

ARTICLE 38

TEXT OF ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

NOTE

1. During the period under review, there was no instance in which all the parties to a dispute made a request to the Security Council under Article 38, nor was there a decision by the Security Council or the General Assembly requiring treatment under this Article.
2. Article 38 was explicitly invoked, however, in two communications addressed to the President of the Security Council by one of the parties to a dispute. In a letter to the President of the Council dated 10 September 1981, the representative of Guatemala drew the Council's attention to his country's dispute with the United Kingdom of Great Britain and Northern Ireland over Belize.¹ Citing Article 38, he requested the Council "to consider whether there [was] a need for it to make recommendations to the parties with a view to a pacific settlement of the dispute prior to the declaration of Belize's independence".²
3. In a second letter to the President of the Council, dated 18 September 1981, the representative of Guatemala noted that he had received information on the result of the Council's consultations held on 15 September 1981 on his request. Invoking Article 38 together with Articles 34 and 35 (1), he maintained that it was the "duty" of the Council "to meet in public session to consider a dispute which, if it [continued], may endanger international peace and security"³. No action was taken on the matter during the period under review.

¹ See also the study on Article 33 in the present *Supplement*.

² S C (36), Suppl. for July-Sept. 1981, S/14683 and Add.1.

³ *Ibid.*, S/14699.