ARTICLE 38

TEXT OF ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

NOTE

1. In no instance have all the parties to a dispute made a request to the Council under the provisions of Article 38.

2. No decisions requiring treatment under this Article have been taken by the Security Council.

3. During the consideration of the India-Pakistan question, incidental statements raised the point whether the Council, having been seized of the question at the request of both parties and having based recommendations on conversations by the President with the representatives of the parties, had been acting under Article 38. 1/

1/ See S C, 3rd yr., Nos. 16-35, 245th mtg., pp. 115 and 116 and S C, 3rd yr., No. 74, 304th mtg., p. 21. For conversations between the President and the representatives of India and Pakistan, see in this Repertory under Article 36.
Chapter VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, AND
ACTS OF AGGRESSION