/237).

⁸ See, e.g., letter dated 24 June 1993 from the Chargé d’affaires a.i. of the Permanent Mission of New Zealand to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled “Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice” in the provisional agenda of the forty-eighth session of the General Assembly (A/48/144).

⁹ See, e.g., the letter dated 27 October 1993 from the Permanent Representative of Burundi to the United Nations addressed to the Secretary-General, requesting the inclusion of the item “The situation in Burundi” in the agenda of the forty-eighth session of the General Assembly (A/46/240).

¹⁰ See questions and submissions Nos. 18, 20, 22, 33, 34, 39 and 42 of the Annex to this study.

¹¹ Summary Record of the first meeting of the General Committee under section 3, Adoption of the agenda 21 September 1988 (A/BUR/43/SR.1, paragraph 69); Provisional Verbatim Record of the second meeting 23 September 1988 (A/43/PV.3).

¹² Report of the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization, *General Assembly Official Records: Forty-First Session, Supplement No. 33*, 30 May 1986, under the heading “Resort to a commission of good offices, mediation and conciliation within the United Nations” (A/41/33, para. 17).

¹³ *Ibid.*

II. ANALYTICAL SUMMARY OF PRACTICE

THE QUESTION OF THE COMPETENCE OF THE GENERAL ASSEMBLY ARISING FROM ARTICLE 35

11. During the period under review, direct reference to Article 35 was made in the Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. The Committee's Working Group cited Article 35, together with Articles 41 and 43, during its consideration of the "obligations and responsibilities" attributed to Member States.¹⁴ The Committee confirmed the right of Member States "to bring matters before ... the General Assembly".¹⁵

12. In the same forum, issues were raised regarding the effectiveness of the principle of non-use of force, indirectly concerning the use of Article 35. It was recognized that the actual involvement and contribution of United Nations mechanisms with regard to conflict prevention or solution depended upon "the political will of States to make use of them".¹⁶ In addition, the Committee restated the obligations and responsibilities of the General Assembly under Articles 10, 11 and 14 of the Charter with regard to the maintenance of international peace and security.¹⁷

13.

The Committee later prepared the "Declaration on the Prevention and Removal of Disputes and Situations which may threaten International Peace and Security and on the Role of the United Nations in This Field", in which States were encouraged to make use of the relevant organs of the United Nations in the following terms: "States concerned should consider approaching the relevant organs of the United

¹⁴ Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, *General Assembly Official Records: Forty-First Session, Supplement No. 41*, 13 March 1986 (A/41/41, para. 49).

¹⁵ *Ibid.*

¹⁶ *Ibid.*, para. 45.

¹⁷ *Ibid.*, para. 49.

Nations in order to obtain advice or recommendations on preventive means for dealing with a dispute or situation.”¹⁸ That declaration was adopted by the General Assembly on 5 December 1988.¹⁹

DISPUTES AND SITUATIONS BROUGHT TO THE ATTENTION OF THE GENERAL ASSEMBLY

14. As already noted in para. 6 of this study, a number of disputes and situations were brought to the attention of the General Assembly pursuant to Article 35 during the period under review.²⁰ The majority of requests were reviewed by the General Committee and recommended for inclusion without substantial debate.²¹ The following provides an overview of certain instances where substantial discussion arose regarding the proposed inclusion of an additional item to the agenda.²²

15. For example, during the period under review, Member States made multiple references to Article 35 in discussing whether the additional item “Aggression against and occupation of Chad by Libya” should be included in the agenda of the General Assembly for that session.²³ Some Member States

¹⁸ “Declaration on the Prevention and Removal of Disputes and Situations which may threaten International Peace and Security and on the Role of the United Nations in this field”; General Assembly resolution 43/51, para. 1(5).

¹⁹ *Ibid.*

²⁰ For a list of all communications submitted to the General Assembly for the consideration of additional items to be placed on the agenda, see the Annex to this study.

²¹ For example, see the item entitled “General and Complete Disarmament”, sub-item “International Court of Justice advisory opinion on the legality of the threat or use of nuclear weapons”: Letter dated 21 August 1996 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General (A/51/194). See the Memorandum by the Secretary-General on the organization of the fifty-first regular session of the General Assembly, adoption of the agenda and allocation of items (A/BUR/51/1 and Add.1), p. 18.

²² For instance, see letter dated 19 March 1985 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/40/182); letter dated 2 December 1986 to the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General concerning the situation in Afghanistan (A/41/955); letter dated 6 March 1985 from the Chargé d'affaires a.i of the Permanent Mission of Democratic Yemen to the United Nations addressed to the Secretary-General concerning the question of Palestine (A/40/162); letter dated 21 November 1988 from the Chargé d'affaires a.i of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General concerning the Question of Palestine and the Situation in the Middle East (A/43/842).

²³ Summary record of the second meeting of the General Committee (16 September 1987) in consideration of item 142 “Aggression against and occupation of Chad by Libya” under section 3, Adoption of the agenda (A/BUR/42/SR.2).

expressed the wish that further attempts be made regionally to resolve the matter before being considered in the General Assembly, indicating that the appropriate forum for the settlement of the particular dispute at issue was the Organization of African Unity (OAU).²⁴ Other delegations, such as Zaire, showed support for the inclusion of the item by restating the right, conferred upon Member States by Article 35, para. 1, as well as Article 11, para. 2 of the Charter, to bring any “questions relating to the maintenance of peace and security” to the attention of the General Assembly.²⁵ In addition, Singapore argued that to refuse Chad’s request would constitute a violation of both Article 35 and the spirit of the Charter. Singapore also expressed concern that denying the inclusion of this item could end up damaging its “interest and security” as well as those of other small States.²⁶ Following this discussion, the General Committee recommended the inclusion of the item on its agenda for the forty-second session of the General Assembly.²⁷

16. During the forty-fourth session, upon request from Panama and Cuba,²⁸ the General Committee discussed the potential inclusion of the “grave situation in Panama” pursuant to Article 35. While the General Committee did not recommend inclusion of this item in the agenda, the topic was considered by the General Assembly under the agenda item “The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development”, which resulted in resolution 44/240 demanding the “immediate cessation of the

²⁴ *Ibid.* Opinions were given, not in favour but not formally opposing, *inter alia*, by the representatives of the Union of Soviet Socialist Republics, Mauritania, Togo and the Libyan Arab Jamahiriya.

²⁵ *Ibid.* Chad’s right to refer the dispute based on Article 35 was reaffirmed by the Representatives of Zaire and Singapore, during the second meeting of the General Committee in consideration of “Aggression against and occupation of Chad by Libya” under section 3, Adoption of the agenda 16 September 1987; inclusion of this item was also supported by the Central African Republic, France and the United States of America, amongst others (*Ibid.*, paras. 1-50).

²⁶ *Ibid.*, para. 27.

²⁷ *Ibid.*, para. 49.

²⁸ Letter dated 20 December from the Permanent Representatives of Cuba and Nicaragua to the United Nations addressed to the President of the General Assembly, requesting the inclusion of the item “grave situation in Panama” in the agenda of the forty-fourth session (A/44/906).

intervention and withdrawal from Panama of the armed invasion forces of the United States”.²⁹

17. During the forty-eighth session, there was significant debate in the General Committee concerning the request to include “consideration of the exceptional situation of the Republic of China in Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations”.³⁰ This proposal was also considered by the General Committee during the forty-ninth session of the General Assembly.³¹ The General Committee did not recommend that the item be included in the agenda of the General Assembly for either the forty-eighth or the forty-ninth session.³²

²⁹ General Assembly resolution 44/240, para. 2.

³⁰ A/BUR/48/SR.1, considering the letter dated 6 August 1993 from the representatives of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General, requesting for the inclusion of the item “consideration of the exceptional situation of the Republic of China in Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations” on the agenda of the forty-eighth session (A/48/191; A/48/191/Add.1; A/48/191/Add.2 and A/48/191/Add.3).

³¹ A/BUR/49/SR.1 and A/BUR/49/SR.2 (considering the letter dated 28 June 1994 to the United Nations addressed to the Secretary-General from the representatives of Burkina Faso, the Central African Republic, Dominica, Dominican Republic, Grenada, Nicaragua, Niger, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands and Swaziland, requesting the inclusion “consideration of the exceptional situation of the Republic of China in Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations” on the agenda of the forty-ninth session (A/49/144; A/49/144/Add.1; A/49/144/Add.2; and A/49/144/Add.3)).

³² A/BUR/48/SR.1 (para. 113) and A/BUR/49/SR.2 (para. 18).

ANNEX

Tabulation of initial communications submitted to the General Assembly for the
consideration of additional items to be placed on the agenda.
(1985-1999)

	<u>Questions and submissions</u>	<u>Submitting Member</u>	<u>Article invoked in submission</u>	<u>Action taken</u>
1.	Letter dated 29 May 1986 from the Minister for External Relations of Brazil addressed to the Secretary-General requesting the inclusion of the item titled "Zone of peace and co-operation in the South-Atlantic" (A/41/143)	Brazil	None	Included in the agenda (A/41/250/Add.1).
2.	Letter dated 5 August 1986 from the Ministers for Foreign Affairs of Bulgaria, the Byelorussian Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, Romania, the Ukrainian Socialist Soviet Republic and the Union of Soviet Socialist Republics addressed to the Secretary-General, requesting the inclusion of the item titled "Establishment of a Comprehensive System of International Security" (A/41/191)	Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, Romania, the Ukrainian Socialist Soviet Republic and the Union of Soviet Socialist Republics	None	Included in the agenda (A/41/250).
3.	Letter dated 21 August 1986 from the Permanent Representative of the Libyan Arab Jamahiriya requesting the inclusion of the item titled "Declaration of the Assembly of Heads of State and Government of the organization of African Unity in the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" (A/41/241)	Libyan Arab Jamahiriya	None	Included in the agenda (A/41/250).
4.	Letter dated 10 October 1986 from the Permanent representative of Oman addressed to the Secretary-General requesting the item titled "Israeli nuclear Armament" (A/41/242)	Oman	None	Included in the agenda (A/41/250/Add.2).
5.	Letter dated 29 October 1986 from the Permanent Representative of	Nicaragua	None	Included in the agenda (A/41/250/Add.3).

- Nicaragua addressed to the Secretary-General requesting the inclusion of the item titled "Judgment of the International Court of Justice of 27 June 1986 concerning military and paramilitary activities in and against Nicaragua: need for immediate compliance" (A/41/244)
6. Letter dated 2 March 1987 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Aggression against and Occupation of Chad by Libya" in the agenda of the forty-second session (A/42/141) Chad None Included in the agenda (A/42/250).
7. Letter dated 14 August 1987 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic addressed to the Secretary-General requesting the inclusion of a supplementary item entitled "Convening under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation." (A/42/193) Syrian Arab Republic None Included as sub-item b) under item 128 in the agenda of the forty-second session.
8. Letter dated 15 March 1988 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Science and Peace" in the agenda of the forty-third session (A/43/141) Costa Rica None Included in the agenda (A/43/250).
9. Letter dated 6 July 1988 from the Permanent representative of Swaziland addressed to the Secretary-General requesting the inclusion of the item titled "Dumping of Nuclear and Industrial Waste in Africa"(A/43/142) Swaziland None Included in the agenda (A/43/250).
10. Letter dated 9 August 1988 from the representatives of Canada, Colombia, Costa Rica, Japan, Liberia, Morocco, Sierra Leone and the United States of America, requesting the inclusion of the item titled "Fortieth anniversary of the establishment of the Government of the Republic of Korea" (A/43/196) Canada, Colombia, Costa Rica, Japan, Liberia, Morocco, Sierra Leone and the United States of America None Included in the agenda (A/43/250).
11. Letter dated 12 August 1988 from the Permanent Representatives of the Union of the Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern None Included in the agenda (A/43/250).

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| | Secretary-General requesting the inclusion of the item titled "Implementation of the conclusions of the third review conference of the parties to the treaty on the non-proliferation of nuclear weapons and establishment of a preparatory committee for the fourth review conference" (A/43/191/Rev.1) | Ireland and the United States of America | | |
| 12. | Letter dated 15 August 1988 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Observer status for the agency for the prohibition of nuclear weapons in Latin America in the General Assembly" in the agenda of the forty-third session (A/43/192) | Mexico | None | Included in the agenda (A/43/250). |
| 13. | Letter dated 19 August 1988 from the Permanent Representative of Trinidad and Tobago to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Liability for the illegal transfer and/or use of prohibited weapons, and weapons or substances which cause unnecessary human suffering" (A/43/195) | Trinidad and Tobago | None | Included in the agenda (A/43/250). |
| 14. | Letter dated 15 September 1988 from the Permanent Representatives of Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Mongolia, Poland, Romania, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Viet Nam addressed to the Secretary-General requesting the inclusion of the item titled "Situation on the Korean peninsula and implementation of the relevant resolution on the question of Korea adopted by the General Assembly at its thirtieth session" (A/43/242) | Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Mongolia, Poland, Romania, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Viet Nam | None | Included in the agenda (A/43/250). |
| 15. | Letter dated 9 August 1989 from the Permanent Representative of Maldives to the United Nations addressed to the Secretary-General requesting the inclusion of the item "Protection and security of small States (A/44/192) | Republic of Maldives | None | Included in the agenda; A/44/250 and A/44/251. |

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| 16. | Letter dated 3 November 1989 from the Deputy Head of the delegation of the Union of Soviet Socialist Republics to the forty-fourth session of the General Assembly and the Assistant Secretary of State of the United States of America for International Organization Affairs addressed to the Secretary-General requesting the inclusion of the item titled "Enhancing international peace, security and international co-operation in all its aspects in accordance with the Charter of the United Nations" (A/44/245) | Union of Soviet Socialist Republics | None | Included in the agenda; A/44/250/Add.4 and A/44/251/Add.3. |
| 17. | Letter dated 1 December 1989 from the Permanent Mission of Angola to the United Nations addressed to the President of the General Assembly requesting the inclusion of the item titled "International assistance for the economic rehabilitation of Angola" (A/44/248) | Angola | None | Included in the agenda; A/44/250/Add.6 and A/44/251/Add.5. |
| 18. | Letter dated 14 December 1989 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Grave situation in the Comoros" (A/44/249) | Saudi Arabia | None | Not included in the agenda; A/BUR/44/SR.8. |
| 19. | Letter dated 27 December 1989 from the Permanent Representative of Romania to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Emergency humanitarian assistance to Romania" (A/44/909) | Romania | None | Included in the agenda; A/44/250/Add.7 and A/44/251/Add.6. |
| 20. | Letter dated 20 December 1989 from the Permanent Representatives of Cuba and Nicaragua to the United Nations addressed to the President of the General Assembly requesting the inclusion of the item titled "Grave situation in Panama" (A/44/906) | Nicaragua and Cuba | None | Not included in the agenda, but the item was discussed under the existing topic "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development" (A/BUR/44/SR.9); see also General Assembly resolution 44/9. |
| 21. | Letter dated 17 September 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Iraqi aggression and the continued occupation of Kuwait in flagrant violation of Security Council Resolutions" (A/45/233) | Kuwait | None | Included in the agenda; A/45/250 and A/45/251. |
| 22. | Letter dated 5 November 1990 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "United States military concentrations in the | Iraq | None | Not included in the agenda; A/BUR/45/SR.1 and A/BUR/45/SR.1-4/Corr.1. |

- Gulf Region: threat to Arab and international peace and security” (A/45/236 and A/45/236/Corr.1)
23. Letter dated 16 August 1991 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba” (A/46/193) Cuba None Included in the agenda; A/46/250 and A/46/251.
 24. Letter dated 3 October 1991 from the Permanent Representative of Honduras to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled “Crisis of democracy and human rights in Haiti” (A/46/231) Honduras None Included in the agenda; A/46/250/Add.1, A/46/251/Add.1 and A/46/251/Corr.2.
 25. Letter dated 14 August 1992 from the Chargé d’affaires a.i. of the Permanent Mission of Afghanistan to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled “Emergency international assistance for the reconstruction of war-stricken Afghanistan” (A/47/193) Afghanistan None Included in the agenda; A/47/250 and A/47/251.
 26. Letter dated 19 August 1992 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled “The situation in Bosnia and Herzegovina” (A/46/237) Turkey None Included in the agenda; A/46/250/Add.4 and A/46/251/Add.6.
 27. Letter dated 27 August 1992 from the Chargé d’affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled “International cooperation and assistance to alleviate the consequences of war in Croatia and to facilitate its recovery” (A/47/242) Croatia None Included in the agenda; A/47/250 and A/47/251.
 28. Letter dated 12 November 1992 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General requesting the inclusion of the item “International assistance for the rehabilitation and reconstruction of Nicaragua: aftermath of the war and natural disasters” (A/47/248) Nicaragua None Included in the agenda; A/47/250/Add.3 and A/47/251/Add.4.
 29. Letter dated 27 October 1993 from the Permanent Representative of Burundi to the United Nations addressed to the Burundi None Included in the agenda; A/48/250/Add.5 and A/48/251/Add.4.

- Secretary-General requesting the inclusion of the item titled "The situation in Burundi" (A/48/240)
30. Letter dated 14 August 1992 from the representatives of Estonia, Latvia and Lithuania to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Compete withdrawal of foreign military forces from the territories of the Baltic States" (A/47/191) Estonia, Latvia and Lithuania None Included in the agenda; A/47/250 and A/47/251.
31. Letter dated 6 November 1992 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "The situation of human rights in Estonia and Latvia" (A/47/247) Russian Federation None Included in the agenda; A/47/250/Add.3 and A/47/251/Add.4.
32. Letter dated 24 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of New Zealand to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice" (A/48/144) New Zealand None Included in the agenda; A/48/250 and A/48/251.
33. Letter dated 29 October 1993 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Emergency assistance for the socio-economic rehabilitation of Rwanda" (A/48/241) Rwanda None Included in the agenda; A/48/250/Add.6 and A/48/251/Add.5.
33. Letter dated 6 August 1993 from the representatives of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Consideration of the exceptional situation of the Republic of China in Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations" (A/48/191; A/48/191/Add.1; A/48/191/Add.2; and A/48/191/Add.3) Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama None Not included in the agenda; A/BUR/48/SR.1.
34. Letter dated 28 June 1994 from the representatives of Burkina Faso, the Burkina Faso, the Central None Not included in the agenda; A/BUR/49/SR.1 and A/BUR/49/SR.2.

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| | Central African Republic, Dominica, Dominican Republic, Grenada, Nicaragua, Niger, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Consideration of the exceptional situation of the Republic of China in Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations" (A/49/144; A/49/144/Add.1; A/49/144/Add.2; and A/49/144/Add.3) | African Republic, Dominica, Dominican Republic, Grenada, Nicaragua, Niger, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands and Swaziland | | |
| 35. | Letter dated 19 August 1993 from the representatives of Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Assistance in mine clearance" (A/48/193) | Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland | None | Included in the agenda; A/48/250 and A/48/251. |
| 36. | Letter dated 18 October 1993 from the Permanent Representatives of Albania, Bulgaria, Croatia, the Czech Republic, the Republic of Moldova, Romania, Slovakia, the former Yugoslav Republic of Macedonia and Ukraine to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Economic assistance to states affected by the implementation of the Security Council Resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/48/239) | Albania, Bulgaria, Croatia, the Czech Republic, the Republic of Moldova, Romania, Slovakia, the former Yugoslav Republic of Macedonia and Ukraine | None | Included in the agenda; A/48/350/Add.5 and A/48/251/Add.3. |
| 37. | Letter dated 27 May 1994 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "The situation in the occupied territories of Croatia" (A/49/142) | Croatia | None | Included in the agenda; A/49/250 and A/49/251. |
| 38. | Letter dated 21 August 1995 from the Permanent Representative of Australia to the United Nations addressed to the Secretary-General requesting that a statement titled "Comprehensive Test-Ban Treaty" be circulated as a document of the General Assembly | Australia | 73 e | Included in the agenda of the fiftieth session; A/50/250 and A/BUR/50/SR.1. |

under item 65 of the provisional agenda of the General Assembly (A/50/362).

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| 39. | Letter dated 15 August 1996 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the General Assembly requesting the inclusion of the item titled "Elimination of Coercive Economic Measures as a Means of Political and Economic Compulsion" (A/51/193) | Libyan Arab Jamahiriya | None | Not included in the agenda. |
| 40. | Letter dated 31 July 1997 from the Permanent Representatives of Bangladesh, Costa Rica, Côte d'Ivoire, El Salvador, Guinea-Bissau, Honduras, Namibia, Nicaragua, Panama, the Philippines, Senegal and Venezuela addressed to the Secretary-General of the General Assembly requesting the inclusion of the item titled "Towards a Culture of Peace" (A/52/191) | Bangladesh, Costa Rica, Côte d'Ivoire, El Salvador, Guinea-Bissau, Honduras, Namibia, Nicaragua, Panama, the Philippines, Senegal and Venezuela | None | Included in the agenda (A/52/250), (A/BUR/52/SR.1). |
| 41. | Letter dated 14 September 1998 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the General Assembly requesting the inclusion of the item titled "Armed aggression against the Democratic Republic of the Congo" (A/53/232) | Democratic Republic of Congo | None | Included in the agenda (A/53/250/Add.1). |
| 42. | Letter dated 18 July 1995 from the representatives of Burkina Faso, the Central African Republic, the Central American Countries and the Dominica, Niger, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General requesting the inclusion of the item titled "Consideration of the exceptional situation of the inability, resulting from General Assembly resolution 2758 (XXVI), of the 21.3 million people on Taiwan, Republic of China, to participate in the activities of the United Nations" (A/50/145) and (A/50/145 Add.1); letter dated 17 July 1996 from the Permanent Representatives of Burkina Faso, the Central African Republic, the Central American Countries and the Dominica, Senegal, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General | Burkina Faso, the Central African Republic, the Central American Countries and the Dominica, Niger, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands and Swaziland | None | Not included in the agenda. The General Committee concluded that based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations, it could not commend recommend its inclusion (A/50/250), (A/BUR/50/1 and Add.1). The item was also not included in the subsequent sessions: (A/51/250) (A/BUR/51/1 and Add.1); (A/53/250), (A/BUR/53/1 and Add.1). There were no discussions on its inclusion at the fifty-fourth session; see A/54/250, A/BUR/54/1 and Add.1, A/BUR/54/SR.1. |

(A/51/142); letter dated 14 July 1997 from the Permanent Representatives of Burkina Faso, Dominica, the Gambia, Grenada, Guinea-Bissau, Nicaragua, Senegal, Solomon Islands and Swaziland to the United Nations addressed to Secretary General (A/52/143); letter dated 8 July 1998 from the Permanent Representatives of Burkina Faso, El-Salvador, El Salvador, the Gambia, Grenada, Liberia, Nicaragua, Sao Tome and Principe, Saint Vincent and the Grenadines, Senegal, Swaziland and Solomon Islands to the United Nations addressed to Secretary General (A/53/145), (A/53/145/Add.1) (A/53/145/Add.2) and (A/53/145/Add.3)

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| 43. | Letter dated 5 October 1998 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly requesting that an item titled "Dialogue among civilizations" be included in the agenda of the fifty-third session of the General Assembly (A/53/233) | Iran | None | Included in the agenda (A/53/250/Add.1). |
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Repertory of Practice of United Nations Organs
Supplement Nos. 7-9 (1985-1999)¹
(Advance version, to be issued in volume III of *Supplement Nos. 7-9* (forthcoming)
of the *Repertory of Practice of United Nations Organs*)

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.

¹ At the bilateral meeting between the Codification Division of the Office of Legal Affairs and the Security Council Affairs Division of the Department of Political Affairs, on 11 March 2011, it was agreed that in order to expedite the elimination of the backlog in volume III, studies on *Supplements 7, 8 and 9* of the volume would be merged.

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 will be the subject of a separate study.

2. During the review period, Article 35 was explicitly referred to in a number of communications from Member States to the President of the Security Council.² However, most communications did not cite any specific Article as the basis on which they were submitted.³

3. In the absence of evidence pointing to other Charter provisions, Article 35 is commonly regarded as the basis on which matters are referred to the Security Council by States. 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 reporting period, several new matters, mostly referred to as "situations", were brought to the Council's attention.⁴

² For instance, see letter dated 11 May 1992 from Armenia (S/23896), letter dated 16 July 1993 from Ukraine (S/26100), letters from Bosnia and Herzegovina dated 3 March 1993 (S/25358), 18 March 1993 (S/25434), 4 May 1993 (S/25718), 30 May 1993 (S/25872) and 13 June 1993 (S/25943), letter dated 13 March 1997 from Italy (S/1997/214).

³ For instance, see letter dated 25 January 1993 from Angola (S/25161), letter dated 14 July 1994 from France (S/1994/823) and letter dated 26 February 1996 from the United States (S/1996/130).

⁴ For instance, see letter dated 25 April 1989 from Panama (S/20606), letter dated 19 September 1991 from Austria (S/23052) and letter dated 30 September 1991 from Haiti (S/23098) .

4. During the period under consideration, disputes and situations were referred to the Security Council directly by affected States themselves⁵ or by third States⁶. In some other instances, the State in question challenged the referral of the matter to the Council by rejecting claims that a dispute or a situation, which might lead to international friction or give rise to a dispute, as required under Article 35, did indeed exist.⁷

5. 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 an instance when a dispute was submitted by a State which was not a member of the United Nations during the period under review.⁸

6. On several occasions, communications bringing matters to the attention of the Council were addressed to the Secretary-General.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 *Repertoire of the Practice of the Security Council*:

⁵ For instance, see letter dated 25 October 1993 from Burundi (S/26626), letter dated 9 January 1996 from Ethiopia (S/1996/10) and letter dated 8 June 1996 from Zaire (S/1996/413).

⁶ For instance, in connection with the situation in Albania, see letter dated 12 March 1997 from Italy (S/1997/214) and, in connection with the situation in the Federal Republic of Yugoslavia, letter dated 24 March 1999 from the Russian Federation (S/1999/320) and letter dated 24 March 1999 from Belarus (S/1999/323).

⁷ For instance, see letter dated 7 April 1989 from Pakistan, questioning the appropriateness of the meeting (S/20577) and letter dated 3 June 1996 from Zaire (S/1996/405).

⁸ See letter dated 10 February 1988 from the Republic of Korea (S/19488).

⁹ For instance, see letter dated 22 March 1989 from Afghanistan (S/20545), note verbale dated 25 December 1992 from Georgia (S/25026) and letter dated 14 April 1998 from Georgia (S/1998/329).

http://www.un.org/en/sc/repertoire/85-88/85-88_10.pdf#page=5 (**during 1985-1988**);

http://www.un.org/en/sc/repertoire/89-92/89-92_10.pdf#page=5 (**during 1989-1992**);

http://www.un.org/en/sc/repertoire/93-95/93-95_10.pdf#page=5 (**during 1993-1995**);and

http://www.un.org/en/sc/repertoire/96-99/96-99_10.pdf#page=6 (**during 1996-1999**).