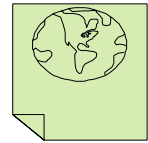


From: Patricia de la Garza
 To: Prof. Ahmand Kamal, former Ambassador of Pakistan
 Date: Monday, September 16, 2002



Critical Examination of the Amendments to the United Nations Charter

In this text, I examine the amendments made to the UN Charter and argue that, despite the enlargement made to the membership of two of the UN Organs, the Security Council retains privilege powers that impede the organization's achieving a democratic decision-making process on international affairs.

Background

Since it was signed in 1945, the UN Charter has been amended in four of its articles. These are:

- The amendment of **Article 23** in 1963 enlarged the Security Council membership from eleven to fifteen member states, by increasing the number of elective members from six to ten.
- **Article 27** was also amended in the same year to specify the new voting majority needed within the Security Council to take decisions over procedural and no-procedural matters. Decisions on procedural matters now require the affirmative vote of nine of its members, and non-procedural matters also require nine affirmative votes, including the concurring votes of its five permanent members.
- For its part, the membership of the Economic and Social Council (ECOSOC) was also enlarged by amending **Article 61** in the years 1965 and 1973. The first time, the Council was enlarged from eighteen to twenty-seven members and the second on to fifty-four.
- The last amendment, made to **Article 109**, states that the new number of votes needed within the Security Council to call for a General Conference for reviewing the Charter is any nine, and no longer seven (plus the two-thirds vote of the General Assembly).

Analysis

The rationale behind the amendment to Article 23 was to guarantee the geographical representation of the elected members of the Security Council; nevertheless, it did not modify the permanent status of the five non-elective members. Thus, despite incorporating more players in the international political arena, the membership right of the permanent members remains inalienable and not granted on a democratic basis.

The rationale behind the amendment to Article 27 was to balance the exercise of power within the Security Council, which in practice has been unrealized because of the unanimity power of the permanent members over substantial matters, including formal changes to the Charter. Once again, they retain a decision power that seems inalienable and supreme.

For its part, the enlargement of the ECOSOC was the product of growing demands of the Third World for a greater voice in determining economic and social policy. Whereas this amendment favors the numerical representation of developing countries, still the ECOSOC has the power only to recommend, though it plays an important role in consensus building for many UN-sponsored treaties.

In essence, the analysis shows that despite the efforts made to balance the power within the organization, the Security Council still maintains three critical power privileges that block not only its own action, but the organization's as a whole, compromising its effectiveness. In sum, these privileges are: a "permanent status", a unanimity power over major decisions and a veto power over all formal changes to the Charter.

Conclusion

The amendments to the UN Charter are the result of a new political geography in which more states want to play a role in the decision over international affairs. Whereas the amendments granted them a seat on the table, the decision power remains unbalanced in favor of the permanent members.