

# ARTICLES 108 AND 109

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## ARTICLES 108 AND 109

### TEXT OF ARTICLE 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

### TEXT OF ARTICLE 109\*

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

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\*After 12 June 1968. For the background of the amendment to article 109, see *Repertory, Supplement No. 3*, vol. IV, under Articles 108 and 109, paras. 15-18 and 45-50.

### INTRODUCTORY NOTE

1. The present study retains the general organizational approach adopted in the previous *Supplements* to the *Repertory*<sup>1</sup> with respect to the same Articles. Their general structure has therefore been reproduced here even if in some cases no materials could be found during the period under review for insertion or analysis under the respective headings or subheadings.

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<sup>1</sup>See under Articles 108 and 109: *Repertory, Supplement No. 3*, vol. IV; *Supplement No. 4*, vol. II; and *Supplement No. 5*, vol. V.

### I. GENERAL SURVEY

2. During the period under review, the Charter amendment procedure set forth in Article 108 was invoked before the General Assembly in the context of two items placed on its agenda. The first arose in the context of the restructuring and reform of the economic and social sectors of the United Nations system, as mandated by the Assembly in its resolution 3362 (S-VII) of 16 September 1975. Subsequently, a series of reform proposals was annexed to General Assembly resolution 32/197 of 20 December 1977. During the debate on these proposals at the thirty-fourth session of the Assembly, in 1979, a two-Power proposal calling for, *inter alia*, an amendment of Article 61

was introduced which would open membership of the Economic and Social Council to all the States Members of the United Nations. Consideration of the proposal was continuously deferred throughout the period under review, and in 1984 was postponed to the Assembly's forty-second session in 1987.

3. The second item, entitled "Question of equitable representation on and increase in the membership of the Security Council", was placed on the agenda of the thirty-fourth session of the General Assembly. A draft resolution was submitted by 10 Member States on 14 December 1979, calling for the amendment of Articles 23 and 27 of

the Charter with a view to increasing the number of non-permanent member seats on the Security Council. Furthermore, the sponsors of the draft resolution proposed an amendment to Article 109 as a necessary corollary to the amendment of Articles 23 and 27. As no consensus on that proposal was forthcoming, consideration of the draft resolution was repeatedly postponed throughout the period under review.

4. No proposals to hold a general conference for the purpose of reviewing the Charter, as envisaged under Article 109, were made during the period under review.

5. Furthermore, the General Assembly renewed the mandate of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of

the Organization, first established in 1974,<sup>2</sup> throughout the period under review. As "reviewing the Charter" was not expressly included within its mandate, the Special Committee did not make any proposals for review or amendment of specific Articles. Instead it was instrumental in the conclusion of the Manila Declaration on the Peaceful Settlement of International Disputes, and a set of conclusions concerning the rationalization of procedures of the General Assembly, both of which were aimed, *inter alia*, at strengthening the role of the Organization.

<sup>2</sup>See *Repertory, Supplement No. 5*, vol. V, under Articles 108 and 109, paras. 5 and 18 to 21.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. Procedure for the amendment or review of the Charter

#### 1. PROPOSALS SUBMITTED UNDER ARTICLE 108

##### (a) *Proposals to amend Article 61 of the Charter*

6. At its seventh special session, the General Assembly, in its resolution 3362 (S-VII) of 16 September 1975, called for the restructuring and reform of the economic and social sectors of the United Nations system with a view to enhancing the capacity of the United Nations system to deal with problems of international economic cooperation and development in a comprehensive manner, and to make it more responsive to the requirements of the provisions of the Declaration and the Programme of Action on the Establishment of a New International Economic Order, as well as the Charter of Economic Rights and Duties of States. The Assembly established the *Ad Hoc* Committee on the Restructuring of the Economic and Social Sectors of the United Nations System, open to the participation of all States.

7. During the period under review the General Assembly, in resolution 32/197 of 20 December 1977, endorsed a series of reforms<sup>3</sup> recommended by the *Ad Hoc* Committee.<sup>4</sup> These reform proposals focused on eight areas: the General Assembly; the Economic and Social Council; other United Nations negotiating forums; structures for regional and interregional cooperation; operational activities of the United Nations system; planning, programming, budgeting and evaluation of activities; inter-agency coordination; and Secretariat support services.

8. At its thirty-fourth session, in 1979, the General Assembly was informed by the Economic and Social Council<sup>5</sup> that it had held meetings<sup>6</sup> to discuss the question of restructuring the economic and social sector of the United Nations system, but could not reach an agreement on the implementation of section II of the annex to General Assembly resolution 32/197.

9. During the discussion on the Economic and Social Council's report, held at the fifty-fifth meeting of the Second Committee of the General Assembly, on 5 December 1979, Argentina and Jamaica submitted a joint draft resolution<sup>7</sup> proposing, *inter alia*, the amendment of Article 61 of the Charter to enlarge the Economic and Social Council so as to encompass all the States Members of the United Nations. The operative parts of the draft resolution provided as follows:

"...  
 "Recognizes . . . that extension of the composition of the Economic and Social Council to all States Members of the United Nations as full members would make the Council a more effective organ for carrying out the functions assigned to it in the Charter of the United Nations and for discharging the responsibilities laid down in section II of the annex to General Assembly resolution 32/197, as well as for assisting the Assembly as may be requested by it;

"Decides therefore to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendment to the Charter and to submit it for ratification by the States Members of the United Nations:

#### "Article 61

"1. The Economic and Social Council shall consist of all the States Members of the United Nations.

"2. Each member of the Economic and Social Council shall have one representative."

10. In support of the proposal, the representative of Jamaica explained that it had become clear in the intervening years that the main obstacle to the Council's attempts to streamline its machinery had been its lack of universality. That shortcoming had led to a proliferation of bodies, with the result that the United Nations intergovernmental machinery was becoming unmanageable and ineffective. The universality of the Economic and Social Council would enable that organ to work more effectively. The representative further noted that even though the permanent members of the Security Council were of the view that more time was required for the consideration of the proposal, the procedure provided for under Charter Article 108 was designed to meet that requirement.<sup>8</sup>

<sup>3</sup>G A resolution 32/197, annex.

<sup>4</sup>G A (32), Supplement No. 34 (A/32/34), and Supplement No. 34A (A/32/34/Add.1).

<sup>5</sup>G A (34), Supplement No. 3 (A/34/3/Rev.1) chap. XXXV, para. 8(a).

<sup>6</sup>E S C (1979), Plen., mtgs., 39th mtg., para. 19.

<sup>7</sup>A/C.2/34/L.103.

<sup>8</sup>G A (34), 2nd Comm., 55th mtg., paras. 10 and 16.

11. Both sponsors submitted a joint draft decision<sup>9</sup> to the Second Committee on 12 December 1979, whereby the General Assembly would, *inter alia*, defer consideration of the draft resolution, annexed to the decision, to its thirty-fifth session. The Second Committee approved<sup>10</sup> the draft decision (with the draft resolution annexed to it) and recommended its adoption by the General Assembly in plenary. On 19 December 1979, the General Assembly adopted the draft decision as General Assembly decision 34/453.<sup>11</sup>

12. At the thirty-fifth session of the General Assembly, a revised version<sup>12</sup> of the draft resolution was introduced by the two sponsors at the 35th meeting of the Second Committee, on 3 November 1980.<sup>13</sup> The revised text retained the proposed amendment of Article 61, first contained in the draft resolution submitted the previous year. During the debate on the revised draft, several delegations raised concerns regarding the implications of turning the Economic and Social Council into a universal organ.<sup>14</sup> Some delegations proposed that the consideration of the revised draft resolution be deferred for further study,<sup>15</sup> and at its 46th meeting, on 20 November 1980, the Second Committee approved<sup>16</sup> a draft decision to reconsider the draft resolution at the thirty-sixth session of the General Assembly. The draft decision was adopted by the General Assembly as decision 35/439 of 16 December 1980.<sup>17</sup>

13. Consideration of the draft resolution was repeatedly postponed by the General Assembly throughout the remaining sessions of the period under review.<sup>18</sup>

(b) *Proposals to amend Articles 23, 27 and 109 of the Charter*

14. In a letter dated 14 November 1979 to the Secretary-General, representatives of 10 Member States<sup>19</sup> requested the inclusion in the agenda of the thirty-fourth session of the General Assembly of an item entitled "Question of

<sup>9</sup>A/C.2/34/L.125.

<sup>10</sup>Without a vote. G A (34), 2nd Comm., 60th mtg., para. 45. See G A (34), Annexes, a.i. 55, document A/34/676, para. 48.

<sup>11</sup>Without a vote. G A (34), Plen., 109th mtg., para. 70.

<sup>12</sup>A/C.2/35/L.20/Rev.1

<sup>13</sup>G A (35), 2nd Comm., 35th mtg., para. 1. See G A (35), Annexes, a.i. 61, document A/35/592/Add.6, para. 2.

<sup>14</sup>G A (35), 2nd Comm., 35th mtg., paras. 10ff.

<sup>15</sup>Ibid., paras. 23 (Pakistan), and 24 (United States).

<sup>16</sup>Without a vote. See G A (35), Annexes, a.i. 61, document A/35/593/Add.6, para. 21.

<sup>17</sup>Without a vote. G A (35), Plen., 97th mtg., para. 32.

<sup>18</sup>At its 103rd plenary meeting, on 17 December 1981, the General Assembly, on the recommendation of the Second Committee, adopted decision 36/445 without a vote, by which it, *inter alia*, transmitted the draft resolution annexed to its decision 35/439 to its thirty-seventh session through the Economic and Social Council (see G A (36), Annexes, a.i. 69, document A/36/694/Add.8, para. 8; and G A (36), Plen., 103rd mtg., para. 193). Furthermore, on 20 December 1982, the General Assembly, on the recommendation of the Second Committee, adopted without a vote decision 37/442, in which it decided to transmit the draft resolution to its thirty-ninth session (see G A (37), Annexes, a.i. 71, document A/37/680/Add.7, para. 15; G A (37), Plen., 113th mtg., para. 89). At its thirty-ninth session, the General Assembly, in decision 39/436, adopted without a vote, postponed consideration of the draft resolution to its forty-second session (see G A (39), Annexes, a.i. 80, document A/39/790/Add.8, para. 10; G (39), Plen., 104th mtg., para. 31).

<sup>19</sup>Algeria, Argentina, Bangladesh, Bhutan, Guyana, India, Maldives, Nepal, Nigeria and Sri Lanka; GA (34), Annexes, a.i. 128, document A/34/246.

equitable representation on and increase in the membership of the Security Council". The proposal was motivated by the increase in the membership of the United Nations from 113 to 152 States since 1963, when the Charter had been amended to expand the size of the Security Council from 11 to 15 Member States. The sponsors recommended that in order to strengthen the role of the Security Council in maintaining international peace and security, it was necessary to review the composition of the Council with a view to providing for a more equitable and balanced representation.<sup>20</sup>

15. A 14-power draft resolution<sup>21</sup> was subsequently submitted to the General Assembly at its thirty-fourth session, at the 103rd plenary meeting, held on 14 December 1979. The draft called for amendments to Articles 23 and 27 of the Charter, with a view to increasing the number of non-permanent seats on the Security Council to 19 so as to provide for a more equitable representation in the Council. The operative part of the draft resolution provided:

"The General Assembly,

"...

"1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations:

(a) In Article 23, paragraph 1, the word "fifteen", in the first sentence shall be replaced by the word "nineteen", and the word "ten" in the third sentence by the word "fourteen";

(b) In Article 23, paragraph 2, the second sentence shall then be reworded as follows:

'In the first election of the non-permanent members after the increase of the membership of the Security Council from fifteen to nineteen, two of the four additional members shall be chosen for a term of one year',

(c) In Article 27, paragraph 2, the word "nine" shall be replaced by the word "eleven";

(d) In Article 27, paragraph 3, the word "nine" shall be replaced by the word "eleven";

"...

"3. *Further decides* that the fourteen non-permanent members of the Security Council shall be elected according to the following pattern:

(a) Four from African States;

(b) Three from Asian States;

(c) One from Eastern European States;

(d) Three from Latin American States;

(e) Two from Western European and Other States;

(f) One non-permanent seat shall alternate between African and Asian States."

16. An amendment to the draft resolution<sup>22</sup> was later submitted by Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Panama, Peru and Venezuela, under which the number of non-permanent seats of the Security Council would be increased from

<sup>20</sup>Ibid., para. 3.

<sup>21</sup>Algeria, Bangladesh, Bhutan, Cuba, Grenada, Guyana, India, Iraq, Japan, Maldives, Mauritius, Nepal, Nigeria and Sri Lanka; G A (34), Annexes, a.i. 128, document A/34/L.57 and Add.1.

<sup>22</sup>G A (34), Annexes, a.i. 128, document A/34/L.63 and Add.1.

fifteen to twenty-one, two more than the original draft resolution.

17. Both the draft resolution and its proposed amendment met with opposition from most of the permanent members of the Security Council. They argued, *inter alia*, that the enlargement of the Council would have a negative effect on the ability of the body to undertake rapid and effective action to maintain international peace and security; and that the composition of the non-permanent membership of the Council was not determined by arithmetical proportions but by paying special regard to the contribution of Member States to the maintenance of international peace and security. In their view, therefore, the preferred method of strengthening the efficiency of the Council was not by amending the Charter, but by the strict and unswerving compliance by all Member States with the purposes and principles of the Charter of the United Nations.<sup>23</sup>

18. India,<sup>24</sup> on behalf of the sponsors of the draft resolution, reiterated that the failure to enlarge the membership of the Security Council to correspond with the increase of the membership of the United Nations had given rise to the problem of inequitable representation in the Security Council. The increase of the number of non-permanent seats in the Council was the preferred course of action, rather than the redistribution of the existing non-permanent seats among different regional groups, which was deemed impractical and likely to cause injustice.<sup>25</sup> It was emphasized that the proposal was specific and would not touch upon the substantive aspects of the role and functions of the Council or the position of its permanent members.

19. Following consideration of the item, the General Assembly, at its 104th plenary meeting, on 14 December 1979, adopted draft decision 34/431,<sup>26</sup> by which it postponed consideration of the question to the thirty-fifth session.

20. At the thirty-fifth session of the General Assembly, in 1980, the sponsors of the draft resolution twice submitted revisions to the draft resolution.<sup>27</sup> Under the revised draft resolution there would be an increase of the non-permanent membership of the Security Council from 15 to 21. In addition to the amendments of Articles 23 and 27, the revised draft also called for an amendment to Article 109 so as to replace "nine", in paragraph 1, with "thirteen".

21. The proposal was the subject of wide debate.<sup>28</sup> The permanent members that had previously opposed the proposal reaffirmed their objections to both the original and the revised draft and appealed to the sponsors to withdraw their draft.<sup>29</sup> According to the sponsors of the revised draft resolution, the increase in membership of the Security Council to 21 would be a return to the ratio of representation of 1945, which was in conformity with the intent of the authors of the Charter.<sup>30</sup>

22. Following the debate, the sponsors of the revised draft resolution proposed that the General Assembly postpone the consideration of the item until a later date, to be

announced after further consultations.<sup>31</sup> On 16 January 1981, the Assembly accepted the proposal, without vote, as decision 35/450.

23. In subsequent sessions during the period under review, the General Assembly did not consider the item, as it was not requested to do so, but repeatedly decided to include the item in the provisional agenda of the following session.<sup>32</sup>

## 2. PROPOSALS FOR THE CALLING OF A GENERAL CONFERENCE UNDER ARTICLE 109

### (a) *Proposals for a review of the Charter*

24. In *Supplement No. 5*, volume V, of the *Repertory*, it was reported that the Special Committee on the Charter of the United Nations and on the Strengthening the Role of the Organization was established in terms of General Assembly resolution 34/99 of 15 December 1975.<sup>33</sup> During the period under review, the Special Committee met in every year and submitted annual reports to the General Assembly.<sup>34</sup>

25. The mandate of the Special Committee was renewed annually by the General Assembly throughout the period under review. In particular, the Assembly requested the Special Committee to undertake, *inter alia*, the following tasks:

(a) To list the proposals which had been made or would be made in the Committee and to identify those which had awakened special interest;

(b) To examine proposals which had been made or would be made in the Committee with a view to according priority to the consideration of those areas on which general agreements are possible.<sup>35</sup>

26. The Special Committee was further requested by the General Assembly to accord priority by devoting more time to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, in particular the Security Council, and to enable it to discharge fully its responsibilities under the Charter in that field. It was also requested to continue its work on the question of the peaceful settlement of disputes.<sup>36</sup>

27. As was noted in *Supplement No. 5*, volume V, of the *Repertory*,<sup>37</sup> the possibility of "review of the Charter" was excluded from the purview of the Special Committee's mandate. Instead, it focused on the notion of "strengthening of the role of the Organization". That approach was continued during the period under review, with no formal proposals to review or amend the Charter, under the procedure envisaged in Article 109, being made by the Special Committee. Yet the fact that reference to Article 109 was made in the reports of the Special Committee led to its in-

<sup>31</sup>G A (35), Plen., 101st mtg., paras. 1 and 2.

<sup>32</sup>See G A decision 37/450; G A decision 38/454; and G A decision 39/455.

<sup>33</sup>See *Repertory, Supplement No. 5*, vol. V., under Articles 108 and 109, paras. 18 and 19.

<sup>34</sup>See G A (34), (35), (36), (37), (38) and (39), Supplement No. 33 in each year.

<sup>35</sup>See G A resolutions 34/147, 35/164, 36/122, and 37/114.

<sup>36</sup>See G A resolutions 38/141 and 39/88.

<sup>37</sup>See *Repertory, Supplement No. 5*, vol. V., under Articles 108 and 109, para. 17.

<sup>23</sup>G A (34), Plen., 104th mtg., paras. 325-328.

<sup>24</sup>G A (34) Plen., 103rd mtg., paras. 136 and 137.

<sup>25</sup>*Ibid.*, para. 138.

<sup>26</sup>Without a vote. GA (34), Plen., 104th mtg., para. 403.

<sup>27</sup>A/35/L.34/Rev.1 and 2.

<sup>28</sup>G A (35) Plen., 81st mtg., paras. 35-99, 82nd mtg., paras. 47-125, and 96th mtg., paras. 251-258.

<sup>29</sup>G A (35) Plen., 82nd mtg., paras. 54-70 and 97-107.

<sup>30</sup>G A (35), Plen., 81st mtg., para. 81.

clusion under the present heading.<sup>38</sup> Indeed, informal proposals to amend the Charter, contained in working papers, were submitted to and included in the discussions of the Special Committee.<sup>39</sup> Similarly, discussions were held concerning the possible expansion of the Special Committee's mandate to make such proposals. This, in turn, led to discussion as to whether the Charter should be reviewed. Diverging views were expressed in this regard, with some States favouring an expansion of the Committee's mandate,<sup>40</sup> while others argued that the Charter had stood the test of time, and strict conformity to its provisions was the best way to strengthen it.<sup>41</sup> A further group of States believed that certain improvements could be made to the Charter.<sup>42</sup>

28. At the thirty-fourth session of the General Assembly, at the 49th meeting of the Sixth Committee, on 23 November 1979, the Committee considered the report of the Special Committee on the Charter submitted to the Assembly at that session. During the discussions,<sup>43</sup> the Libyan Arab Jamahiriya submitted a draft resolution under terms of which (in its revised form)<sup>44</sup> the General Assembly would, *inter alia*, decide that:

"the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should review the rule requiring the unanimity of the permanent members of the Security Council for the adoption of decisions on all non-procedural matters and that the Committee should, when reviewing this rule, take into consideration, *inter alia*:

- (a) The principle of equality among States;
- (b) The fact that the maintenance of international peace and security is a grave responsibility requiring the active participation of all the countries and peoples of the world;
- (c) The strengthening of the role of the Security Council in the maintenance of international peace and security".

29. The draft resolution raised objections among a number of delegations, particularly some permanent members of the Security Council,<sup>45</sup> but was supported by the group of non-aligned States.<sup>46</sup> Following the adoption of

<sup>38</sup>Ibid.

<sup>39</sup>See G A (34), (35), (36), (37), (38) and (39), Supplement No. 33 in each year.

<sup>40</sup>See G A (34), 6th Comm., 34th mtg., para. 49 (Nigeria, proposing, *inter alia*, that (a) membership of the Security Council be enlarged from 15 to 19 with permanent seats allocated on a regional basis and (b) the use of the veto should not extend to cases of admission or expulsion of Member States); G A (34), 6th Comm., 35th mtg., paras. 12 (China), 6 and 7 (Zaire); G A (34), 6th Comm., 36th mtg., paras. 3 (Colombia), 31 (Nepal), 65 (Spain); and G A (34), 6th Comm., 37th mtg., paras. 24, 26 and 27 (Congo).

<sup>41</sup>See G A (34), 6th Comm., 36th mtg., paras. 57 (Bulgaria), 36 and 42 (Ukrainian SSR); G A (34), 6th Comm., 37th mtg., para. 29 (Turkey); and G A (34), 6th Comm., 40th mtg., para. 12 (Viet Nam).

<sup>42</sup>See G A (34), 6th Comm., 36th mtg., para. 46 (Italy); and G A (34), 6th Comm., 37th mtg., para. 62 (Tunisia, suggesting that Article 57 and 103 have become obsolete).

<sup>43</sup>See G A (34), 6th Comm., 49th mtg., paras. 8-17.

<sup>44</sup>A/C.6/34/L.8/Rev.1. Introduced on behalf of its own delegation and that of Guinea.

<sup>45</sup>See, e.g., G A (34), 6th Comm., 34th mtg., paras. 77 and 78 (USSR); G A (34), 6th Comm., 55th mtg., paras. 1 (Austria), 5 (United States), 13 (Bulgaria), 14 (France), 34 (Byelorussian SSR), 23 (Czechoslovakia), 27 (Mongolia) and 40 (United Kingdom).

<sup>46</sup>G A (34), 6th Comm., 55th mtg., paras. 4 (United Republic of Tanzania), 29 (China) and 42 (Pakistan).

the draft resolution by the Sixth Committee,<sup>47</sup> the General Assembly meeting in plenary adopted, by a vote of 55 to 43, with 36 abstentions, a motion introduced by Finland that the General Assembly take no decision on the draft resolution.<sup>48</sup>

30. During the period under review, the Special Committee succeeded in preparing various texts focusing on the strengthening of the role of the Organization. At its thirty-fourth session, the General Assembly accepted,<sup>49</sup> as decision 34/432 of 17 December 1979, the offer of the Government of the Philippines to act as host to the Special Committee for its meetings scheduled for 1980. During those meetings, the Special Committee began preparing a draft text on the peaceful settlement of international disputes,<sup>50</sup> which was finalized and adopted by the General Assembly at its thirty-seventh session, as the Manila Declaration on the Peaceful Settlement of International Disputes.<sup>51</sup> While the Declaration suggested several measures to strengthen the role of the Organization in the peaceful settlement of disputes, it contained no proposals either to review or to amend the Charter.

31. In its 1984 report to the General Assembly, the Special Committee presented to the Sixth Committee the product of its work concerning the rationalization of the existing procedures of the General Assembly.<sup>52</sup> On 13 December 1984, the Assembly adopted<sup>53</sup> resolution 39/88 B to which were annexed the Conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the rationalization of the procedures of the General Assembly.<sup>54</sup> As in the case of the Manila Declaration, no specific recommendations were made concerning either the review or the amendment of the Charter.

#### (b) *Proposals to amend a specific Article*

32. As noted above, a number of proposals to amend specific Articles of the Charter were contained in several working papers submitted for discussion to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. However, as no general agreement was forthcoming with regard to those proposals, no formal recommendations under this rubric were made by the Special Committee during the period under review.

### B. The powers of the General Assembly in respect of the calling of a general conference to review the Charter

#### \*\*1. COMPETENCE TO PRESCRIBE THE TERMS OF REFERENCE OF THE CONFERENCE

##### 2. COMPETENCE TO UNDERTAKE PREPARATORY WORK

33. During the period under review, the General Assembly requested the Secretary-General to give priority to

<sup>47</sup>By 43 votes to 34, with 44 abstentions. Ibid, para. 46.

<sup>48</sup>See G A (34), Plen., 105th mtg., paras. 77-90.

<sup>49</sup>Without a vote. G A (34), Plen., 105th mtg., para. 76.

<sup>50</sup>A/C.6/35/L.5, submitted by Egypt, El Salvador, Ghana, Indonesia, Madagascar, Nigeria, the Philippines, Romania, Sierra Leone and Tunisia.

<sup>51</sup>G A resolution 37/10, annex; see also resolution 37/114.

<sup>52</sup>See G A (39), Supplement No. 33 (A/37/33); see also A/39/781.

<sup>53</sup>Without a vote. GA (39), Plen., 99th mtg., para. 568.

<sup>54</sup>G A resolution 39/88 B, annex.

the preparation and publication of *Supplements* updating the *Repertoire of Practice of the Security Council* and the *Repertory of Practice of United Nations Organs*.<sup>55</sup> In 1982, a report issued by the Secretary-General,<sup>56</sup> confirming the forthcoming publication of volumes I and II of *Supplement No. 4* to the *Repertory*, covering the period from 1 September 1966 to 31 December 1969, as well as the publication of the seventh *Supplement* to the *Repertoire*, covering the period 1972-1974, was placed before the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

34. In 1978, the General Assembly took note<sup>57</sup> of the recommendations of the Committee for Programme and Coordination<sup>58</sup> with regard to the proposed medium-term

plan for the period 1980-1983, in which the Committee recommended that, after the preparation of *Supplement No. 4*,

“further *Supplements* should be recast so as to record primarily those actions, mainly of principal organs, that bore directly on the interpretation of any provision of the Charter.”<sup>59</sup>

Although pre-dating the period under review, the above recommendation influenced the preparation of subsequent *Supplements*. The present *Supplement* follows from *Supplement No. 5* (1 January 1970 to 31 December 1978) and covers the period 1 January 1979 to 31 December 1984.

**\*\*C. Ratifications required for the entry into force of revisions of the Charter**

<sup>55</sup>See GA resolutions 34/147, 35/164 and 36/123.

<sup>56</sup>A/C.6/36/2.

<sup>57</sup>G A resolution 33/118.

<sup>58</sup>See G A (33), Supplement No. 38 (A/33/38).

<sup>59</sup>*Ibid.*, para. 57.



**Chapter XIX**  
**RATIFICATION AND SIGNATURE**

