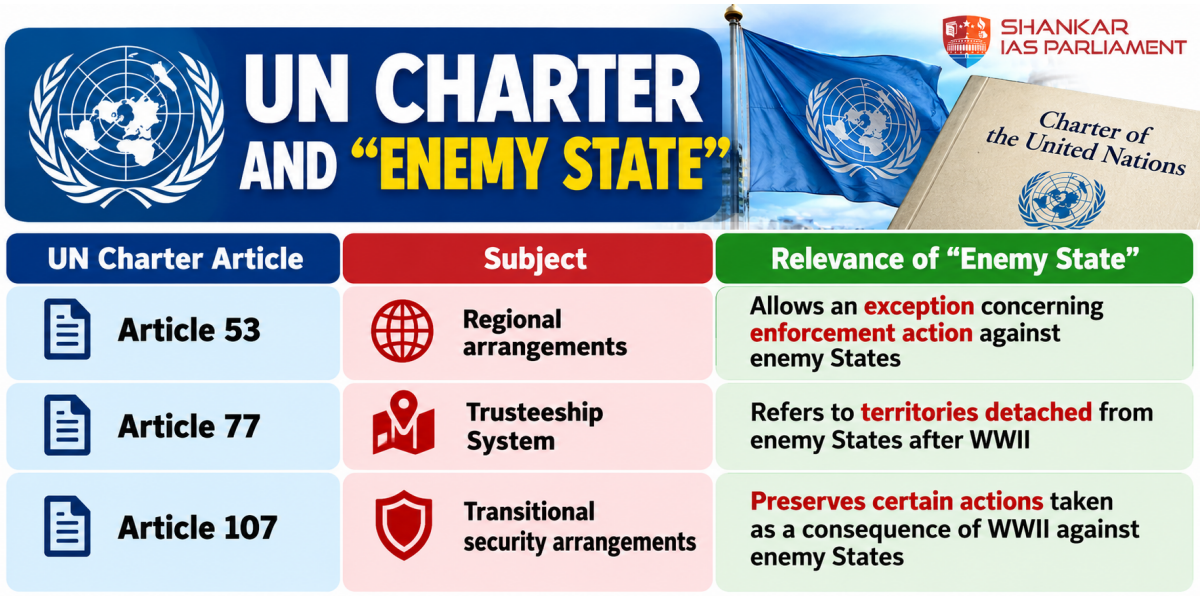
‘Enemy State’ Clauses in the UN Charter

Prelims: *Current events of national and international importance | International Relations*

Why in News?

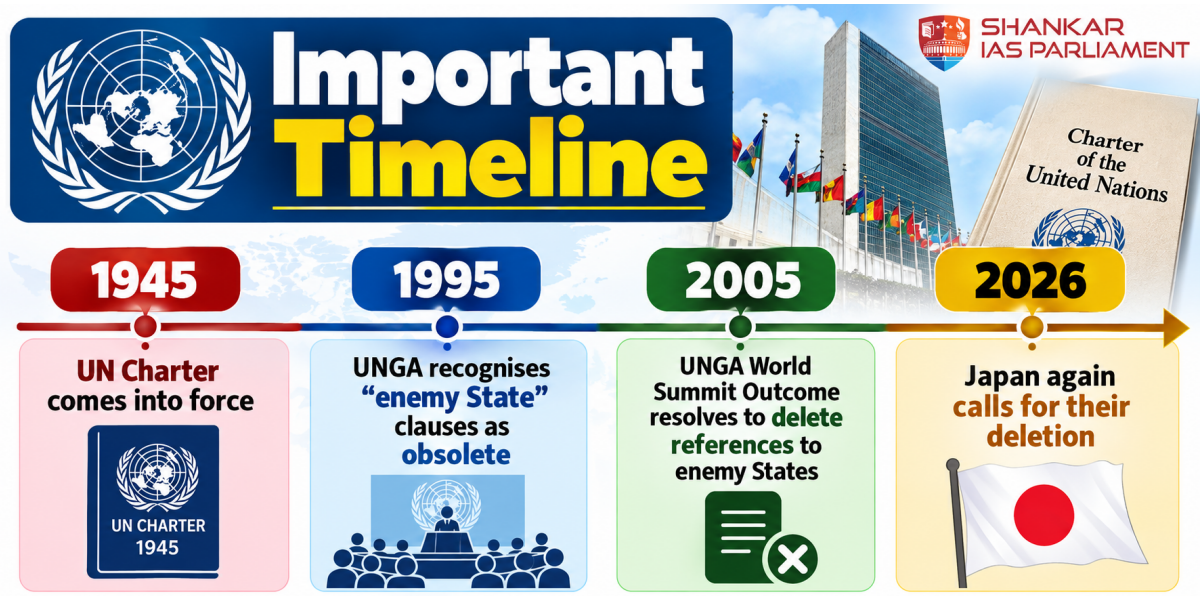
Japan’s Prime Minister Sanae Takaichi*, in her address to the* ***81st UN General Assembly (UNGA)****, called for deletion of the* ***“enemy State” clauses*** *from the UN Charter.*

- **Enemy State –** The term refers to a s**tate that was considered an enemy of a signatory to the United Nations Charter during World War II, as specified in Article 53(2).**
- This term primarily applies to the former Axis Powers.
  - Germany
  - Italy
  - Japan
- The term originates from World War II and is not a modern designation established by the UN.
- **Historical Context –** World War II concluded with an Allied victory, which directly led to the drafting of the United Nations Charter in 1945.
- The United Nations Charter was drafted in the immediate aftermath of World War II.
- The victorious Allied Powers sought to retain specific legal mechanisms to prevent renewed **aggression by the former Axis powers**.
- Consequently, the Charter incorporated special provisions regarding so-called “enemy States.”
- These provisions remain integral components of the UN Charter.



- **Article 53 –** Typically, enforcement actions undertaken by regional arrangements or agencies require authorization from the UN Security Council.
- However, Article 53 provides an exception concerning actions against "enemy States".
- **Article 107 –** It stipulates that the Charter does not invalidate or preclude actions taken or authorized as a result of World War II against States that were enemies of Charter signatories.
- **Article 77 –** Itaddresses the UN Trusteeship System and encompasses territories that may be detached from enemy States as a consequence of World War II.

- **Reasons for Their Obsolescence –** The geopolitical context that existed in 1945 has undergone significant transformation.
  - States previously considered adversaries, such as Japan and Germany, have since become members of the United Nations.
  - These provisions are now largely dormant and considered obsolete.
  - In 1995, the United Nations General Assembly formally recognized these clauses as obsolete.



- **Firm Retention of Provisions –** Passing a United Nations **General Assembly resolution alone does not constitute an amendment to the Charter**.
- **An amendment to the United Nations Charter is required.**
- According to **Article 108**, amendments to the Charter require the following procedures:
    - Adoption by a **two-thirds majority in the General Assembly**, and
    - **Ratification by two-thirds of United Nations member states**, **including all permanent members of the Security Council**.

Permanent members *are the United States, the United Kingdom, France, Russia, and China.*

Japan's Comprehensive Proposal for Reform of UNGA

- Takaichi advocated for the following reforms:
    - An increase in the number of **permanent members** of the United Nations Security Council.
    - An increase in the number of **non-permanent members**.
    - A Security Council structure that aligns with contemporary **international realities** rather than the geopolitical context of **1945**.

Reference

Indian Express | Enemy State