

ARTICLE 5

TEXT OF ARTICLE 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

NOTE

1. During the period under review, neither the General Assembly nor the Security Council adopted resolutions or decisions initiating steps under Article 5.

2. There were, however, throughout the whole period, numerous occasions when Article 5 was referred to explicitly and implicitly and when measures were suggested against one or another Member State in fulfilment of the Charter provision.

3. The main target of such observations and references to Article 5 continued to be South Africa whose *apartheid* policies and overt defiance of Security Council decisions and General Assembly resolutions persisted unabated. Calls for forceful measures under Article 5 as well as Article 6 were issued during the discussion of credentials to the General Assembly,¹ and the policies of *apartheid* of the Government of South Africa,² and during the general debate³ in connexion with a few other agenda items⁴ in the General Assembly, as well as during the consideration of a few questions focusing on South Africa⁵ in the Security Council.

4. There were also a few explicit references to Article 5 in connexion with some other agenda items in the General Assembly⁶ and in the Security Council.⁷

5. In all these discussions, opinions were divided among the representatives, one group actively seeking measures under Article 5 and eventually Article 6, another group warning against the application of such stern sanctions, and the undecided members refraining from taking a clear position on the issue of suspension from membership in the Organization.⁸

NOTES

¹ For explicit references to Article 5 in connexion with the consideration of the credentials of representatives (a.i. 3) for South Africa see G A (25), Plen., 1900th mtg.: Indonesia, para. 44; 1901st mtg.: Senegal, para. 150, 1905th mtg.: Brazil, para. 9; Mexico, para. 146; G A (29), Plen., 2248th mtg.: Mexico, Nigeria, Senegal; 2281st mtg.: Federal Republic of Germany, United Kingdom, United States; G A (33), Plen., 99th mtg.: Canada, para. 30; Costa Rica, para. 35; Mexico, para. 25; Sweden, para. 18. On these occasions, when credentials were discussed, the arguments for and against the credentials of the South African delegation and for and against the use of measures under Articles 5 and 6 raised rather fundamental points.

² For explicit references to Article 5 in connexion with the policies of *apartheid* of the Government of South Africa see G A (25), (a.i. 34), Spec. Pol. Com., 693rd mtg.: Mexico, para. 35; 697th mtg.: Venezuela, para. 39, 698th mtg.: Iraq, para. 22; 701st mtg.: Mexico, paras. 28-31, 33, 36, 39, 703rd mtg.: Cyprus, para. 10; 706th mtg.: Hungary, para. 59; Norway, para.

22; 709th mtg.: Jordan, para. 7; G A (26), (a.i. 37), Spec. Pol. Com., 770th mtg.: Nigeria, para. 25; G A (28), (a.i. 42), Spec. Pol. Com., 869th mtg.: Greece, para. 4; G A (29), (a.i. 37), Spec. Pol. Com., 917th mtg.: Mexico, para. 29, G A (31), (a.i. 52), Plen., 48th mtg.: Mexico, para. 93.

³ For explicit references to Article 5 with regard to South Africa during the general debate (a.i. 9) see G A (28), Plen., 2140th mtg.: Senegal, paras. 5 and 63; President, paras. 55 and 59; G A (29), Plen., 2261st mtg.: Mexico.

⁴ For explicit references to Article 5 see G A (25), 3rd Com., 1779th mtg.: Italy, para. 24 (a.i. 53 and 60: Elimination of all forms of racial discrimination; importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights); 4th Com., 1878th mtg.: Ms. Kerina, SWANUF, para. 19 (a.i. 62: Question of Namibia); G A (28), Plen., 2176th mtg.: Mali, para. 147 (a.i. 23: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples); G A (29), Plen., 2314th mtg.: Mexico (a.i. 20: Strengthening of the role of the United Nations. . .).

⁵ For explicit references to Article 5 during the consideration of the relationship between the United Nations and South Africa in the Security Council see S C (29), 1796th mtg.: Tunisia, p. 11; 1797th mtg.: Mauritius, p. 52; Nigeria, pp. 28-30, 31; 1798th mtg.: Guyana, p. 63-65; 1801st mtg.: Madagascar, p. 11; 1802nd mtg.: Barbados, p. 67; 1803rd mtg.: Mali, pp. 18-20, 1808th mtg.: Costa Rica, p. 16. During the long discussion in the Security Council there were numerous implicit references to a suspension rather than expulsion of South Africa from the United Nations. For details regarding the debate as a whole see the study of Article 6 in this Supplement. See also the explicit references to Article 5 during the consideration of the question of South Africa in the Security Council: S C (32), 1988th mtg.: Egypt, para. 145; 1991st mtg.: Madagascar, para. 84. Both speakers called for the suspension of South Africa under Article 5.

⁶ G A (25), 1st Com., 1729th mtg.: China, para. 11 (a.i. 32: Consideration of measures for the strengthening of international security); G A (27), Plen., 2092nd mtg.: Egypt, para. 51; 2099th mtg.: Syrian Arab Republic, para. 49 (a.i. 21: The situation in the Middle East); 1st Com., 1917th mtg.: Yemen, para. 145 (a.i. 35: Implementation of the Declaration on the Strengthening of International Security); G A (30), 6th Com., 1572nd mtg.: New Zealand, para. 50 (a.i. 113 and 29: Report of the *Ad Hoc* Committee on the Charter of the United Nations; Strengthening of the role of the United Nations. . .).

⁷ For additional references to Article 5 in the Security Council see S C (25), 1560th mtg.: Yugoslavia, para. 75 in connexion with the complaint by Guinea; S C (30), 1845th mtg.: Iraq, pp. 38, 39-40 in connexion with the Admission of New Members to the United Nations: applications of the Republic of South Viet Nam and the Democratic Republic of Viet Nam. See also the letter dated 28 September 1975 from the representative of Mexico to the Secretary-General (S C (30), *Suppl. for July-Sept. 1975*; S/11831), in which Mexico invoked Article 5 together with Article 6 and asked for a meeting of the Security Council for the purpose of recommending to the General Assembly "that the Spanish régime be suspended from the exercise of the rights and privileges of its membership".

⁸ The deliberations about the South African credentials, about the policies of *apartheid* and about South Africa's relationship to the United Nations, cited above, fully reflect this range of opinions and policies and contain a wealth of implicit references to Article 5 of the Charter.