Article 14

Contents

	Paragraphs	Page
Text of Article 14		
Introductory note	1–2	98
Analytical summary of practice	3-12	98

Text of Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Introductory note

1. During the period under review, none of the resolutions adopted by United Nations organs referred explicitly to Article 14. However, several of the resolutions adopted reflected the intent or the spirit of Article 14.

2. Article 14, in itself, did not give rise to constitutional discussion.

Analytical summary of practice¹

3. Some resolutions on Palestine are related to Article 14, both because of the situation in question and because they refer systematically, in the first preambular paragraph, to resolution 194 (III) of 11 December 1948.² The first paragraph of this resolution even reproduces the wording of Article 14: "[The General Assembly] *expresses* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life".

4. Several of the General Assembly resolutions adopted were consistent with the purpose of Article 14 inasmuch as they refer expressly to situations that constitute a threat to international peace and security and contain recommendations for peaceful conflict settlement. For example, General Assembly resolution 50/88 entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan"³ and, more specifically, resolution 50/88 B entitled "The situation in Afghanistan and its implications for international peace and security", envisage a series of measures for the peaceful settlement of the situation in question.⁴ The same is true of the following resolutions on the same issue: 51/195, $52/211,^{5} 53/203^{6}$ and 54/189.

5. Resolutions 53/1 L and 53/1 N also deal with situations that fall within the scope of Article 14. In resolution 53/1 L entitled "Special assistance for the economic recovery and reconstruction of the Democratic Republic of the Congo", the General Assembly stated that it was "*Deeply concerned* about the current conflict in the Democratic Republic of the Congo, which poses a serious threat to regional peace

⁴ See the twelfth and fourteenth to sixteenth preambular paragraphs and paras. 4-10.

¹ In most cases, the relevant preambular paragraphs and paragraphs of the resolutions cited in this study are listed after the resolution in question.

² See GA resolutions 50/28 A, paras. 8 and 9; 50/28 C, para. 1; 50/28 F, paras. 2 and 3; resolution 51/124, paras. 9 and 10; 52/57, paras. 9 and 10; 53/46, paras. 9 and 10; 54/69, paras. 10 and 11; 51/126, para. 1; 52/59, para. 1; 53/48, para. 1; 54/71, para. 1; 51/129, paras. 2 and 3; 52/62, paras. 1-3 and 5; 53/51, paras. 1 and 3-5; and 54/74, paras. 1 and 3-5.

³ See, inter alia, the fifteenth preambular paragraph: *"Expressing its concern* about actions undermining the security of State frontiers, including illicit traffic in arms and narcotics by criminal elements and groups from certain areas of Afghanistan which creates a threat to peace and stability in the whole region, including Afghanistan".

⁵ See, inter alia, the second preambular paragraph of GA resolution 52/211 A; see also the sixteenth preambular paragraph of GA resolution 52/211 B.

⁶ See, inter alia, the fifth to seventh preambular paragraphs of GA resolution 53/213 A.

and security"⁷ and took a number of steps with a view to the peaceful settlement of that conflict.⁸ In resolution 53/1 N entitled "Special assistance to Central and East African countries receiving refugees, returnees and displaced persons", the General Assembly also stated that it was "*Deeply concerned* about the ongoing conflicts in the Great Lakes region, which pose a serious threat to regional peace and security, and by the flow of refugees, returnees and other displaced persons as a result of those conflicts".⁹

6. The following resolutions also fall into this category inasmuch as they expressly consider a situation to pose a threat to international peace and security: resolution ES-10/2 entitled "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory";¹⁰ resolution 50/84 D entitled "Peaceful settlement of the question of Palestine";¹¹ and resolution 50/80 entitled "Maintenance of international security", part B of which, on the "Development of good-neighbourly relations among Balkan States", provides for a set of measures designed to achieve that goal.¹²

7. Some resolutions are consistent with Article 14 for two reasons: they deal with a "situation" within the meaning of that Article, and they recall previous General Assembly resolutions that characterize that

- ⁹ Third preambular paragraph.
- ¹⁰ See, inter alia, the twelfth and thirteenth preambular paragraphs, as well as para. 3. See also GA resolutions ES-10/3, ES-10/4, ES-10/5 and ES-10/6 on the same theme, all of which reaffirm resolution ES-10/2.
- ¹¹ See, inter alia, paras. 3-5. See also other GA resolutions on the same theme: 51/26, fourth and sixth to eighth preambular paragraphs and paras. 4-7; 52/52, fifth to ninth and fifteenth preambular paragraphs and paras. 1 and 3-5; and 3/42, paras. 5 and 6; and 54/42, sixth preambular paragraph and paras. 1-8. Two other GA resolutions deal with the same question: 51/29, first preambular paragraph and paras. 4-6 and 8-10; and 50/21 (passim), including the second preambular paragraph.
- ¹² Paras. 2-7. The third preambular paragraph explicitly links international peace and security with the situation in the Balkans. See also GA resolution 52/48, fourth preambular paragraph and paras. 3-5 and 9.

"situation" as a threat to international peace and security. This is true of resolution 50/22 entitled "The situation in the Middle East" and resolution 51/203 entitled "The situation in Bosnia and Herzegovina". Thus, resolution 50/22 on "The situation in the Middle East" and resolutions 51/27, 52/53, 53/37, 54/37, all entitled "Jerusalem", recall resolution 36/120 E of 10 December 1981, which, in turn, expressly refers to a "threat to international peace and security".¹³ Similarly, resolution 51/203 entitled "The situation in Bosnia and Herzegovina"14 and all other resolutions on that situation¹⁵ recall resolution 46/242, also titled "The situation in Bosnia and Herzegovina", the seventh preambular paragraph of which refers to "the aggression against the territory of the Republic of Bosnia and Herzegovina, which constitutes a threat to international peace and security". The same is true of resolution 50/132 and subsequent resolutions entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development",¹⁶ which recall resolution 43/24 entitled "The situation in Central America: threats to international peace and security and peace initiatives".

8. Several resolutions concerning the human rights situation in various countries also reflect the intent of Article 14. These include: "Situation of human rights in Afghanistan";¹⁷ "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" and, as from the fifty-second session, "Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Croatia and the Federal Republic of Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Croatia and the Federal Republic of Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Croatia and the Federal Republic of Croatia and the Federal Republic of Situation Situa

⁷ Third preambular paragraph.

⁸ In the tenth preambular paragraph, the GA links the restoration of peace and security to certain humanitarian and material issues. In this connection, it adopted a number of measures in paragraphs 1 to 6. GA resolution 54/96 B, on the same issue, recalls GA resolution 53/1 L and repeats the wording of its tenth preambular paragraph.

¹³ See GA resolution 36/120 E, para. 2.

¹⁴ Paras. 3, 4, 6, 7 to 11 and 21 of GA resolution 51/203 set out an array of measures for the peaceful settlement of the situation.

¹⁵ See GA resolutions 52/150, 53/35 and 54/119.

¹⁶ See GA resolutions 50/132, paras. 8, 10 and 14; 51/197, paras. 9, 11 and 19; 52/176, passim; 53/94, paras. 7, 9 and 11; and 54/118, passim. Also noteworthy is the ninth preambular paragraph of GA resolution 54/117, in which the GA links the peaceful settlement of a "situation", as defined in Article 14, to measures ranging from development to human rights.

¹⁷ See GA resolution 50/189, first, fifth and sixth preambular paragraphs and paras. 2-12; the sixth preambular paragraph links human rights to peace and security. On the same question, see also GA resolutions 51/108, paras. 3-9 and 11-14; 52/145, paras. 5-13 and 15-18; and 53/165, para. 10.

Yugoslavia";¹⁸ "Situation of human rights in Cambodia";¹⁹ "Situation of human rights in the Democratic Republic of the Congo";²⁰ "Situation of human rights in Cuba";²¹ "Human rights in Haiti";²² "The situation of democracy and human rights in Haiti";²³ "Situation of human rights in the Islamic Republic of Iran";²⁴ "Situation of human rights in Iraq";²⁵ "Situation of human rights in Kosovo";²⁶ "Situation of human rights in Myanmar";²⁷ "Situation of human rights in Nigeria";²⁸ "Situation of human

- ¹⁹ See GA resolutions 50/178, first and fourth preambular paragraphs and paras. 6, 9, 11, 14, 16, 17 and 19; 51/98, paras. 8, 9, 11, 12, 16, 17, 18 and 25; 52/135, paras. 5, 6, 8, 10 and 22; 53/145, passim; and 54/171, passim.
- ²⁰ See GA resolutions 53/160, paras. 3 and 4, and 54/179, fifth preambular paragraph and paras. 2 and 3. Both resolutions make several recommendations that reflect the connection between human rights and armed conflict.
- ²¹ See GA resolutions 50/198, paras. 3, 5, 7 and 8; 51/113, paras. 3 and 5-7; and 52/143, paras. 3 and 5-7.
 ²² ⁷⁹⁸ See GA resolution: 50/105
- ^{22 798} See GA resolutions 50/196, second preambular paragraph; 51/110, first preambular paragraph and para. 5; 52/138, first preambular paragraph and para. 2; 53/159, passim; and 54/187, passim. See also GA resolution 54/193, which was adopted in the spirit of Article 14.
- ²³ See GA resolutions 50/86, 50/86 B, 50/86 C, 51/196, 52/174 and 53/95. The situation does indeed fall under Article 14, especially since, as recalled in the above-mentioned resolutions, the Security Council was also seized of the matter.
- ²⁴ See GA resolutions 50/188, paras. 3, 4 and 6; 51/14, paras. 8-10; 52/142, para. 4; 53/158, paras. 2, 8 and 12; and 54/177, paras. 4, 6, 7 and 11-16.
- ²⁵ See GA resolutions 50/191, paras. 4 and 7-11; 51/106, paras. 5 and 7-11; 52/141, paras. 2 and 3; 53/157, passim; and 54/178, passim.
- ²⁶ See GA resolutions 50/190, seventh and eighth preambular paragraphs and paras. 3, 4 and 6; 51/111, first preambular paragraph and para. 4; 52/139, first preambular paragraph and paras. 2 and 5; 53/164, para. 1; and 54/183, passim.
- ²⁷ See GA resolutions 50/194, paras. 5, 10-12 and 15; 51/117, paras. 4, 5, 7, 8, 10-13 and 15; 52/132, paras. 4, 5, 8, 11-13, 15 to 17 and 19; 53/162, passim; and 54/186, passim.
- ²⁸ See GA resolutions 50/199, para. 4; 51/109, paras. 2-4 and 6; 52/144, para. 3; and 53/161, passim.

rights in Rwanda";²⁹ "Situation of human rights in the Sudan";³⁰ "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia";³¹ "Assistance to refugees, returnees and displaced persons in Africa";³² and "Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States".³³

9. A number of resolutions on various aspects of the Israeli-Palestinian conflict are in the spirit of Article 14: "Report/Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories";³⁴ "Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including Jerusalem, and the other occupied

- ³⁰ See GA resolutions 50/197, paras. 2, 5-9 and 14; 51/112, paras. 2, 3, 7-10, 14 and 18; 52/140, paras. 2-10, 12, 14 and 18; and 54/182, fifth and sixth preambular paragraphs, para. 2 and passim. The last of these resolutions provides for a set of measures that establish a link between an end to the human rights violations and an end to the armed conflict. See, in that connection, the sixth preambular paragraph. The resolutions mentioned above follow two others on the same issue, namely GA resolutions 48/147 and 49/198.
- ³¹ See GA resolutions 50/192 and 51/115, passim, which contain a number of recommendations on bringing to justice persons accused of perpetrating rape and sexual violence in areas of armed conflict in the former Yugoslavia.
- ³² See GA resolutions 50/149, para. 3, passim; 51/71, para. 3, passim; 52/101, para. 3, passim; 53/126, para. 4, passim; and 54/147, para. 4, passim.
- ³³ See GA resolutions 50/151, 51/70, 52/102, 53/123 and 54/144, passim.
- ³⁴ See GA resolutions 50/29 A, para. 2; 50/ 29 para. 2; 51/131, para. 2; 52/64, para. 2; 53/53, para. 2; and 54/76, para. 2.

¹⁸ See GA resolutions 50/193, first, third and twenty-fourth preambular paragraphs and passim; 51/116, first, third and fourteenth preambular paragraphs and passim; 52/147, first, third and fourth preambular paragraphs and passim; 53/163, passim; and 54/184, passim.

²⁹ See GA resolutions 50/200, first and sixth preambular paragraphs and paras. 5, 7- 9, 14, 17, 18 and 22; 51/114, first, seventh, eleventh and twelfth preambular paragraphs, section I, para. 5, section II, paras. 7, 8, 10, 12 and 14, and section III, para. 20; 52/146, first and third preambular paragraphs and para. 3; 53/156, paras. 4, 10 and 11; and 54/188, fourth and fifth preambular paragraphs.

Arab territories";35 "The Syrian Golan"36 and "The occupied Syrian Golan";37 "Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, and the occupied Syrian Golan";38 "Israeli practices affecting the human rights of the Palestinian people in occupied Palestinian territory, the including Jerusalem"; 39 "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources";40 and "Committee on the Exercise of the Inalienable Rights of the Palestinian People".41

10. A significant number of resolutions adopted within the framework of the coordination of humanitarian and disaster relief assistance or of verification missions or offices are in the spirit of Article 14. These resolutions make recommendations for ending an ongoing armed conflict,⁴² for post-conflict reconstruction⁴³ or for

- ³⁵ See GA resolutions 51/132, paras. 1-3; 52/65, paras. 1-3; 53/54, paras. 1-4 and 54/77, paras. 1-4.
- ³⁶ See GA resolution 51/28, paras. 1 and 6; in its third preambular paragraph, it also recalls Security Council resolution 497 (1981) of 17 December 1981. See also GA resolutions 52/54, paras. 1-7; 53/38, para. 4 and 54/38, para. 4.
- ³⁷ See GA resolutions 51/13, paras. 1, 2, 4 and 6; 52/68, paras. 1, 2, 4 and 6; 53/57, paras. 1, 2, 4 and 6; 54/80, paras. 1, 2, 4 and 6.
- ³⁸ See GA resolutions 51/133, paras. 1-4; 52/66, paras. 1-4; 53/55, paras. 1-4; and 54/78, para. 1.
- ³⁹ See GA resolutions 51/134, paras. 1-5; 52/64, para. 2; 53/56, paras. 1-5; and 54/79, para. 3.
- ⁴⁰ See GA resolutions 51/190, paras. 2-4; 52/207, paras. 3 and 4 and 53/196, paras. 2-4.
- ⁴¹ See GA resolutions 54/39; and 53/39, passim.
- ⁴² See GA resolutions 50/58 A, passim; 51/30 B, fifth preambular paragraph and paras. 2 and 6; 52/169 E, para. 2, passim; 53/1 I, para. 4, passim; 50/58 D, para. 2, passim; 50/58 J, para. 5, passim; 51/30 I, para. 7, passim; 53/1 O, seventh preambular paragraph, para. 8, passim; 54/96 J, ninth and thirteenth preambular paragraphs and para. 10, passim.
- ⁴³ See GA resolutions 50/58 C, para. 3 and passim; 52/169 C, first, third and fifth preambular paragraphs and paras. 3 and 6; 50/58 K, eighth preambular paragraph, para. 5 and passim; 50/58 L, passim; 51/30 H, third preambular paragraph, passim; 51/30 C, passim; 51/30 D, para. 3, passim; 53/1 G, fifth preambular paragraph, passim; 52/169 A, sixth preambular paragraph, passim; 52/169 I, seventh preambular paragraph, para. 2 and passim; 53/1 K, eighth preambular paragraph, paras. 2 and 11; and 54/96 A, sixth preambular paragraph, paras. 2 and 11; and 54/96 F, paras. 1-4; 54/96 H, passim; 50/7, para. 15, passim; 50/226, para. 4, passim; 51/199, paras. 4-7; 50/220, first preambular paragraph, passim; 51/198, paras. 3-7; 52/175, paras. 4, 5 and 8; 53/93, paras. 4-8; and 54/99, paras. 6-8, 9, 11 and 12.

dealing with a multitude of environmental, economic and social challenges.⁴⁴ To prevent certain large-scale problems from escalating into threats to peace and security or to the public good, the General Assembly also adopted resolutions on the following issues: "Question of Antarctica",⁴⁵ "Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster",⁴⁶ "Global implications of the year 2000 date conversion problem of computers",⁴⁷ and "International cooperation to reduce the impact of the El Niño phenomenon".⁴⁸

11. Resolutions concerning respect for the right of peoples to self-determination are also in the spirit of Article 14 where they focus on specific situations, such as the "Question of Western Sahara",⁴⁹ the "Question of

- ⁴⁴ See GA resolution 50/58 B, para. 9 and passim. On the same issue, see GA resolutions 52/169 G, first and third preambular paragraphs and passim; and 54/96 E, first and eleventh preambular paragraphs and paras. 4, 5 and 8; 50/58 F, fifth preambular paragraph, passim; 51/30 E, fourth preambular paragraph and passim; 52/169 K, seventh preambular paragraph and passim; 53/1 J, fifth preambular paragraph and para. 4; and 54/96 C, sixth preambular paragraph, para. 6 and passim; 50/58 G, passim; 51/30 G, third preambular paragraph, para. 3 and passim; 52/169 L, paras. 5 and 6; 53/1 M, para. 7 and passim; 54/96 D, para. 8 and passim; 50/58 I, passim; 51/30 F, passim; 53/1 D, third preambular paragraph, para. 3 and passim; 53/1, third preambular paragraph, passim; 54/96 G, passim; 54/96 I, passim; 54/96 K, passim; 54/96 L, passim; 54/96 M, passim. GA resolutions 50/10, paras. 2 and 3; 51/17, paras. 2 -4; 52/10, paras. 2-4; and 54/21, paras. 2-4 also fall into this category.
- ⁴⁵ See GA resolutions 54/45 and 51/56, the third and fourth preambular paragraphs of which are the same.
- ⁴⁶ See GA resolutions 50/134, passim; 52/172, passim; and 54/97, passim.
- ⁴⁷ See GA resolutions 52/233, preamble, passim, and paras. 1-6; 53/86, preamble, passim, and paras. 1-8; and 54/114, preamble, passim, and paras. 1-9.
- ⁴⁸ See GA resolutions 52/200, third to eighth preambular paragraphs and paras. 1, 2, 4, 5 and 7-12; and 53/185, second, fourth and fifth preambular paragraphs and passim.
- ⁴⁹ See GA resolutions 50/36, para. 6, passim; 51/143, paras.
 3, 6 and 7; 52/75, paras. 3, 5 and 6; 53/64, para. 4; and 54/87, paras. 2, 4, 6 and 10.

New Caledonia",⁵⁰ the "Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands"⁵¹ and the "Question of Tokelau".⁵²

- 51 See GA resolutions 50/38 A, paras. 3, 4, 7 and 8; 50/38 B (I), para. 1; (II), para. 1; (III), sole paragraph; (IV), para. 2; (V), paras. 3 and 4; (VI), para. 1; (VII), para. 2; (IX), para. 2; (XI), paras. 1 and 2; and (XII), paras. 1-3; 51/224 A, paras. 3, 4, 8, 9 and 12; 51/224 B (III), paras. 2 and 3; (IV), para. 2; (V), paras. 2 and 3; (V), para. 6; (X), paras. 3 and 4; (XI), para. 1; 52/77 A, paras. 2, 3, 7 and 8; 52/77 B (III), paras. 2 and 3; (V), paras. 2 and 3; (XI), paras. 3 and 4; and (XII), para. 1. As from the fifty-third session of the GA, the question of Tokelau was no longer mentioned in the title of the resolutions adopted on this issue. See GA resolutions 53/67 A, paras. 2, 3, 5-8, 11 and 12; 53/67 B (I), paras. 1 and 2; (II), paras. 1 and 2; (III), paras. 1-3; (IV), paras. 1 and 2; (V), paras. 1-4; (VI), paras. 1-8; (VII), paras. 1 and 2; (VIII), paras. 1 and 2; (IX), paras. 2 and 3; (X), paras. 1-4; and (XI), paras. 1-3; 54/90 A, third preambular paragraph, paras. 3-8, 10 and 12-14; 54/90 B (I), paras. 2 and 3; (II), paras. 2 and 3; (III), paras. 1-3; (IV), paras. 1 and 2; (V), paras. 1-4; (VI), paras. 1-7; (VII), para. 1; (VIII), paras. 1 and 2; (X), paras. 2 and 3; (X), paras. 1-4; and (XI), paras. 1-3.
- ⁵² See GA resolutions 51/145, 53/66 and 54/89, passim, all of which recall GA resolution 1514 (XV) in their preambles.

12. Although Article 14 in itself has not been the subject of constitutional discussion, it has been invoked together with Articles 10, 11, 12 and 13 by the representatives of some States when reaffirming the mandate of the General Assembly in matters of international peace and security vis-à-vis that of the Security Council or when stressing the need to strengthen cooperation between the two bodies.⁵³ In general, because of the subtle differences between Articles 10, 11, 12, 13 and 14, the studies on the other Articles must also be consulted in order to have a complete picture of the practice of the General Assembly. Thus, the study on Article 11 should be consulted for disarmament questions pertaining to certain countries or geographical groupings.

⁵⁰ See GA resolutions 50/37, paras. 1 and 2. See also resolutions 51/144, paras. 1 and 2; 52/76, paras. 1 and 2; 53/65, paras. 7 and 8 and 54/88, para. 18. In general, all of the resolutions on New Caledonia recall GA resolution 1514 (VX) in their preambles.

⁵³ See A/50/PV.17, the representative of Myanmar, p. 22; A/50/PV.73, the representative of Egypt, p. 12, the representative of Iraq, p. 13; A/50/PV.115, the representative of Iraq, p. 2; A/51/PV.65, the representative of Argentina, p. 11; A/53/PV.27, the representative of Colombia, p. 17; and A/53/PV.96, the representative of Slovenia, p. 3.