

ARTICLE 13

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TEXT OF ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

(a) promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

(b) promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

INTRODUCTORY NOTE

1. Article 13 contains provisions on the initiation of studies and the making of recommendations by the General Assembly concerning international cooperation in the political, legal, economic, social and human rights fields. Accordingly, as in the *Repertory* and its *Supplements Nos. 1, 2, 3, 4 and 5* the Article is treated in three separate studies. The first, containing only a note, deals with the initiation of studies and recommendations made by the General Assembly for the purpose of promoting international cooperation in the political field, under paragraph 1(a), first clause. The second deals with paragraph 1(a), second clause, on the initiation of studies and the recommendations made by the General Assembly to encourage the progressive development of international law and its codification. The third deals with paragraphs 1(b) and 2, on the initiation of studies and the recommendations made by the General Assembly to promote international cooperation in the economic, social, cultural, educational and health fields, and to assist in the realization of human rights and fundamental freedoms.

2. During the period under review, the close relation between the various fields of international cooperation envisaged in Article 13 was reflected in the General Assembly resolutions by which a number of studies were initiated.

3. The study of Article 13(1)(a), second clause, reviews work in the field of the progressive development and codification of international law.

4. Relevant excerpts from the General Assembly resolutions requesting or authorizing studies in the economic, social and related fields are contained in the annex to the study of Article 13(1)(b) and (2). The annex is divided into five parts, dealing with studies requested respectively from: the Economic and Social Council and its subsidiary organs; from the Secretary-General; from other bodies and specialized agencies; from several bodies jointly; and from Member States.

ARTICLE 13(1)(a)

With regard to the promotion of international cooperation in the political field

Text of Article 13(1)(a). Provision relating to the promotion of international cooperation in the political field

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- (a) promoting international cooperation in the political field ...

NOTE

1. Certain decisions taken by the General Assembly during the period under review which have a bearing on the first part of the study on Article 13(1)(a) have been treated more extensively in the second part of the study on that Article owing to their important legal aspects. Thus, General Assembly resolutions adopted in connection with the items "Measures to prevent international terrorism",¹ "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", "Peaceful settlement of disputes between States", "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations", "Development and strengthening of good-neighbourliness between States" and "Drafting of an international convention against the taking of hostages", discussed briefly in paragraphs 3 to 8 below, are also dealt with in the second part of the study.

2. In addition, the General Assembly adopted resolutions in connection with the items "International cooperation to avert new flows of refugees", "Review of the implementation of the Declaration on the Strengthening of International Security", and "Strengthening of security and cooperation in the Mediterranean region", which may have a bearing on the first part of the study on Article 13(1)(a), and are discussed in paragraphs 9 to 12 below.²

3. As noted in *Supplement No. 5*,³ the General Assembly by its resolution 3034 (XXVII) had previously established an Ad Hoc Committee on International Terrorism. During the period under review, the Assembly adopted further resolutions⁴ on the subject. By its resolution⁵ adopted at the thirty-fourth session, the General Assembly took note of the study of the underlying causes of international terrorism contained in the report⁶ of the Ad Hoc Committee. In addition, the Assembly endorsed the recommendations⁷ submitted by the Ad Hoc

Committee relating to practical measures of cooperation for the speedy elimination of the problem of international terrorism. In its two subsequent resolutions,⁸ the Assembly re-endorsed the above-mentioned recommendations relating to practical measures of cooperation in that field and called upon all States to observe and implement them.

4. Also mentioned in *Supplement No. 5*⁹ were General Assembly resolution 3349 (XXIX), establishing the Ad Hoc Committee on the Charter of the United Nations, and resolution 3499 (XXX), reconvening the Ad Hoc Committee as the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. During the period under review, the General Assembly extended the mandate of the Special Committee by its resolutions¹⁰ on the subject. In addition, by the resolutions¹¹ adopted at the thirty-fifth to thirty-ninth sessions, the Assembly requested the Special Committee to accord priority to its work on the question of the maintenance of international peace and security. By its resolutions¹² adopted at the thirty-fifth and thirty-sixth sessions, the Assembly also recommended that the Special Committee continue its work on the peaceful settlement of disputes, including the elaboration of a draft declaration.¹³ At the same sessions, the General Assembly made similar recommendations to the Special Committee in the resolutions¹⁴ adopted in connection with the item entitled "Peaceful settlement of disputes between States".

5. In a further resolution¹⁵ on the peaceful settlement of disputes between States, the General Assembly adopted the Manila Declaration on the Peaceful Settlement of International Disputes as elaborated by the Special Committee on the Charter¹⁶ and its Working Group.¹⁷ In the Declaration, the General Assembly, inter alia, expressed its determination to promote international cooperation in the political field. The Assembly also elaborated a number of general principles relating to the peaceful

settlement of disputes, including the provision that States should seek an early and equitable settlement of their international disputes, by the means enunciated, in good faith and in a spirit of cooperation.

6. It was also noted in *Supplement No. 5*¹⁸ that the General Assembly by its resolution 32/150 had established a Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. During the period under review, the Assembly extended the mandate of the Special Committee in its resolutions¹⁹ on the subject. In addition, in the resolutions²⁰ adopted at the thirty-seventh to thirty-ninth sessions, the General Assembly requested the Special Committee to elaborate the working paper²¹ put forward by its Chairman in 1982 and to take duly into account the proposals submitted to it and the efforts undertaken since then.

7. In its resolutions²² on the development and strengthening of good-neighbourliness between States, the General Assembly considered that the generalization of the long practice and certain norms of good-neighbourliness was likely to strengthen friendly relations and cooperation among States, in accordance with the Charter, and called upon all States, in the interest of the maintenance of international peace and security, to develop good-neighbourly relations. In addition, by the resolutions²³ adopted at the thirty-eighth and thirty-ninth sessions, the Assembly recommended, on the basis of, among other things, the working paper²⁴ concerning the development and strengthening of good-neighbourliness between States, the clarification and formulation of the elements of good-neighbourliness as part of a process of elaboration of a suitable international document on the subject by its Sixth Committee.

8. In the annex to the resolution²⁵ adopted in connection with the item entitled "Drafting of an international convention against the taking of hostages", containing the International Convention against the Taking of Hostages, the General Assembly underlined that it was urgently necessary to develop international cooperation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international terrorism. The Assembly recommended that State Parties to the Convention should cooperate in the prevention of the offences set forth in article 1 of the Convention, particularly by taking all practicable measures, exchanging information and coordinating the taking of administrative and other measures to that effect.

9. During the period under review, the General Assembly adopted resolutions²⁶ on international cooperation to avert new flows of refugees. In particular, by the resolution²⁷ adopted at the thirty-sixth session, the Assembly established the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees. The Assembly requested the Group of Governmental Experts to undertake, in order to improve international cooperation to avert new massive flows of refugees, a comprehensive review of the problem in all its aspects, with a view to developing recommendations on appropriate means of international cooperation in that field, having due regard to the principle of non-intervention in the internal affairs of sovereign States. The Assembly also requested the Group of Governmental Experts to submit a report on its work to the Secretary-General in time for deliberation at the following session.

10. In the resolution²⁸ adopted at the thirty-seventh session, the General Assembly reaffirmed the mandate of the Group of Governmental Experts as defined in resolution 36/148 by stressing the need for members of the Group to embark upon the study in question in the framework of a constructive, future-oriented approach and in conformity with the spirit which should form the basis of friendly relations and close cooperation among Member States. The Assembly furthermore called upon the Group of Governmental Experts to submit a report on its work to the Secretary-General in time for deliberation at the thirty-eighth session.

11. In the resolution²⁹ adopted at the thirty-eighth session, the General Assembly welcomed the report³⁰ of the Group of Governmental Experts as a constructive step in the fulfilment of its mandate, which it reaffirmed and extended as defined in resolutions 36/148 and 37/121, and made a further request for a report to be submitted in time for consideration at the following session. Similar provisions were included in the resolution³¹ adopted on the subject at the thirty-ninth session, in addition to a request that the Group of Governmental Experts expeditiously conclude its comprehensive review of the problem in all its aspects.

12. In the resolutions³² adopted in connection with the item entitled "Review of the implementation of the Declaration on the Strengthening of International Security", the General Assembly recommended that further efforts be made to transform the Mediterranean into a zone of peace and cooperation. In further resolutions³³ adopted on the strengthening of security and cooperation in the Mediterranean region, the Assembly recalled its resolutions 36/102

and 37/118 on the review of the implementation of the Declaration on the Strengthening of International Security and recognized that further efforts were necessary for the reduction of tension and of armaments and for the creation of conditions of security and fruitful cooperation in all fields for all countries and peoples of the Mediterranean, on the basis of a number of principles that it subsequently enunciated. The Assembly encouraged efforts to intensify existing new forms of cooperation in various fields and to promote new forms of such cooperation, particularly those aimed at reducing tensions and strengthening confidence and security in the region, and urged all States to cooperate with Mediterranean States towards that end.

NOTES

¹ The full title of the agenda item reads as follows: "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes".

² During the period under review, the General Assembly adopted several resolutions relating to cooperation between regional organizations and the United Nations. Those resolutions have not been covered in the present study.

³ See *Repertory, Supplement No. 5*, vol. I, under Article 13(1)(a), first clause, para. 5.

⁴ G A resolutions 34/145; 36/109; 38/130.

⁵ G A resolution 34/145.

⁶ G A (34), Suppl. No. 37, para. 69.

⁷ *Ibid.*, para. 118.

⁸ G A resolutions 36/109 and 38/130.

⁹ See *Repertory, Supplement No. 5*, vol. I, under Article 13(1)(a), first clause, paras. 6-8.

¹⁰ G A resolutions 34/147; 35/164; 36/122; 37/114; 38/141; 39/88 A.

¹¹ G A resolutions 35/164; 36/122; 37/114; 38/141; 39/88 A.

¹² G A resolutions 35/164; 36/122.

¹³ The draft declaration was later adopted by G A resolution 37/10. See para. 6 below.

¹⁴ G A resolutions 35/160; 36/110.

¹⁵ G A resolution 37/10, annex.

¹⁶ For the relevant reports of the Special Committee, see G A (35), Suppl. No. 33, paras. 154-165; G A (36), Suppl. No. 33, paras. 271-308; and G A (37), Suppl. No. 33, para. 19.

¹⁷ For the reports of the Working Group on the Peaceful Settlement of Disputes, see A/C.6/35/L.21 and A/C.6/36/L.19.

¹⁸ See *Repertory, Supplement No. 5*, vol. I, under Article 13(1)(a), first clause, para. 9.

¹⁹ G A resolutions 34/13; 35/50; 36/31; 37/105; 38/133; 39/81.

²⁰ G A resolutions 37/105; 38/133; 39/81.

²¹ G A (37), Suppl. No. 41, para. 372. The working paper included formulas containing the main elements of the principle of non-use of force.

²² G A resolutions 34/99; 36/101; 37/117; 38/126; 39/78.

²³ G A resolutions 38/126; 39/78.

²⁴ A/38/440, annex.

²⁵ G A resolution 34/146.

²⁶ G A resolutions 35/124; 36/148; 37/121; 38/84; 39/100.

²⁷ G A resolution 36/148.

²⁸ G A resolution 37/121.

²⁹ G A resolution 38/84.

³⁰ A/38/273, annex.

³¹ G A resolution 39/100; A/39/327 and Corr.1 (contains the report of the Group of Governmental Experts).

³² G A resolutions 36/102; 37/118.

³³ G A resolutions 38/189; 39/153.