

ARTICLE 14

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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 one resolution in which Article 14 was invoked, and several others in which specific measures were recommended in conformity with that Article. Explicit mention of Article 14 was made during the debates preceding the adoption of some of those resolutions, as well as during the discussion of

other agenda items considered by the General Assembly. The resolutions and relevant instances referred to are cited in the summary of practice below.

2. There was no specific constitutional discussion of Article 14. Consequently, the present study consists only of a summary of practice.

SUMMARY OF PRACTICE

3. At the thirty-seventh session, on 15 November 1982, the General Assembly, on the recommendation of the Sixth Committee, adopted by consensus resolution 37/10 on the peaceful settlement of disputes between States. Annexed to the resolution was the Manila Declaration on the Peaceful Settlement of International Disputes, which contained the following provision:

“II

“... ”

“3. Member States reaffirm the important role conferred on the General Assembly by the Charter of the United Nations in the field of peaceful settlement of disputes and stress the need for it to discharge effectively its responsibilities. Accordingly, they should:

“(a) Bear in mind that the General Assembly may discuss any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations and, subject to Article 12 of the Charter, recommend measures for its peaceful adjustment;”

4. Although Article 14 was invoked during discussion of the provision¹ and during the general debate on the agenda item,² none of those references gave rise to a constitutional discussion.

5. The General Assembly also adopted, in connection with the following items, resolutions in which specific recommendations were made for certain measures in conformity with the language or intent of Article 14: “The situation in Kampuchea”;³

“Question of Cyprus”;⁴ “Question of Western Sahara”;⁵ “The situation in the Middle East”;⁶ “Question of the islands of Glorieuses, Juan de Nova, Europa and Bassas da India”;⁷ “Question of Southern Rhodesia”;⁸ “The situation in Afghanistan and its implications for international peace and security”;⁹ “Question of Palestine”;¹⁰ “Policies of apartheid of the Government of South Africa”;¹¹ “The situation in Grenada”;¹² “Question of the Falkland Islands (Malvinas)”;¹³ “Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights”.¹⁴

6. In recommending the pertinent measures in the resolutions cited above, the General Assembly based its decision 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. Those views were often expressed in the preambular paragraphs of the resolutions.¹⁵ During the deliberations leading to the adoption of those resolutions, a few speakers made explicit references to Article 14,¹⁶ but there was no specific constitutional discussion of the Article.

7. The resolutions resulting from consideration of the following items did not invoke Article 14, but mention was made of the Article in the course of the deliberations prior to their adoption: “Question of Namibia”;¹⁷ “The situation in the occupied Arab territories”;¹⁸ “Report of the Special Committee on the Charter of the United Nations and on the

Strengthening of the Role of the Organization";¹⁹ "Review of the implementation of the Declaration on the Strengthening of International Security";²⁰ "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations".²¹

8. Article 14 was frequently mentioned in conjunction with certain other Articles of the Charter, particularly Article 11. For instance, at the thirty-fourth session, the General Assembly, on the recommendation of the General Committee,²² included in its agenda an item entitled "The situation in Kampuchea". One representative, in opposing the inclusion of the item in the agenda, held the view that the matter fell primarily within the competence of the Security Council and ought not to be considered by the General Assembly.²³ Others, however, maintained that Articles 11 and 14 of the Charter supported the inclusion of the item in the agendas of both the Security Council and the General Assembly.²⁴ In fact, many references to Article 14 cited in the present study could justifiably be inferred to apply to Article 11.²⁵

NOTES

¹ The draft Manila Declaration was elaborated in the Working Group on the Peaceful Settlement of Disputes between States and in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. For the relevant report of the Working Group, see A/C.6/35/L.21, para. 54. For the relevant report of the Special Committee, see G A (36), Suppl. No. 33, para. 301.

² G A (37), 6th Comm., 23rd mtg.: Ecuador, para. 8; 24th mtg.: Afghanistan, para. 7.

³ G A resolutions 34/22, paras. 6-8; 35/6, paras. 2 and 3.

⁴ G A resolutions 34/30, paras. 4-9; 37/253, paras. 6, 8, 10, 11, 13 and 14.

⁵ G A resolutions 34/37, paras. 6 and 7; 35/19, paras. 9 and 10; 36/46, paras. 5 and 6; 37/28, para. 4; 39/40, para. 3.

⁶ G A resolution 34/70, para. 5.

⁷ G A resolutions 34/91, paras. 3 and 4; 35/123, para. 4. During the thirty-fifth session, this issue was discussed as: "Question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India".

⁸ G A resolution 34/192, para. 7.

⁹ G A resolutions ES-6/2, paras. 4 and 5; 35/37, paras. 3 and 4; 36/34, paras. 3 and 4; 37/37, paras. 3 and 4; 38/29, paras. 3 and 4; 39/13, paras. 3 and 4.

¹⁰ G A resolutions ES-7/2, para. 7; 35/169 A, para. 8; 36/120 C, para. 1; 36/120 D, para. 5; 38/58 C, para. 3.

¹¹ G A resolutions 36/172 C, para. 3; 37/69 A, para. 7; 38/39 C, para. 2.

¹² G A resolution 38/7, paras. 4 and 5.

¹³ G A resolutions 37/9, para. 1; 38/12, para. 1; 39/6, para. 1.

¹⁴ G A resolutions 37/43, para. 10; 38/17, para. 11; 39/17, para. 12.

¹⁵ See, for example, G A resolution 34/30, 4th preambular para.: "Greatly concerned at the prolongation of the Cyprus crisis, which poses a serious threat to international peace and security", and 10th preambular para.: "Mindful of the need to settle the question of Cyprus without further delay by peaceful means in accordance with the provisions of the Charter of the United Nations and the relevant resolutions of the United Nations"; G A resolution 35/6, 3rd preambular para.: "Deeply regretting that the foreign armed intervention continues and the foreign forces have not been withdrawn from Kampuchea, thus seriously threatening international peace and security"; G A resolution ES-7/2, 2nd preambular para.: "Convinced that the failure to solve the [Question of Palestine] poses a grave threat to international peace and security"; G A resolution 36/172 C, 6th preambular para.: "Recognizing that the apartheid regime of South Africa is guilty of repeated breaches of the peace and acts of aggression which constitute an ever-growing threat to international peace and security".

¹⁶ For texts of relevant statements, see G A (ES-7), 29th mtg.: Benin, p. 31; G A (35), Plen., 16th mtg.: Iraq, para. 34.

¹⁷ G A (ES-8), 5th mtg.: Algeria, para. 122; 7th mtg.: Senegal, para. 166; G A (36), Plen., 67th mtg.: Syrian Arab Republic, para. 57; G A (37), Plen., 104th mtg.: Angola, para. 106; Senegal, para. 259.

¹⁸ G A (ES-9), 10th mtg.: Benin, p. 52.

¹⁹ G A (35), 6th Comm., 36th mtg.: Czechoslovakia, para. 10; Somalia, para. 35; 39th mtg.: Ecuador, para. 20; Bangladesh, para. 28; G A (36), 6th Comm., 34th mtg.: Czechoslovakia, para. 44.

²⁰ G A (36), 1st Comm., 50th mtg.: Trinidad and Tobago, p. 26.

²¹ G A (39), 6th Comm., 17th mtg.: Trinidad and Tobago, para. 19.

²² The General Committee decided, by 19 votes to 5, with 1 abstention, to recommend that the General Assembly should include the item in its agenda. See G A (34), Gen. Comm., 2nd mtg.: para. 42.

²³ G A (34), Gen. Comm., 2nd mtg.: Viet Nam, para. 21.

²⁴ G A (34), Gen. Comm., 2nd mtg.: Singapore, para. 37; United Kingdom, para. 40.

²⁵ See, for example, G A resolution 34/30, para. 9 ("Calls upon the parties concerned to refrain from any unilateral action which might adversely affect the prospects of a just and lasting solution of the problem of Cyprus by peaceful means and to cooperate fully with the Secretary-General in the performance of his task under the relevant resolutions of the General Assembly and the Security Council as well as with the United Nations Peacekeeping Force in Cyprus") and G A resolution ES-7/2, para. 7 ("Calls upon Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact, and urges that such withdrawal from all the occupied territories should start before 15 November 1980"). 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.