

# ARTICLE 6

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## ARTICLE 6

### TEXT OF ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

### INTRODUCTORY NOTE

1. During the period under review, neither the General Assembly nor the Security Council adopted resolutions or decisions initiating procedures under Article 6 of the Charter.

2. The General Assembly, however, adopted resolutions, pertaining to the situation in the occupied Arab territories, the question of Palestine and the situation in the Middle East, that may be considered to have a bearing on Article 6. These resolutions and the related deliberations, in the course of which Article 6, together with Article 5, was explicitly invoked, are dealt with in the summary of practice.

3. Explicit references to Article 6 were also made in connection with a few other items in the General Assembly and the Security Council, which have been included in the summary of practice.

4. None of the resolutions and references mentioned above was of such constitutional significance that it would have required treatment in a separate analytical summary of practice.

### SUMMARY OF PRACTICE

5. By its resolution ES-9/1 concerning the situation in the occupied Arab territories, adopted on 5 February 1982, the General Assembly, *inter alia*, declared that Israel was not a peace-loving Member State and that it had carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949.<sup>1</sup>

6. During the general debate on the item, several representatives maintained that Israel's aggression and expansionist activities, which were flagrant violations of the Charter, necessitated the suspension or reconsideration by the Organization of its right to membership. A call was also made for the General Assembly to revoke resolution 273 (III), by which Israel had been admitted to membership in the United Nations, on the grounds that Israel had failed to fulfil its commitment to adhere to the Charter and to implement General Assembly resolutions 181 (II) and 194 (III).<sup>2</sup>

7. Speaking in explanation of their votes, however, several other representatives noted that an attempt to

suspend or expel a Member State, as foreshadowed in the declaration on Israel, ran counter to the principle of universality of the Organization. The duty of Member States to live up to their obligations under the Charter had not been completely fulfilled in many cases, and universality of membership, it was argued, was essential to attain the objectives of the Organization, including a peaceful and negotiated settlement in the Middle East.

8. The view was also expressed that membership issues brought to the General Assembly disregarded Articles 5 and 6 of the Charter and were of questionable legality.<sup>3</sup>

9. The provisions of General Assembly resolution ES-9/1 mentioned above were adopted again at subsequent sessions of the Assembly.<sup>4</sup> In the course of the resumed seventh emergency special session on the question of Palestine in April 1982, Article 6 was invoked explicitly in the deliberations.<sup>5</sup>

<sup>1</sup>By this resolution Israel was admitted to membership in the United Nations.

<sup>2</sup>For the texts of relevant statements, see G A (ES-9), Plen., 2nd mtg., a.i. 5: Syrian Arab Republic, p. 2; 3rd mtg.: Mr. Klibi, League of Arab States, pp. 51-52; 6th mtg.: Libyan Arab Jamahiriya, p. 57; 7th mtg.: Qatar, pp. 32-35; 8th mtg.: Bahrain, p. 42; Nicaragua, p. 56; 9th mtg.: Jordan, pp. 11-12, 16.

<sup>3</sup>For the text of relevant statements, see *ibid.*, Plen., 12th mtg., a.i. 5: Ecuador, pp. 3-5; United States, pp. 8, 9-10; Australia, p. 17; Chile, pp. 18, 19-20; Canada, p. 21; Fiji, p. 28; Belgium, p. 31; Ireland, pp. 37-38; Argentina, pp. 48-50; New Zealand, pp. 71-75; Dominican Republic, p. 77; Finland, pp. 78-80; Bolivia, p. 81; Japan, p. 82; Norway, p. 86; Bahamas, pp. 88-90.

<sup>4</sup>G A resolutions ES-7/4 (Question of Palestine); and 37/123 A, 38/180 A and 39/146 B (The situation in the Middle East).

<sup>5</sup>G A (ES-7), Plen., 20th mtg., a.i. 5: Ecuador, p. 43.

10. During the period under review, there were other occasions when Article 6 was referred to explicitly and implicitly and when measures were suggested against one or another Member State in fulfilment of the Charter provision. In addition to Israel, the focus of such observations and references continued to be South Africa.

11. During the discussion of the credentials of representatives at the thirty-sixth regular session<sup>6</sup> and the eighth emergency special session,<sup>7</sup> some representatives explicitly invoked Article 6, together with Article 5, stating that the rejection of the credentials of South Africa by the General Assembly contravened the provisions of the aforementioned Articles of the Charter.

<sup>6</sup>G A (35), Plen., 103rd mtg., a.i. 3: Netherlands (speaking on behalf of the 10 Member States of the European Community), para. 20; United States, paras. 31-32; Iceland, paras. 37-38; and France, para. 51.

<sup>7</sup>G A (ES-8), Plen., 2nd mtg., a.i. 3: United States, p. 16; Norway, p. 26; and Canada, p. 27.

12. Article 6 was referred to explicitly in connection with the question of Palestine at the thirty-sixth session of the General Assembly, whereby one representative noted that Iraq, like Israel, had persistently violated the principles of the Charter.<sup>8</sup>

13. Explicit references to Article 6 were also made in connection with some other items under consideration in the General Assembly<sup>9</sup> and the Security Council<sup>10</sup> during the period under review.

14. The implicit references to Article 6 were too numerous to be listed here.

<sup>8</sup>G A (36), Plen., 85th mtg., a.i. 31: Islamic Republic of Iran, para. 257.

<sup>9</sup>G A (34), 6th Comm., 31st mtg.: Bangladesh, para. 22 (a.i. 114: report of the Special Committee on the Charter).

<sup>10</sup>See the letter dated 18 June 1981 from the Chargé d'affaires a.i. of the Libyan Arab Jamahiriya addressed to the President of the Security Council (S C (36), Suppl. for April-June 1981, S/14559), in which the Libyan Arab Jamahiriya stated that the Council should apply Article 6 of the Charter to Israel, which had conducted an act of aggression against Iraqi nuclear facilities.