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.

1. During the period under review there was no instance in which all the parties to a dispute made a request to the Council under Article 38.

2. Explicit references to Article 38, together with other Articles of Chapter VI of the Charter, were made, inter alia, in the course of the discussion of the Palestine question in the Security Council¹ and in the General Assembly during consideration of the question of race conflict in South Africa² and of the principles of international law concerning friendly relations and co-operation among States.³ Reference was also made to Article 38 by the International Court of Justice in its advisory opinion of 20 July 1962 on certain expenses of the United Nations (Article 17, paragraph 2, of the Charter).⁴

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¹ S C, 21st yr., 1293rd mtg.: Iraq, para. 127.
⁴ ICJ, Reports 1962, p. 165.
Chapter VII

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