

# ARTICLE 25

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### TEXT OF ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

### INTRODUCTORY NOTE

1. As indicated in the Repertory, <sup>1/</sup> the text of Article 25 contains no precise delimitation of the range of questions to which it relates. The Security Council has on no occasion defined the scope of the obligation incurred by Members of the United Nations under Article 25, nor has it expressly indicated on any occasion that a particular decision should or should not be considered as falling under that Article. While the case histories which were presented in the original Repertory study were confined to those in which decisions had been preceded by discussion relating to

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<sup>1/</sup> See in the Repertory, vol. II, under Article 25, para. 1.

Article 25, a broader ground for inclusion has been adopted in the present Supplement. The case histories included in the present study do not all concern proceedings in which there has been connected discussion of Article 25. It has been deemed appropriate to treat in this study discussion or decisions marked by emphasis on one or more of the following elements: (1) the compatibility or incompatibility of action complained of with Article 25 of the Charter and/or with an earlier decision of the Security Council; (2) determinations by the Council that an action complained of constituted a violation of a Security Council decision and was inconsistent with obligations under an agreement and under the Charter; (3) concern with the question of the enforcement of and compliance with the resolutions of the Security Council.

2. The case histories included in the present study are all treated under the heading of the scope of the obligations of Members of the United Nations to carry out the decisions of the Security Council.

## I. GENERAL SURVEY

3. During the period under review, the Security Council, on five occasions, all of them in connexion with the Palestine question, has considered questions of violations of its resolutions or the state of compliance with them. On these occasions discussions have touched upon the question of continuing validity and effectiveness of the resolutions of the Council and upon the obligations of the Members to carry out the decisions of the Council. In one instance the President has summarized, without objection, the general trend of discussion in the Council, and presented the consensus of most of the representatives who had taken part in the debate (see paragraphs 5-9 below). The presidential statement in this instance has been set forth in the form of a decision. On two occasions (see paragraphs 10-12, 15-16 below) the Council has adopted affirmative decisions wherein it has recalled previous resolutions <sup>2/</sup> relevant to the case, has determined that a violation of previous resolutions had occurred, has condemned or censured the violation, and has called upon the party concerned to take necessary measures to prevent such violations. In another instance, the Council, having recalled a previous resolution and noted the discontinuance of compliance by the parties with the provisions of that resolution, has called upon them to comply (see paragraphs 13-14 below).

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<sup>2/</sup> Among the resolutions adopted by the Security Council, in connexion with the Palestine question, was that of 24 November 1953 wherein the Council recalled its resolutions of 15 July 1948, 11 August 1949 and 18 May 1951, and, after noting the reports of the Chief of Staff of the United Nations Truce Supervision Organization and the statements to the Security Council by the representatives of Jordan and Israel, found "that the retaliatory action at Qibya taken by armed forces of Israel on 14-15 October 1953 and all such actions constitute a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and are inconsistent with the parties' obligations under the General Armistice Agreement and the Charter"; expressed "the strongest censure of that action", and called upon Israel "to take effective measures to prevent all such actions in the future"; recalled "to the Governments of Israel and Jordan their obligations under Security Council resolutions and the General Armistice Agreement to prevent all acts of violence on either side of the demarcation line"; and reaffirmed "that it is essential, in order to achieve progress by peaceful means towards a lasting settlement of the issues outstanding between them, that the parties abide by their obligations under the General Armistice Agreement and the resolutions of the Security Council". S C, 8th yr., Suppl. for Oct., Nov. and Dec. 1953, pp. 57 and 58, S/3139/Rev.2.

4. On two other occasions (see paragraphs 17-19 below) the Council has recalled its previous resolutions, and, having noted that the resolutions had not been fully complied with, has called on the Secretary-General to assist it and the parties in achieving compliance with its resolutions. In connexion with the last mentioned decisions of the Security Council, the Government of Syria, in a letter of 2 May 1956, <sup>3/</sup> communicating to the Secretary-General its declaration of acceptance of the cease-fire provisions of article III, 2 of the Syrian-Israeli General Armistice Agreement, stated that the declaration was made within the framework of the United Nations Charter, with particular reference to Article 25, and considered that this attitude should be shared by the other party to the Armistice Agreement. The Secretary-General in his letter of reply, dated 2 May 1956, <sup>4/</sup> noted the general framework within which the Government of Syria had given the undertaking and confirmed that Article 25 had entered into the framework of the Secretary-General's conversations during his current mission.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. The question of the scope of the obligation under Article 25

#### 1. Decision of 13 January 1955 in connexion with the Palestine question

5. At its 682nd to 688th meetings inclusive, held between 14 October 1954 and 13 January 1955, the Security Council considered a complaint by Israel against Egypt concerning restrictions imposed by Egypt on the passage through the Suez Canal of ships trading with Israel. Israel maintained that the seizure by the Egyptian Government of the Israel vessel *Bat Galim* constituted a violation of the Security Council's resolution of 1 September 1951 <sup>5/</sup> wherein the Council had called upon Egypt to terminate the restrictions on the passage of international shipping and goods through the Suez Canal wherever bound. <sup>6/</sup>

6. During the consideration of the question, discussion took place on the nature and the scope of the resolution of 1 September 1951 and on whether that resolution was applicable to the case under consideration.

7. The representative of Israel maintained that the Security Council's resolution of 1 September 1951 possessed, within the meaning of Article 25, a compelling force beyond that pertaining to any resolution of any other organ of the United Nations. In his view the importance of the resolution had to be envisaged in the light of Article 25, under which the decisions of the Council on matters affecting international peace and security assumed an obligatory character for all Member States.

8. The representative of Egypt contended that the Security Council had adopted the resolution of 1 September 1951 without having taken into account the arguments advanced by the Egyptian Government, and that the resolution had not received the votes of certain great States, such as the Soviet Union, India and China, which had declared in the course of the debate that they were by no means convinced of the merits of the

<sup>3/</sup> S C, 11th yr., Suppl. for April, May and June 1956, p. 59, S/3596, annex III. For the statement in this connexion by the representative of Syria at the 724th meeting of the Council, see para. 19 below.

<sup>4/</sup> *Ibid.*, pp. 59 and 60.

<sup>5/</sup> S C, 6th yr., 558th mtg., para. 5, S/2322 (S/2298/Rev.1).

<sup>6/</sup> S C, 9th yr., Suppl. for July, Aug. and Sept. 1954, pp. 45 and 46, S/3296.

resolution. He denied that the decision of 1 September 1951 was relevant to the case under consideration, since that decision had concerned neutral merchant vessels trading with Israel and not Israel vessels. Citing various resolutions of the General Assembly and the Security Council which, he maintained, Israel had violated, the representative of Egypt declared that his Government could not be expected to waive its right of self-defence by affording free passage through the Suez Canal to enemy ships which might threaten the security of Egypt and of the Canal.

9. In the course of the debate, the representatives of Belgium, Brazil, France, New Zealand, Peru, the United Kingdom, and the United States expressed the view that the restrictions on shipping through the Suez Canal were in violation of the Council's decision of 1 September 1951. 7/

### Decision

At the 688th meeting on 13 January 1955, the President, summarizing the general trend of discussion, stated that most representatives in the Council regarded the resolution of 1 September 1951 as having continuing validity and effect, and that the Council had considered the Bat Galim case in the context of that resolution and that of the Constantinople Convention of 1888. 8/

#### *2. Decision of 29 March 1955 in connexion with the Palestine question*

10. At its 692nd to 696th meetings inclusive, held between 4 and 30 March 1955, the Security Council considered complaints by Egypt against Israel and by Israel against Egypt. Egypt maintained that the attack committed on 28 February 1955 by Israel armed forces against Egyptian armed forces inside the Egyptian-controlled territory of Gaza constituted a premeditated aggression in violation of the Egyptian-Israeli General Armistice Agreement. 9/ Israel complained of continuous violations by Egypt of the General Armistice Agreement between the two States. 10/

11. At the 695th meeting on 29 March 1955, the Security Council had before it a joint draft resolution 11/ submitted by France, the United Kingdom and the United States, the relevant paragraphs of which provided that:

"The Security Council,

"Recalling its resolutions of 15 July 1958, 11 August 1949, 17 November 1950, 18 May 1951 and 25 November 1953,

"Having heard the report of the Chief of Staff of the United Nations Truce Supervision Organization and statements by the representatives of Egypt and Israel,

7/ For texts of relevant statements, see S C, 9th yr., 682nd mtg.: Israel, paras. 66-68; 686th mtg.: Egypt, paras. 114, 115, 122, 123, 130, 131 and 142-145; Israel, paras. 45, 55 and 56; United Kingdom, para. 146; S C, 10th yr., 687th mtg.: Brazil, paras. 75 and 76; France, paras. 58 and 59; United Kingdom, paras. 41 and 42; United States, para. 68; 688th mtg.: Belgium, para. 9; Egypt, paras. 87-92; Israel, paras. 50, 59 and 77; New Zealand, paras. 42-44; Peru, para. 27.

8/ S C, 10th yr., 688th mtg., para. 99.

9/ S C, 10th yr., Suppl. for Jan., Feb. and March 1955, pp. 32 and 33, (S/3365, S/3367).

10/ Ibid., pp. 33 and 34, (S/3368).

11/ Ibid., pp. 95 and 96, (S/3378).

"Noting that the Egyptian-Israeli Mixed Armistice Commission on 6 March 1955 determined that a 'prearranged and planned attack ordered by Israel authorities' was 'committed by Israel regular army forces against the Egyptian regular army force' in the Gaza strip on 28 February 1955,

"1. Condemns this attack as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the General Armistice Agreement between Egypt and Israel and under the United Nations Charter;

"2. Calls again upon Israel to take all necessary measures to prevent such actions;

"..."

12. The representatives of Belgium, Brazil, China, France, Iran, New Zealand, Peru, Turkey, USSR, the United Kingdom and the United States maintained that the action taken by the armed forces of Israel constituted a violation of the previous resolutions of the Security Council and of the provisions of the Egyptian-Israeli Armistice Agreement. 12/

#### Decision

At the 695th meeting on 29 March 1955 the Security Council unanimously adopted the joint draft resolution. 13/

#### *3. Decision of 8 September 1955 in connexion with the Palestine question*

13. At its 700th meeting on 8 September 1955, with particular reference to cessation of hostilities and measures to prevent further incidents in the Gaza area, the Security Council considered a joint draft resolution, 14/ submitted by the representatives of France, the United Kingdom and the United States, the relevant paragraphs of which provided that:

"The Security Council,

"Recalling its resolution of 30 March 1955 (S/3379),

"Having received the report of the Chief of Staff of the Truce Supervision Organization (S/3430),

"Noting with grave concern the discontinuance of the talks initiated by the Chief of Staff in accordance with the above-mentioned resolution,

12/ For texts of relevant statements, see S C, 10th yr.: 692nd mtg.: Belgium, paras 31-34; Brazil, paras. 42-51; China, para. 60; France, paras. 12-17; Iran, paras. 26-30; New Zealand, paras. 35-40; Peru, paras. 52-59; Turkey, paras. 62-65; United Kingdom, paras. 18-25; United States, paras. 7-11; 693rd mtg.: Egypt, paras. 26-41 and 76-86; USSR, para. 21; 694th mtg.: Israel, paras. 1-91; 695th mtg.: Belgium, paras. 45-50; Brazil, paras. 66-69; China, paras. 79-85; Egypt, paras. 117-126; France, paras. 16-27; Iran, paras. 51-54; New Zealand, paras. 55-65; Peru, paras. 70-78; Turkey, paras. 94-96; USSR, paras. 86-93; United Kingdom, paras. 3-15; United States, paras. 28-44.

13/ S C, 10th yr., 695th mtg., para. 114.

14/ S C, 10th yr., Suppl. for July, Aug. and Sept. 1955, p. 18, S/3435.

"...

"2. Calls upon both parties forthwith to take all steps necessary to bring about order and tranquility in the area, and in particular to desist from further acts of violence and to continue the cease-fire in full force and effect;

"...

"6. Requests the Chief of Staff to report to the Security Council on the action taken to carry out this resolution."

14. During the debate several members of the Council stressed the obligation of the parties to comply with the provisions of the Security Council resolution of 30 March 1955. 15/

#### Decision

At its 700th meeting on 8 September 1955, the Council adopted the joint draft resolution unanimously. 16/

#### *4. Decision of 19 January 1956 in connexion with the Palestine question*

15. At its 707th to 715th meetings inclusive, held between 16 December 1955 and 19 January 1956, the Security Council considered a complaint by Syria against Israel concerning incidents in the area east of Lake Tiberias. Syria maintained that on the night of 11-12 December 1955 Israel armed forces, in a large-scale attack which had caused heavy casualties, had occupied the Syrian territory along the eastern shores of the lake in violation of the Syrian-Israeli General Armistice Agreement. 17/

16. During the consideration of the complaint, the representative of Syria declared that Israel had repeatedly violated the previous resolutions of the Council, the provisions of the General Armistice Agreements and the principles of the Charter. The representative of Israel maintained that Syria had used force and threat of force against the territorial integrity of Israel in violation of Charter obligations. The representatives of Australia, Belgium, China, Cuba, France, Iran, Peru, USSR, the United Kingdom, the United States and Yugoslavia deplored the Israel attack as a violation of the Security Council resolutions, of the Armistice Agreement between Israel and Syria and of the obligations of Israel under the Charter. Several

15/ For texts of relevant statements, see S C, 10th yr., 700th mtg.: China, paras. 81-83; France, paras. 48-58; Iran, paras. 64-69; New Zealand, paras. 59-63; Peru, paras. 70-77; USSR, paras. 127-132; United Kingdom, paras. 13-34; United States, paras. 37-46.

16/ S C, 10th yr., 700th mtg., para. 133.

17/ S C, 10th yr., Suppl. for Oct., Nov. and Dec. 1955, p. 21, S/3505.

representatives stated that should another attack of the same kind take place, the Council might well have to decide, because its past injunctions had been insufficient, what further measures it should take to restore peace and order. 18/

Decision

At its 715th meeting on 19 January 1956, the Council unanimously adopted a draft resolution 19/ the relevant paragraphs of which provided that:

"The Security Council,

"Recalling its resolutions of 15 July 1948, 11 August 1949, 18 May 1951, 24 November 1953, and 29 March 1955,

"Taking into consideration the statements of the representatives of Syria and Israel and the reports of the Chief of Staff of the Truce Supervision Organization on the Syrian complaint that an attack was committed by Israeli regular army forces against Syrian regular army forces on Syrian territory on 11 December 1955;

"...

"2. Reminds the Government of Israel that the Council has already condemned military action in breach of the General Armistice Agreements, whether or not undertaken by way of retaliation, and has called upon Israel to take effective measures to prevent such actions;

"3. Condemns the attack of 11 December 1955 as a flagrant violation of the cease-fire provisions of its resolution of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligations under the Charter;

"4. Expresses its grave concern at the failure of the Government of Israel to comply with its obligations;

"5. Calls upon the Government of Israel to do so in the future, in default of which the Council will have to consider what further measures under the Charter are required to maintain or restore the peace;

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18/ For texts of relevant statements, see S C, 10th yr.:  
707th mtg., provisional record, Israel, pp. 40-43; Syria, pp. 26-28;  
709th mtg., provisional record, Israel, pp. 21-23; Syria, pp. 18-20;  
710th mtg., provisional record, France, pp. 27-29; USSR, pp. 30-36;  
United Kingdom, pp. 9-13; United States, pp. 21-26;  
711th mtg., provisional record, Belgium, pp. 17-19; Iran, pp. 12-14;  
Yugoslavia, pp. 3-6;  
712th mtg., provisional record, Australia, pp. 6-10, China, pp. 2-5;  
Cuba, pp. 12 and 13; Peru, pp. 13-17;  
713th mtg., provisional record, Israel, pp. 31-33 and 36; Syria, pp. 24-26;  
714th mtg., provisional record, USSR, pp. 29 and 30; United Kingdom,  
pp. 28 and 31;  
715th mtg., provisional record, Iran, p. 33; USSR, pp. 8 and 38.

19/ S C, 11th yr., 715th mtg., provisional record, p. 54 (S/3538).

"6. Calls upon the parties to comply with their obligations under article V of the General Armistice Agreement to respect the Armistice Demarcation Line and the Demilitarized Zone;

"..."

5. *Decision of 4 April 1956 in connexion with the Palestine question*

17. At its 717th to 722nd meetings inclusive, held between 26 March and 4 April 1956, with particular reference to the status of compliance given to the General Armistice Agreements and the resolutions of the Security Council, the Council considered a draft resolution, 20/ submitted by the representative of the United States, the relevant parts of which provided that:

"The Security Council,

"Recalling its resolutions of 30 March 1955, 8 September 1955 and 19 January 1956,

"Recalling that in each of these resolutions the Chief of Staff of the Truce Supervision Organization and the parties to the General Armistice Agreements concerned were requested by the Council to undertake certain specific steps for the purpose of ensuring that the tensions along the armistice lines should be reduced,

"Noting with grave concern that despite the efforts of the Chief of Staff the proposed steps have not been carried out,

"1. Considers that the situation now prevailing between the parties...is likely to endanger the maintenance of international peace and security;

"2. Requests the Secretary-General to undertake, as a matter of urgent concern, a survey of the various aspects of enforcement of and compliance with the four General Armistice Agreements and the Council's resolutions under reference;

"..."

18. Several representatives expressed the view that the resolutions of the Security Council which had endorsed practical proposals for reducing tensions between the Arab States and Israel had not been fully carried out by the parties concerned. It was appropriate to turn to the Secretary-General to undertake a survey of the present situation in the area particularly with reference to enforcement and compliance with the General Armistice Agreements and the latest resolutions of the Security Council. 21/

20/ S C, 11th yr., 717th mtg., provisional record, pp. 4-10 (S/3562).

21/ For texts of relevant statements, see S C, 10th yr.,

717th mtg.: provisional record, Australia, pp. 16-19; France, pp. 11-15; Peru, pp. 20 and 21; United Kingdom, pp. 23-28; United States, pp. 4-10; 718th mtg.: provisional record, Belgium, p. 11; Cuba, pp. 7-10; Egypt, pp. 16-18; Syria, pp. 19-27; 719th mtg.: provisional record, China, pp. 20 and 21; Jordan, pp. 4-6; Lebanon, pp. 7-10; United States, pp. 11-15; Yugoslavia, pp. 16-19; 720 mtg.: provisional record, Iran, pp. 12-15; Israel, pp. 2-5; USSR, pp. 6-10; 721st mtg.: provisional record, Egypt, pp. 2-10; Syria, pp. 11-15; 722nd mtg.: provisional record, Israel, pp. 2 and 3.



Decision

At the 722nd meeting on 4 April 1956, the United States draft resolution was adopted unanimously. 22/

6. *Decision of 4 June 1956 in connexion with the Palestine question*

19.. At its 723rd to 728th meetings inclusive, held between 29 May and 4 June 1956 in connexion with the consideration of the report of the Secretary-General, 23/ discussion took place on the efforts of the Secretary-General to obtain full compliance by the parties with the Security Council resolutions and the General Armistice Agreements. The representative of Syria noted that his Government had given its declaration of acceptance of the cease-fire within the framework of the United Nations Charter and the resolutions of the Security Council, with particular reference to Article 25. 24/

Decision

At the 728th meeting on 4 June 1956, the Security Council unanimously adopted the United Kingdom draft resolution (S/3600/Rev.1), as amended, the relevant paragraphs of which read as follows: 25/

"The Security Council,

"Recalling its resolutions of 4 April 1956 (S/3575) and 11 August 1949 (S/1376-II);

"Having received the report of the Secretary-General on his recent mission on behalf of the Security Council (S/3596);

"...

"Noting, however, that full compliance with the General Armistice Agreements and with the Council's resolutions of 30 March 1955, 8 September 1955 and 19 January 1956, is not yet effected, and that the measures called for in the third operative paragraph of its resolution of 4 April 1956 have been neither completely agreed upon nor put fully into effect;

"...

"Requests the Secretary-General to continue his good offices with the parties, with a view to full implementation of the Council's resolution of 4 April 1956 and full compliance with the Armistice Agreements, and to report to the Security Council as appropriate."

**\*\* B. The question of the applicability of Article 25 to States not Members of the United Nations**

22/ 722nd mtg.: provisional record, pp. 23-25.

23/ S/3596.

24/ See also para. 4 above. For texts of relevant statements, see S C, 10th yr., 723rd mtg.: provisional record; Australia, pp. 33-40; Belgium, pp. 31 and 32; Cuba, pp. 46 and 47; France, pp. 16-20; Iran, pp. 41-45; Peru, pp. 47-50; United Kingdom, pp. 6-15; United States, pp. 21-30; 724th mtg.: provisional record, China, pp. 2 and 3; Syria, pp. 17-25; Yugoslavia, pp. 4-10; 725th mtg.: provisional record, Israel, pp. 22-25; USSR, pp. 59-61.

25/ S C, 11th yr., 728th mtg.: provisional record, p. 23 (S/3605).

