

# ARTICLE 14

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## ARTICLE 14

### 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 the General Assembly adopted a number of resolutions in which Article 14 was invoked, or in which references corresponding to the language of that Article were made. Specific mention of the Article was made in a number of draft resolutions tabled in connexion with various agenda items, as well as in debates during the consideration of those items. The resolutions and the relevant instances referred to are cited in the summary of practice below.
2. There was no specific constitutional discussion of Article 14 as such. Nevertheless, pertinent remarks relating to the scope of the powers of the General Assembly in the exercise of its responsibility under Article 14 are mentioned in the summary of practice below.

### SUMMARY OF PRACTICE

3. At its 1932nd plenary meeting, on 16 December 1970, the General Assembly, by 120 votes to 1, with one abstention, adopted, as its resolution 2734 (XXV), the Declaration on the Strengthening of International Security. It was acting on the recommendation of the First Committee submitted in document A/8096.<sup>1</sup> Paragraph 15 of that Declaration read as follows:

“The General Assembly,

“ . . .

“15. Reaffirms its competence under the Charter to discuss and recommend measures for the peaceful adjustment of any situation which it deems likely to impair the general welfare or friendly relations among States, including situations resulting from a violation of the provisions of the Charter setting forth the purposes and principles of the United Nations”.

4. Prior to the adoption of the final text of the draft declaration by the First Committee,<sup>2</sup> five draft texts had been submitted, in two of which specific mention of Article 14 was made. In one of the two draft texts<sup>3</sup> the sponsors wished the General Assembly to reaffirm its responsibility with regard to the maintenance of international peace and security, “in accordance with Articles 10, 11, 12 and 14 of the Charter”. In the other draft text<sup>4</sup> the sponsors wanted to include a paragraph whereby the General Assembly would reaffirm, “in accordance with Article 14 of the Charter”, its responsibility to recommend measures as provided for in the rest of that Article. In another of the draft texts<sup>5</sup> the language of Article 14 was reproduced in one paragraph which was eventually incorporated as paragraph 15 in the final text of the draft declaration submitted to the General Assembly.<sup>6</sup>

5. During the discussion leading to the final text of the draft declaration, specific mention of Article 14, often in conjunction with the other relevant Articles of the Charter, was also made.<sup>7</sup> The comments made by various speakers on that item, as well as during discussion of the other items listed in paragraph 8 below, consisted for the most part of reminders of the responsibility placed upon the General Assembly under Article 14 (as well as under other closely related Articles) and

urgings not to flinch from the duty to exercise that responsibility; but some<sup>8</sup> urged proceeding with caution in that respect so as not to usurp the powers of the Security Council, noting that the authority given to the General Assembly in Article 14 (as in the other closely related Articles) was to be exercised subject to the provisions of Article 12.<sup>9</sup>

6. The General Assembly also adopted the following resolutions in which specific recommendations were made for certain measures in conformity with the language or intent of Article 14: resolution 2793 (XXVI) (a.i. 102: Question considered by the Security Council at its 1606th, 1607th and 1608th meetings on 4, 5 and 6 December 1971: The situation in the India/Pakistan sub-continent), paragraphs 1 to 4; resolution 2799 (XXVI) (a.i. 22: The situation in the Middle East), paragraph 2; resolution 3212 (XXIX) (a.i. 110: Question of Cyprus), paragraphs 2 and 4; resolution 3395 (XXX) (a.i. 125: Question of Cyprus), paragraphs 3-6; and resolution 31/62 (a.i. 29: Peace Conference on the Middle East), paragraph 2.

7. In recommending the pertinent measures in the resolutions cited above, the General Assembly based its *raison d'être* on its conviction or finding that the situation in question either constituted a threat to international peace and security or must be solved through peaceful means. These sentiments were often expressed in the preambular paragraphs of the resolutions.<sup>10</sup>

8. The resolutions resulting from consideration of the following items did not contain any mention or invocation of the provisions of Article 14, but in the course of the deliberations specific mention of Article 14 was made by several speakers: (1) Comprehensive review of the whole question of peace-keeping operations in all their aspects (twenty-fifth session, a.i. 36, and thirty-first session, a.i. 54); (2) Report of the Special Committee on Defining Aggression (twenty-sixth session, a.i. 89, and twenty-ninth session, a.i. 89); (3) Review of the role of the International Court of Justice (twenty-sixth session, a.i. 90); (4) The situation in the Middle East (twenty-seventh session, a.i. 21); (5) Non-use of force in international relations and permanent prohibition of

nuclear weapons (twenty-seventh session, a.i. 25); (6) Need to consider suggestions regarding the review of the Charter of the United Nations (twenty-seventh session, a.i. 89); (7) Strengthening of 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 men (twenty-ninth session, a.i. 20); (8) Situation arising out of unilateral withdrawal of Ganges waters at Farakka (thirty-first session, a.i. 121); (9) Conclusion of a world treaty on the non-use of force in international relations (thirty-second session, a.i. 37); and (10) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (thirty-third session, a.i. 117).<sup>11</sup>

9. As indicated above, in the course of the deliberations Article 14 was frequently mentioned in conjunction with certain other Articles of the Charter, particularly Articles 10, 11 and 12. One element common to Articles 10, 11 and 14 is that the scope of action prescribed for the General Assembly in those Articles is subject to the provisions of Article 12(1) of the Charter. Occasionally, Articles 15, 17 and 35 were also mentioned. In fact many instances of invocation of Article 14 cited in the present study could justifiably be inferred to apply to Article 11.<sup>12</sup>

#### NOTES

<sup>1</sup> G A (25), Annexes, a.i. 32, A/8096, para. 20.

<sup>2</sup> *Ibid.*

<sup>3</sup> A/C.1/L.517, para. 5, *ibid.*, para. 5(a).

<sup>4</sup> A/C.1/L.518, para. 19, *ibid.*, para. 5(f).

<sup>5</sup> A/C.1/L.558, para. 14, *ibid.*, para. 9.

<sup>6</sup> See para. 3 above for the text of the paragraph.

<sup>7</sup> For texts of relevant statements see G A (XXV), 1st Com., 1728th mtg.: Yugoslavia, para. 97; 1729th mtg.: Chile, para. 45; 1731st mtg.: Trinidad and Tobago, para. 4; and 1736th mtg.: Madagascar, para. 49.

<sup>8</sup> See, in particular, G A (XXV), Spec. Pol. Com., 721st mtg.: Austria, para. 39; 1st Com., 1736th mtg.: Israel, paras. 156-165; and G A (XXVII), Plen., 2093rd mtg.: Belgium, para. 139.

<sup>9</sup> Paragraph 1 of Article 12 provides that, "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

<sup>10</sup> See, for example, G A resolution 2793 (XXVI), 2nd preamb. para.: "Gravely concerned that hostilities have broken out between India and Pakistan which constitute an immediate threat to international peace and security"; resolution 3212 (XXIX), 2nd preamb. para.: "Gravely concerned about the continuation of the Cyprus crisis, which constitutes a threat to international peace and security" and 3rd preamb. para.: "Mindful of the need to solve this crisis without delay by peaceful means, in accordance with the purposes and principles of the United Nations"; and resolution 31/62, 4th preamb. para.: "Convinced that any relaxation in the search for a comprehensive settlement covering all aspects of the Middle East problem to achieve a just peace in the area constitutes a grave threat to the prospects of peace in the Middle East as well as a threat to international peace and security".

<sup>11</sup> For texts of relevant statements see the following: item (1): G A (25), Spec. Pol. Com., 721st mtg.: Austria, para. 39; G A (31), Spec. Pol. Com., 35th mtg.: Tunisia, para. 6; item (2): G A (26), 6th Com., 1276th mtg.: Zambia, para. 24; G A (29), 6th Com., 1482nd mtg.: Greece, para. 53; item (3): G A (26), 6th Com., 1282nd mtg.: Spain, para. 28; item (4): G A (27), Plen., 2092nd mtg.: Egypt, para. 46; item (5): G A (27), Plen., 2093rd mtg.: Ivory Coast, para. 108; item (6): G A (27), 6th Com., 1380th mtg.: Madagascar, para. 13; item (7): G A (29), Plen., 2307th mtg.: Australia; 2314th mtg.: Syria; item (8): G A (31), Spec. Pol. Com., 20th mtg.: Bangladesh, paras. 1 and 19; A/SPC/31/L.8: draft resolution submitted by Bangladesh, 2nd preamb. para.; item (9): G A (32), 1st Com., 54th mtg.: Trinidad and Tobago; and item (10): G A (33), 6th Com., 29th mtg.: Trinidad and Tobago, para. 54.

<sup>12</sup> See, for example, G A resolution 2793 (XXVI), para. 1 ("Calls upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India-Pakistan borders"); and G A resolution 3212 (XXIX), para. 8 ("Calls upon all parties to continue to co-operate fully with the United Nations Peace-keeping Force in Cyprus, which may be strengthened if necessary"). It is instructive, therefore, to make cross-reference to the studies of Articles 10 and 11 in particular, in which relevant material may be similarly treated.