

## ARTICLE 52

### CONTENTS

Text of Article 52

*Paragraphs*

Note..... 1-6

1.1.1

1.1.2

1.1.3

1.1.4

1.1.5

1.1.6

1.1.7

1.1.8

1.1.9

1.1.10

1.1.11

1.1.12

1.1.13

1.1.14

1.1.15

1.1.16

1.1.17

1.1.18

1.1.19

1.1.20

1.1.21

1.1.22

1.1.23

1.1.24

1.1.25

1.1.26

1.1.27

1.1.28

1.1.29

1.1.30

1.1.31

1.1.32

1.1.33

1.1.34

1.1.35

1.1.36

1.1.37

1.1.38

1.1.39

1.1.40

1.1.41

1.1.42

1.1.43

1.1.44

1.1.45

1.1.46

1.1.47

1.1.48

## ARTICLE 52

### TEXT OF ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

### NOTE

1. There has been no significant practice in connexion with the application and interpretation of Article 52 during the period under review.

2. The Article was incidentally invoked in the Security Council either explicitly or implicitly in the context of provisions of Chapter VIII of the Charter, and the principles involved regarding the respective responsibilities of the Security Council and regional arrangements and agencies.<sup>1</sup>

3. Similarly, incidental references were made to Article 52 during the consideration of various agenda items in the General Assembly<sup>2</sup> and in its Committees.<sup>3</sup> The

Article was cited either to emphasize the compatibility of regional arrangements and agencies with the Charter and to mention matters appropriate for regional action, or to recall the priorities to be accorded to, as well as the scope of, regional arrangements and the authority still retained by the Security Council and the General Assembly in the pacific settlement of local disputes.

4. During the period under review, the General Assembly adopted a number of resolutions in connexion with the question of the strengthening of international security, certain provisions of which may be considered to have an implicit bearing on Article 52.<sup>4</sup>

<sup>1</sup>See, for example, in connexion with the consideration of questions relating to Africa: S C (27), 1627th mtg.; President (Somalia), para. 82; in connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, in conformity with the provisions and principles of the Charter: S C (28), 1703th mtg.; USSR, para. 100; 1701st mtg.; the United Kingdom, para. 98 and the United States, para. 124; in connexion with the situation in the Middle East: S C (28), 1724th mtg.; Kenya, p. 12; in connexion with the situation in Namibia, letter from South Africa: S C (31), Suppl. for Jan.-March, 1976, S/11948 and Add.1, Annex, pp. 56-57; in connexion with the complaint by Benin, letter from Guinea: S C (32), Suppl. for Jan.-March, 1977, S/12281, annex and 1986th mtg.; Madagascar, para. 72; and in connexion with the question concerning the situation in Southern Rhodesia: S C (33), 2064th mtg.; India, paras. 46 and 48.

<sup>2</sup>See, for example, in connexion with the general debate: G A (25), Plen., 1846th mtg.; Colombia, para. 28; 1856th mtg.; Belgium, para. 202; G A (28), Plen., 2141st mtg.; Nigeria, para. 13. In connexion with the celebration of the twenty-fifth anniversary of the United Nations: G A (25), Plen., 1877th mtg.; Saudi Arabia, para. 209. In connexion with the address by the President of the General Assembly (Poland): G A (27), Plen., 2032nd mtg., para. 32; and in connexion with the first report of the General Committee, 2036th mtg.; Mexico, paras. 174-175. In connexion with the question of strengthening the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States: G A (29), Plen., 2307th mtg.; Australia, para. 42. In connexion with the situation in the Middle East: G A (31), Plen., 90th mtg.; Lebanon, para. 163 (for a subsequent reference to this matter see item (VI) in section C of the annex to the study under Article 54 of this Supplement); and in connexion with the question of co-operation between the United Nations and the Organization of African Unity: G A (31), Plen., 67th mtg.; the Libyan Arab Republic, para. 92 (for further references to this question, see this Supplement under Article 54, paras. 3 and 4).

<sup>3</sup>See, for example, in connexion with the consideration of measures for the strengthening of international security: G A (25), 1st Com.,

1725th mtg.; USSR, paras. 45-46; 1727th mtg.; Canada, paras. 15-16; 1733rd mtg.; Ecuador, paras. 97-99; 1736th mtg.; Ceylon, para. 110; and, in connexion with the implementation of the Declaration on the Strengthening of International Security: G A (27), 1st Com., 1900th mtg.; Kenya, para. 57; 1918th mtg.; Khmer Republic, para. 108; G A (30), 4th Com., 2163rd mtg.; Guatemala, paras. 18, 25-26, 32; G A (33), 1st Com., 68th mtg.; Bolivia, pp. 11-15, 51; Chile, pp. 33-35; Colombia, pp. 48-51; Cuba, p. 26; Ecuador, p. 16; Guatemala, pp. 31-32; Nicaragua, pp. 17-18, 22, 23-25; Uruguay, pp. 37-41 and G A (33), Annexes, a.i. 50, A/33/486, p. 5 (see also items IV-VII in section B of the annex to the study under Article 54 of this Supplement). In connexion with the report of the Special Committee on the Question of Defining Aggression, G A (26), 6th Com., 1273rd mtg.; Cuba, para. 33; G A (28), 6th Com., 1441st mtg.; Cuba, para. 29; G A (29), 6th Com., 1474th mtg.; Colombia, para. 60; 1582nd mtg.; Costa Rica, para. 30. In connexion with the report of the Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization: G A (31), 6th Com., 45th mtg.; Colombia, para. 35 and Israel, para. 54; G A (32), 6th Com., 26th mtg.; Nigeria, para. 55; G A (33), 6th Com., 26th mtg.; Uruguay, para. 57 and 29th mtg.; Tunisia, para. 56. In connexion with the conclusion of a World Treaty on the non-use of force in international relations; implementation of the Declaration on the Strengthening of International Security; and deepening and consolidation of international detente and prevention of the danger of nuclear war: G A (32), 1st Com., 53rd mtg.; France, p. 57. Also in connexion with the conclusion of a World Treaty on the non-use of force in international relations: G A (32), 6th Com., 65th mtg.; Greece, para. 41. In connexion with the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-use of Force in International Relations: G A (33), 6th Com., 57th mtg.; France, para. 34; Morocco, para. 91; Senegal, para. 61. In connexion with various items pertaining to decolonization (namely, agenda items 24, 92, 94, 96, 97 and 98): G A (33), 4th Com., 24th mtg.; Algeria, para. 46.

<sup>4</sup>G A resolution 2734 (XXV), paras. 6 and 25. G A resolution 2880 (XXVI), 3rd preamb. para.; G A resolution 2993 (XXVII), 3rd preamb. para., para. 2; G A resolution 3185 (XXVIII), 3rd and 4th preamb. paras., para. 2; G A resolution 3332 (XXIX), 5th preamb.

5. At the twenty-fifth session, the question of the strengthening of international security was discussed in the First Committee. The Committee had four drafts before it: a draft Declaration on strengthening international security (A/C.1/L.513) sponsored by several East European delegations,<sup>5</sup> a draft resolution (A/C.1/L.514) submitted by several West European and other Member States,<sup>6</sup> a draft resolution (A/C.1/L.517) submitted by Latin American States,<sup>7</sup> and a draft declaration (A/C.1/L.518) sponsored by a number of non-aligned Member States.<sup>8</sup> In its deliberations the First

para.; G A resolution 3389 (XXX), 3rd preamb. para., para. 2; G A resolution 31/92, 5th preamb. para., para. 8; G A resolution 32/154, para. 7; G A resolution 33/75, para. 10; G A resolution 33/76, 4th preamb. para.

<sup>5</sup>This draft was sponsored by Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, the Ukrainian SSR and the USSR. Operative para. 9 of this draft declaration provided that the General Assembly would declare that, in the interests of strengthening international security, it was necessary for States to endeavour to develop international co-operation on a regional basis for the purpose of strengthening security in accordance with the principles and provisions of the Charter, with the participation of all States in each region.

<sup>6</sup>The draft resolution was submitted by Austria, Belgium, Canada, Italy, Japan and the Netherlands. It contained two paragraphs which referred to regional arrangements or agencies; under the ninth preambular paragraph, the General Assembly would be mindful that regional arrangements or agencies could be effective instruments for strengthening international security, and under operative paragraph 2, it would reaffirm that all Member States were bound to act in accordance with those principles and that regional arrangements or agencies should deal with such matters relating to the maintenance of peace and security as were appropriate for regional action for the prevention of conflicts and reduction of tensions, provided that such arrangements or agencies and their activities were consistent with the provisions of Chapter VII of the Charter.

<sup>7</sup>The Latin American draft resolution was sponsored by Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela. Under operative paragraph 13 of the draft resolution the Assembly would consider that regional co-operation governed by the provisions of the Charter and based on strict respect for the sovereignty and independence of States could contribute to the strengthening of international security.

<sup>8</sup>The non-aligned draft declaration was submitted by Afghanistan, Algeria, Burundi, Cameroon, Ceylon, Cyprus, Ghana, Guyana, India, Indonesia, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Nigeria, Senegal, Sierra Leone, Singapore, the Sudan, Tunisia, Uganda, the United

Committee reached agreement on a single text of a draft declaration and recommended it, in its revised form, to the Assembly for adoption.<sup>9</sup> The Declaration on the Strengthening of International Security thus drafted by the First Committee was adopted by the General Assembly as its resolution 2734 (XXV). Under the terms of operative paragraph 6, the Assembly urged Member States to make full use and seek improved implementation of the means and methods provided for in the Charter for the exclusively peaceful settlement of disputes, including resort to regional agencies and arrangements; in operative paragraph 25, the Assembly considered that the promotion of international co-operation, including regional, subregional and bilateral co-operation among States, in keeping with the provisions of the Charter, could contribute to the strengthening of international security.

6. In subsequent years, the Assembly adopted resolutions regarding the implementation of the Declaration on the Strengthening of International Security in which references were made to regional efforts towards strengthening or furthering the strengthening of international security.<sup>10</sup>

Arab Republic, the United Republic of Tanzania, Yugoslavia and Zambia. Under operative paragraph 20 of this draft the General Assembly would have declared that, in the interest of strengthening international peace and security, States should promote mutual co-operation between States, in conformity with the Charter, on the international, regional and bilateral levels, as a significant contribution to the strengthening of international security.

<sup>9</sup>The text prepared by the drafting committee of an informal working group representing the sponsors of each proposal contained, both in its original and revised forms, a provision which became paragraph 25 of G A resolution 2734 (XXV). See G A (25), Annexes, a.i. 32, A/8096, paras. 5-20.

<sup>10</sup>See G A resolutions cited in footnote 3 above. It should be noted in this connexion that, during the twenty-seventh session of the Assembly, a draft resolution (A/C.1/L.627) contained in G A (27), Annexes, a.i. 35, A/8909, para. 6), which was introduced in the First Committee but not pressed to the vote, also contained provisions that might be considered to have a bearing on the interpretation and application of Article 52. Under the fourth preamb. para. and operative paragraph 3 of that draft resolution, which was sponsored by Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, the Ukrainian SSR and the USSR, the Assembly would have noted the striving of the peoples of different areas of the world for implementation of practical steps to establish systems of regional collective security, and would have declared its support of the efforts by States to create such systems in different areas of the world.