

Repertory of Practice of United Nations Organs
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VOLUME III

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. During the review period, in one instance, the Council reiterated its commitment to make a wider and effective use of the procedures and means enshrined in the provisions of the Charter on the pacific settlement of disputes, particularly Articles 33-38, as one of the essential components of its work to promote and maintain international peace and security.¹

2. There was no instance in which all the parties to a dispute made a request to the Council under Article 38 during the period 2000-2009. However, in one instance, during deliberations concerning the role of the Security Council in the pacific settlement of disputes, an explicit reference was made to Article 38 and the provision enshrined under it.²

¹ S/PRST/2003/5, fifth paragraph.

² In connection with the role of the Security Council in the pacific settlement of disputes, see S/PV.4753, p. 6 (former Personal Representative of the Secretary-General for East Timor).

3. For detailed information regarding the Council's practice on the pacific settlement of disputes, including in connection with the provisions under Article 38 (referred to in paragraphs 1 - 2 above), see chapter X of the fourteenth and fifteenth supplements and part VI of the sixteenth supplement to the *Repertoire of the Practice of the Security Council*:

http://www.un.org/en/sc/repertoire/2000-2003/00-03_10.pdf (during 2000-2003);

http://www.un.org/en/sc/repertoire/2004-2007/04-07_10.pdf (during 2004-2007); and

http://www.un.org/en/sc/repertoire/2008-2009/Part%20VI/08-09_PartVI.pdf (during 2008-2009).