

ARTICLE 50

TEXT OF ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

NOTE

1. No decisions requiring treatment under this Article were taken by the organs of the United Nations during the period under review.

2. Article 50 was, however, incidentally cited in both the Security Council¹ and the General Assembly² with reference to the difficulties which might be encountered by small States in applying economic sanctions, decided upon by the United Nations, and in connexion with the question of financing various operations entailing the use of armed forces under the United Nations auspices. In neither context was there an express discussion of the provisions of Article 50.³ In the latter context, however, Article

50 was incidentally mentioned also by the International Court of Justice in its advisory opinion of 20 July 1962 on certain expenses of the United Nations.⁴ After stating that Article 43 could not have any applicability to peace-keeping operations⁵ and that even if Article 43 were applicable, there was nothing in its text that would limit the discretion of the Security Council in negotiating agreements under that Article, the Court further declared:

“It cannot be assumed that in every such agreement the Security Council would insist, or that any Member State would be bound to agree, that such State would bear the entire cost of the ‘assistance’ . . . Indeed, the difficulty or impossibility of anticipating the entire financial impact of enforcement measures on Member States is brought out by the terms of Article 50 which provides that a State, whether a Member of the United Nations or not, ‘which finds itself confronted with special economic problems arising from the carrying out of those [preventive or enforcement] measures, shall have the right to consult the Security Council with regard to a solution of those problems’. Presumably in such a case the Security Council might determine that the overburdened State was entitled to some financial assistance; such financial assistance, if afforded by the Organization, as it might be, would clearly constitute part of the ‘expenses of the Organization’. The economic problems could not have been covered in advance by a negotiated agreement since they would be unknown until after the event and in the case of non-Member States, which are also included in Article 50, no agreement at all would have been negotiated under Article 43.”

¹ 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, 20th yr., 1265th mtg.: Netherlands, paras. 40–41, in connexion with the question concerning the situation in Southern Rhodesia.

² G A (XV), 5th Com., 811th mtg.: Pakistan, para. 7, in connexion with the United Nations operations in the Congo (ONUC) for the period 14 July to 31 December 1960; G A (S-IV), 5th Com., 994th mtg.: Byelorussian SSR, para. 9; 997th mtg.: Poland, para. 6; 1205th mtg.: USSR, para. 57, in connexion with the consideration of the financial situation of the Organization; G A (XVIII), 5th Com., 1010th mtg., Ukrainian SSR, para. 26, in connexion with the United Nations operations in the Congo: cost estimates; G A (XVIII), 5th Com., 1036th mtg.: Czechoslovakia, para. 38; G A (XVIII), Annexes, a. i. 19, A/5680; Report of the Fifth Committee, in connexion with the United Nations Emergency Force (UNEF) and summary of the discussion of the draft resolution concerning UNEF (para. 14) and cost of estimates for the maintenance of the Force; G A (XX), Spec. Pol. Com., 479th mtg.: Philippines, para. 31, in connexion with the policies of *apartheid* of the Government of the Republic of South Africa; 485th mtg.: Malaysia, para. 18, in connexion with the comprehensive review of the whole question of peace-keeping operations in all their aspects.

³ In submitting certain reservations to the President of the Security Council regarding the validity of Council resolution 221 (1966) of 9 April 1966 concerning the situation in Southern Rhodesia and containing a determination involving Chapter VII of the Charter, Portugal, in its letter of 3 August 1966, referred to the damage to the economy of the province of Mozambique resulting from the application of the measures adopted by the Council in the above-mentioned resolution. In that letter, the Government of Portugal sought, *inter alia*,

to ascertain whether the application of Article 50 of the Charter was contemplated in the case under consideration.

⁴ S C, 21st yr., Suppl. for July–Sept., S/7445). Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: ICJ, *Reports* 1962, pp. 166 and 167.

⁵ See also this *Supplement*, under Article 43, paras. 7, 8 and 12, and Article 11 (2), paras. 56 and 104–106.