

## ARTICLE 6

### TEXT OF ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

### NOTE

1. In the period under review<sup>1</sup> explicit reference was made to Article 6 in two draft resolutions concerning the question of race conflict in South Africa which, in 1961 and 1962, respectively, were submitted for adoption to the General Assembly by its Special Political Committee. In the first draft resolution,<sup>2</sup> the General Assembly in three operative paragraphs, *inter alia*, drew the attention of the Security Council "to Article 6 of the Charter for an early discussion of the continued membership of the Republic of South Africa in the United Nations", recommended to all States to consider taking certain diplomatic and other steps and drew the attention of the Security Council "to these recommendations in accordance with Article 11, paragraph 2, of the Charter". A motion for a separate vote on those three operative paragraphs having been adopted by the General Assembly,<sup>3</sup> a separate vote was taken on them as a unit, but they failed<sup>4</sup> to obtain the required two-thirds majority. As they were not adopted, the original sponsors made a motion to withdraw the entire draft resolution.<sup>5</sup> In the absence of any objection, the motion was adopted by the General Assembly.<sup>6</sup>

2. The second draft resolution<sup>7</sup> was adopted by the General Assembly<sup>8</sup> on 6 November 1962 as the resolution 1761 (XVII). In the operative paragraphs of that resolution, the General Assembly, *inter alia*, deplored "the failure of the Government of the Republic of South Africa to comply with the repeated requests and demands of the General Assembly and of the Security Council and its flouting of world public opinion by refusing to abandon its racial

policies", deprecated "the continued and total disregard by the Government of South Africa of its obligations under the Charter of the United Nations", reaffirmed that the continuance of its policies of *apartheid* and racial discrimination seriously endangered international peace and security, requested Member States to take certain stated measures, in conformity with the Charter, to bring about the abandonment of those policies, decided to establish a Special Committee which would review and report on the policies of *apartheid* of the Government of the Republic of South Africa and requested "the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with the resolutions of the General Assembly and of the Security Council on this subject and 'if necessary' to consider action under Article 6 of the Charter".

3. Subsequently, in its resolution 2054 A (XX) of 15 December 1965, also on the policies of *apartheid* of the Government of the Republic of South Africa, the General Assembly recalled its previous resolutions on the subject, including resolution 1761 (XVII) of 6 November 1962 in which, as stated in paragraph 2 above, it had, *inter alia*, requested the Security Council to consider, if necessary, expulsion of South Africa from the United Nations under Article 6 of the Charter.

4. In the period under review, possible expulsion of certain Member States, often with explicit reference to Article 6, was suggested in the General Assembly or the Security Council discussion of certain items in the following instances: Israel, during consideration of the reports of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;<sup>9</sup> South Africa, when discussing the treatment of people of Indian and Indo-Pakistan origin in that State<sup>10</sup> and the question of race conflict in South Africa resulting from the policies

<sup>1</sup> For expulsion from membership in the subsidiary organs of the Economic and Social Council, see this *Supplement* under Article 68.

<sup>2</sup> G A (XVI), Annexes, a.i. 76, A/4968, para. 13: draft resolution I, oper. paras. 5-7.

<sup>3</sup> G A (XVI), Plen., 1067th mtg., paras. 94 and 104.

<sup>4</sup> *Ibid.*, para. 105.

<sup>5</sup> G A (XVII), Plen., 1067th mtg., paras. 107-110.

<sup>6</sup> *Ibid.*, para. 112.

<sup>7</sup> G A (XVII), Annexes, a. i. 87, A/5276, para. 7 (A/SPC/1.83 and Add.1-3 (mimeographed)).

<sup>8</sup> G A (XVII), Plen., 1165th mtg., para. 33.

<sup>9</sup> For texts of relevant statements, see G A (XIV), Spec. Pol. Com., 149th mtg.: Saudi Arabia, para. 16; G A (XV), Spec. Pol. Com., 200th mtg.: Saudi Arabia, para. 9; G A (XVII), Spec. Pol. Com., 367th mtg.: Libya, para. 32; G A (XX), Spec. Pol. Com., 439th mtg.: Libya, para. 6.

<sup>10</sup> G A (XV), Spec. Pol. Com., 231st mtg.: Saudi Arabia, para. 8.

of *apartheid* of its Government;<sup>11</sup> Belgium, in connexion with the situation in the Republic of the Congo<sup>12</sup> and Portugal, concerning the situation with respect to the implementation of the Declaration on the Granting of Independence to Colonial Countries

<sup>11</sup> For texts of relevant statements, see G A (XV), Spec. Pol. Com., 233rd mtg.: Libya, para. 17; 238th mtg.: Guinea, para. 10; G A (XVI), Spec. Pol. Com., 269th mtg.: Ghana, para. 15; 272nd mtg.: Liberia, para. 4; 274th mtg.: Pakistan, para. 38; United Kingdom, paras. 3 and 4; 275th mtg.: Ghana, para. 8; USSR, para. 23; 277th mtg.: France, para. 9; Senegal, para. 18; 279th mtg.: Norway, para. 34; 280th mtg.: Nepal, para. 34; Nigeria, para. 11; Philippines, para. 8; Sierra Leone, para. 10; 281st mtg.: Australia, para. 29; Denmark, para. 19; 282nd mtg.: Israel, para. 8; Turkey, para. 13; 283rd mtg.: Ethiopia, para. 16; 284th mtg.: South Africa, para. 9; United States, para. 3; 285th mtg.: Canada, para. 24; Iran, para. 3; Mexico, para. 39; Syria, para. 28; Venezuela, para. 33; 286th mtg.: Finland, para. 9; Netherlands, para. 17; United States, para. 23; 287th mtg.: Argentina, para. 1; Ethiopia, para. 36; India, para. 13; Libya, para. 4; United Kingdom, para. 18; G A (XVII), Spec. Pol. Com., 327th mtg.: Ghana, para. 12; 328th mtg.: Tanganyika, para. 2; 329th mtg.: USSR, para. 19; 331st mtg.: Mauritania, para. 35; Ukrainian SSR, para. 26; 332nd mtg.: Ceylon, para. 8; 333rd mtg.: Guatemala, para. 17; Ivory Coast, para. 11; Senegal, para. 28; 334th mtg.: Congo (Leopoldville), para. 11; Netherlands, para. 36; United States, para. 29; 335th mtg.: Albania, para. 23; Libya, para. 35; 336th mtg.: Central African Republic, para. 9; Mali, para. 44; Nepal, para. 34; 337th mtg.: Ethiopia, para. 23; France, para. 28; Iraq, para. 16; Turkey, para. 36; 338th mtg.: Bulgaria, para. 4; Guinea, para. 31; Nigeria, para. 26; Saudi Arabia, paras. 15–17; 339th mtg.: Algeria, para. 29; Gabon, para. 43; Mauritania, para. 46; United Kingdom, para. 12; 340th mtg.: Australia, para. 5; Austria, para. 25; Ireland, para. 20; Sudan, para. 30; 341st mtg.: Canada, para. 74; Colombia, para. 28; Ghana, paras. 14 and 16; Guatemala, para. 50; Israel, para. 77; Malaya, para. 65; Nepal, para. 46; New Zealand, para. 58; Philippines, para. 71; Thailand, para. 37; United Arab Republic, para. 78; G A (XVII), Plen., 1164th mtg.: Burma, para. 146; Jamaica, para. 152; South Africa, para. 61; S C, 18th yr., 1052nd mtg.: Ghana, para. 9; 1054th mtg.: USSR, para. 56; G A (XX), Spec. Pol. Com., 475th mtg.: Cameroon, para. 1; 477th mtg.: Ireland, para. 4; 480th mtg.: Netherlands, para. 17; G A (XX), Plen., 1395th mtg.: Norway, para. 143.

<sup>12</sup> G A (XV/2), Plen., 967th mtg.: Mali, para. 105.

and Peoples<sup>13</sup> and the situation in Angola.<sup>14</sup> In each instance, the reasons invoked were non-implementation of the United Nations resolutions by the Government concerned, refusal of that Government to correct the situation which had occasioned the adoption of those resolutions and failure of that Government to bring its policies into conformity with its obligations and responsibilities under the Charter.

5. Article 6, together with Article 5, was mentioned also in connexion with the situation in territories in Africa under Portuguese administration.<sup>15</sup> Reference was made to the terms of Article 6 under which expulsion of a Member State which had persistently violated the principles of the Charter was taken to represent a stage subsequent to the adoption of the measures contemplated in Article 5, that is the measures dealing with the suspension of the exercise of rights and privileges of membership. Incidental reference was also made to Article 6, together with Article 5, during the consideration by the First Committee of the General Assembly of the complaint by Cuba of threats to international peace and security.<sup>16</sup>

6. The advisory opinion of the International Court of Justice of 20 July 1962 dealing with the expenses of the United Nations also contained a reference to Article 6, together with Article 5.<sup>17</sup> That reference pertained to the respective functions of the Assembly and the Council in relation to the clause "by the General Assembly upon the recommendation of the Security Council".

<sup>13</sup> G A (XVI/1), Plen., 1048th mtg.: USSR, para. 45; 1049th mtg.: Saudi Arabia, para. 105.

<sup>14</sup> G A (XVI), Plen., 1089th mtg.: Senegal, para. 9; 1102nd mtg.: Senegal, para. 70.

<sup>15</sup> See this *Supplement* under Article 5, para. 2.

<sup>16</sup> *Ibid.*, para. 3.

<sup>17</sup> *Ibid.*, para. 4.