

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. During the period under review, the Security Council took no decisions explicitly under this Article.

2. Certain decisions of the Security Council, however, without invoking Article 48, contained provisions which might be considered as falling implicitly within the scope of this Article.¹

3. During the period under review, incidental explicit references to Article 48 were made in the deliberations of the Security Council,² the General Assembly,³ and the International Court of Justice.⁴

4. None of these explicit references nor the discussion leading to the adoption of the Security Council resolutions referred to above gave rise to constitutional arguments regarding the interpretation or application of Article 48.

¹The following resolutions in which the Security Council reiterated, recalled or reaffirmed its prior determination of a threat to the peace under Chapter VII of the Charter, in connexion with the existence of the illegal minority régime in Southern Rhodesia, contained appeals to all Member States or some of them requiring them to take action in accordance with the decisions of the Security Council: S C resolutions 277 (1970), paras. 2, 3, 8, 9, 11, 12, 14, 16, 17, 23 (all Member States), paras. 4, 10, 22 (United Kingdom), para. 7 (South Africa), para. 13 (Member States of any international or regional organizations); 288 (1970), para. 2 (United Kingdom); 318 (1972), para. 6 (all Member States); 320 (1972), para. 3 (United States); 388 (1976), paras. 1 and 2 (all Member States); 409 (1977), para. 1 (all Member States); 423 (1978), para. 5 (United Kingdom); 437 (1978), para. 3 (United States) in connexion with the situation in Southern Rhodesia; S C resolutions 326 (1973), paras. 3 and 7 (United Kingdom), para. 6 (South Africa); 328 (1973), paras. 8 and 9 (United Kingdom) in connexion with the complaint by Zambia; S C resolution 424 (1978), para. 4 (United Kingdom) in connexion with another complaint by Zambia.

²The explicit references to Article 48 in the Security Council were the following: S C (28), 1694th mtg.: Kenya, para. 108 in connexion with the complaint by Zambia; S C (29), 1806th mtg.: Kenya, para. 29 in connexion with the relationship between the United Nations and South Africa.

³Article 48 was explicitly referred to in the General Assembly as follows: G A (XXV), 4th Com., 1901st mtg.: Bulgaria, para. 22 in connexion with a general debate on decolonization items (a.i. 12, 13, 23, 61, 66-70); G A (24), Spec. Pol. Com., 846th mtg.: France, para. 7 in connexion with the comprehensive review of the whole question of peace-keeping operations in all their aspects (a.i. 41); G A (30), 4th Com., 2155th mtg.: Costa Rica, para. 53 in connexion with the question of Southern Rhodesia (a.i. 89); G A (31), Plen., 65th mtg.: Greece, paras. 21-23 in connexion with the question of Cyprus (a.i. 118); G A (33), 4th Com., 24th mtg.: Ghana, para. 22 in connexion with a general debate on decolonization items (a.i. 24, 92, 94, 96).

⁴Article 48 was explicitly referred to in the advisory opinion of the International Court of Justice (Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970)). ICJ, *Reports 1971*, p. 16. Para. 113 reads *inter alia* as follows:

“ . . . 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.”