

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, 30 October 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. No decisions requiring treatment under Article 106 were taken by the organs of the United Nations during the period under review.
2. In accordance with the mandate given to it by the General Assembly,¹ the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization examined various proposals on the question of the maintenance of international peace and security, including a proposal to delete Article 106 from the Charter.² No agreement was reached in the Special Committee on those proposals.

¹ G A resolutions 33/94, para. 3(b); 34/147, para. 3(a); 35/164, para. 3(a); 36/122, para. 4(a); 37/114, para. 5(a); 38/141, para. 3(a). G A resolution 39/88 A, para. 3(a), contained similar provisions and, in accordance with this resolution, the Special Committee on the Charter continued its work on the question in 1985.

² For the report of the Special Committee, see G A (34), Suppl. No. 33, para. 18 (subpara. 76): working paper (A/AC.182/WG/36) submitted by El Salvador and Romania, sect. I.K. In the deliberations of the Special Committee's Working Group, one representative considered Article 106 to be "an anachronism", as it placed responsibility for the maintenance of international peace and security by military action upon the signatories to the Four-Nation Declaration signed at Moscow on 30 October 1943, and France, and, in his opinion, weakened those Articles of the Charter that required Member States to provide armed forces, assistance and facilities to the Security Council, particularly Article 43. See *ibid.*, para. 18 (subpara. 7).