



Distr.
GENERAL

A/5974
16 September 1965

ORIGINAL: ENGLISH

Twentieth session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM
IN THE AGENDA OF THE TWENTIETH SESSION

AMENDMENT TO ARTICLE 109 OF THE CHARTER OF THE UNITED NATIONS

Note by the Secretary-General

The Secretary-General has the honour to request, under rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the twentieth session of an item entitled "Amendment to Article 109 of the Charter of the United Nations".

In accordance with rule 20 of the rules of procedure, an explanatory memorandum is attached.

EXPLANATORY MEMORANDUM

1. By its resolution 1991 A (XVIII) of 17 December 1963, the General Assembly adopted amendments to Articles 23 and 27 of the Charter, increasing the number of members of the Security Council from eleven to fifteen and changing the majority votes required for decisions of the Security Council from seven to nine. In accordance with Article 108 of the Charter, these amendments came into effect on 31 August 1965 after the deposit of ratifications by the required number of Member States.
2. The existing text of Article 109 reads as follows:
 - "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 seven members of the Security Council. Each Member of the United Nations shall have one vote on 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."
3. A discrepancy exists therefore as between the amended text of Articles 23 and 27 of the Charter and the present text of Article 109, and an amendment to the latter is called for, consequential to amendments already approved. In paragraph 1 of Article 109, with reference to the required majority on the Security Council, the word "nine" should therefore be substituted for the word "seven".
4. As to paragraph 3 of Article 109 of the Charter, it will be recalled that its provisions have already been complied with. The proposal to call a conference for the purpose of reviewing the Charter was placed on the agenda of the tenth regular session of the General Assembly and resolution 992 (X) was adopted on

3 November 1955, a decision in which the Security Council concurred on 16 December 1955.^{1/} Paragraph 3 of Article 109 can therefore now be considered as obsolete. It is suggested that it should be deleted. The alternative solution to replace, by an amendment to the Charter, the word "seven" by the word "nine" in the existing third paragraph of Article 109 would serve no practical purpose and its technical and legal correctness can be questioned.

5. In the light of the above, the Secretary-General has the honour to request the inclusion in the agenda of the twentieth session, as an additional item of an important and urgent character, of an item entitled "Amendment to Article 109 of the Charter of the United Nations". A draft

..... resolution for the consideration of the General Assembly is attached to the present memorandum.

^{1/} Official Records of the Security Council, Tenth Year, 707th meeting, para. 171.

DRAFT RESOLUTION

The General Assembly,

Considering that the Charter of the United Nations has been amended to provide that the membership of the Security Council, as provided in Article 23, should be increased from eleven to fifteen and that decisions of the Security Council should be taken, as provided in Article 27, by an affirmative vote of nine members instead of seven, .

Considering that these amendments make it necessary also to amend Article 109 of the Charter,

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 109, paragraph 1, the word "seven" in the first sentence shall be replaced by the word "nine";

(b) Paragraph 3 of Article 109 shall be deleted;

2. Calls upon all Member States to ratify the above amendments, in accordance with their respective constitutional processes, by
