

## 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.

## 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 sub-headings.

\* 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.

<sup>1</sup> See under Articles 108 and 109: *Repertory, Supplement No. 3*, vol. IV; *Supplement No. 4*, vol. II; *Supplement No. 5*, vol. V; and *Supplement No. 6*, vol. VI.

## I. GENERAL SURVEY

2. During the period under review, the Charter amendment procedure set forth in Article 108 of the Charter was invoked before the General Assembly in relation to two agenda items, both concerning the composition of the Economic and Social Council. The first was in the context of the restructuring and reform of the economic and social sectors of the United Nations system. At its forty-second and forty-third sessions, under the agenda item entitled "Report of the Economic and Social Council," the General Assembly continued its consideration of the draft resolution entitled "Implementation of section II of the annex to General Assembly resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system."<sup>2</sup> The draft resolution called, inter alia, for the

amendment of Article 61 of the Charter to open the Economic and Social Council to all States Members of the United Nations. As was noted in *Supplement No. 6*, volume VI, of the *Repertory*,<sup>3</sup> the General Assembly, at its thirty-ninth session, decided to postpone the consideration of the draft resolution to its forty-second session.<sup>4</sup> At its forty-second session, the General Assembly decided to transmit the draft resolution to the Economic and Social Council and through it to the Special Commission on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, to be taken into account in its work.<sup>5</sup> The General Assembly also decided to consider the matter anew at its forty-third

<sup>2</sup> For the text of the draft resolution, see G A decision 35/439, annex. Reproduced during the period under review in A/42/820/Add.2, para. 35, and in A/43/750/Add.3, para. 6.

<sup>3</sup> See *Repertory, Supplement No. 6*, vol. VI, under Articles 108 and 109, paras. 2 and 6-13.

<sup>4</sup> See G A decision 39/436.

<sup>5</sup> See G A decision 42/432.

session in the light of the report of the Economic and Social Council.<sup>6</sup> Although the issue of the universal membership of the Economic and Social Council was considered at the Special Commission and in the Council itself, no action was taken by those bodies with respect to the draft resolution. At the forty-third session, the General Assembly deferred the draft resolution to its forty-fifth session.<sup>7</sup>

3. The second was in relation to the agenda item entitled "Joint Inspection Unit: reports of the Joint Inspection Unit". At its forty-first and forty-second sessions, the General Assembly had before it the report of the Joint Inspection Unit entitled "Some reflections on reform of the United Nations",<sup>8</sup> which called for limiting the membership of the Economic and Social Council to 23 members<sup>9</sup> and consequently for the amendment of Article 61 of the Charter related to the composition of the Economic and Social Council. At its forty-second session, the General Assembly, on the recommendation of the Fifth Committee, took note of the JIU report.<sup>10</sup>

4. As was noted in *Supplement No. 6*, volume VI, of the *Repertory*,<sup>11</sup> in relation to the item entitled "Question of equitable representation on and increase in the membership of the Security Council", several proposals were considered at the thirty-fourth and thirty-fifth sessions of the General Assembly that called for the amendment of Articles 23 and 27 and, as a necessary corollary, of Article 109, with a view to increasing the number of non-permanent member seats in the Security Council. Although it had not been considered

<sup>6</sup> Ibid.

<sup>7</sup> See G A decision 43/433.

<sup>8</sup> JIU/REP/85/9 (A/40/988 and Corr.1.)

<sup>9</sup> Ibid., chap. VI, para. 8.

<sup>10</sup> See G A decision 42/455.

<sup>11</sup> See *Repertory, Supplement No. 6*, vol. VI, under Articles 108 and 109, paras. 3 and 14-23.

since the thirty-fifth session of the General Assembly, nor throughout the present period under review, the item was nevertheless kept on the agenda of the General Assembly.<sup>12</sup>

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

6. Although without explicit reference to either Article 108 or Article 109 of the Charter, statements of a general nature calling for the review and amendment of the Charter were made at the commemorative session of the General Assembly<sup>13</sup> and at the commemorative meeting of the Security Council<sup>14</sup> held in connection with the fortieth anniversary of the United Nations, as well as during the general debates at the General Assembly.

7. Throughout the period under review, 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. No formal proposals on review or amendment of the Charter were made by the Special Committee during the period. The Special Committee was instrumental in the adoption by the General Assembly at its forty-third session of the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field.<sup>15</sup>

<sup>12</sup> See G A decisions 36/460, 37/450, 38/454, 39/455, 40/460, 41/469, 42/459 and 43/458.

<sup>13</sup> Held from 14 to 24 October 1985, in accordance with G A decision 40/404.

<sup>14</sup> Held on 26 September 1985 under the agenda item entitled "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security", in accordance with the decision taken by the Council during informal consultations on 29 August 1985 (S/17424), S/PV.2608, paras. 164 and 269-270.

<sup>15</sup> G A resolution 43/51, annex.

## 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

8. As was noted in *Supplement No. 6*, volume VI, of the *Repertory*,<sup>16</sup> the consideration of a draft resolution entitled "Implementation of section II of the annex to General Assembly resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system," calling, inter alia, for opening the Economic and Social Council to all States Members of the United Nations, after having been continuously postponed by the General Assembly since its thirty-fifth session throughout the period

<sup>16</sup> See *Repertory, Supplement No. 6*, vol. VI, under Articles 108 and 109, paras. 2 and 6-13.

covered by that *Supplement*, was eventually deferred at its thirty-ninth session in 1984 to the forty-second session of the General Assembly in 1987.

9. Meanwhile, the General Assembly, by resolution 40/237 of 18 December 1985, decided to establish a Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations.<sup>17</sup> The Group was tasked to conduct a

<sup>17</sup> Pursuant to G A resolution 40/237, a Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations, composed of 18 government representatives appointed by the President of the General Assembly at its fortieth session, was constituted in February 1986 (Group of 18). The Group of 18 met in four sessions in New York, from 25 February to 4 March, 1 to 11 April, 16 to 27 June and 28 July to 15 August 1986.

thorough review of the administrative and financial matters of the United Nations, with a view to identifying measures for further improving the efficiency of its administrative and financial functioning, and to submit to the General Assembly, before the opening of its forty-first session, a report containing the observations and recommendations of the Group. By its resolution 41/213 of 19 December 1986, the General Assembly, having considered the report of the Group,<sup>18</sup> charged the Economic and Social Council with undertaking an in-depth study of the United Nations intergovernmental structure and functions in the economic and social fields, as called for in recommendation 8 of the Group's report. By its decision 1987/112 of 6 February 1987, the Economic and Social Council created a Special Commission on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields open to all States Members of the United Nations and requested it to inform the Council during its regular sessions of the progress of its work and to make its final reports available in time for consideration by the Council at its second regular session for 1988.

10. At its forty-second session, the General Assembly had before it a note by the Secretariat<sup>19</sup> recommending that, in view of the in-depth study of the United Nations intergovernmental structure and functions in the economic and social fields being undertaken by the Special Commission of the Economic and Social Council, the draft resolution entitled "Implementation of section II of the annex to General Assembly resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system" should be referred by the Assembly to the Council. On the recommendation of the Second Committee,<sup>20</sup> the General Assembly decided to transmit the text of the draft resolution to the Economic and Social Council and through it to the Special Commission on the in-depth study, to be taken into account in its work.<sup>21</sup> The Assembly also decided to consider the matter anew at its forty-third session in the light of the report of the Economic and Social Council on the in-depth study of the United Nations intergovernmental structure and functions in the economic and social fields.<sup>22</sup>

11. The Special Commission on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields carried out its study during nine sessions between 2 March 1987 and 23 May 1988 and, inter alia, examined the question of universal membership of the Economic and Social Council. While some dele-

gations advocated opening the Council to all Member States, which would entail an amendment to Article 61 of the Charter related to the composition of the Council, other delegations were of the view that a change in the composition of the Council's membership in itself would not bring about a profound and lasting improvement in achieving the purposes of the Charter in the economic and social fields. Yet other delegations expressed the view that such universalization of the Council without a clear division of labour between the General Assembly and the Economic and Social Council would lead to duplication and competition of the work of the expanded Council with other existing universal organs in the economic and social fields, such as the General Assembly, in particular through its Second Committee, and UNCTAD, and would make the United Nations system more complicated and unworkable.<sup>23</sup> The divergence of views, in particular, on a precise definition of the role and responsibilities of the General Assembly and the expanded Council, could not be reconciled at the Special Commission. Consequently, the Special Commission was unable to formulate recommendations on the basis of the findings of the in-depth study aimed at enhancing the effectiveness and efficiency of the United Nations in the economic and social fields. The results of the Special Commission's work were reflected in its report<sup>24</sup> which was submitted to the Economic and Social Council at its second regular session in 1988.

12. The Economic and Social Council, by its decision 1988/182 of 29 July 1988, took note of the report of the Special Commission and transmitted it to the General Assembly at its forty-third session. At that session, the General Assembly considered the report of the Special Commission at its plenary meetings under agenda item 49, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations".<sup>25</sup> In its resolution 43/174, it took note of the Special Commission's report and requested the Secretary-General to consult with all Member States and seek their views on ways and means of achieving a balanced and effective implementation of, inter alia, recommendation 8 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations, taking into consideration all relevant reports, including the Special Commission's report.

13. Also at its forty-third session, the General Assembly had before it a note by the Secretary-General<sup>26</sup> reproducing the text of the draft resolution entitled "Implementation of

<sup>18</sup> G A (41), Supplement No. 49.

<sup>19</sup> A/C.2/42/L.4.

<sup>20</sup> At the 43<sup>rd</sup> meeting, on 27 November 1987, on the basis of informal consultations held on the draft resolution in the Second Committee, the Vice-Chairman of the Second Committee introduced a draft decision (A/C.2/42/L.73) that was adopted by the Committee without a vote. See G A (42), Annexes, a.i. 12, document A/42/820/Add.2, paras. 35-37 and 50.

<sup>21</sup> G A decision 42/432.

<sup>22</sup> Ibid.

<sup>23</sup> For delegations' statements, see the report of the Special Commission (E/1988/75).

<sup>24</sup> Ibid. The report consisted mainly of delegations' statements as well as statements of and discussion papers prepared by the Chairman of the Special Commission.

<sup>25</sup> G A (43), Plen., 46<sup>th</sup> and 76<sup>th</sup> mtgs.

<sup>26</sup> A/C.2/43/L.4.

section II of the annex to General Assembly resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system". In the note the Secretary-General drew the attention of the Assembly to actions taken by the Economic and Social Council with respect to the report of the Special Commission on the in-depth study. The Secretary-General further recalled that the General Assembly, in section VI of its decision 37/442 of 20 December 1982, had decided to review at its thirty-ninth session and thereafter only once every three years the implementation of all aspects of its resolution 32/197<sup>27</sup> on the restructuring of the economic and social sectors of the United Nations system. Consequently, on the recommendation of the Second Committee,<sup>28</sup> the General Assembly, by its decision 43/433,<sup>29</sup> decided to defer the draft resolution entitled "Implementation of section II of the annex to General Assembly resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system" to its forty-fifth session, to be considered in the context of the review of the implementation of all aspects of resolution 32/197.

14. The other question concerning an amendment of Article 61 relating to the composition of the Economic and Social Council was placed before the General Assembly during the period under review under the agenda item entitled "Joint Inspection Unit: reports of the Joint Inspection Unit". In December 1985, the Secretary-General in a note<sup>30</sup> transmitted to the General Assembly a report of the Joint Inspection Unit (JIU) entitled "Some reflections on reform of the United Nations",<sup>31</sup> which had been prepared by one of the inspectors with a view to making a "contribution to a body of reflections" inspired by the fortieth anniversary of the United Nations. The report, from which the majority of the inspectors disassociated themselves,<sup>32</sup> analysed problems confronting the United Nations system, called for an examination of the *raison d'être* of the Organization, suggested changes to make it more responsive to international issues and indicated areas for further research without offering formal recommendations. In particular, the inspector who prepared the report suggested, as "indications for further research", that, while it was impossible, in his view, to

<sup>27</sup> See *Repertory, Supplement No. 6*, vol. VI, under Articles 108 and 109, paras. 6 and 7.

<sup>28</sup> At the 45th meeting of the Second Committee, on 30 November 1988, on the basis of informal consultations held on the draft resolution, the Vice-Chairman of the Committee introduced a draft decision entitled "Implementation of section II of the annex to General Assembly resolution 32/197 on the restructuring of the economic and social sectors of the United Nations system" (A/C.2/43/L.68), which was adopted by the Committee without a vote. See G A (43), annexes, a.i. 12, document A/43/750/Add.3, paras. 6-9 and 25.

<sup>29</sup> G A (43), Plen., 83rd mtg.

<sup>30</sup> A/40/988 and Corr.1.

<sup>31</sup> JIU/REP/85/9.

<sup>32</sup> See G A (41), Suppl. No. 34, para. 36.

modify the structures of a political United Nations in the current context, reform should aim at building up an "economic" United Nations alongside the political institution to deal essentially with economic problems.<sup>33</sup> According to him, that process would entail, among other things, the replacement of the dual forum, the Economic and Social Council and the United Nations Conference on Trade and Development, by a more restricted council, the "Economic Security Council", consisting of 23 members to ensure representation in it of all "the main major States and the main regions of the world". In that context, the inspector noted that, since Article 61 had already been amended twice, in both cases to increase the membership of the Economic and Social Council, amending it a third time should not be problematic.<sup>34</sup>

15. In his note of 6 December 1985,<sup>35</sup> the Secretary-General expressed his belief that the report merited careful examination and stated his intention to provide his considered comments on the report jointly with the Administrative Committee on Coordination (ACC). By its decision 1985/22, ACC requested its Organizational Committee to prepare draft comments on the report for consideration and adoption by ACC at its first regular session in 1986.<sup>36</sup> In September 1986, the Secretary-General transmitted to the General Assembly the ACC statement<sup>37</sup> regarding the report, wherein ACC regretted that the report had not been prepared in accordance with JIU practices and the provisions of the JIU statute and, therefore, considered it inappropriate to comment on the report. No additional comments of the Secretary-General followed.

16. At its forty-first session, the General Assembly, on the recommendation of the Fifth Committee,<sup>38</sup> deferred consideration of the agenda item entitled "Joint Inspection Unit: reports of the Joint Inspection Unit" until its forty-second session.<sup>39</sup> At the forty-second session, the Fifth Committee decided to consider only those reports of the Joint Inspection Unit that fell under substantive agenda items of the Committee and sections of the programme budget to which they were related, and took note of other reports of the Joint Inspection Unit, including the report under review.<sup>40</sup> At the forty-second session, on the recommendation of the Fifth

<sup>33</sup> JIU/REP/85/9, chap. VI, paras. 5-8.

<sup>34</sup> *Ibid.*, para. 67.

<sup>35</sup> A/40/988/Add.1.

<sup>36</sup> ACC/1985/DEC/16-29 (decision 1985/22).

<sup>37</sup> A/41/639, annex.

<sup>38</sup> A/41/856.

<sup>39</sup> See G A decision 41/448. G A (41), Plen., 99<sup>th</sup> mtg.

<sup>40</sup> A draft decision (A/C.5/42/L.15) listing and taking note of the reports that did not fall under substantive agenda items of the Fifth Committee and sections of the programme budget to which they were related was introduced by the Chairman of the Fifth Committee at its 62<sup>nd</sup> meeting, on 14 December 1987, and adopted by the Committee without a vote at its 64<sup>th</sup> meeting, on 16 December 1987. See G A (42), annexes, a.i. 119, document A/42/884, paras. 7, 8 and 10.

Committee, the General Assembly, by its decision 42/455,<sup>41</sup> took note of the JIU report and related documents.

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

17. As was noted in *Supplement No. 6*, volume VI, of the *Repertory*,<sup>42</sup> during its thirty-fourth and thirty-fifth sessions, under the agenda item entitled "Question of equitable representation and increase in the membership of the Security Council", the General Assembly considered proposals calling for amendments to Articles 23 and 27, and as a corollary, for an amendment to Article 109, of the Charter, with a view to increasing the number of non-permanent seats in the Security Council. Following the consideration at the thirty-fifth session, the General Assembly continuously deferred the consideration of the item to its subsequent sessions.<sup>43</sup>

18. Throughout the present period under review, the General Assembly did not consider the item, as it was not requested to do so, but repeatedly decided to keep it on its agenda.<sup>44</sup>

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

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

19. No explicit proposals calling for a general conference under Article 109 of the Charter for the purpose of reviewing the Charter were made during the period under review. However, the desirability of reviewing the Charter was extensively referred to in the context of the fortieth anniversary of the United Nations. Some Member States felt that the developments that had occurred in the world four decades after the adoption of the Charter necessitated such a review. Although not explicitly invoking Article 109, they called for the review and amendment of the Charter so that the Organization could keep pace with developments in international relations, perform its functions in the best possible manner and realize the principles and purposes for which it had been established.<sup>45</sup> Other Member States observed that the Charter must be adapted to changing circumstances by flexible interpretation and, if necessary, amendments of its specific provisions, especially with a view to strengthening the system for maintaining international peace and security and increasing the effectiveness of

the Organization in that regard.<sup>46</sup> The prevailing view, however, was that any proposal for improvement in the functioning of the Organization would need to be contemplated within the framework of the existing provisions of the Charter and that the lack of effectiveness of the United Nations was not due to imperfections of the Charter but the lack of its respect by the Member States. Member States who held such view called for a recommitment to the Charter by all Member States, to make the United Nations a more effective Organization.<sup>47</sup>

20. During the period under review, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization<sup>48</sup> continued to meet every year and to submit its reports<sup>49</sup> to the General Assembly, pursuant to a mandate renewed annually.<sup>50</sup> The Special Committee continued its work on the questions of the maintenance of international peace and security, the peaceful settlement of disputes between States and the rationalization of procedures of the General Assembly, focusing on the strengthening of the role of the Organization. In the area of the maintenance of international peace and security, in 1988, the Special Committee completed its work on the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field.<sup>51</sup>

21. The mandate of the Special Committee was debated by the Committee itself and in the Sixth Committee during its discussion of the report of the Special Committee. Some delegations were of the view that, although the General Assembly had initially mandated the Special Committee to provide an ongoing review of the Charter, the resolution of international problems did not lie within the review of the Charter but rather in the consistent fulfilment by all Member States of their obligations under the Charter. The delegations advocating such a position stated that the Charter had stood the test of time and consequently it would be preferable and more realistic to make improvements in the performance of the Organization within the framework

<sup>46</sup> See, e.g., *ibid.*, 43<sup>rd</sup> mtg. (Sweden) and *ibid.*, 44<sup>th</sup> mtg. (Finland).

<sup>47</sup> See, e.g., *ibid.*, 11<sup>th</sup> mtg. (Kuwait); *ibid.*, 24<sup>th</sup> mtg. (Bahrain); *ibid.*, 35<sup>th</sup> mtg. (Cyprus); *ibid.*, 40<sup>th</sup> mtg. (Mongolia); *ibid.*, 42<sup>nd</sup> mtg. (Indonesia); *ibid.*, 43<sup>rd</sup> mtg. (Ethiopia and Republic of Korea); *ibid.*, 46<sup>th</sup> mtg. (Mauritius and Mexico); *ibid.*, 47<sup>th</sup> mtg. (Canada and Netherlands); and *ibid.*, 48<sup>th</sup> mtg. (New Zealand).

<sup>48</sup> See *Repertory, Supplement No. 5*, vol. V, under Articles 108 and 109, paras. 18 and 19.

<sup>49</sup> See G A (40), Suppl. No. 33; G A (41), Suppl. No. 33; G A (42), Suppl. No. 33; and G A (43), Suppl. No. 33.

<sup>50</sup> See G A resolutions 40/78, 41/83, 42/157 and 43/170.

<sup>51</sup> G A resolution 43/51, annex. G A (43), Plen., 68<sup>th</sup> mtg.

<sup>41</sup> G A (42), Plen., 99<sup>th</sup> mtg.

<sup>42</sup> See *Repertory, Supplement No. 6*, vol. VI, under Articles 108 and 109, paras. 3 and 14-23.

<sup>43</sup> See G A decisions 36/460, 37/450, 38/454 and 39/455.

<sup>44</sup> See G A decisions 40/460, 41/469, 42/459 and 43/458.

<sup>45</sup> See, e.g., statement by Egypt in commemoration of the fortieth anniversary of the United Nations A/40/824; G A (40), Plen., 20<sup>th</sup> mtg. (Islamic Republic of Iran and Libyan Arab Jamahiriya); *ibid.*, 32<sup>nd</sup> mtg. (Solomon Islands); *ibid.*, 43<sup>rd</sup> mtg. (Libyan Arab Jamahiriya); and *ibid.*, 46<sup>th</sup> mtg. (Nigeria).

of the Charter.<sup>52</sup> Yet other delegations expressed the view that the mandate of the Special Committee should be expanded so that it could make bolder attempts to strengthen the role of the Organization, including making proposals on reviewing and amending the Charter, if necessary. The latter group of delegations pointed to inherent contradictions and vagueness in the mandate of the Special Committee and called for a clearer definition of the mandate to avoid any confusion as to the tasks to be performed by the Special Committee.<sup>53</sup>

22. At the fortieth session of the General Assembly,<sup>54</sup> the Libyan Arab Jamahiriya introduced in the Sixth Committee a draft resolution,<sup>55</sup> relating to the mandate of the Special Committee, that would have had the General Assembly request the Special Committee to consider, among other things, the possibility of eliminating what the sponsors felt were the adverse effects, in the maintenance of international peace and security, of the abuse of the unanimity rule by the permanent members of the Security Council. The text of the draft resolution was similar to the texts of proposals repeatedly introduced by the Libyan Arab Jamahiriya in the Sixth Committee regarding the same subject since the thirty-fourth session of the General Assembly<sup>56</sup> and, *inter alia*, stated:

“*The General Assembly,*

...

“*Recalling* resolution 486 (XXVII) adopted by the Council of Ministers of the Organization of Afri-

<sup>52</sup> See, e.g., G A (40), 6<sup>th</sup> Comm., 40<sup>th</sup> mtg., para. 58 (Mongolia); *ibid.*, 41<sup>st</sup> mtg., para. 83 (Ukraine); *ibid.*, 42<sup>nd</sup> mtg., paras. 27-28 (Kenya); *ibid.*, 43<sup>rd</sup> mtg., para. 29 (Suriname) and para. 87 (Finland); G A (41), 6<sup>th</sup> Comm., 15<sup>th</sup> mtg., para. 17 (Uruguay); *ibid.*, 17<sup>th</sup> mtg., para. 1 (Czechoslovakia); *ibid.*, 18<sup>th</sup> mtg., paras. 25-28 (Mongolia) and 63 (Pakistan); *ibid.*, 20<sup>th</sup> mtg., paras. 92-95 (Sri Lanka); G A (42), 6<sup>th</sup> Comm., 24 mtg., paras. 39 and 40 (Pakistan); *ibid.*, 25<sup>th</sup> mtg., para. 1 (Canada); *ibid.*, 27<sup>th</sup> mtg., para. 25 (France); G A (43), 6<sup>th</sup> Comm., 15<sup>th</sup> mtg., paras. 62 and 63 (Federal Republic of Germany); and *ibid.*, 18<sup>th</sup> mtg., paras. 13 (Yemen), 24 (Pakistan) and 67 and 68 (Spain).

<sup>53</sup> See, e.g., G A (40), 6<sup>th</sup> Comm., 38<sup>th</sup> mtg., paras. 8-13 (Libyan Arab Jamahiriya); 39<sup>th</sup> mtg., paras. 30-31 (Pakistan); 40<sup>th</sup> mtg., paras. 10-11 (Egypt) and 72-74 (Brazil); 42<sup>nd</sup> mtg., paras. 7-9 (New Zealand); G A (41), 6<sup>th</sup> Comm., 15<sup>th</sup> mtg., para. 18 (Egypt); 17<sup>th</sup> mtg., paras. 4-6 (Brazil), para. 15 (Venezuela) and paras. 32-33 (United Republic of Tanzania); 18<sup>th</sup> mtg., paras. 19-23 (Burkina Faso); 20<sup>th</sup> mtg., paras. 37 (Syrian Arab Republic), 48-49 and 52 (Sudan), 53-57 (Islamic Republic of Iran) and 85-90 (Libyan Arab Jamahiriya); G A (42), 6<sup>th</sup> Comm., 25<sup>th</sup> mtg., paras. 26 (United Republic of Tanzania) and 32 (Syrian Arab Republic); 26<sup>th</sup> mtg., paras. 90-96 (Libyan Arab Jamahiriya); 28<sup>th</sup> mtg., paras. 20-28 (Romania) and 47 (Yemen); and G A (43), 6<sup>th</sup> Comm., 17<sup>th</sup> mtg., paras. 22-23 (Libyan Arab Jamahiriya).

<sup>54</sup> G A (40), 6<sup>th</sup> Comm., 48<sup>th</sup> mtg., para. 3.

<sup>55</sup> A/C.6/40/L.13/Rev.1.

<sup>56</sup> See *Repertory, Supplement No. 6*, vol. VI, under Articles 108 and 109, paras. 28 and 29.

can Unity at its twenty-seventh ordinary session, held at Port Louis from 24 June to 3 July 1976, which calls for a re-examination of the rule requiring the unanimity of the permanent members of Security Council, resolution 14 of the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, resolution 3 (VIII) of the Eighth Islamic Conference of Foreign Ministers, held at Tripoli from 15 to 22 May 1977, and resolution 7(VI) of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979, which calls for the amendment of the Charter, particularly its provisions relating to the functioning of the Security Council,

...

“2. *Requests* the Special Committee, at its next session, to accord priority to the question of the maintenance of international peace and security in all 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 this field; this necessitates the examination, *inter alia*, of:

“(a) Strengthening the role of the Security Council in the light of past experiences and considering the elimination of the adverse effects on the maintenance of international peace and security arising from the abuse of the unanimity rule of the permanent members of the Security Council, taking into account the fact that the maintenance of international peace and security is the common responsibility of all States Members of the United Nations, based on the principles of sovereign equality and democracy;

“(b) Strengthening the role of the General Assembly in the field of maintaining international peace and security;

“...”

23. The representative of Belgium, on behalf of the 10 members of the European Economic Community proposed, under rule 131 of the rules of procedure of the General Assembly, that the Sixth Committee should not take action on the draft resolution.<sup>57</sup> The representatives of the Islamic Republic of Iran, the Libyan Arab Jamahiriya and the Syrian Arab Republic spoke against the motion.<sup>58</sup> By a recorded vote of 46 to 36, with 29 abstentions, the motion not to take a decision on the draft resolution was adopted by the Sixth Committee.<sup>59</sup>

<sup>57</sup> G A (40), 6<sup>th</sup> Comm., 50<sup>th</sup> mtg., para. 63.

<sup>58</sup> *Ibid.*, paras. 64-67.

<sup>59</sup> *Ibid.*, paras. 69-72.

*(b) Proposals to amend a specific Article*

24. In a number of statements made in the context of the commemoration of the fortieth anniversary of the Organization, delegations called for the amendment of specific Articles of the Charter.<sup>60</sup> However, no action was taken with respect to them.

**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**

25. At its 1987 and 1988 sessions, the Special Committee on the Charter of the United Nations and on the Strength-

<sup>60</sup> See, e.g., G A (40), Plen., 4<sup>th</sup> mtg. (Colombia); *ibid.*, 5<sup>th</sup> mtg. (Peru); *ibid.*, 20<sup>th</sup> mtg. (Islamic Republic of Iran); *ibid.*, 32<sup>nd</sup> mtg. (Solomon Islands); *ibid.*, 34<sup>th</sup> mtg. (Maldives); *ibid.*, 44<sup>th</sup> mtg. (Suriname); *ibid.*, 46<sup>th</sup> mtg. (Nigeria); and S/PV.2608, para. 164 (India) and paras. 269, 270 and 272 (Burkina Faso).

ening of the Role of the Organization had before it notes of the Secretariat informing the Special Committee on the status of the work on the supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.<sup>61</sup> According to the 1988 note,<sup>62</sup> *Supplement No. 5* of the *Repertory* covering 1970-1978 and the *Supplement for 1975-1980* of the *Repertoire* had been completed; the work on *Supplement No. 6* of the *Repertory* (covering 1979-1984) was progressing; and the manuscripts for the *Supplement for 1981-1984* of the *Repertoire* were close to completion. It was noted that publication of the *Repertory* and the *Repertoire* depended on the continued availability of financial and human resources, and reductions in both had affected the preparatory work. No action with respect to those publications was taken by the General Assembly during the period under review.

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

<sup>61</sup> A/AC.182/L.53 and A/AC.182/L.57.

<sup>62</sup> A/AC.182/L.57.