

ARTICLE 49

TEXT OF ARTICLE 49

The members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

NOTE

1. During the period under review, Article 49 was specifically cited together with Article 50 in a resolution of the Security Council¹ in connexion with the question of assistance to Mozambique.

2. Implicit references to Article 49 were also made in three other Security Council resolutions in connexion with the question of assistance to Lesotho² and to Mozambique.³

3. The General Assembly also invoked this Article together with Article 50 in a resolution in connexion with the question of assistance to Zambia.⁴

4. During the period under review, Article 49 was cited⁵ in a note by the Secretary-General to the Security Council concerning the question of assistance to Mozambique. In the note the Secretary-General expressed confidence that the United Nations would respond favourably to any request for assistance which the Government of Mozambique might make in order to offset the economic consequences of its application of full sanctions against Southern Rhodesia.

5. In connexion with the question of assistance to Mozambique, Article 49 together with Article 50 was also cited in a report⁶ as well as in a draft resolution⁷ of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In the report, and in the draft resolution, the Special Committee recommended to the Security Council that, bearing in mind the provisions of Articles 49 and 50 of the Charter, it should initiate, as soon as possible, a specific programme of assistance to Mozambique in order

to enable its Government to apply fully and effectively sanctions against Southern Rhodesia.

6. An implicit reference to Article 49 was made in a resolution⁸ of the Organization of African Unity in connexion with the question of assistance to Mozambique. The text of that resolution was transmitted to the President of the Security Council by the Chairman of the Twenty-ninth Session of the Council of Ministers of the OAU in a telegram dated 26 June 1977.

7. In the course of discussions, references to Article 49 were made explicitly or implicitly in the Security Council and the General Assembly by various Member States in connexion with the following agenda items: the question of assistance to Zambia⁹ and to Mozambique;¹⁰ the financing of the United Nations Emergency Force,¹¹ the Cyprus question¹² and the question of peace-keeping operations.¹³ Article 49 was also mentioned in an advisory opinion of the International Court of Justice concluding that the presence of the South African administration in Namibia was illegal.¹⁴

8. None of these explicit references nor the discussions leading to the adoption of the resolutions referred to above gave rise to constitutional arguments regarding the interpretation or application of Article 49.

⁸ S C (32), Suppl. for April-June, 1977, p. 60, S/12352.

⁹ For the texts of relevant statements, see S C (28), 1687th mtg.: Ghana, para. 56; Yugoslavia, para. 146; 1688th mtg.: Kenya, para. 143; 1689th mtg.: Austria, para. 61.

¹⁰ For the texts of relevant statements, see S C (31), 1890th mtg.: Tanzania, para. 94; United Kingdom, para. 110; 1891st mtg.: Guyana, para. 8; Sweden, para. 33; 1892nd mtg.: Japan, para. 35; Secretary-General, para. 85; G A (30), 4th Com., 2137th mtg.: India, para. 10; Jamaica, para. 23; 2139th mtg.: Trinidad and Tobago, para. 46; 2142nd mtg.: Mali, para. 5.

¹¹ G A (28), Plen., 2161st mtg.: Saudi Arabia, paras. 9, 14, 17, 28; 2196th mtg.: USSR, para. 81.

¹² G A (31), Plen., 65th mtg.: Greece, paras. 21-23; G A (31), 1st Com., 54th mtg.: Cyprus, pp. 18-20.

¹³ A/7922/Add.2, United Arab Republic, p. 19 (Report of the Secretary-General) (mimeographed); G A (27), Spec. Pol. Com., 846th mtg.: France, para. 7.

¹⁴ ICJ, *Reports 1971*, p. 16.

¹ S C resolution 386 (1976), 13th preamb. para.

² S C resolution 402 (1976), para. 5 and S C resolution 407 (1977), para. 5.

³ S C resolution 411 (1977), paras. 9 and 10.

⁴ G A resolution 33/131, para. 13.

⁵ S C (31), Suppl. for Jan.-March, 1976, p. 112, S/12004 and Add.1.

⁶ A/10023 (Part I) para. 163 (mimeographed).

⁷ A/AC.109/494B, para. 5 (mimeographed).