ARTICLE 107

TEXT OF ARTICLE 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

NOTE

As noted in the previous supplement,¹ the General Assembly had previously taken note of the recommendation on the most appropriate legal action to be taken on the question of the deletion of the “enemy State” clauses from Articles 53, 77 and 107 of the Charter, and recognized that such clauses have become obsolete in view of the changes that have taken place in the world since the Charter was drafted. In its third operative paragraph, General Assembly resolution 50/52 thus reflected the Assembly’s intention “to initiate the procedure set out in Article 108 of the Charter of the United Nations to amend the Charter, with prospective effect, by the deletion of the “enemy State” clauses from Articles 53, 77 and 107 at its earliest appropriate future session.”

During the period under review, and as in the past,² Article 107 was referred to in the course of the discussion of certain issues, in particular the question of the review of the Charter. In its report transmitted by the Secretary-General in December 2004, the High-level Panel on Threats, Challenges and Change suggested, inter alia, that articles 53 and 107 referring to “enemy States” be revised.³

This suggestion was eventually included as part of the 2005 World Summit Outcome, adopted by General Assembly resolution 60/1. The Heads of State and Government, “taking into account General Assembly resolution 50/52 of 11 December 1995 and recalling the related discussions conducted in the General Assembly, bearing in mind the profound cause for the founding of the United Nations and looking to our common future, [resolved] to delete references to “enemy States” in Articles 53, 77 and 107 of the Charter.”⁴

However, no action was taken to implement paragraph 177 of the aforementioned resolution during the period under review.

¹ See vol. VI, Suppl. No. 9, under this Article.
² See vol. V, Suppl. No. 5, under this Article; vol. III, Suppl. No. 6, under this Article, para. 2; vol. VI, Suppl. No. 8; and vol. VI, Suppl. No. 9, under this Article.
⁴ GA resolution 60/1, para. 177.