

**REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS****SUPPLEMENT No. 9**

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Volume VI

**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**

No decisions requiring treatment under this Article were taken by the organs of the United Nations during the period under review. However, as in the past,<sup>1</sup> the Article was referred to at various times in the course of discussion of certain issues in the General Assembly, in particular the question of the review of the Charter, when suggestions were made for its deletion on the ground that its provisions had become obsolete.

During the period under review, pursuant to General Assembly resolution 49/58,<sup>2</sup> the Special Committee on the Charter discussed the question of the deletion of the “enemy State” clauses, comprising specifically to Articles 107 as well as 53 and 77 of the Charter, and submitted a draft resolution for consideration by the Assembly.<sup>3</sup>

In the context of the item “Report of the Special Committee on the Charter and on the Strengthening of the Role of the Organization,” a number of references were made to Article 107 in the Sixth Committee of the General Assembly by delegations considering the provision obsolete.<sup>4</sup> The Democratic People’s Republic of Korea restated<sup>5</sup> the view that as long as past issues remained unsettled, the clauses could not be considered obsolete.<sup>6</sup> Some delegations considered that the amendment procedure should be taken as an integral part of the broad process

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<sup>1</sup> See vol. V, *Suppl. No. 5*, under this Article; vol. III, *Suppl. No. 6*, under this Article, para. 2; vol. VI, *Suppl. No. 8*, under this Article.

<sup>2</sup> See vol. VI, *Suppl. No. 8*, under this Article.

<sup>3</sup> A/50/33, paras. 64 and 65.

<sup>4</sup> See G A (50), 6<sup>th</sup> Com., 32<sup>nd</sup>–37<sup>th</sup> and 46<sup>th</sup> mtgs.

<sup>5</sup> See vol. VI, *Suppl. No. 8*, under this Article, para. 2.

<sup>6</sup> G A (50), 6<sup>th</sup> Com., 35<sup>th</sup> mtg., paras. 13-16, and 57, and 63. See also Letter of 29 November 1995 to the Secretary-General from the Democratic People’s Republic of Korea, A/50/803

of reforms to the Charter being examined by the Assembly,<sup>7</sup> while others considered that action on deleting the clauses should not be delayed in anticipation of those reforms.<sup>8</sup>

By its resolution 50/52 on the “Report of the Special Committee on the charter of the United Nations and on the Strengthening of the Role of the Organization,” the Assembly took 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, having regard to the substantial changes that had taken place in the world, the “enemy State” clauses had become obsolete. It expressed its 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.”

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<sup>7</sup> See G A (50), 6<sup>th</sup> Com., 35<sup>th</sup> mtg., paras. 40 and 54; 36<sup>th</sup> mtg., para. 8

<sup>8</sup> G A (50), 6<sup>th</sup> Com., 34<sup>th</sup> mtg., para. 53; 37<sup>th</sup> mtg., para. 47.