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## 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, no explicit reference was made to Article 14 in the resolutions adopted by organs of the United Nations. However, several resolutions were adopted that drew on Article 14 in intent or spirit.
2. No constitutional discussions arose in connection with Article 14 as such

## Analytical summary of practice

3. Certain resolutions on Palestine had a bearing on Article 14, both in terms of their subject matter and through an explicit reference in their early preambular paragraphs to resolution 194 III of 11 December 1948.<sup>1</sup> The first paragraph of that resolution uses the wording of Article 14: “[The General Assembly] *expresses* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life”.

4. Several resolutions of the General Assembly were adopted in conformity with the thrust or spirit of Article 14 in that they refer explicitly to situations

deemed to be threats to international peace and security and contain recommendations pertaining to a peaceful settlement. Thus, in resolution 44/22, entitled “The situation in Kampuchea”, the General Assembly described itself as “*Convinced* that, to bring about lasting peace in South-East Asia and reduce the threat to international peace and security, there is an urgent need for the international community to find a comprehensive political settlement of the Kampuchean problem”.<sup>2</sup> The same applies to resolution 44/10 and

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*Note:* In most cases the relevant preambular and/or operative paragraphs of the resolutions cited in the present study follow, in parentheses, the reference to the resolutions in question.

<sup>1</sup> Resolution 44/41, “Question of Palestine” (A, first preambular paragraph), resolution 45/67, “Question of Palestine” (A, first preambular paragraph), resolution 46/74, “Question of Palestine” (A, first preambular paragraph), resolution 47/64, “Question of Palestine” (A, first preambular paragraph), resolution 48/158, “Question of Palestine” (A, Committee on the Exercise of the Inalienable Rights of the Palestinian People, first preambular paragraph), resolution 49/62, “Question of Palestine” (A, Committee on the Exercise of the Inalienable Rights of the Palestinian People, first preambular paragraph), resolution 49/35, “United Nations Relief and Works Agency for Palestine refugees in the Near East” (A, Assistance to Palestine refugees, first preambular paragraph).

<sup>2</sup> Twelfth preambular paragraph; see also in the sixteenth preambular paragraph an implicit reference to a threat to international peace and security: “Reiterating its conviction that, after the comprehensive political settlement of the Kampuchean question through peaceful means, the countries of the South-East Asian region can pursue efforts to establish a zone of peace, freedom and neutrality in South-East Asia so as to lessen international tensions and to achieve lasting peace in the region” (cf. also paras. 5, 11 and 14). See, on the same question, resolution 45/3, second preambular paragraph: “*Convinced* that an early, just and durable solution of the Cambodia conflict achieved through national reconciliation among the Cambodian parties free from external interference, within the framework for a comprehensive political settlement, will contribute to regional and international peace and security” (see also paras. 6-8); see also resolution 46/18, which was adopted after the conclusion of the Paris Agreements and sought in particular to support the Agreements (sixth preambular paragraph, para. 1) and to call upon the parties concerned to respect human rights and the right to self-determination (paras. 3 and 4) and to comply with the ceasefire (para. 5), and generally to call upon the terms of the Agreements (para. 6).

resolutions that followed bearing the title “The situation in Central America: threats to international peace and security and peace initiatives”.<sup>3</sup> The General Assembly was equally direct in its decision 46/419 of 11 December 1991:<sup>4</sup> “The General Assembly condemns the persistent collaboration in the military, nuclear and intelligence fields between South Africa and certain countries, which constitutes a violation of the military embargo imposed on South Africa by the Security Council in its resolution 418 (1977) of 4 November 1977 and poses a threat to international peace and security”.<sup>5</sup> Equally revealing is resolution 46/75, entitled “International Peace Conference on the Middle East”, whose third preambular paragraph reads as follows: “*Stressing* that achieving a comprehensive settlement of the Middle East conflict, the core of which is the question of Palestine, will constitute a significant contribution to international peace and security”. That category also includes the following resolutions: 44/7 “Cooperation between the United Nations and the League of Arab States”,<sup>6</sup> 44/15 “The situation in Afghanistan and its consequences for

international peace and security”,<sup>7</sup> 44/121 “Israeli nuclear armament”,<sup>8</sup> 44/125 “Strengthening of security and cooperation in the Mediterranean region”,<sup>9</sup> 46/87 “Importance of the universal realization of the right of

<sup>3</sup> For the measures recommended, see paras. 3 and 9. See also resolution 45/15 (paras. 3-9 and paras. 11-14). Cf. also resolution 44/43 “Judgement of the International Court of Justice on 27 June 1986 concerning military and paramilitary activities in and against Nicaragua: need for immediate compliance” (para. 1), and resolution 44/240 “Effects of the military intervention by the United States of America in Panama on the situation in Central America” (paras. 2-4).

<sup>4</sup> Entitled “Military activities and arrangements by the colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples”.

<sup>5</sup> Para. 7 (see also paras. 11, 13 and 14 for the measures recommended). On the other hand, in its decision 47/409 of 16 November 1992 on that same issue, the General Assembly omitted any reference to a threat to international peace and security but spoke of the “grave consequences for international peace and security of the collaboration between the apartheid system in South Africa and certain Western Powers and other countries in the military and nuclear fields” (para. 8).

<sup>6</sup> Fourth to sixth preambular paragraphs. Similarly: resolutions 45/82 (fourth to sixth preambular paragraphs), 46/24 (fourth to sixth preambular paragraphs), and 47/12 (fourth to seventh preambular paragraphs).

<sup>7</sup> In this resolution the General Assembly stated that it was “Deeply conscious of the urgent need for a comprehensive political solution of the situation in respect of Afghanistan, *Conscious* that a successful final political settlement of the Afghanistan problem would have a favourable impact on the international situation and provide an impetus for the resolution of other acute regional conflicts” (seventh and eighth preambular paragraphs). See also the following paragraphs of the same resolution: “5. Reiterates that the preservation of the sovereignty, territorial integrity, political independence, and non-aligned and Islamic character of Afghanistan is essential for a peaceful solution of the Afghanistan problem; (...) 9. Calls upon all parties concerned to exert every effort to promote a political settlement acceptable to the Afghan people in order to bring to an end the protracted conflict that has prevailed in Afghanistan for the past several years; (...) 13. Calls upon all States to provide adequate financial and material resources to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan for the purpose of achieving the speedy repatriation and rehabilitation of the Afghan refugees, as well as for the economic and social reconstruction of the country”. See also resolution 45/12, which relates to the same question and whose preamble states: “*Reaffirming* the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State” (see also paras. 3-9 and 11 for the measures recommended). See also on the same question resolutions 45/12 and 46/23 (situation: fifth preambular paragraph; measures: twelfth preambular paragraph, paras. 3, 4, 7, 9, 10 and 12).

<sup>8</sup> Ninth preambular paragraph. The same applies to resolutions 46/39, 47/55 and 48/78. As for the measures recommended, see in particular para. 1 of 48/78: “Calls upon Israel to renounce possession of nuclear weapons and to accede to the Treaty on the Non-Proliferation of Nuclear Weapons”.

<sup>9</sup> Sixth preambular paragraph. Similarly in resolution 46/42 (situation: fourth preambular paragraph: “Expressing concern at the persistent tension and continuing military operations and activities in parts of the Mediterranean region and the consequent threat to peace and security”; measures: ninth preambular paragraph, paras. 9-11), resolution 47/58 (para. 1, *passim*), resolution 48/81 (ninth preambular paragraph, *passim*), and resolution 44/121 (fifth preambular paragraph, *passim*).

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”,<sup>10</sup> and 46/242 “The situation in Bosnia and Herzegovina”.<sup>11</sup>

5. Some resolutions reflected the intent or spirit of Article 14 in the sense that they address a “situation” of the kind described in that article, while still recalling earlier resolutions of the General Assembly that dealt with “situations” deemed to constitute threats to international peace and security. Examples can be found in resolution 46/34 A “Implementation of the Declaration on the Denuclearization of Africa”<sup>12</sup> and

resolution 46/170 “Special Plan of Economic Cooperation for Central America”.<sup>13</sup>

6. Another series of resolutions also seems to have drawn on Article 14 in that they addressed either: (i) a situation that was deemed implicitly to constitute a threat to international peace and security: 48/47 “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations”,<sup>14</sup> 48/58 “Middle East peace process”,<sup>15</sup> 48/84 “Maintenance of international security”,<sup>16</sup> 48/92 “Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination”,<sup>17</sup>

<sup>10</sup> Nineteenth preambular paragraph: “Considering that the continuation of the Israeli oppressive measures and the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine constitute a serious threat to international peace and security”. See also the twenty-first preambular paragraph and paragraphs 4 to 6, which bear on the measures recommended by the General Assembly with regard to Israeli-Palestinian conflict. On the other hand, resolution 48/94 on the same question made no reference to peace and security in connection with the conflict in the Middle East, which could, perhaps, be explained by the success in the negotiations carried out during the intervening period by the two parties, Israel and the Palestinian Authority (cf. however, the twenty-first preambular paragraph and para. 5, where recommendations were addressed to the parties to the conflict in question).

<sup>11</sup> Seventh preambular paragraph: “*Deploring* the grave situation in Bosnia and Herzegovina and the serious deterioration of the living conditions of the people there, especially the Muslim and Croat populations, arising from the aggression against the territory of the Republic of Bosnia and Herzegovina, which constitutes a threat to international peace and security”. Similarly: resolution 47/121 (situation: eighth preambular paragraph; measures: fifteenth preambular paragraph, paras. 7-12), resolution 48/88, twenty-first preambular paragraph: “Conscious that the grave situation in the Republic of Bosnia and Herzegovina continues to be a threat to international peace and security”, and resolution 49/10, third and twenty-fifth preambular paragraphs.

<sup>12</sup> Ninth and tenth preambular paragraphs, which recalled resolutions 34/76 B of 11 December 1979, 35/146 A of 12 December 1980, 36/86 A of 9 December 1981, 37/74 B of 9 December 1982, 38/181 B of 20 December 1983, 39/61 B of 12 December 1984, 40/89 B of 12 December 1985, 41/55 B of 3 December 1986, 42/34 B of 30 November 1987, 83/71 B of 7 December 1988, 44/113 B of 15 December 1989, and 45/56 B of 4 December 1990.

<sup>13</sup> That resolution recalled resolution 42/1 of 7 October 1987; for the measures recommended see the seventh preambular paragraph and paras. 4, 5 and 7.

<sup>14</sup> In the words of the sixteenth preambular paragraph of its preamble: “*Noting with concern* the continuing effects of the acts of aggression and destabilization that were committed by South Africa against neighbouring countries in that region” (see also the fifth preambular paragraph, which identifies the context in which the situation is being considered, and paras. 15, 17 and 18 on the measures recommended). See also on the same question and in a similar vein resolution 49/41 of 9 February 1995 (*passim*).

<sup>15</sup> First preambular paragraph: “*Stressing* that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict will constitute a significant contribution to strengthening international peace and security” (see, for measures, paras. 6-8. Similarly: resolution 49/88 “Middle East peace process” (identification of the situation: second preambular paragraph; measures recommended: *passim*).

<sup>16</sup> B Development of good-neighbourly relations among Balkan States (situation: third preambular paragraph; measures: paras. 1-3).

<sup>17</sup> Situation: fifth, sixth and tenth preambular paragraphs; measures: *passim*, especially paras. 2, 5, 6 and 8. Similarly, see resolution 49/150 (situation: fifth preambular paragraph, and measures: *passim*).

44/9 “Question of the Comorian island of Mayotte”,<sup>18</sup> 49/43 “The situation in the occupied territories of Croatia”,<sup>19</sup> “The situation in the Middle East”;<sup>20</sup> or (ii) a situation that was deemed to be a potential threat to international peace and security: 44/51 “Protection and security of small States”,<sup>21</sup> 49/78 “The risk of nuclear

proliferation in the Middle East”,<sup>22</sup> 49/35 “United Nations Relief and Works Agency for Palestine Refugees in the Near East”;<sup>23</sup> or (iii) situations in which the solutions envisaged by the General Assembly could contribute to general welfare or to the preservation of friendly relations among nations: “Question of Palestine”,<sup>24</sup> 48/17 “The situation in Burundi”,<sup>25</sup> and 47/21 “Complete withdrawal of foreign military forces from the territories of the Baltic States”.<sup>26</sup>

<sup>18</sup> Fifth preambular paragraph: “*Convinced* that a just and lasting solution to the question of Mayotte is to be found in respect for the sovereignty, unity and territorial integrity of the Comoro Archipelago, *Convinced* also that a speedy solution of the problem is essential for the preservation of the peace and security which prevail in the region” (see also paras. 2-5). Similarly, resolution 45/11, sixth preambular paragraph (for the measures recommended see paras. 2-5, especially para. 5: “Requests the Secretary-General of the United Nations to maintain continuous contact with the Secretary-General of the Organization of African Unity with regard to this problem and make available his good offices in the search for a peaceful negotiated settlement to the problem”), 46/9, sixth preambular paragraph (measures: *passim*), 47/9, sixth preambular paragraph (measures: *passim*), 48/56, sixth preambular paragraph (measures: *passim*) and 49/151 (situation: fourth preambular paragraph; measures: *passim*, especially para. 5).

<sup>19</sup> *Passim*, especially the second and third preambular paragraphs.

<sup>20</sup> Resolution 44/40 on “The situation in the Middle East” and following resolutions on the same question (45/83, 46/82, 47/63, 48/59 and 49/87) recalled resolution 36/120 E of 10 December 1981, which in turn made explicit reference to “a threat to international peace and security” (resolution 36/120 E, para. 2: “[The General Assembly] Affirms that such actions constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, and a threat to international peace and security”). In resolution 48/59 B, on the Syrian Golan, para. 7, the General Assembly: “Determines once more that the continued occupation of the Syrian Golan since 1967 and its de facto annexation by Israel on 14 December 1981, following Israel’s decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to peace and security in the region”.

<sup>21</sup> Situation: first to fifth preambular paragraphs, especially the third and fourth: “*Conscious* that small States may be particularly vulnerable to external threats and acts of interference in their internal affairs and may have special needs consonant with the right to sovereignty and territorial integrity that they share with all nations, *Concerned* at the danger that mercenaries can represent for small States”. Similarly, 46/43 (situation: first to sixth preambular paragraphs; measures: *passim*) and 49/31 (fifth preambular paragraph, para. 3).

<sup>22</sup> Third preambular paragraph: “*Cognizant* that the proliferation of nuclear weapons in the region of the Middle East would pose a serious threat to international peace and security”. See also the fifth preambular paragraph, as well as paras. 1 and 2 for the measures.

<sup>23</sup> Resolution 49/35 C on persons displaced as a result of the June 1967 and subsequent hostilities, first and second preambular paragraphs. Similarly, resolutions: 44/47, 45/73, 46/46, 47/69, 47/70, 48/40 and 49/35.

<sup>24</sup> Resolutions 48/158 D (also 49/62 D) on the peaceful settlement of the question of Palestine, third preambular paragraph: “*Stressing* that achieving a comprehensive settlement of the Middle East conflict, the core of which is the question of Palestine, will constitute a significant contribution to international peace and security” (cf. also paras. 1-6 for the measures recommended).

<sup>25</sup> Fourth preambular paragraph: “Seriously disturbed by the tragic consequences of the coup d’état which is plunging Burundi into violence, thus causing loss of life and mass displacement of the population with considerable regional repercussions” (measures: *passim*). Similarly, resolution 49/7 entitled “Regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region”, first and second preambular paragraphs (measures: *passim*). The ninth preambular paragraph reads as follows: “*Profoundly concerned* about the large-scale and uncontrolled population movements, including armed groups, which constitute a serious threat to the peace and security of the whole subregion”.

<sup>26</sup> The situation is identified in the preamble, in particular in the fourth preambular paragraph, which recalled “the stationing of foreign military forces on the territories of Estonia, Latvia and Lithuania without the required consent of those countries”. For the measures recommended, see the twelfth preambular paragraph as well as paras. 2-4. Similarly, see resolution 48/18 (situation: third preambular paragraph: “Conscious of the statement in the report of the Secretary-General that ‘delay in completing the withdrawal of foreign military forces from the territories’ of Estonia and Latvia ‘is rightly a matter of concern to the international community’”; measures: *passim*, in particular paras. 1, 2, 4 and 6). See also resolution 48/155 “Situation of human rights in Estonia and Latvia” which reflects the same “concern”.

7. Several resolutions dealing with the human rights situation in various countries also seem to have been adopted in line with the thrust of or in the spirit of Article 14. Those resolutions addressed the following issues: the elimination of apartheid and human rights in South Africa,<sup>27</sup> “Situation of human rights in Afghanistan”,<sup>28</sup> “Situation of human rights in the

Islamic Republic of Iran”,<sup>29</sup> “Situation of human rights and fundamental freedoms in El Salvador”,<sup>30</sup> “Situation of human rights in Chile”,<sup>31</sup> “Situation of human rights in occupied Kuwait”,<sup>32</sup> “The situation of democracy and human rights in Haiti”<sup>33</sup> and “Human rights in Haiti”,<sup>34</sup> “Cooperation between the United Nations and the Organization of African Unity”,<sup>35</sup> “Cooperation between the United Nations and the Southern African Development Coordination Conference”,<sup>36</sup> “Situation in Myanmar”,<sup>37</sup> “Situation of human rights in Iraq”,<sup>38</sup> “Situation of human rights

<sup>27</sup> Resolution 48/159 A entitled “Elimination of apartheid and establishment of a united, democratic and non-racial South Africa” (situation: thirteenth preambular paragraph; measures: *passim*); resolution 48/233 “Democratic and non-racial elections in South Africa” (*passim*, especially para. 5); resolution 44/1 “Death sentence passed on a South African patriot” (paras. 1-3); resolution 44/27 “Policies of apartheid of the Government of South Africa”, B. “International support for the eradication of apartheid in South Africa through genuine negotiations” (paras. 3 and 4), and E. “International financial pressure on the apartheid economy of South Africa”: “Considering that the rescheduling of South Africa’s external debt at this particular time represents an attempt to undermine the efforts of the international community to promote a peaceful resolution of the conflict in that country” (third preambular paragraph); resolution 44/69 “Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid” (*passim*); resolution 44/143 “Torture and inhuman treatment of children in detention in South Africa and Namibia” (paras. 3-7); resolution 44/244 “Policies of apartheid of the Government of South Africa” (paras. 2, 4, 5 and 8); resolution 45/33 “Thirtieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples” (para. 9); resolution 45/176 “Policies of apartheid of the Government of South Africa” (*passim*); resolution 45/84 “Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa” (paras. 4-5); resolution 45/144 “Torture and inhuman treatment of children in detention in South Africa” (paras. 3-4); resolution 45/17 “Activities of foreign and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa” (paras. 7-9, and paras. 11-14); resolutions 46/79 and 47/116, entitled “Policies of apartheid of the Government of South Africa”; and resolutions 46/84 and 47/81, entitled “Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid”.

<sup>28</sup> Resolution 44/161, paras. 9 and 10. Similarly: resolutions 45/174, 46/136, 47/141, 48/152 and 49/207.

<sup>29</sup> Resolutions 44/163, 45/173, 47/146 and 48/145 (situations: *passim*, especially paras. 2 and 5) and 49/202 (situations: *passim*, especially paras. 2 and 5).

<sup>30</sup> Resolutions 44/165 (paras. 5, 12 and 14-17), 45/172 (paras. 10-12), 46/133 (*passim*), 47/140 (*passim*) and 48/149 (situation: seventh, eighth, tenth, eleventh and fourteenth preambular paragraphs; measures: *passim*).

<sup>31</sup> Resolution 44/166 (paras. 8-12).

<sup>32</sup> Resolutions 45/170 (para. 7), 46/135 (*passim*).

<sup>33</sup> Resolution 45/2 sought to ensure respect for human rights and fundamental freedoms in conformity with the Charter and the Universal Declaration of Human Rights (sixth preambular paragraph) and democracy (fifth preambular paragraph), in particular by supporting the work of the Organization of American States (second and seventh preambular paragraphs, paras. 3 and 4). Similarly, resolutions 46/7, 47/20, 48/27, 49/27 A and 49/27 B.

<sup>34</sup> On the same question, resolutions 46/138 (*passim*), 47/143 (*passim*), 48/151 (situations: seventh to tenth preambular paragraphs; measures: *passim*) and 49/201 (*passim*).

<sup>35</sup> Resolutions 46/20 (situation: eighth and thirteenth preambular paragraphs; measures: thirteenth preambular paragraph and paras. 5-8), 48/25 (situation: tenth and twelfth preambular paragraphs; measures: *passim*) and 49/64 (situation: tenth and twelfth preambular paragraphs; measures: *passim*).

<sup>36</sup> Resolution 46/160 (*passim*).

<sup>37</sup> Resolutions 46/132, 47/144 and 48/150 (situation: eighth and eleventh preambular paragraphs; measures: paras. 3, 6, 7, 8 and 12) and 49/197 (*passim*).

<sup>38</sup> Resolutions 46/134, 47/145 and 48/144 (situation: fifth preambular paragraph: “Recalling also Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq should cooperate with humanitarian organizations and ensure that the human rights and political rights of all Iraqi citizens were respected”; measures: *passim*) and 49/203 (situation: fifth preambular paragraph; measures: *passim*).

in Cuba”,<sup>39</sup> “Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala”,<sup>40</sup> “Situation in the Sudan”,<sup>41</sup> “Situation of human rights in the territory of the former Yugoslavia”,<sup>42</sup> “Rape and abuse of women in the areas of armed conflict in the former Yugoslavia”,<sup>43</sup> “Situation of human rights in Somalia”,<sup>44</sup> “Situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)”,<sup>45</sup> “Situation of human rights in Cambodia”,<sup>46</sup> “Situation of human rights in Kosovo”,<sup>47</sup> “Situation of human rights in Rwanda”,<sup>48</sup> “Report” or “Activities” of the “Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories”,<sup>49</sup> “Living conditions of the Palestinian people in the occupied Palestinian territory”,<sup>50</sup> “Economic and

social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan”.<sup>51</sup>

8. In a similar vein and in keeping with the spirit of Article 14, the General Assembly adopted many resolutions aimed at preventing some situations from becoming, in the long run, threats to peace and security or to “general welfare”. Concern for the fate of civilian victims of armed conflict led the General Assembly to call for urgent measures, recommending in particular that Member States assist in providing humanitarian assistance.<sup>52</sup> Special attention was devoted to the problem of displaced populations, as can be seen from the following resolutions:<sup>53</sup> “Assistance to refugees and displaced persons in Malawi”,<sup>54</sup> “Humanitarian assistance to refugees and displaced persons in Djibouti”,<sup>55</sup> “Situation of refugees in the Sudan”,<sup>56</sup> “Assistance to refugees in Somalia”,<sup>57</sup> “Assistance to voluntary returnees and displaced persons in Chad”,<sup>58</sup> “Assistance to refugees and returnees in Ethiopia”,<sup>59</sup> “Assistance to student refugees in southern Africa”,<sup>60</sup> “Emergency humanitarian assistance to Liberian refugees and displaced persons”,<sup>61</sup> “Emergency international assistance to refugees and displaced persons in Azerbaijan”,<sup>62</sup> “Assistance to refugees,

<sup>39</sup> Resolutions 47/139 (*passim*), 48/142 (measures: paras. 3 and 5) and 49/200 (measures: paras. 3 and 6).

<sup>40</sup> Resolutions 48/267 and 49/236 A and B.

<sup>41</sup> Resolutions 47/142 (situation: fourth, sixth and seventh preambular paragraphs; measures: tenth preambular paragraph, paras. 2-4 and 6-9), 48/147 (situations: first to tenth preambular paragraphs, paras. 1-3; measures: paras. 4-6, 8-12, 14) and 49/198 (*passim*).

<sup>42</sup> Resolution 47/147.

<sup>43</sup> Resolutions 48/143 (situation: twelfth preambular paragraph; measures: *passim*) and 49/205 (situation: thirteenth preambular paragraph; measures: *passim*).

<sup>44</sup> Resolution 48/146 (situation: second and third preambular paragraphs; measures: paras. 2-5).

<sup>45</sup> Resolutions 48/153 (situation: second, eleventh and fourteenth to seventeenth preambular paragraphs; measures: *passim*, para. 23) and 49/196 (situation: second, twelfth to sixteenth preambular paragraphs; measures: *passim*).

<sup>46</sup> Resolutions 48/154 (situation — measures: *passim*, second preambular paragraph) and 49/199 (situation — measures: *passim*, second preambular paragraph).

<sup>47</sup> Resolution 49/204 (situation: sixth preambular paragraph; measures: paras. 1-9).

<sup>48</sup> Resolution 49/206 (*passim*, especially para. 17).

<sup>49</sup> Resolutions 44/48, 46/47, 48/41 and 49/36.

<sup>50</sup> Resolution 44/174: “Gravely alarmed by the continuation of the Israeli settlement policies in the Palestinian territory occupied by Israel since 1967, including Jerusalem, which have been declared null and void and a major obstacle to peace” (fourth preambular paragraph). Similarly, 46/162 (measures recommended: fourth preambular paragraph, paras. 1 and 6).

<sup>51</sup> Resolution 48/212 (*passim*). Similarly, resolution 49/132 (*passim*).

<sup>52</sup> See, with regard to the question of the Middle East conflict, resolutions 44/235, 45/183, 46/201, 47/170 and 48/213 “Assistance to the Palestinian people”.

<sup>53</sup> It is also on essentially humanitarian grounds that the General Assembly has demanded, since 1993, the lifting of the economic, commercial and financial blockade imposed on Cuba by the United States: resolutions 47/19, 48/16 and 49/9, entitled “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba”.

<sup>54</sup> Resolution 44/149: “Gravely concerned about the continuing serious social and economic impact of the massive presence of refugees and displaced persons, as well as its far-reaching consequences for the country’s long-term development process” (paras. 5-7).

<sup>55</sup> Resolutions 44/150 (paras. 4-5) and 45/157 (para. 5).

<sup>56</sup> Resolutions 44/151 (paras. 6-8) and 44/152 (*passim*).

<sup>57</sup> Resolutions 44/152 (paras. 4-9) and 45/154 (paras. 4-9).

<sup>58</sup> Resolutions 44/153 (paras. 2, 4-5) and 45/156 (para. 4).

<sup>59</sup> Resolutions 44/154 (paras. 2-3) and 45/161 (paras. 6-7).

<sup>60</sup> Resolutions 44/157 (paras. 5-9) and 45/171 (paras. 5-10).

<sup>61</sup> Resolution 45/139 (paras. 3-5).

<sup>62</sup> Resolution 48/114 (*passim*).

returnees and displaced persons in Africa”.<sup>63</sup> In dealing with such problems, the General Assembly sought not only to provide assistance to the displaced populations, but also to support the States that received them. That is, for example, the thrust of resolution 46/174 “Special assistance to Yemen”: the General Assembly, “*Noting* the return of approximately one million Yemeni expatriates to their country as the result of the situation between Iraq and Kuwait, in addition to the flows of tens of thousands of refugees and returnees from the Horn of Africa because of the recent developments in that region” (second preambular paragraph), “*Deeply concerned* about the grave economic and social consequences of the considerable flow of returnees taking place at a time when Yemen is afflicted by severe economic crises” (third preambular paragraph), “*Calls upon* [the international community] to extend special assistance to Yemen to enable that country to deal with the effects of the flows of refugees and returnees” (para. 1), “*Requests* the Secretary-General [...] to prepare a comprehensive programme to assist Yemen in finding a solution” (para. 2).<sup>64</sup> The measures called for varied widely, from the provision of logistical assistance by the international community to the holding of international conferences.<sup>65</sup>

9. The General Assembly also recommended urgent measures in situations where States, even entire regions, were afflicted by natural disasters. Numerous resolutions were adopted to bring humanitarian assistance to the affected populations as well as to the States themselves, whose economic and social fabric had been seriously damaged.<sup>66</sup> By extension, the threat

that an environmental disaster could pose to the economic and social stability of a State led the General Assembly, in keeping with the spirit of Article 14, to adopt resolutions in which it encouraged greater assistance and better cooperation on the part of the international community. That was the case with the nuclear accident at Chernobyl<sup>67</sup> and during the Gulf War, about which the Assembly stated that it was “*Profoundly concerned* at the degradation of the environment as a consequence of the damage,

Saint Kitts and Nevis, a demonstration of international solidarity and humanitarian concern to ensure broad multilateral cooperation in order to meet the immediate emergency situation in the affected areas and to initiate the process of reconstruction, (...) 3. *Urges* all States of the international community, as a matter of urgency, to contribute generously to the relief, rehabilitation and reconstruction efforts in the affected countries,

4. *Requests* the Secretary-General, in collaboration with the international financial institutions and the bodies and agencies of the United Nations system, to assist the Governments of Antigua and Barbuda, the British Virgin Islands, Dominica, Montserrat and Saint Kitts and Nevis in identifying the medium-term and long-term needs and in mobilizing resources, as well as to help with the task of reconstruction of the affected countries undertaken by their respective Governments”. See, similarly, the following resolutions: 44/242 “Emergency assistance to the Islamic Republic of Iran”, 45/262 (paras. 3 and 5) “Emergency assistance to Costa Rica and Panama”, 45/263 “Assistance to Bangladesh in the wake of the devastating cyclone” (paras. 2 and 3), 45/257 “Special emergency assistance to Haiti”, 45/228 (paras. 6 to 9), 48/249 “Assistance to Mozambique”, 45/230 “Assistance to Benin, Central African Republic, Ecuador, Madagascar and Vanuatu” (para. 5), 45/232 “Emergency assistance for Liberia” (para. 2), 44/239 “Emergency humanitarian assistance to Romania”, 46/177 (paras. 2 and 3) and 47/7 (paras. 2 and 3) “Emergency assistance to the Philippines”, 46/179 (third preambular paragraph), and 48/195 (*passim*) “Emergency assistance to Yemen”, 46/239 “Emergency assistance to Nicaragua following the eruption of the Cerro Negro volcano” (paras. 1 and 2), 47/2 “Emergency assistance to Pakistan” (paras. 4 and 5), 47/159 “Assistance to Benin, Central African Republic and Madagascar” (paras. 5-7), 48/234 “Emergency assistance to Madagascar” (*passim*), 48/236 “Emergency assistance to Uganda” (*passim*), 48/266 “Emergency assistance to the Republic of Moldova”, 47/162 (paras. 4, 5 and 7), and 48/200 (para. 3) “Emergency assistance to the Sudan”.

<sup>67</sup> Resolutions 46/150 (paras. 4-7), 47/165 and 48/206 “Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster”.

<sup>63</sup> Resolutions 46/108 (paras. 6-11), 47/107, 48/118 and 49/174.

<sup>64</sup> See, similarly, resolution 47/179.

<sup>65</sup> See, for example, the following resolutions: 44/136 “International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa”, 44/138 “International Conference on Indo-Chinese Refugees”, 44/139 and 48/117 entitled “International Conference on Central American Refugees”.

<sup>66</sup> See, for example, resolution 44/3 “Emergency assistance to Antigua and Barbuda, the British Virgin Islands, Dominica, Montserrat and Saint Kitts and Nevis”: “*Noting* the enormous effort that will be required to alleviate the grave situation caused by this natural disaster, (...) *Recognizing* that the magnitude of the disaster and its medium-term and long-term effects will require, as a complement to the efforts being made by the peoples and Governments of Antigua and Barbuda, the British Virgin Islands, Dominica, Montserrat and

especially the threat posed to the health and well-being of the people of Kuwait and the people of the region, and the adverse impact on the economic activities of Kuwait and other countries of the region, including the effects on livestock, agriculture and fishing, as well as on wildlife.”<sup>68</sup>

10. In keeping with the spirit of Article 14, the General Assembly also concerned itself with matters linked to the reconstruction, “rehabilitation” and development of countries devastated by armed conflicts<sup>69</sup> or by natural disasters.<sup>70</sup> The action of the

General Assembly focused not only on the individual situation of States afflicted by such scourges, but also on the general situation in whole regions, as can be seen from resolutions 48/199 “Special Plan of Economic Cooperation for Central America” and 49/137 “The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development”.

11. Resolutions and decisions relating to the right of peoples to self-determination also had a bearing on Article 14 to the extent that they addressed specific situations such as the question of Western Sahara,<sup>71</sup> New Caledonia,<sup>72</sup> Tokelau,<sup>73</sup> the Cayman Islands,<sup>74</sup> Anguilla,<sup>75</sup> the British Virgin Islands,<sup>76</sup> Montserrat,<sup>77</sup> American Samoa,<sup>78</sup> Guam,<sup>79</sup> the United States Virgin Islands,<sup>80</sup> Namibia,<sup>81</sup> Bermuda,<sup>82</sup> the Turks and Caicos Islands,<sup>83</sup> Gibraltar,<sup>84</sup> Pitcairn,<sup>85</sup> Saint Helena,<sup>86</sup> as well as the Comorian of Mayotte, in connection with which an explicit reference to international peace and

<sup>68</sup> Resolution 47/151 “International cooperation to mitigate the environmental consequences on Kuwait and other countries in the region resulting from the situation between Iraq and Kuwait”, seventh preambular paragraph.

<sup>69</sup> Resolutions: 48/211 “Emergency assistance for the socio-economic rehabilitation of Rwanda” (*passim*), and 49/24 “Special assistance to countries receiving refugees from Rwanda” (*passim*); 44/176 (paras. 3 and 6) and 45/223 (para. 3) “Special economic assistance to Chad”; 44/12 (*passim*), 45/226 (paras. 5-7), and 46/178

(paras. 4-7) “Emergency assistance to the Sudan and Operation Lifeline Sudan” (*passim*); 44/178 (paras. 3 and 4) and 45/229 (para. 4) “Emergency assistance to Somalia”;

44/180 (paras. 3-4), 45/225 (para. 3) and 46/173 (paras. 3-5) “Assistance for the reconstruction and development of Lebanon”; 44/168 “International assistance for the economic rehabilitation of Angola” (paras. 2 and 3); 46/147 (paras. 3-6) and 47/154

“Assistance for the rehabilitation and reconstruction of Liberia” (*passim*); 48/197 “Assistance for the rehabilitation and reconstruction of Liberia”; 46/176

(paras. 3-7), 47/160, and 48/201 (paras. 4 and 5) “Assistance for humanitarian relief and the economic and social rehabilitation of Somalia”; 47/119 (paras. 3-8), 48/208 and 49/140 “Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan”; 47/158 (paras. 4-6) and 48/203

(paras. 1-4, 6) “Assistance for the reconstruction and development of El Salvador”; 47/166 (paras. 1-3) and 48/204 “International cooperation and assistance to alleviate the consequences of war in Croatia and to facilitate its recovery”; 48/161 (paras. 11, 12, 21) and 48/196 “International assistance to Sierra Leone”.

<sup>70</sup> Resolutions: 47/171 “Economic assistance to Vanuatu” (paras. 4-6); 44/177 (paras. 3-6), 45/228 (para. 4), 46/175 (paras. 3-6), 47/157 (*passim*) and 48/198 “Assistance for the reconstruction and development of Djibouti”; 44/179 “Assistance to Democratic Yemen” (paras. 4 and 5), 45/222 (para. 2) “Assistance for the reconstruction and development of Yemen”; 47/169 (paras. 2-5), 48/8 (paras. 4 and 5), and 49/16 “International assistance for the rehabilitation and reconstruction of Nicaragua”.

<sup>71</sup> Resolutions 44/88 (paras. 9-12), 45/21 (para. 8), 46/68, 47/27, 48/49 and 49/44.

<sup>72</sup> Resolutions 44/89 (preamble *passim*, and paras. 2-4), 45/22 (preamble *passim*, and paras. 2-3), 46/69 (preamble *passim*, and paras. 2-3), 47/26 (preamble *passim*, and paras. 2-3), 48/50 (preamble *passim*, and paras. 2-3), and 49/45 (preamble *passim*, and paras. 1-2).

<sup>73</sup> Resolutions 44/90 (paras. 4-8), 45/29 (paras. 7-11), 46/68, 47/27, 48/51, 49/46 and 49/47.

<sup>74</sup> Resolutions 44/91 (paras. 6, 8-11), 45/26 (paras. 6, 8-10), 46/68, 47/27, 48/51 and 49/46.

<sup>75</sup> Resolutions 44/94 (paras. 6-12), 45/23 (paras. 6-11), 46/68, 47/27, 48/51 and 49/46.

<sup>76</sup> Resolutions 44/95 (paras. 6-13), 45/25 (paras. 7-12), 46/68, 47/27, 48/51 and 49/46.

<sup>77</sup> Resolutions 44/96 (paras. 7-12), 45/27 (paras. 7-11), 46/68, 47/27, 48/51 and 49/46.

<sup>78</sup> Resolutions 44/97 (paras. 4, 6-9) and 45/30 (paras. 7-10), 46/68, 47/27, 48/51 and 49/46.

<sup>79</sup> Resolutions 44/98 (paras. 6, 9, 11, 12), 45/32 (paras. 7, 10-12), 46/68, 47/27, 48/51 and 49/46.

<sup>80</sup> Resolutions 44/99 (paras. 7, 9-13), 45/31 (paras. 7-13), 46/68, 47/27, 48/51 and 49/46.

<sup>81</sup> Resolution 44/243, A, Dissolution of the United Nations Council for Namibia (para. 2), B, United Nations Fund for Namibia (paras. 3-8, 10-17).

<sup>82</sup> Resolution 45/24 (para. 10), 46/68, 47/27, 48/51, 49/46 and 49/47.

<sup>83</sup> Resolution 45/28 (paras. 7-9), 46/68, 47/27, 48/51 and 49/46.

<sup>84</sup> Decisions 46/420 and 47/411.

<sup>85</sup> Resolution 47/412.

<sup>86</sup> Resolution 47/413.

security was made.<sup>87</sup> In that context the General Assembly expressed concern with regard to the uprising (“intifada”) of the Palestinian people,<sup>88</sup> whose right to self-determination it recalled in resolution 49/149 of 7 February 1995. Some resolutions formed part of a more general framework, referring to the right of peoples to self-determination, the means to achieve that goal and the obstacles that peoples have encountered. In that connection, the following resolutions and decisions can be cited: resolution 46/65 “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations”,<sup>89</sup> resolution 46/87 “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”,<sup>90</sup> resolution 46/89 “Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination”,<sup>91</sup> decision 47/409 “Military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples”, resolution 44/84 “Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial

discrimination in southern Africa”.<sup>92</sup> Those resolutions and decisions, whose focus might seem somewhat removed from the letter of Article 14, often included measures to address very specific situations and called for a peaceful settlement. Thus, in resolution 44/84 cited above, the General Assembly “*Reiterates its request* to all States, pending the imposition of comprehensive mandatory sanctions against South Africa, to take legislative, administrative and other measures, individually and collectively, as appropriate, in order to effectively isolate South Africa politically, economically, militarily and culturally, in accordance with the relevant resolutions of the General Assembly, and encourages those Governments that have recently taken certain unilateral sanction measures against the South African régime to take further measures” (para. 11).

12. Although Article 14 as such did not give rise to any constitutional discussions, it was mentioned in combination with Article 12 in the context of the consideration of the situation of human rights in occupied Kuwait. Citing Articles 11 (2), 12, 14 and 35 (2) of the Charter, the representative of Iraq maintained that the General Assembly had no authority to make recommendations on the item under consideration in that the Security Council remained seized of the question of the occupation of Kuwait by Iraq.<sup>93</sup> The President of the General Assembly responded to the allegation that the Charter was being violated by asserting that the General Assembly was “competent to take action on the draft resolution before it”.<sup>94</sup> Besides its relevance to specific situations, Article 14 was also invoked by representatives of some States, in combination with Articles 10, 11, 12, 13 and 35, in situations where the General Assembly wished to reaffirm its competence vis-à-vis the Security Council with regard to the maintenance of international peace and security, or when it wished to stress the need to

<sup>87</sup> Resolution 46/9, sixth preambular paragraph: “*Convinced also* that a speedy solution of the problem is essential for the preservation of the peace and security that prevail in the region”. See, similarly, resolutions 48/56 (sixth preambular paragraph) and 49/18 (sixth preambular paragraph). See, on the other hand, resolution 47/9, in which there is no such reference.

<sup>88</sup> See resolutions 44/2 (paras. 2, 3, 6-7), 45/69 (paras. 2, 3) and 46/76 “The uprising (intifada) of the Palestinian people”.

<sup>89</sup> See, especially, the eighteenth preambular paragraph: “Gravely concerned that while the international community has generally adhered to the Programme of Action contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, some Member States have continued relations with South Africa in the political, diplomatic, economic and other fields”. See, similarly, resolutions 47/16 and 49/89.

<sup>90</sup> See, similarly, resolutions 47/82 and 48/46.

<sup>91</sup> See, similarly, resolution 47/84.

<sup>92</sup> See, similarly, resolution 49/40 (para. 3).

<sup>93</sup> A/45/PV.69 (Discussion before the adoption of resolution 45/170, entitled “The situation of human rights in occupied Kuwait”, adopted by 144 votes to one, that of Iraq), representative of Iraq, pp. 49-50.

<sup>94</sup> *Ibid.*, p. 50.

strengthen cooperation between the two organs.<sup>95</sup> It was also cited during the consideration of the report of

<sup>95</sup> [A/48/PV.41](#) (agenda item 11: Report of the Security Council ([A/48/2](#))), representative of Cuba, p. 12: “Nothing that the Council does, or fails to do, should be kept from the Members of this Organization, on whose behalf, I repeat, that organ acts. In the document that we are now considering — and this is something that must be said — there is not a single word about the real discussions that have taken place in the Security Council. As we see it, this is a virtual violation of the United Nations Charter and of its stipulations concerning the Council’s responsibility to report to the General Assembly. Thus, the Assembly is deprived of legitimate powers, including the power to make recommendations to the Security Council with regard to the Council’s activities or working methods. We have no doubt that if this function is to be discharged, States Members of the Organization must ensure that the General Assembly has the means to discharge it. They must ensure that the Assembly has the means of carrying out its functions — functions given to it by the Charter — with regard to the maintenance of international peace and security and the peaceful settlement of disputes. Above all, it must be enabled to exercise the powers that it has by virtue of Articles 10, 11 and 14 of the instrument that guides our work. We hope that future negotiations on revitalization of the General Assembly will take all these issues properly into account and that conclusions will be arrived at.” Similarly, [A/49/PV.49](#) (agenda item 11) Report of the Security Council ([A/49/2](#)), representative of Cuba, p. 5. See also [A/49/PV.31](#) (agenda item 33: Question of equitable representation on and increase in the membership of the Security Council and related matters), representative of Pakistan, p. 3: “Democratization can be achieved by redefining the Council’s relationship with the General Assembly and with other United Nations bodies. A fresh look should be given to Articles 11, 12 and 24 of the Charter, with a view to evolving a joint working relationship between the Council and the General Assembly in the maintenance of international peace and security. An effective mechanism can be established to convey to the Council the General Assembly’s views and recommendations on peace and security as a means of

the Secretary-General on the work of the Organization; the representatives of Slovenia and Brazil also made reference to the Article in discussing the role played by the General Assembly alone in situations that required a peaceful settlement.<sup>96</sup> Generally speaking and owing to the subtle distinctions among Articles 10 to 14 of the Charter, one would also need to refer to the studies in the *Repertory* on those articles in order to gain a full picture of the practice of the General Assembly. Therefore, for questions relating to disarmament with respect to certain countries or geographic regions, one should also refer to the study on Article 11.

enhancing the participation of the general membership of our Organization in the Council’s decision-making process. Instead of the present practice of a pro-forma discussion of the Council’s annual report, the General Assembly should discuss it more substantively and critically, in accordance with Articles 11, 14 and 35 of the Charter.” Article 14 was also invoked by Australia in combination with other provisions of the Charter in the context of a proposed reform involving the establishment of an early warning system: “A key example of a procedural form that would be effective is the establishment of an early-warning system to draw the Council’s attention to emerging global crises and threats, military or non-military. It should be possible for the Council to meet periodically to consider situations, in the words of Article 34 of the Charter, ‘which might lead to international friction or give rise to a dispute’. Under such a reform, the Council could then look at potential problems not covered by the existing Council agenda. Matters for consideration could be determined by relying on Articles 11, 12, 14, 52 and 99 of the Charter, as well as on the proposals of the Council and of Member States.” [A/49/PV.49](#) (agenda item 11: Report of the Security Council ([A/49/2](#))), representative of Australia, p. 17.

<sup>96</sup> [A/47/PV.31](#) (agenda item 10: Report of the Secretary-General on the Work of the Organization: reports of the Secretary-General ([A/47/1](#), [A/47/277](#))): representative of Slovenia, p. 37 ff., and the representative of Brazil, p. 59.