

ARTICLE 106

TEXT OF ARTICLE 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

NOTE

1. During the period under review, no decisions requiring treatment under this Article were taken by the organs of the United Nations.

2. Article 106, together with other Articles of the Charter, was explicitly referred to by various Member States in connexion with consideration of the following agenda items: "United Nations activities in the Congo (ONUC) for the period 14 July to 31 December 1960";¹ "United Nations operations in the Congo: 1961 cost estimates and financing";² "Budget estimates for the financial year 1961";³ "Obligations of Members under the Charter of the United Nations, with regard to the financing of the United Nations Emergency Force and the Organization's operations in the Congo: advisory

opinion of the International Court of Justice";⁴ and "United Nations Operation in the Congo: cost estimates".⁵ In some of those instances, Article 106 was cited in support of the view that, in the absence of agreement or agreements envisaged under Article 43, the permanent members of the Security Council had a special financial responsibility to defray the major part of the expenses for the operation in the Congo or for United Nations Emergency Force.⁶ In others of those instances, Article 106 was mentioned as an additional ground for the view that the Security Council, rather than the General Assembly, should be the organ to decide on the financial aspects of peace-keeping operations.⁷

¹ G A (XV/1), 5th Com., 811th mtg.: Pakistan, paras. 5, 6 and 9; 812th mtg.: Ethiopia, para. 4; 816th mtg.: Iraq, para. 39; 817th mtg.: Pakistan, para. 54.

² G A (XV/2), 5th Com., 832nd mtg.: Iraq, paras. 23 and 25; 842nd mtg.: Iraq, para. 18; Pakistan, para. 34; USSR, para. 25; 844th mtg.: Iraq, para. 25.

³ G A (XV/2), Plen., 995th mtg.: USSR, para. 38.

⁴ G A (XVII), 5th Com., 964th mtg.: Argentina, para. 25; 965th mtg.: Uruguay, para. 13; 971st mtg.: Iraq, paras. 5 and 7.

⁵ G A (XVIII), 5th Com., 1010th mtg.: Cuba, para. 35.

⁶ See foot-notes 1, 2 (except for reference to USSR) and 3 above. See also the dissenting opinion of Judge Moreno Quintana in the case entitled "Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962" ICJ, *Reports 1962*, p. 249.

⁷ G A (XV/2), 5th Com., 842nd mtg.: USSR, para. 25; and G A (XV/2), Plen., 995th mtg.: USSR, para. 236.

