ARTICLE 42

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TEXT OF ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

INTRODUCTORY NOTE

1. During the period under review, the Security Council took no decision invoking Article 42.
2. Since there was also no constitutional discussion bearing on the interpretation or application of Article 42 in the Security Council related to the adoption of a decision of the Council, this study is limited to a Summary of Practice.
3. The Summary of Practice includes two draft resolutions referring to Article 42 which were not adopted by the Security Council.
4. The Summary also refers to the Definition of Aggression adopted by the General Assembly which contains an explicit reference to Article 42.
5. Explicit references to the Article as they occurred in the Council, in the General Assembly and its committees are also included in the Summary.

SUMMARY OF PRACTICE

6. During the period under review, Article 42, together with Articles 39-41 and 43-46, was explicitly invoked in a Security Council draft resolution in connexion with the consideration of the question of South Africa. This draft resolution was not put to the vote, but a few months later was resubmitted in revised form. It was then put to the vote and received 10 votes in favour and 5 against and was not adopted, owing to the negative votes of three permanent members of the Council. No constitutional discussion took place regarding the draft resolution or its invocation of Chapter VII and Article 42.
7. In another instance, the Security Council considered a draft resolution in connexion with the situation in Southern Rhodesia; it provided inter alia that the Council would condemn the refusal of the administering Power to use force against the illegal racist régime. No constitutional discussion ensued. The draft resolution was voted upon and failed of adoption, owing to the negative votes of two permanent members of the Council.
8. Article 42, together with Articles 41 and 39 of the Charter, was explicitly referred to in the second preambular paragraph of the Definition of Aggression adopted by the General Assembly in its resolution 3314 (XXIX). In this paragraph the Assembly cited the basic provisions of those three Articles and recalled the rights of the Security Council thereunder. It was repeatedly invoked in the Sixth Committee during the consideration of the question of defining aggression at the 25th through 29th sessions, but there was no constitutional argument regarding this Article in particular.
9. During the period under review, several other questions gave rise to explicit references to Article 42 in the Security Council, usually linked with calls for the use of force under that Article: such was the case in connection with the question of defining aggression at the 1534th mtg. on 30 March 1977. See in this connexion the study of Article 2 (4) for a more detailed analysis of the deliberations regarding aggression and the use of force.

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1S C (32), Suppl. for Jan.-March, 1977, S/12310, para. 5. The paragraph read as follows:

"5. Decides that, in case of non-compliance with paragraph 3 of the present resolution, the Security Council shall consider appropriate action under all the provisions of the Charter, including Articles 39-46."

The President called attention to the draft resolution, which had been submitted by Benin, Libyan Arab Republic and Mauritius, at the 1998th mtg. on 30 March 1977.

2S C (32), Suppl. for Oct.-Dec., 1977, S/12310/Rev.1. Paragraph 5 was unchanged.

3For the vote see S C (32), 2045th mtg., para. 53. Senegal invoked Article 42 in quoting the draft resolution (2039th mtg., para. 36). Madagascar also called explicitly for measures under Article 42 (1991st mtg., para. 84).

nexion with the situation in Namibia,⁸ the situation in Southern Rhodesia,⁹ the complaint by Guinea,¹⁰ the consideration of questions relating to Africa,¹¹ the complaint by Zambie,¹² the situation in Cyprus,¹³ the relationship between the United Nations and South Africa,¹⁴ the situation in the occupied Arab territories,¹⁵ and the complaint by Mozambique.¹⁶

10. Article 42 was explicitly referred to in the General Assembly and in its committees not only in connexion with the question of defining aggression, but also regarding a number of other agenda items, namely:¹⁷ the general debate,¹⁸ the consideration of measures for strengthening international security, the implementation of the Declaration on the Strengthening of International Security,¹⁹ the policies of apartheid of the Government of South Africa,²⁰ the comprehensive review of the whole question of peace-keeping opera-

⁸ S C (25), 1523rd mtg.: Syria, para. 43; 1529th mtg.: Poland, para. 11; S C (30), 1824th mtg.: India, para. 80; S C (33), 2094th mtg.: Ghana, para. 38; 2095th mtg.: Saudi Arabia, para. 31.
⁹ S C (25), 1531st mtg.: Sierra Leone, para. 41.
¹⁰ S C (25), 1560th mtg.: President (USSR), para. 139; Southern Yemen, para. 9; Yugoslavia, para. 74; 1563rd mtg.: Burundi, para. 110; President (USSR), para. 182.
¹¹ S C (25), 1630th mtg.: Yugoslavia, para. 125.
¹² S C (28), 1665th mtg.: Ghana, para. 60; 1694th mtg.: Kenya, para. 106.
¹³ S C (29), 1718th mtg.: Costa Rica, para. 110; 1810th mtg.: Cyprus, para. 40; S C (32), 2055th mtg.: Cyprus, para. 145; S C (33), 2061st mtg.: Cyprus, para. 25.
¹⁴ S C (29), 1800th mtg.: Uganda, paras. 19 and 26; 1801st mtg.: Madagascar, paras. 7 and 21; 1802nd mtg.: Barbados, para. 102; 1804th mtg.: Congo, para. 56; 1806th mtg.: Kenya, para. 29.
¹⁵ S C (31), 1966th mtg.: Syria, paras. 160 and 161.
¹⁶ S C (32), 2018th mtg.: Pakistan, para. 71.
¹⁷ Most of these references were incidental and gave no rise to constitutional arguments.
¹⁸ G A (25), Plen., 1855th mtg.: Cambodia, para. 23; G A (27), Plen., 2059th mtg.: Yemen, para. 30; G A (32), Plen., 202nd mtg.: Ghana, para. 97; G A (33), Plen., 25th mtg.: Ivory Coast, para. 104: a.i. 9 for all years.
²² G A (25), 3rd Com., 1785th mtg.: Iraq, para. 7: a.i. 47.
²⁴ G A (27), Plen., 2092nd mtg.: Egypt, para. 46: a.i. 21.
²⁶ G A (28), Plen., 2176th mtg.: Mali, para. 147: a.i. 23.
²⁷ G A (28), 1st Com., 1967th mtg.: Barbados, para. 80: a.i. 41.
²⁸ G A (29), Plen., 2314th mtg.: Cyprus, para. 264: a.i. 20.
²⁹ G A (29), 4th Com., 2109th mtg.: Uganda, para. 18: a.i. 65; G A (30), 4th Com., 2153rd mtg.: Kuwait, para. 74: a.i. 87; G A (33), Plen., 80th mtg.: Ivory Coast, para. 134; 99th mtg.: Burundi, para. 103; 100th mtg.: Madagascar, para. 134; 104th mtg.: Guinea, para. 192; 107th mtg.: Jamaica, para. 104: a.i. 27.
³⁰ G A (29), 6th Com., 1515th mtg.: German Democratic Republic, para. 22; 1520th mtg.: Cyprus, para. 24: a.i. 95; G A (31), 6th Com., 44th mtg.: German Democratic Republic, para. 1: a.i. 84.
³¹ G A (27), Plen., 65th mtg.: Greece, para. 21-23: a.i. 118.
³² G A (31), 1st Com., 11th mtg.: Cyprus, p. 51: a.i. 81; 5th Com., 203rd mtg.: Madagascar, para. 38: a.i. 50.
³³ G A (31), Plen., 51st mtg.: Cuba, para. 46; 53rd mtg.: France, para. 32; 54th mtg.: Tunisia, para. 10: a.i. 124; G A (32), 1st Com., 53rd mtg.: Nepal, p. 38: a.i. 37; G A (33), 6th Com., 56th mtg.: Togo, para. 61: a.i. 121.
³⁵ G A (33), Plen., 30th mtg.: Jamaica, para. 51.
³⁶ G A (S-10), Plen., 20th mtg.: Nepal, para. 20; 27th mtg.: Cyprus, para. 368.