

The Secretary-General of the League could only act through and at the request of a Member of the League; the Secretary-General of the UN can act on his own initiative. In view of this difference in functioning, the method of approach of the two officers is or was necessarily of a different character.

The Preparatory Commission in San Francisco itself commented on the new Article 99 as follows:

Under Article 99 of the Charter, moreover, he [the Secretary-General] has been given a special right which goes beyond any power previously accorded to the head of an international organization, viz, to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten the maintenance of international peace and security. It is impossible to foresee how this Article will be applied; but the responsibility it confers upon the Secretary-General will require the exercise of the highest qualities of political judgement, tact and integrity ...³

As it turns out, Article 99 has been invoked very infrequently. The major explicit and implicit invocations of Article 99 are described in Table 1 (which covers the period 1946-90). The only ones that qualify as rigorous invocations are those dealing with the crises in the Congo (1960), in Iran (1979) and in Lebanon (1989).⁴ The first and third instances constituted "late" warning but are nonetheless significant cases of warning. In the Iranian hostage case (1979), Article 99 served merely as a means to address the Security Council on a crisis that was already in the spotlight but which the Council had not taken up formally. In all other cases in Table 1, the matter had already been placed on the agenda of the Council by one or more Member States before the Secretary-General addressed it (though he may have been the first to speak to the issue at the meeting). A closer look at these invocations, however, gives clear indications about the practical and political constraints on early warning by the Secretary-General.

The first Secretary-General, Trygve Lie, never explicitly invoked Article 99 before the Security Council, which became a platform for Cold War oratory and rivalry almost immediately after the UN was created. Still, Lie set a precedent by asserting his right to speak on his own initiative during Security Council debates, acting in the spirit of independence of Article 99, even if he was not warning of new threats to the peace.⁵ In 1950, Lie did sound the alarm about a threat to the peace: the invasion of South Korea. He was the first to speak in the Council at the crucial meeting of June 25, 1950, shortly after the North Korean attack, but since the Korea item was placed on the Council's agenda by the US, which had called the urgent meeting, it was not a clear cut case of Article 99 invocation (because the matter was brought to the attention of the Council by the US). In any case, Lie's address was hardly even a