

## ARTICLE 48

### TEXT OF ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

### NOTE

1. No decisions requiring treatment under this Article were taken by the organs of the United Nations during the period under review. It should be noted, however, that operative paragraphs 2 to 4 of Security Council resolution 221, adopted on 9 April 1966 in connexion with the situation in Southern Rhodesia, might be considered as falling implicitly within the scope of Article 48. In these operative paragraphs the Security Council, having determined in paragraph 1 that the specific situation under consideration<sup>1</sup> constituted a threat to the peace,<sup>2</sup> called upon the Portuguese Government not to permit oil to be pumped through the pipeline from Beira to Southern Rhodesia and not to receive at Beira oil destined for Southern Rhodesia and called upon all States to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Southern Rhodesia which might be en route to Beira.

2. During the period covered by this *Supplement*, there were incidental references to Article 48 in the Security Council in connexion with various other agenda items.<sup>3</sup> The Article was also mentioned frequently, together with other Articles, in the General Assembly, particularly in the Fifth Committee, in support of the position that the Security Council had exclusive competence to take decisions on all aspects, including the financing, of United Nations action for the maintenance of international peace

and security.<sup>4</sup> While the constitutional arguments for and against that position were not focused on the provisions of Article 48, that Article was cited jointly with Articles 11 (2) and 43, to establish the frame of constitutional reference within which the discussion took place on the extent of the competence and powers of the Security Council and the General Assembly in matters concerning United Nations

<sup>1</sup> The matter under consideration was the situation resulting from the arrival of one oil tanker, and the approach of another, at Beira, with the possibility that fuel supplies might reach the illegal régime in Southern Rhodesia, thereby enabling it to remain longer in being. See S C resolution 221 (1966), second and third paras. of the preamble.

<sup>2</sup> *Ibid.*, oper. para. 1.

<sup>3</sup> S C, 17th yr., 995th mtg.: China, para. 26, in connexion with the letter of 8 March 1962 from Cuba concerning Punta del Este decisions; S C, 18th yr., 1039th mtg.: USSR, para. 20, in connexion with the reports of the Secretary-General to the Security Council concerning developments relating to Yemen; S C, 19th yr., 1129th mtg.: Tunisia, para. 114, in connexion with the question of race conflict in South Africa.

<sup>4</sup> G A (XV), 5th Com., 825th mtg.: USSR, para. 5; 828th mtg.: Czechoslovakia, para. 14; USSR, para. 7; 829th mtg.: Bulgaria, para. 21; USSR, para. 31; 832nd mtg.: Australia, paras. 7 and 8; Hungary, para. 1; 833rd mtg.: Netherlands, para. 25; Romania, para. 18; 834th mtg.: Albania, para. 27; Norway, para. 10; 836th mtg.: Bulgaria, para. 36; USSR, para. 26; 837th mtg.: Chairman (Italy), para. 11; Mexico, para. 9; 838th mtg.: Bulgaria, paras. 13 and 15; 839th mtg.: Bulgaria, paras. 28 and 29; G A (XV/2), Plen., 973rd mtg.: USSR, para. 22; 977th mtg.: Secretary-General, paras. 32 and 33; 995th mtg.: USSR, paras. 116 and 117; G A (XV), Annexes, a. i. 49/50, p. 28, A/C.5/860: USSR, paras. 3 and 4, *ibid.*, p. 29, A/C.5/862: Mexico, para. 18, in connexion with the United Nations operations in the Congo: 1961 cost estimates and financing. G A (XVI), 5th Com., 902nd mtg.: USSR, para. 26; G A (XVI), Plen., 1086th mtg.: USSR, para. 102, in connexion with the United Nations operations in the Congo and the United Nations Emergency Force (UNEF): cost estimates. G A (XVII), 5th Com., 961st mtg.: USSR, para. 34; 965th mtg.: Czechoslovakia, paras. 15 and 16; 968th mtg.: Albania, para. 41; 972nd mtg.: Bulgaria, para. 29; G A (XVII), Annexes, a. i. 64, A/C.5/957, USSR, p. 2, in connexion with the obligations of Member States, under the Charter of the United Nations, with regard to the financing of UNEF and the Organization's operations in the Congo: advisory opinion of the International Court of Justice. G A (S-IV), 5th Com., 987th mtg.: Romania, para. 18; 989th mtg.: Hungary, para. 7; G A (S-IV), Plen., 1205th mtg.: USSR, paras. 57 and 58; G A (S-IV), Annexes, a. i. 7, A/AC.113/15, p. 26; Bulgaria, para. 12; G A (S-IV), Annexes, a. i. 7, A/5407, p. 58, para. 9 (d): positions taken by Bulgaria, Mongolia and USSR in the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations. G A (XVIII), 5th Com., 1010th mtg.: Cuba, paras. 33 and 35; USSR, para. 4; G A (XVIII), Plen., 1247th mtg.: USSR, para. 20, in connexion with the United Nations Operation in the Congo: cost estimates; G A (XVIII), 5th Com., 1052nd mtg.: USSR, para. 34; G A (XVIII), Annexes, a. i. 19, A/5680, p. 35, para. 14 (Report of the Fifth Committee) in connexion with UNEF: cost estimates for the maintenance of the Force.

action for the maintenance of international peace and security.<sup>5</sup>

3. The discussion centred on the question whether or not the expenses resulting from United Nations peace-keeping operations, for example, the United Nations Emergency Force in the Middle East and the United Nations Operation in the Congo, should be considered to constitute expenses of the Organization within the meaning of Article 17 (2).<sup>6</sup> On the one hand, it was contended that appropriations for United Nations peace-keeping expenses, far from being a purely financial matter, gave rise to a series of political and military questions, such as the strength of the participating forces and the duration and direction of the operation, all of which were the express and exclusive responsibility of the Security Council under the provisions of Articles 11 (2), 43 and 48. Consequently, expenses connected with peace-keeping operations were covered by the procedure set

<sup>5</sup> See also this *Supplement*, under Article 11 (2), paras. 94–107, and Article 43, paras. 7 and 8.

<sup>6</sup> See this *Supplement*, under Article 17 (2).

forth in Chapter VII of the Charter, more particularly in Articles 43 and 48 which made it clear that the Security Council alone was competent to decide which Member States were to participate in action to implement decisions of the Council for the maintenance of international peace and security, as well as the conditions of such participation and the financing of the operation. On the other hand, it was maintained that the approval of an appropriation did not constitute a decision concerning the substance of the problem, irrespective of whether that was a matter within the exclusive domain of the Security Council. Whenever a decision of the Security Council, including decisions taken in pursuance of Articles 43 or 48, imposed responsibilities on the Organization and required implementation by the Secretary-General, the costs which would be involved would constitute expenses of the Organization within the meaning of Article 17 (2). Moreover, the field of application of Article 17 was not limited by the provisions of Articles 43 and 48 since those Articles did not confer upon the Security Council any powers with regard to financing.