

An aerial photograph of a city skyline, likely New York City, featuring a prominent skyscraper with a grid-like facade in the foreground. The image is slightly faded and has a blueish tint.

# A NEW CHARTER FOR THE UNITED NATIONS

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**A NEW  
UNITED NATIONS  
CHARTER**

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## IN ANTICIPATION OF CRITICISM

**I**n more than three decades of teaching International Organization at the National University of Mexico, the syllabus of my discipline has been changed many times, in order to reflect the ever changing reality of international society.

But what happened between the fall of the Berlin Wall and the Irak war of 2003 is more than a change. It is a real and unique revolution which transformed international relations in a way that was both unpredictable and even unthinkable not long ago.

In the face of that, we had the right to expect a stream of ideas and proposals to update all social institutions; instead, we have witnessed a desperate and irresponsible attempt to go on as if nothing had happened, in a clear denial of reality. Even more absurd was the fact that the doing --nothing policy was explained in the name of political realism. The second Irak war changed this attitude ... up to a point. Now everybody agrees that something must be done; but the consensus ends there, and there has been an outpouring of proposals clearly oriented to the protection of all kinds of vested interests.

What follows is a proposal that many a respectable scholar will discard as political fiction; but while I agree that as a personal blueprint of a new Charter of the United Nations, it is arguable, I must point out that this intellectual exercise carries the weight of my many years of teaching and research on the subject. I also believe that those who reject it out of hand, without offering any kind of alternative, place themselves in the realm of delusion, by believing that reality may be ignored.

## INTRODUCTION

**D**uring his presidency, George H.W. Bush made many references to the New World Order, which nevertheless was never defined, beyond the vagaries of imprecise references to a world without bipolarity and cold war confrontation.

It was a pity, for new world order (or rather disorder) it really is, although the name is rather old and had already been variously used in the past<sup>1</sup>. The world has been going through a deeper and more rapid change than ever in history, and we should have been drawing the right conclusions, lest we loose control of our destiny.

It was evident at the beginning of the eighties, that we were at the eve of great changes in society. At that time, most of the observers of the international scene were transfixed by what was going on in the Soviet Union, unable to grasp the real magnitude of changes that went well beyond the waning of a decadent empire.

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<sup>1</sup>. Seventy years ago, Frederich Charles Hick wrote about it and published a book with that title. F.Ch.Hicks. *The New World Order*, New York: Doubleday, 1920. Two decades later George H. Wells insisted in the same title. *The New World Order*, New York, 1940.

The real issue was, and it is more so at this time, a transformation of all dimensions of human society, of cataclysmic proportions. The situation is compounded by the fact that the political leaders have lost touch with reality and, unable to grasp its true meaning are unwilling to surrender old privileges, continuing to navigate in the agitated waters of a deeply troubled world, in the cracking ships of obsolete institutions; all the while invoking supposedly sacred principles, about which nobody cares except themselves.

This lost of touch with reality goes a long way to explain the widening gulf between leaders and people. There is a credibility gap in regard to the political parties, perceived as simple power machineries for the political bureaucracies; nobody believes any more in the national legislatures, where the deputies are prisoners of vested interests, far from the voters. As for the trade unions, where they still exist, they are growing thin, abandoned by the workers, tired of being used for their leaders' purposes.

In what regards the international organizations, they still respond to the needs and conceptions of half a century ago, when they were conceived as simple subsidiaries of the all powerful states. No wonder then, that the contradictions of this world, in need of real authority to make decisions at the international level, and the facts of the weakening presence of the national states and meaningless international organizations, led the peoples to a feeling of dissatisfaction with all kinds of institutions.

The growing problems of the world need solutions, which are impossible at the national level. It is true that the risk of an all out nuclear confrontation has been

removed, but it is also true that the social and political turbulence which affects many of the countries of the world may spiral out of control, to engulf the world in a civil strife of global proportions. We have seen the ugly face of terrorism at the global level, which can not be suppressed with occasional actions. Against those criminal individuals and organizations, concerted and sustained actions are indispensable. In today's world, no country is powerful enough (no matter what it thinks) to go alone. President W. Bush must be thinking about that now.

On the other hand, the rapidly waning of natural resources strains societies to a point in many cases beyond repair, and calls into question the very existence of the states. Somalia and Liberia may come to our minds, but also Cambodia, Haiti, Mozambique, Angola, Yugoslavia, India, Rwanda, Burundi, Algeria, Afganistan, most of the republics of the former Soviet Union, and many more countries; not to speak of the explosion of the former Yugoslavia.

Not all problems can be dealt with through inter state negotiations, where individual egotism will always try to prevail over the general interests. We are in need of some kind of elementary world government, which in the parlance of the timid is called world governance. For the moment, only the United Nations might fulfill that role, provided we introduce the necessary reforms, to render it more effective, and also more democratic. But we must stress our feeling that the organization must not be used to legitimate the actions of the big powers.

This new United Nations should be perceived by the small fry of international society, not as the nemesis of their sovereignty, but as a last resort to preserve it, albeit in a different way, against the economic and military force of the bigger ones.

A look to the past may show us what the United Nations was intended to be, as well as what it is today and what it may become.

The United Nations Organization was established the year of the victory against the Axis powers, and it duly reflected the interests, aspirations and ambitions of the victorious powers. Nothing new in fact, for the countries meeting in San Francisco, were only replaying the old scripts of the Vienna Congress (1815) and the Paris Peace Conference (1919): trying to set up an international system where the basic decisions would be reserved to the big powers.<sup>1</sup> In so doing, they were not acting in the void, but in an international environment where two basic principles laid the rules of the game: sovereignty of the States, and non intervention in domestic affairs<sup>2</sup>. The underlying conception was that the interests of human society would be better served if the international organization kept as low a profile as possible, to ensure that the States had the largest competencies

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<sup>1</sup>. See Abraham Yezson and Anthony Gaglione. *A Dangerous Place. The United Nations as a Weapon in World Politics*. New York: Grossman Publishers, 1974; H. G. Nicholas. *The United Nations as a Political Institution*. 5th edition. New York: Oxford University Press, 1975; Massimo Panebianco. *Dalla Societa delle Nazionii all' ONU: Le Grandi Organizzazioni Internazionali*. Naples: Editrice Ferraro, 1977; John G. Stoessinger. *The United Nations and the Superpowers: China, Russia and America*. New York: Random House, 1977; Peter R. Baehr and Leon Gordenker. *The United Nations. Reality and Ideal*. New York: Praeger, 1984; Modesto Seara-Vazquez. *Tratado General de la Organizacion Internacional*. 2nd edition, 2nd printing. Mexico: Fondo de Cultura Economica, 1985; Maurice Bertrand. *The Third Generation World Organization*. Dordrecht: Martinus Nijhoff, 1989. Particularly useful, to follow the activities of the UNO are the annual reports on *The State of the United Nations*, offered by the Academic Council on the United Nations System since 1988.

<sup>2</sup>. Leland M. Goodrich and Edvard Hambro in their otherwise outstanding book on the UN Charter, unconvincingly try to cope with the contradictions between Art.2, 1 and the rest of the Charter. See Leland M. Goodrich and Edvard Hambro, *Commentaire de la Charte des Nations Unies*. Neuchatel: Editions de la Baconnière, 1946.

compatible with the other States'. International co-operation was intended to reinforce, not to substitute the powers of the States.

Now, more than half a century later, the question arises whether, whatever the merits of the initial conception, it is still valid in our time, with the globalization of the world economy<sup>3</sup>, the environment awareness<sup>4</sup>, and the communications explosion<sup>5</sup>. I very much doubt it.

Regardless of the answer we give to this question, the fact remains that half a century is a long time for any social institution. The time may have come, to try to draw a balance and see if some changes must be introduced, not only in the way the organization works but also in its very conception<sup>6</sup>. To be sure, some improvements may be made to the way the organization works, but it is my firm conviction that the structural crisis of the UNO, cannot be solved by cosmetic reforms.

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<sup>3</sup>. See Howard F. Didsbury, Jr. (Edited by) *The Global Economy. Today, Tomorrow and the Transition*. Bethesda: World Future Society, 1985; Benjamin J. Cohen. *Crossing Frontiers: Explorations in International Political Economy*. Boulder: Westview, 1991.

<sup>4</sup>. Ann L. Hollick. *Sharing Global Resources*. New York: McGraw-Hill, 1979; Modesto Seara-Vazquez. *La Hora Decisiva*. 3rd. edition. Mexico: Porrúa, 1995.

<sup>5</sup>. William Evan. *Knowledge and Power in Global Society*. Beverly Hills: Sage, 1981; Leonard R. Sussman. *Power, The Press and the Technology of Freedom*. New York: Freedom House, 1990; Donald Wilhelm. *Global Communications and Political Power*. New Brunswick: Transaction, 1990.

<sup>6</sup>. Toby Trister Gati (Editor). *The U.S., the U.N. and the Management of Global Change*. New York: New York University Press, 1983; Rudiger Jutti and Annemarie Gross-Jutte (editors), *The Future of International Organization*. New York: Saint Martin's, 1981.





## 1. THE BASIC PRINCIPLES AND ASSUMPTIONS

**T**he UNO Charter apparently derives its organizing principles from the purposes of the Organization, which may be summed up the following way:

- a. peace and security;
- b. international co-operation in solving economic, social, cultural and humanitarian problems;
- c. harmonization of the national policies for the attainment of those common goals.

In fact, the reverse is true, and the limited purposes of the Organization are an inevitable consequence of the principles defining international society, contained in Art.1, which make it impossible to give the UNO powers stronger than those granted by Art.2.

Everything leads to a unique result, constantly stressed along the provisions of the Charter: that international society is formed by independent and sovereign States, that the Organization only purposes are co-operation and harmonization, and that, as a consequence of it, the only acceptable way of attaining those goals is through negotiation and consent seeking.

Of course, all this is from a theoretical point of view, for a simple look at the Charter shows a different picture: an oligarchic and vertical structure headed by the permanent members of the Security Council which granted themselves the lion's share of the decision making powers<sup>7</sup>, in matters related to peace and security; not to speak of the realm of politics, where the pressures and arm twisting of the big powers make the notion of sovereign equality a simple lie.

To begin with, what do the following articles of the Charter have to do with the "sovereign equality of all its members"?:

a. Art.23, drawing a difference between the permanent and the elected members of the Security Council. <sup>8</sup>

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<sup>7</sup>. The change in the balance of power between the permanent members of the Security Council has had a substantial impact in the way decisions are made in that organ. The San Francisco five (U.S., USSR, U., China and France) became a "de facto" two (U.S,USSR), then a three (US, USSR and China) and now (for how long and how real?) one (U.S.). See, Richard Cohen and Peter A. Wilson, *Superpowers in Economic Decline: U.S. Strategy for the Transcentury Era*. Bristol (PA), 1990; Michael Pugh and Phil Williams (editors) *Superpower Politics: Change in the United States and the Soviet Union*. Manchester: Manchester University Press, 1990.

<sup>8</sup>. Many commentators do not see any inconsistency in the fact that Art.2,1 proclaims "sovereign equality" while other provisions of the Charter give different powers to the supposedly equal members. Leland M. Goodrich and Edvard Hambro, *Op.cit.* pp.125-128.

b. Art. 47, with its provisions to establish a Military Staff Committee, consisting of the Chiefs of Staff of the Security Council permanent members; besides the reference made to that MSC by Arts. 26 and 45.

c. Arts. 53 and 107, which exclude from the protection against the use of force "any state which during the Second World War has been an enemy of any signatory of the present Charter". There is no doubt that those provisions are anachronistic, and neither a contextual interpretation (they are incompatible with the protection that other articles grant to all member states, including the former enemies), nor the political conditions of today's world would support any pretension of their validity. Yet the fact is that they still remain in the Charter<sup>9</sup>.

d. Art. 86, granting all permanent members of the Security Council a place in the Trusteeship Council.

e. Art.106, for the provision of consultations among the big powers.

f. Arts.108 and 109, requiring the concurring votes of the permanent members of the Security Council to adopt amendments to the Charter.

g. The Security Council recommendations to the General Assembly, about the admission of new members <sup>10</sup> or the election of the Secretary General, also require the votes of all permanent members of the SC.

All these years past, the United Nations was more of an arena<sup>11</sup> for the confrontation of national interests, or a forum to proclaim them, than anything

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<sup>9</sup>. Werner Trutzschler von Falkenstein. *Die sich ändernde Bedeutung der Feindstaatenartikel (Artikel 53 und 107 der Satzung der Vereinten Nationen) für Deutschland*. Bern: Herbert Lang, Frankfurt: Peter Lang, 1975

<sup>10</sup>. The International Court of Justice rejected the notion that the recommendation of the Security Council, regarding the possible admission of new members was a procedural matter (ICJ, Consultative Opinion of March 3, 1950). See Modesto Seara-Vazquez. *Tratado General...* pp.123-125.

<sup>11</sup>. Of the three different roles that Clive Archer attributes to the international organizations (instrument, arena and actor) we would choose that of arena as the

else. The member states tried to use it as an instrument to further their particular aims, with no sense of common purpose. Very often the result was that the big powers were always trying to neutralize either the Security Council or the General Assembly, while the lesser powers kept clinging to the illusion that the GA resolutions were the key to freedom and justice in the world<sup>12</sup>. To be fair, we must admit that the General Assembly meetings offered the middle and small powers the possibility to unite their weak forces to air their grievances. Moreover, in a way the UNO acted like the conscience of mankind, creating new principles for international relations and helping to develop international law<sup>13</sup>. But the game remained the turf of the big league players.

The trouble with the UNO is that people asks too much from it; much more than it can deliver. There is an evident contradiction between the refusal to grant the organization bigger (meaning real) powers and the perception of a growing necessity, of some kind of decision making institution at the planetary level, be it a reformed United Nations or something else<sup>14</sup>. For the United Nations to become

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only one that fits the UNO. To be an instrument or an actor the UNO lacks the necessary independence from the member states. See Clive Archer. *International Organizations*. Boston: Allen & Unwin, 1983, pp.130-152.

<sup>12</sup>. Too many expectations, that explain the current frustration and disenchantment the developing countries feel about the organization.

<sup>13</sup>. The law of the sea is a case in point, as it was the principle of self determination for the colonial peoples.

<sup>14</sup>. See Robert Cox and Harold Jacobson (editors). *The Anatomy of Influence: Decision making in International Organization*. New Haven: Yale, 1973; Johan Kaufmann. *United Nations Decision Making*. Alphen aan den Rijn: Sijthof an Noordhoff, 1980. The temptation exists to believe in a new post-cold war United Nations, just because now there is the possibility of decisions being made by the Security Council; in fact, the real meaning of this new situation is not that the UN organs are more effective, but that one of the permanent members got the political clout to impose its views; or for that matter, that the other permanent members lost the will or the power to oppose it. See George L. Sherry. *The United Nations Reborn: Conflict Control in the Post-Cold War World*. New York: Council on Foreign Relations, 1990.

more effective, it is necessary to change its very nature; something no government is ready to do as yet.

## 2. INSTITUTIONS AND SOCIETY

**I**n order to approach the UNO problem we have to think about the nature of social institutions, and remember that institutions must reflect society. When there is a gap between institutions and society the efficacy of the institutions diminishes and if the gap is wide enough, the very existence of the institutions could be called into question.

Now, the UNO Charter has remained fundamentally unchanged for nearly half a century, while international society has gone through a very rapid and deep change. Nobody would challenge the notion that the international society of the 90's is radically different from that of the 40's, and we have to ask ourselves if the document drafted in San Francisco in 1945 is still useful to solve the problems of our time.

The whole picture of society, at the international or domestic levels has dramatically changed: in 1945 we still had several (however crumbling) empires

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and a great part of mankind was under the colonial rule<sup>15</sup> ; the economic and monetary order issued in Bretton Woods was old wine in a new bottle, and reflected the prewar conceptions and assumptions of a world of sovereign states<sup>16</sup>, able (or so they thought) to make their own completely independent decisions; economic growth was thought of as indefinite and unlimited; ecology was not yet a household word; transport and communications were not very different from what they were in the thirties, and nobody thought much of the possibility of a global village; the refugee problem was considered something inherited from the war, which would in due time be solved and people would stay at home. There was no satellite TV, no computers or industrial robots, no big fuss about transnational corporations, terrorism and narcotraffic were perceived as just small nuisances, and mankind seemed settled on the model of an international society where sovereign states were the perfect and perpetual units<sup>17</sup>. We had emerged from the war with two different ideological models which quickly evolved into two supposedly incompatible systems, which wanted to take over the whole world.

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<sup>15</sup>. In 1945 there were more than one hundred trusteeship or non-self-governing territories; in 2003 only scarcely a dozen of very small territories remain under the colonial rule, most of them willingly.

<sup>16</sup>. For the prevailing opinion at that time, see C. Gutt. "Les Accords de Bretton Woods et les Institutions qui en sont Issues", in *Recueil des Cours de l'Academie de Droit International* (The Hague), 1948,72, 71. For a more contemporary point of view, Kenneth W. Dam. *The Rules of the Game: Reform and Evolution in the International Monetary System*. Chicago: Chicago University Press, 1982; Gerald M. Meier. *Problems of a World Monetary Order*, 2nd. edition. New York: Oxford University Press, 1982; Paul Hallwood and Ronald MacDonald. *International Money. Theory, Evidence and Institutions*. New York: Basil Blackwell, 1986.

<sup>17</sup>. Old habits die hard, for even when we are entering the XXI Century there are still those who think that national States are here to stay forever. To be fair, it must be said that the number of those who think so is rapidly diminishing, at least in the academic world; the politicians are a different kind of brand, for they will stick to their power base, no matter what.

Many observers locked in into that manichean and bipolar system believing it to be eternal. But no sooner had it emerged than it began to rapidly whither away: the decolonization movement brought up many new states, unsure of many things, but decidedly opposed to a new (ideological) tyranny inheritor of the old (colonial) one; and even inside the so called political blocks, many cracks began to appear (Yugoslavia, China, France, etc..) . It was very difficult to keep up with events, let alone to assimilate and analyze them. Very often and without even realizing it, political analysts plunged into history, all the while thinking they were looking at contemporary phenomena.

Acceleration has been a constant of history; more so in the last decades, when everything moved so quickly that it became a nearly impossible task to apprehend the course of events or to look beyond them into the new trends of history. Here is what a look at today's (October 2003) world shows: the bipolar world is finished, and some people think of a monopolar one, again forgetting the lessons of history and thinking that politics is a (static) snap shot and not a (dynamic) film; the world economy is already global, and countries are increasingly interdependent <sup>18</sup> ; destruction of the environment has reached a point where it has become a real menace to the survival of mankind <sup>19</sup> ; modern technologies accelerate the

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<sup>18</sup>. The literature on interdependence is becoming overwhelming: R.O. K Keohane and J.S. Nye. *Power and Interdependence: World Politics in Transition*. Boston: Little, Brown & Co., 1977; Joan E. Spero. *The Politics of Global Economic Relations*. New York: Saint Martin's, 1977; Harold K. Jacobson. *Networks of Interdependence: International Organizations and the Global Political System*, 2nd. ed. New York: Knopf, 1984; Marvin S. Soroos. *Beyond Sovereignty*. Columbia, S.C.: South Carolina University Press, 1986; Evan Luard. *International Agencies: The Emerging Network of Interdependence*. London: MacMillan. 1977, and *The Globalization of Politics: The Changing Focus of Political Action in the Modern World*. New York: New York University Press, 1990.

<sup>19</sup>. Lynton K. Caldwell. *International Environmental Policy*. Durham, N.C.: Duke University Press, 1984; Modesto Seara-Vazquez. *La Hora Decisiva*; Harold K. Jacobson and David E. Kay. *Environmental Protection: The International Dimension*; Thijs de la Court. *Beyond Brundtland: Green Development in the 1990s*. New York:



interdependence and increase the possibility of a world hegemony, not by a country, but by the transnational forces which influence the world opinion and are becoming the real decision makers<sup>20</sup>. The process of erosion of the power of the governments is being complemented by a new process of concentration of power in the various (mainly economical) forces which interact at the global level <sup>21</sup>.

All over the world, the peoples, tired of self appointed saviors or of outright tyrants have finally found (or are desperately looking for) democracy as the only acceptable way of dealing with public affairs. It is a popular rebellion against dictatorship and imposition, and the rejection of elite government. It also means more freedom and less government. But not all the consequences are positive, for the new found democracy let loose a series of negative forces.

First of all, fragmentation of the political map of the world. It is understandable that those nations which have been subjugated by hegemonic and centralist powers now seek revenge and try to break the ties imposed upon them in the past undemocratic times<sup>22</sup>. It is also natural that the excesses of the bureaucratic states

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New Horizons Press. 1990; Jessica Tuchman Matthews (editor): *Preserving the Global Environment: The Challenge of Shared Leadership*. New York: Norton. 1990.

<sup>20</sup>. See Katherin Marton. *Multinationals, Technology and Industrialization*. Lexington, MA: Lexington Books, 1986; David Mowery and Nathan Rosenberg. *Technology and the Pursuit of Economic Growth*. New York: Cambridge University Press. 1989; Robert E. Evenson and Gustav Ranis (Editors). *Science and Technology. Lessons for Development Policy*. Boulder: Westview, 1990; Mihaly Simai. *Global Power Structure, Technology and World Economy in the Late Twentieth Century*. London: Pinter. 1990.

<sup>21</sup>. See Werner Feld. *Non Governmental Forces and World Politics*. New York: Praeger. 1972; DeAnne Julius. *Global Companies and Public Policy: The Growing Challenge of Foreign Direct Investment*. New York: Council on Foreign Relations. 1990.

<sup>22</sup>. See Giuseppe Di Palma. *To Craft Democracies: an Essai on Democratic Transition*. Berkeley: University of California Press, 1990; Hurst Hannum. *Autonomy, Sovereignty and Self-Determination: The Accomodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press, 1990. For Robert B. Reich, "... the standard of living of Americans (as well as the standard of living of other nation's citizens) depends far more on what it is that they can do than it does on the assets

lead to a reaction that equates less government with freedom and efficiency in the management of the economy.

However, a word of caution is urgently needed: if decentralization of the state is a necessity, its fragmentation goes against the sense of history, which shows a constant trend toward unification<sup>23</sup>; and if it is true that the inefficient and all powerful bureaucracies had to be tamed, it is no less evident that the withering away of the governments could lead to a political vacuum, which would immediately be filled by forces not necessarily identified with the interests of the peoples<sup>24</sup>. The key may not be the reduction of the role of government but its democratization, a process which must be extended to the whole society.

We are facing a new world reality, one where the problems are already global without regard for any borders, and yet, the current problem solving mechanisms are essentially national, notwithstanding the fact that we some times call them international, for it is up to the governments to make the decisions, by way of negotiations<sup>25</sup>, bilateral or multilateral (including actions in international organizations). The consequences of this situation are very serious indeed: more

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they own. And what they are able to do depends, in turn, on the education and training they receive", see Robert B. Reich. "Does Corporate Nationality Matter?", in *Issues in Science and Technology*, Winter 1990-91, pp.40-44.

<sup>23</sup>. Nowhere else is that more evident than in Europe, where if we find some very strong autonomic movements (in Spain, France, United Kingdom, etc.), they appear in the context of the european integration which nobody seems to question. Even the secessionist parts of Yugoslavia (particularly Eslovenia and Croatia) seem to be part of a realignment, whereby in a first stage those countries will separate from Yugoslavia to later join the European Union.

<sup>24</sup>. Werner Feld, *Op.cit.*; George Modelski. *Transnational Corporations and World Order*. San Francisco: Freeman & Co., 1974; Philip Taylor. *Non State Actors in International Politics*. Boulder: Westview, 1984.

<sup>25</sup>. The nature of negotiations inevitably reduces to a zero sum game what should be a common pursuit of equally common goals.

often than not, problems remain unsolved and become more difficult; sometimes they are only partially solved.

A cursory look at mankind's current ecological, economic, demographic, cultural, and political problems shows that the situation is untenable; and its continuation can only lead to disaster<sup>26</sup>.

That's why few persons would contest the necessity of finding some kind of solution, although the proposals are widely divergent: some of them stick to the old guns of national sovereignty, while others believe in some kind of world government.

Those different points of departure very naturally lead to different proposals, and while the former see no need to give up the basic conceptions of the UNO and to look for structural changes, the latter think that it is the very structure of the United Nations Organization which conditions the way it works and at the outset condemns to failure any attempt to make the UNO more relevant for our times. To tell it clearly: the current system of the United Nations cannot be made more efficient, for the simple reason that it was not conceived to be efficient.

As things stand now it is easier the Security Council to reach a decision, in matters related to peace and security (if it fits the permanent members) than for the General Assembly to adopt any substantial decision on matters of (economic, environment, etc.) co-operation. Those decisions would not be obligatory anyway.

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<sup>26</sup>. A brief catalogue of the current world problems, in Rushworth M. Kidder. *Reinventing the Future: Global Goals for the 21st Century*. Cambridge: MIT Press, 1989.

Here is where we face an inescapable dilemma: to keep the institutions and the system as they are, and by that to take the risk of letting things get out of control (which they most certainly will), or to draw the logical conclusions from the observation of international reality: that society is no longer adequately served by its obsolete institutions and that it is high time for us to update them.



### 3. A HAMLETIAN UNITED NATIONS : TO BE OR NOT TO BE

There are two ways to deal with this problem: one, probably the first we may think of, is by reforming the United Nations Organization, to give it the leverage it needs to be up to its task; the other way is to create a new organization. We may also think that both options are impractical, because governments lack the political will to carry out the necessary reforms or are prevented by vested interests from doing anything that changes the status quo<sup>27</sup>. In this hypothesis we as scholars might be reduced to the role of observers of the social reality and limited to guessing what is going to happen to a human society pulled by a series of spontaneous forces, without capable and courageous leaders and lacking any sense of purpose.

The establishment of a new organization would be very interesting as an intellectual exercise; if nothing else, because it would let us use our imagination in an unlimited way. It could also lead to some ideal model, which could be used to imagine possible reforms to the existing UNO. However, given the circumstances, it is highly unlikely for any government to take seriously the possibility of creating something completely new. So the only reasonable avenue open to us is the transformation of the United Nations<sup>28</sup>.

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<sup>27</sup>. Hayward R. Alker, Jr. and Bruce M. Russett. *World Politics in the General Assembly*. New Haven: Yale University Press. 1965; M.J. Peterson. *The General Assembly in World Politics*. Boston: Allen & Unwin, 1986.

<sup>28</sup>. It is the most common position. See Ernst B. Haas. *Why we still need the United Nations: The Collective Management of International Conflict, 1945-1984*. Berkeley: Institute of International Studies, 1986. Another point of view, Yale Burton Pines (editor). *A World Without the United Nations: What Would Happen if the United Nations Shut Down*. Washington: The Heritage Foundation, 1984.

Here again we have two options: either to figure out which reforms to the Charter have any chance of receiving the governments' blessings, or to let our imagination loose, and work on a project embedding the reforms we consider to be convenient or necessary, regardless of their possibilities of being enforced.

There is no doubt in my mind that as scholars we have not only the right but also the moral obligation to go beyond the limits of political realism<sup>29</sup>, if only because pragmatism usually kills the imagination, a commodity which unfortunately nowadays is in short supply among the political leaders.

We strongly favor the presentation of a blueprint for a transformed United Nations, to give the organization a new lease of life and to make it more relevant. That can only be accomplished by changing the nature of the UNO, from a simple forum or arena, into a decision making machinery, to deal promptly and expeditiously with the growing problems of the world<sup>30</sup>. That is easier said than done, but imagination does not preclude prudence.

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<sup>29</sup>. In fact, today realism means imagination, to figure out which course the events will follow, in order to anticipate the appropriate solutions which would otherwise come too late. Very often those who call themselves realist disregard reality; they believe or want us to believe that the world will go on as it is today, See Modesto Seara-Vazquez, a series of papers delivered at the ISA Annual Conventions (all of them mimeographed; some of them already published in a Spanish version, in the *Anuario Mexicano de Relaciones Internacionales*, UNAM, Mexico). "Total Revolution or Terminal Entropy", ISA 26th A. C., Washington, 1985; "Global Democracy and Peace", ISA 27th A.C., Anaheim, 1986; "Realistic Utopia vs. Utopian Realism", ISA 28th A. C., Washington, 1987; "Strategies for Strengthening Global Institutions". ISA 29th A.C., Saint Louis, 1988; "The Concept of Intersovereignty", ISA 30th A.C., London, 1989; "Article 2, Paragraphe 7 of the UN Charter and the Concept of Intersovereignty", ISA 31st A.C., Washington, 1990.

<sup>30</sup>. That would be the logical answer to a logical question: is the UN Charter the ultimate legal and political framework for the world? The answer should be yes, would we be living in a motionless world. There is a natural tendency for those who are members of the establishment to regard the current institutions as permanent because it fits their interests.

#### 4. A STEP TOWARD WORLD GOVERNMENT

The first thing to do with the UN Charter is to clean it up, getting rid of some obsolete provisions: all references to II World War enemy states<sup>31</sup>, as well as to the International Trusteeship System and the Trusteeship Council. No opposition may be expected to these long overdue reforms.

In what regards the International Trusteeship System, there are those who think that it should be kept, to deal with the new problems of countries which become ungovernable (Somalia, Liberia, Cambodia, etc.). In my opinion that would be a mistake, for the United Nations should deal with those problems directly and not through an administering authority, as it was the case with the Trusteeship System. The restoration of democracy and governance in those countries should not be taken as a pretext to impose on them any form of subordination to another country. The suspension of operations by the Trusteeship Council, as from November 1, 1995, settles the question; its formal disappearance being now just a matter of time.

But we get into troubled waters when we begin to look into the purposes and principles of the Charter, something which could (and should) lead to put into question the very nature of the organization. As we have already mentioned, the current conception of the UNO, reflecting a more general conception of the international society, is based on the assumption that the states are sovereign and equal; an assumption that precludes the possibility of majority decisions. The

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<sup>31</sup>. See Werner Trutzschler von Falkenstein, *Op.cit.*



adoption of any decisions or the application of those decisions is left to the free (?) will of all the states. In fact, in the real world, the imbalance of power between the states inevitably leads to the imposition of the will of the stronger<sup>32</sup>. That means injustice or inaction, two situations unacceptable in our times of growing needs and rapid change.

The purposes of the Organization must go beyond the maintenance of international (between the states) peace and security, to deal with the greatest menaces to peace, which now do not come from the confrontation between states but from new phenomena like terrorism, narcotraffic, destruction of the environment and the generalization of social and economic turbulence, both at the national and the international level. For that purpose, the United Nations should be granted a greater say in the management of the world (economic, social, cultural, environmental etc.) problems, with real powers.

Meetings like those periodically sustained by the WTO, the G7, G7+1, G8, the much heralded Security Council summit of 1992 or whatever, must be phased out, because they arise undue expectations and create frustrations that lead to a lost of faith in the United Nations.

There we have the big powers at play again, with the old diplomatic games; trying to impose their views on the world; circumscribing themselves to the usual ambiguous proposals of more effective actions regarding peace and security (that is, keeping the status quo), all the while paying lip service to the growing needs of

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<sup>32</sup>. A very interesting reflexion on the meaning of power, in George Liska, *The Ways of Power*. Cambridge: Basil Blackwell. 1990.

a world that is crumbling under their feet. Small talk of small time politicians, when there is a thunderous claim for great statesmen.

In what regards the principles, it is evident that sovereign equality of states is not what it used to be. Neither is the principle of domestic jurisdiction<sup>33</sup>. Whether we like it or not, states are no longer able to totally control their own affairs, external or domestic, and those who insist in ignoring the facts and keep invoking Art.2 paragraphs 1 and 7, do it at their own risk, for those provisions of the Charter are not going to defend them from the interference of the many forces that act at the world level<sup>34</sup>; nor are they going to help solve many of the serious problems the governments are now facing. Some lessons must be drawn from the recent experiences of the last Iraq war, where even a big power like the United States, had to face the fact that no single country has the means to act unilaterally. When president George W. Bush made the fateful decision to ignore the United Nations, he did not realize the trouble he was getting into.

Governments must reach beyond their borders, by means of a reformed and strengthened United Nations. In any case, the principles of sovereign equality and domestic jurisdiction have already been under attack in the practice of the United Nations organs; particularly in the Security Council and the General Assembly, as a cursory look at their practice will show: the UN attitude regarding the politics of

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<sup>33</sup>. A principle already modified by way of interpretation of the Charter. The main example is the Apartheid case, where the United Nations, rightly, decided to intervene in a clear violation (whatever the legal explanations offered) of article 2,7. The extension of the competence of the UN in matters related to human rights is also a indisputable fact, although it could be argued that there is an addition ('de facto' amendment?) to the Charter provisions, by way of the extensive adoption by the UN member states, of the two 1966 International Covenants on Human Rights.

<sup>34</sup>. We only have to look at the Fortune 500, and draw our own conclusions on whether and how much, the economic power of the big industrial and service corporations will encroach on the states power structures and decision making machineries. *Fortune*, 2003.

apartheid is a case in point<sup>35</sup>, as it is the increasing role of the UNO in matters related to human rights. Very illustrative of the prevailing mood among the big (and the not so big) powers, is the decision adopted by the industrialized seven<sup>36</sup> in favor of the intervention "causa humanitatis", a decision which, if made public a few years ago, would have provoked a general outcry, but that went scarcely noticed now<sup>37</sup>; the (military) humanitarian action in Somalia, which was long overdue, did not raise an eyebrow, and for good reason, for the end of the plight of the Somalia people should take precedence over the defense of any theoretical and obsolete conceptions of sovereignty, interpreted as an obligation (or an excuse) to be indifferent to the fate of other people. Unfortunately, the allied powers did not go far enough in Somalia nor in Irak or the former Yugoslavia and the United Nations actions lack the necessary credibility to enforce a swift and lasting solution.

Something similar could be said about the environment, increasingly perceived as affecting all the States, which are more than willing to extern their opinion about the way other states manage their physical environment, a question considered to be typically domestic not long ago<sup>38</sup>.

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<sup>35</sup>. Vid. *Supra*, Note 33. Also George J. de Lint. *The United Nations. The Abhorrent Misapplication of the Charter in Respect of South Africa*. Zwolle: W.E.J. Willink, 1976.

<sup>36</sup>. See Peter I. Hajnal (Comp. and edit.). *The Seven Power Summit: Documents from the Summits of Industrialized Countries, 1975-1989*. Millwood, N.Y.: Kraus International Publications, 1989.

<sup>37</sup>. This passive attitude is typical of the post-cold-war-post-Gulf-war times.

<sup>38</sup>. Those issues undoubtedly go beyond the economy, for they may put mankind's survival at risk. For a sample of the issues involved, see Christopher Flavin. *Slowing Global Warming: A Worldwide Strategy*. Washington: Worldwatch Institute, 1989; Richard Elliot Benedick. *Ozone Diplomacy: New Directions in Safeguarding the Planet*. Cambridge: Harvard University Press, 1991; the same et al. *The Greenhouse Effect: Formulating a Convention*, Washington: World Resources Institute, 1991.

The decisions made and the actions taken by the member States of different groupings, like the European Union, the Seven, or even the participants to the annual Iberoamerican meetings of Heads of States and Governments, and the Rio Conference on the Environment, or the Security Council, should make us understand the true meaning of those new attitudes and the necessity to incorporate into the UN Charter the appropriate provisions to assume the concerns of a great part of the States, to defend the common interest of mankind<sup>39</sup>.

The majority rule is a must, if we are serious about giving the UNO the teeth it now lacks; but some assurances are needed, that the majority rule will not simply mean support for the policies of the more influential powers, nor should it mean a majority of the number of member states, regardless of their size. That is a feat that can only be accomplished through a series of measures that will lead to the real democratization of the UNO, balancing the ideas of justice and efficacy. Reforms should begin at the Security Council and be extended to the General Assembly.

The Security Council can no longer remain an oligarchic organ<sup>40</sup>, although it should reflect the (new) balance of power. At the same time, and for the sake of

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<sup>39</sup>. See Saul Mendlowitz. *On the Creation of the Just World Order*. New York: Free Press, 1975; Rajni Khotari. *Footsteps into de Future*. New York: Free Press, 1975; Peter F. Drucker. *The New Realities*. New York: Harper & Row, 1989.

<sup>40</sup>. About the Security Council, see Jean Cambacau. *Le Pouvoir de Sanction de l'Onu. Etude Theorique de la Coercition Non Militaire*. Paris: Editions A. Pedone, 1974; Sydney D. Bailey. *The Procedure of the U.N. Security Council*. Oxford: Clarendon Press, 1975; Michael Krooekel. *Die Bindungswirkung von Resolutionen des Sicherheitsrates der Vereinten Nationen gegenüber Mitgliedstaaten*. Berlin: Duncker & Humblot, 1977; John C. Stoessinger. *The United Nations and the Superpowers: China, Russia, and America*. New York: Random House, 1977; Gundolf Fahl. *Der Uno-Sicherheitsrat. Analyse und Dokumentation nach dreissigjährigem Bestehen*. Berlin: Berlin Verlag, 1978.

expediency, it should be kept small in size: fifteen members. With those observations in mind, an objective method has to be found to define the composition of the Council.

In a first approach, we considered the possibility to recommend an increase in the number of permanent members, to include Japan, India, an African (Nigeria?) and two Latin American countries (Mexico and Brazil?). It would be only fair to add Germany, but three western European members would be too much. The solution: instead of three individual permanent members, just one, the European Union, represented by France, Germany and the United Kingdom, each serving a one year term. The trouble is that with this approach we would end up with too big a Security Council, of some 19 or twenty members.

For that reason we came with another conception: a Security Council of fifteen members: five permanent; five semi-permanent and five elected. The permanent ones would be the five United Nations Members with the highest number of votes at the General Assembly. The following ten members with the highest number of votes would serve as semi-permanent members, for a one year term, switching places to occupy the five seats. The other five would be elected for a two year term.

The application of this procedure would lead to the following composition of the Security Council:

| <b>Proposed Composition of the Security Council</b> |                           |
|---|---------------------------|
| <b>Votes in the General Assembly</b>                |                           |
| <b>PERMANENT MEMBERS (5)</b>                        |                           |
| United States                                       | 69                        |
| Japan   | 34                        |
| China   | 26                        |
| India   | 25                        |
| Russia  | 20 + PNB?                 |
| <b>SEMI-PERMANENT (5)</b>                           |                           |
| Canada  | 22                        |
| Germany   | 18 + (additional GDR PNB) |
| Brazil  | 17                        |
| France  | 14                        |
| Australia   | 12                        |
| Italy   | 12                        |
| United Kingdom                                      | 12                        |
| Indonesia   | 7                         |
| Mexico  | 6                         |
| Spain   | 6                         |
| <b>ELECTED (5)</b>                                  |                           |

This method is just an example of what could be done to solve the impasse about the composition of the Security Council.

In what regards the voting procedure, the right of veto by any individual permanent member would disappear. Instead, to adopt a decision in non procedural matters, the concurring votes of three (not all) of the permanent members would be required.

With the proposed composition of the Security Council the voting procedure would be the following:

a) Decisions on procedural matters should be made by an affirmative vote of any nine members;

b) Decisions on all other matters should be made by an affirmative vote of nine members, including the concurring votes of three of the permanent members.

How willing the current permanent members of the Security Council may be, to accept any change to the status quo, was shown by their attitude during the unprecedented summit meeting of the Security Council on January 31, 1992. The United States and the United Kingdom had initially discarded any ideas about Japan or any other country joining the Security Council; a very explicit and crude answer to a Japanese declaration, that Japan should be allowed to join that organ, given its economic strength and the fact that Japan's economic contribution to the organization is twice as high as that of Great Britain and France taken together. That position was later modified and the United States declared itself ready to accept permanent membership of Germany and Japan, but on the condition that they were not granted the right of veto.

Another idea they have been playing with, is for the European Union to become a permanent member of the Security Council. The problem with this proposal is that it grants double representation, both as an individuals and as members of an international (in this case the EU) organization, to some countries. The EU permanent membership in the Security Council would not be a bad idea; except for the price the EU member countries would have to pay, for they would have to make a choice between their current individual representation and a new collective representation in all the UNO organs, relinquishing individual membership. For France and the United Kingdom it means to abandon their permanent membership in the Security Council, something we consider unlikely, at least for the time being. But the time may come (sooner than later) when they have to open their

eyes to the harsh realities of life and realize that neither of them are the powers they used to be.

There is a certain consensus (tabled in March 1997) within the General Assembly about the eventual enlargement of the Security Council:

a) there should be five additional permanent members (Germany, Japan and three developing countries), and four additional non permanent members;

b) the new permanent members should have no power of veto;

c) the right of veto for the original permanent members should be restricted to the application of Chapter VII of the Charter.

If carried out, this reform would be inconvenient for many reasons: it gives Europe an unjustified overrepresentation (England, France, Germany and Russia); unduly establishes two kind of permanent members ; and creates a group of privileged members without any provision for a periodical revision of the situation.

The General Assembly<sup>41</sup> is also in need of some restructuring:

a) Due consideration should be given to the inclusion of the micro states, with limited rights and duties;

b) The regular member states should be given a different number of (weighted) voting rights in accordance with a combination of some variables: territory, population, GNP. It is unfair and undemocratic that the decisions of the General Assembly be decided, as it sometimes happens, by a majority of member countries that represent a very small proportion of the total UNO population.

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<sup>41</sup>. See Blanche Finley. *The Structure of the United Nations General Assembly. Its Committees, Commissions and other Organisms, 1946-1973*. Vols. I, II and III. Dobbs Ferry: Oceana Publications. 1977; Kurt Jacobsen. *The General Assembly of the United Nations. A Quantitative Analysis of Conflict, Inequality, and Relevance*. New York: Columbia University Press. 1978; Zbigniew M. Klepacki, *The Organs of International Organizations*. Alphen aan den Rijn: Sijthoff & Noordhoff. 1978.



c) Due consideration should be paid to the new reality of the regional groupings (EC, NAFTA, etc.) , and the national minorities (if the corresponding member states make no objection) by granting them observer status, with no

#### MEMBERSHIP OF THE UNITED NATIONS. APRIL 1999, 185 Members

|             |             |           |            |
|-------------|-------------|-----------|------------|
| Afghanistan | Cameroon    | Ethiopia  | Kazakhstan |
| Albania     | Canada      | Fiji      | Kenya      |
| Algeria     | Cape Verde  | Finland   | Kirgizstan |
| Andorra     | Central     | France    | Korea,     |
| Angola      | African     | Gabon     | Democrat.  |
| Antigua and | Republic    | Gambia    | People,s   |
| Barbuda     | Chad        | Georgia   | Republic   |
| Argentina   | Chile       | Germany   | Korea,     |
| Armenia     | China       | Ghana     | Republic   |
| Australia   | Colombia    | Greece    | Kuwait     |
| Austria     | Comoros     | Grenada   | Laos       |
| Azerbaijan  | Congo       | Guatemala | Popular    |
| Bahamas,    | Costa Rica  | Guinea    | Democrat.  |
| The         | Côte        | Guinea    | Republic   |
| Bahrain     | d'Ivoire    | -Bissau   | Latvia     |
| Bangladesh  | Croatia     | Guyana    | Lebanon    |
| Barbados    | Cuba        | Haiti     | Lesotho    |
| Belau       | Cyprus      | Honduras  | Liberia    |
| Belgium     | Czech       | Hungary   | Libya      |
| Belize      | Republic    | Iceland   | Liechten-  |
| Benin       | Denmark     | India     | stein      |
| Bhutan      | Djibouti    | Indonesia | Lithuania  |
| Bolivia     | Dominica    | Iran,     | Luxembourg |
| Bosnia-     | Dominican   | Islamic   | Macedonia  |
| Herzegov.   | Republic    | Republic  | Madagascar |
| Botswana    | Ecuador     | of        | Malawi     |
| Brazil      | Egypt       | Iraq      | Malaysia   |
| Brunei      | El Salvador | Ireland   | Maldives   |
| Bulgaria    | Equatorial  | Israel    | Mali       |
| Burkina     | Guinea      | Italy     | Malta      |
| Fasso       | Eritrea     | Jamaica   | Marshall   |
| Burundi     | Eslovakia   | Japan     | Islands    |
| Byelarus    | Eslovenia   | Jordan    | Mauritania |
| Cambodia    | Estonia     | Kampuchea | Mauritius  |

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Mexico      | Philippines | and         | United Arab |
| Micronesia  | Poland      | Nevis       | Emirates    |
| Federated   | Portugal    | St.Lucia    | United      |
| States of   | Qatar       | St.Vincent  | Kingdom     |
| Moldova     | Romania     | and the     | United      |
| Monaco      | Russia      | Grenadines  | States      |
| Mongolia    | Rwanda      | Sudan       | Uruguay     |
| Morocco     | Sao Tome    | Suriname    | Uzbekistan  |
| Mozambique  | and         | Swaziland   | Vanuatu     |
| Myanmar     | Principe    | Sweden      | Venezuela   |
| Namibia     | Saudi       | Syrian Arab | Viet Nam    |
| Nepal       | Arabia      | Republic    | Western     |
| Netherlands | Senegal     | Tajikistan  | Samoa       |
| New Zealand | Seychelles  | Tanzania    | Yemen,      |
| Nicaragua   | Sierra      | Thailand    | Republic    |
| Niger       | Leone       | Togo        | of          |
| Nigeria     | Singapore   | Trinidad    | Yugoslavia, |
| Norway      | Solomon     | and         | Federal     |
| Oman        | Islands     | Tobago      | Republic    |
| Pakistan    | Somalia     | Tunisia     | Zaire       |
| Panama      | South       | Turkey      | Zambia      |
| Papua New   | Africa      | Turkmen-    | Zimbabwe    |
| Guinea      | Spain       | istan       |             |
| Paraguay    | Sri Lanka   | Uganda      |             |
| Peru        | St.Kitts    | Ukraine     |             |

voting rights, within the General Assembly.

However, and for similar reasons to those of the Security Council, the principle of equality precludes the concession of the benefits of full membership to any international organization, whose member states are already individual members of the UNO Assembly. They would otherwise have unfair double representation.

The competence of the General Assembly should be enlarged, to exclude the possible application of article 2, 7 in matters of environment, demography, peace and security, trade, public health, disarmament, and human rights, etc., when they represent an important global dimension. The decision on the determination of

which questions have "an important global dimension" should be left to the General Assembly itself.

There is a long list of subjects which could be included in the world agenda:

## AN AGENDA FOR THE WORLD

1. Environment
  - 1.1. Conservation of living species
  - 1.2. Deforestation
  - 1.3. Desertification
  - 1.4. Pollution
  - 1.5. Ozone layer
  - 1.6. Greenhouse effect
  - 1.7. Energetics
  - 1.8. Management of scarce resources
  - 1.9. Preservation of ecosystems
2. Economy
  - 2.1. Food production and distribution
  - 2.2. External debt
  - 2.3. World Monetary System
  - 2.4. World trade
  - 2.5. Raw materials and manufactured goods
  - 2.6. Financial markets
  - 2.7. Technology transfer
  - 2.8. Regional economic co-operation and integration
3. Social problems
  - 3.1. Demography
    - 3.1.1. Demographic growth
    - 3.1.2. Migratory movements
    - 3.1.3. Urban concentration
  - 3.2. Human rights
  - 3.3. Nationalism's and regionalisms
  - 3.4. Education
  - 3.5. Scientific and technological development
  - 3.6. Culture and mass media
  - 3.7. Drug trafficking
  - 3.8. Public health
4. Political problems
  - 4.1. Armaments
    - 4.1.1. Production
    - 4.1.2. Arms transfer
    - 4.1.3. Control and reduction
  - 4.2. Peaceful solution of current conflicts
  - 4.3. Peace enforcement
  - 4.4. Reordering of the world (freedom, democracy, and co-operation and solidarity; reform of the national and international structures)
5. Emergency actions in case of natural or man-made disasters

It is also essential that the international financial currents as well as the questions of external debt<sup>42</sup>, international economic assistance<sup>43</sup> and the use of (global) mass media <sup>44</sup> be considered as normal business to be dealt with by the General Assembly.

It is necessary to strike a balance between the powers of member governments and the common interest of mankind. A solution could perhaps be found by enabling the General Assembly to overrule the members' powers if and when a resolution is adopted by a qualified (2/3?, 3/4?) majority; a case which would make the resolution obligatory.

Reducing the widening gap between developing and industrialized nations is not only a question of justice but of human survival, for the continuation of the current situation is leading mankind towards its own destruction. The solution calls for a responsible attitude, from the rich ones, who must be ready to share their well being and even reduce their excessive consumption; but it also calls for an equally responsible attitude on the part of the ruling classes (including the governments) of the developing countries, who find it very convenient to stage the claims in the

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<sup>42</sup>. The future of many countries is linked to an eventual solution to the problems of their external debt. See G.K. Helleiner. *The New Global Economy and the Developing Countries*. Brookfield: Edward Elgar. 1990; Scott B. MacDonald, Margie Lindsay and David L. Crum. *The Global Debt Crisis: Forecasting for the Future*. London/New York: Pinter. 1990.

<sup>43</sup>. In need of some kind of international regulation. See Graham Hancock. *Lords of Poverty: The Power, Prestige and Corruption of the International Aid Business*. New York: Atlantic Monthly Press.

<sup>44</sup>. See Leonard R. Sussman. *Power, the Press and the Technology of Freedom*. New York: Freedom House, 1990.

name of their peoples but refuse to pay the right price: to renounce to their own privileges.

It is not logical nor tolerable to call for international solidarity, in order to diminish the misery of those who have nothing, while at the same time proudly rejecting any concessions in regard to the political power which led to the wrong decisions, in part responsible for the mess we are in. In the search for a solution to this contradiction a new United Nations should and could play a key role.

The establishment of a more perfect (or less imperfect) world order demands a reinforcement of the international judicial system <sup>45</sup>. That could be accomplished by creating a series of regional courts, to deal with all regional disputes submitted to them by one or both parties, with the right to appeal their sentences to the International Court of Justice. The jurisdiction of the Courts (regional of International) should be obligatory. A final proposal regarding the ICJ: no member state should be allowed to have a judge at the ICJ, or any of the other Courts for more than two consecutive terms; a waiting period of nine years should be mandatory <sup>46</sup>.

It is also essential to reinforce the role of the Secretary General <sup>47</sup>, by giving him more powers. For example, to convene the Security Council, when there is a

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<sup>45</sup>. Much has been said and written about the necessity of changing the International Court of Justice. See Richard Falk. *Revising the World Court*. Charlottesville: University Press of Virginia. 1986; Thomas M. Frank. *Judging the World Court*. New York: Priority Press. 1986.

<sup>46</sup>. The first time this system was applied a part of the permanent members' judges should have to be elected for periods of three, six or nine years, repeating the experience of the ICJ in the forties.

<sup>47</sup>. The role the Secretary General plays depends on many different factors, including his own personality. See Theodor Meron. *The United Nations Secretariat: The Rules and the Practice*. Lexington and Toronto: Lexington Books. 1977. An insight into the thoughts of a former Secretary-General, in Andrew W. Cordier and

situation that "in his opinion may threaten the maintenance of international peace and security", or to call for an extraordinary meeting of the General Assembly if he gets the support of the majority of the Security Council members. His position would also be reinforced if the Security Council recommendation to the General Assembly was suppressed and his appointment, was left to the exclusive competence of the General Assembly. This solution would remove any suspicion that the Secretary Generals are elected to serve, or at least not to contradict, the interests of the permanent members of the Security Council.

Any attempt to increase the powers of the Secretary General or of the organization as a whole, would be meaningless if the problem of the financial independence of the United Nations is not definitely solved. In September 1992, only 52 member states had fully paid their ordinary contributions to the United Nations, while the rest of the member states were in arrears of 908.5 million USA dollars. In what regards the peace-keeping operations, the amount due was 844.4 million USA dollars. Without financial security, the Organization cannot work properly.

The pattern of debt is very consistent and "as of 28 February 1999, Member States owe the United Nations over \$2.9 billion for current and past assessments -- \$1.7 billion for peacekeeping, nearly \$1.1 billion for the regular UN budget, and \$148 million for international tribunals. The largest debtor, the United States, owes the UN \$1.69 billion for past and current assessments, two-thirds of the total due. This

debt includes \$620 million for the regular budget and \$1.07 billion for peacekeeping and international tribunals"<sup>48</sup> .

At the end of 1998, 68 countries had failed to pay their dues in full, but by January 31, 1999, the number was 153.

A report submitted to Boutros-Ghali, on February 23, 1993, by an international panel chaired by former Under-Secretary General Sir Brian Urquhart, called for a US\$ 400.000.000 revolving fund, to cover the start up costs of peace keeping operations.<sup>49</sup>

Included in the amendments offered to the UN Charter are some proposals for a system of international taxation, which although not very heavy might give the organization the independence it needs in front of the irresponsibility of many member states.

It is high time for us to think about the necessity of imposing some kind of sanction on those who do not fulfill their financial obligations, and if political expediency exclude the application of the sanctions considered in article 19 of the Charter<sup>50</sup> the possibility of a financial penalty, along the lines of the former Secretary General Pérez de Cuellar's proposal should be given careful

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<sup>48</sup> UN Headquarter sources.

<sup>49</sup> As reported in *Keesing's Contemporary Archives*, p. .39345.

<sup>50</sup> "A member of the United Nations which is arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years". Two observations:

a) An exception may be made by the General Assembly "if it is satisfied that the failure to pay is due to conditions beyond the control of the members".

b) The expenses due to peace keeping operations are considered to be part of "the expenses of the Organization" in the meaning of article 17, 2. The International Court of Justice made that very clear in its Advisory Opinion of July 20, 1962.



consideration. It is only fair that the debtor countries pay some interests for the amounts they owe the Organization.

## CONCLUSION

We are well aware of the difficulties that lay ahead in the way towards a better United Nations. However, it is our feeling that nowadays a universal organization is too important for the future of mankind, as to shy away from the decisions that have to be made, and that should have been made a long time ago.

Perhaps the key word for our times is globalism, which could be defined as an accelerating process of world integration, whose main characteristic is a tension between the growing expectations of the peoples and the seemingly unstoppable waning of natural resources. In the coming years, the great challenge for mankind is to find a way to create a new social organization, able to preserve the environment, optimize the economy, improve the distribution of wealth and secure human rights. Past and present political institutions may have their explanation in the egotism of individuals or classes; but as from now, it must be clear to everyone that social egotism is incompatible with human survival.

Fortunately, circumstances have dramatically changed in the last years and the time may be ripe for a great leap forward. Today man has a unique opportunity to rationally find the institutions that fit the historical moment. If once again we miss this opportunity, we may find ourselves in the same predicament we were in not long ago, reduced to the strange role of political actors who in fact are only passive witnesses of their own destiny.

The following proposal of a new Charter of the United Nations Organization pretends to open a fresh discussion, breaking taboos that have to be broken; but letting imagination take precedence over realism. Anyway, realism does not mean keeping the eyes fixed on the past, but opening them, wide open, to the future.

We let the 50 anniversary of the United Nations go without doing anything about the necessary changes for the UNO to become relevant again. So far the Secretary General Koffi Annan's proposals do not go farther than a restructuring of the administration. Nobody argues about the convenience of making changes to the UN Secretariat, but downsizing is not enough; it may even be wrong, if it means diminishing the capability of the organization to face the challenges of the next Century<sup>51</sup>.

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<sup>51</sup> In 1992 the UN General Assembly set up five working groups: a) WG on the Security Council Reform; b) WG on the Financial situation of the United Nations; c) WG on an Agenda for Peace; d) WG on an Agenda for Development; e) WG on strengthening the UN System.

# CHARTER OF THE UNITED NATIONS

As in Force, in April 1999

The parts to be suppressed are highlighted in Italics

# CHARTER OF THE UNITED NATIONS

A Proposal

The proposed additions to the current Charter are highlighted in italics

## PREAMBLE

WE THE PEOPLES  
OF THE UNITED NATIONS  
DETERMINED

to save succeeding generations from the scourge of war, which *twice in our lifetime* has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

PREAMBLE

WE THE PEOPLES  
OF THE UNITED NATIONS  
DETERMINED

to save succeeding generations from the scourge of war, which *in history* has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom *for all the peoples of the world*, and

*to keep the natural environment fit for human life, organizing the exploitation of natural resources in a rational way so that sustainable development can be achieved*

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and  
to ensure by the acceptance of principles and the institution of methods, that  
armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the  
economic and social advancement of all the peoples,

HAVE RESOLVED TO  
COMBINE OUR EFFORTS TO  
ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present new Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.



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to unite our strength to maintain international peace and security, and

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ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present *new* Charter of the United Nations and do hereby *reform* the international organization known as the United Nations.

CHAPTER I  
PURPOSES AND PRINCIPLES

ARTICLE 1

The purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about, by peaceful means and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations that may lead to breaches of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation to solve international problems of an economic, social, cultural or humanitarian character; and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

**CHAPTER I**  
**PURPOSES AND PRINCIPLES**

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1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about, by peaceful means and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations that may lead to breaches of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving global and international problems of an economic, social, cultural or humanitarian character; in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and in managing the environment;
4. To be a center for harmonizing the actions of nations in the attainment of this common ends.

## ARTICLE 2

The Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following Principles:

1. The Organization is based on the paramount principle of *the sovereign equality* of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes, in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

## ARTICLE 2

The Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following Principles:

1. The Organization is based on the paramount *principle of solidarity of all human beings, and with due respect to the sovereignty of all Members as defined in this Charter.*

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

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5. All Members shall give the United Nations every assistance in any action it takes, in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. *Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*

## CHAPTER II MEMBERSHIP

### ARTICLE 3

*The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco or having previously signed the Declaration by United Nations of January 1942, sing the present Charter and ratify it in accordance with Article 110.*

### ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. The United Nations shall not intervene in matters which *according to the present Charter, as interpreted by the United Nations organs,* are essentially within the domestic jurisdiction of the Members.

## CHAPTER II MEMBERSHIP

### ARTICLE 3

Full Members *of the United Nations are the states which, have signed the present Charter and ratified it in accordance with Article 110. There will also be associate Members, as defined in the following article.*

### ARTICLE 4

1. Full membership in the United Nations is open to any other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be affected by a decision of the General Assembly *upon the recommendation of the Security Council.*

#### 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 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.

#### 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.*



2. The admission of any such state to membership in the United Nations will be affected by a decision of the General Assembly.

3. *The General Assembly may accept as associate Members: micro states, national minorities, and regional organizations. They will have observer status with no voting rights, and besides being members of the General Assembly they may be elected to the Economic and Social Council.*

#### ARTICLE 5

1. *A Member of the United Nations, which has persistently violated the Principles contained in the present Charter or against which preventive or enforcement action has been taken by the United Nations may be suspended from the exercise of rights and privileges of membership by the General Assembly. The rights and privileges may be restored by the Security Council.*

2. *Full Members may not be expelled from the Organization; but associate members may be expelled if the General Assembly so decides, by a two third majority of votes.*

## CHAPTER III

## ORGANS

## ARTICLE 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a *Trusteeship Council*, an International Court of Justice and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

## ARTICLE 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

## CHAPTER IV

## THE GENERAL ASSEMBLY

## Composition

## ARTICLE 9

1. The General Assembly shall consist of all the Members of the United Nations.

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### CHAPTER IV

#### THE GENERAL ASSEMBLY

##### Composition

##### ARTICLE 8

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each member shall have not more than five representatives in the General Assembly.

#### Functions and Powers

##### ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to both on any such questions or matters.

##### ARTICLE 11

1.- The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

*2. The Members may be full members or associate, the latter including the micro states, the national minorities and regional organizations. The associate Members have no voting rights.*

3. Each full Member shall have no more than five representatives in the General Assembly. *The associate members shall have only one representative attending the plenary meetings.*

## Functions and Powers

### ARTICLE 9

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 11, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

### ARTICLE 10

1. The General Assembly may consider the General principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 11, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 9.

## ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendations with regard to that dispute or situation unless the Security Council so requests.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 33, paragraph 2, and, except as provided in Article 11, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly, *along with its recommendation for action, and in that case, the Security Council shall make its decision by a majority vote of any nine members.*

3. The General Assembly may call the attention of the Security Council to any other situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 9.

#### ARTICLE 11

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendations with regard to that dispute or situation unless the Security Council so requests *by a majority vote of any nine members.*

2. The Secretary-General, *with the consent of the Security Council*, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

#### ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of :

- a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.



2. The Secretary-General shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

#### ARTICLE 12

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international co-operation in the economic, social, cultural, educational and health fields, *as well as in the preservation and management of the environment* and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph (b) above are set forth in Chapters IX and X.

#### ARTICLE 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

#### ARTICLE 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

#### ARTICLE 16

*The General Assembly shall perform such function with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.*

### ARTICLE 13

Subject to the provisions of Article 11, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general value or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

### ARTICLE 14

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

## ARTICLE 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

## ARTICLE 15

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members, as apportioned by the General Assembly.

3. *In order to create independent sources of financing for the organization, the Member states agree that a system of taxation be established by the General Assembly on all economic activities carried out in the spaces of common use: in particular, the following activities will be taxed:*

- a. International air transportation, of both passengers and goods.*
- b. International maritime transportation, of both passengers and goods.*
- c. Fishing in international waters. The ships carrying out those activities shall buy from the United Nations a one year permit.*
- d. Any form of economic exploitation of outer space carries the obligation to pay a tax.*
- e. All international mail shall use an additional stamp, issued by the United Nations. Its worth shall be equivalent of the lowest denomination stamp in use in each country.*



*f. The taxes shall be collected by each member state under the supervision of a special Committee set up by the Secretary General, and they shall be sent to the organization before the end of January of the following year.*

**4. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 55 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.**

## Voting

### ARTICLE 18

1. Each Member of the General Assembly shall have *one vote*.
2. Decisions of the General Assembly on important questions shall be made by a two-third majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Economic and Social Council, *the election of members of the Trusteeship Council, in accordance with paragraph 1 (c) of Article 86*, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on all other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.



## Voting

### ARTICLE 16

1. *Each Member of the General Assembly shall have a number of votes proportionate to its population, territory and GNP: one vote for every 50 million inhabitants or fraction, plus another vote for every million of square kilometers of territory or fraction, plus one vote for every one hundred billion dollars of GNP or fraction. Every ten years the distribution of votes shall be revised by the General Assembly.*

2. Decisions of the General Assembly on important questions shall be made by a two-third majority of the votes of the members present and voting. These questions shall include: recommendations with respect to the peaceful solution of conflicts and the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, *the election of the Secretary General*, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, *the expulsion of associate members*, *questions related to the global aspects of the natural environment*, and budgetary questions.

3. Decisions on all other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the votes of the members present and voting.

#### ARTICLE 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

#### Procedure

#### ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

*4. Decisions on matters of conservation of the environment which are of a global nature, are obligatory for all states, if adopted by a two-third majority.*

#### ARTICLE 17

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member; *otherwise that member will be forced to pay interests at the rate in force in its own country.*

*Any associate Member in the same situation shall have its membership terminated if the General Assembly so decides.*

#### Procedure

#### ARTICLE 18

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General *by its own initiative*, or at the request of the Security Council or of a majority of the Members of the United Nations.

## ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its own President for each session.

## ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

## CHAPTER V

### THE SECURITY COUNCIL

#### Composition

## ARTICLE 23

1. The Security Council shall consist of fifteen members of the United Nations. *The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council.* The General Assembly shall elect *ten* other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the equitable geographical distribution.

**ARTICLE 19**

The General Assembly shall adopt its own rules of procedure. It shall elect its own President for each session.

**ARTICLE 20**

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

**CHAPTER V****THE SECURITY COUNCIL****Composition****ARTICLE 21**

*1. The Security Council shall consist of fifteen members of the United Nations. The five Members with the highest number of votes in the General Assembly, will be permanent Members of the Security Council. The following ten Members with the highest number of votes in the General Assembly shall be semi-permanent Members of the Security Council; they shall alternatively serve a one year period.*

The General Assembly shall elect five other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to their contribution to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographic distribution.

2. The non-permanent members of the Security Council shall be elected for a term of *two* years. *In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year.* A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

## Functions and Powers

### ARTICLE 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for discharge of these duties are laid down in Chapters VI, VII, VIII, *and XII.*

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

2. The non-permanent members of the Security Council shall be elected for a term of two years. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

## Functions and Powers

### ARTICLE 22

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for discharge of these duties are laid down in Chapters VI, VII, and VIII,

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

## ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

## ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

## Voting

## ARTICLE 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by the affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of *the permanent members*; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.



### ARTICLE 23

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter. *Any armed attack against the military or civil personnel of the United Nations , engaged in a peace-keeping operation shall be considered a crime "jure gentium"*.

### ARTICLE 24

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 45, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

### Voting

### ARTICLE 25

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by the affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of *three of the permanent members*; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 50, a party to a dispute shall abstain from voting.

Procedure

ARTICLE 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

5. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

ARTICLE 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

ARTICLE 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

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#### ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

#### ARTICLE 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

### CHAPTER VI

#### PACIFIC SETTLEMENT OF DISPUTES

#### ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

#### ARTICLE 29

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

#### ARTICLE 30

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion related to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

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1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The *Security Council* shall, when it deem necessary, call upon the parties to settle their dispute by such means.

#### ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

#### ARTICLE 35

1. Any member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

2. The *General Assembly or the Security Council* shall, when *they* deem necessary, call upon the parties to settle their dispute by such means.

#### ARTICLE 32

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

#### ARTICLE 33

1. Any member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 32, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be submitted to the provisions of Articles 10 and 11.

## ARTICLE 36

1. The *Security Council* may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The *Security Council*, should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the *Security Council* should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

## ARTICLE 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the *Security Council*.

2. If the *Security Council* deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.



#### ARTICLE 34

1. The Security Council *or the General Assembly, if the Security Council is not holding a meeting in regard to it*, may at any stage of a dispute of the nature referred to in Article 31 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council *or the General Assembly*, should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council *or the General Assembly* should also take into consideration that legal disputes should as a general rule be referred by the parties *to the Regional Courts or to the International Court of Justice* in accordance with the provisions of the Statute of the Court.

#### ARTICLE 35

1. Should the parties to a dispute of the nature referred to in Article 31 fail to settle it by the means indicated in that Article, they shall refer it *to the General Assembly or to the Security Council*.

2. If the Security Council, *or the General Assembly in case the Security Council fails to act*, deem that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, they shall decide whether to take action under Article 34 or to recommend such terms of settlement as they may consider appropriate.

### ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## CHAPTER VII

### ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

### ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

### ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

### ARTICLE 36

Without prejudice to the provisions of Articles 31 to 35, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## CHAPTER VII

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#### ARTICLE 41

The Security Council may decide which measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

#### ARTICLE 42

Should the Security Council consider that the measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such actions by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by sea, air, or land forces of Members of the United Nations.

#### ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including right of passage, necessary for the purpose of maintaining international peace and security.

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2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and Groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plan for their combined action shall be determined, within the limits laid down in the special

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agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of International peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the *permanent* members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.



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2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent *and semi-permanent* members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. *Questions relating to the command of such forces shall be worked out subsequently.*

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. *The Commander in Chief of those forces shall be elected by all members of the Security Council.*

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### ARTICLE 46

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

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#### ARTICLE 47

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution to those problems.

#### ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

#### ARTICLE 48

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution to those problems.

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CHAPTER VIII  
REGIONAL ARRANGEMENTS

ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies to dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

CHAPTER VIII  
REGIONAL ARRANGEMENTS

ARTICLE 50

1. Nothing in the present Charter precludes the existence of regional agreements or agencies to deal with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council or the General Assembly.

3. The Security Council and the General Assembly shall encourage the development of pacific settlement of local disputes through such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

*4. There may be regional organizations with purposes other than the maintenance of international peace and security, particularly for the development of regional economic and social co-operation.*

5. This Article in no way impairs the application of Articles 32 and 33.

## ARTICLE 53

The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangement without the authorization of the Security Council, *with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.*

*2. The term enemy state used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.*

## ARTICLE 54

The Security Council shall, at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.



**ARTICLE 51**

The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangement without the authorization of the Security Council, *which is also necessary when the organ of a regional arrangement pretends to invoke the right of collective self defense.*

**ARTICLE 52**

The Security Council shall, at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX  
INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standard of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation;
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

## CHAPTER VIII

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- b. solutions of international economic, social, *environmental*, health, and related problems; and international cultural and educational co-operation;
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- d. *adequate management of world resources, and preservation of the natural environment, in order to secure the Planet for future generations.*

#### ARTICLE 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

#### ARTICLE 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

#### ARTICLE 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

#### ARTICLE 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

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1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, *environmental*, health, and related fields, shall be brought into relationship with the United Nations in accordance with provisions of Article 61.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

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The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 53.

## ARTICLE 60

Responsibilities for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

## CHAPTER X

## THE ECONOMIC AND SOCIAL COUNCIL

## Composition

## ARTICLE 61

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. *Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.*

3. *At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the elected in place of the nine members whose term of office expires at the end of that year, twenty seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, in accordance with arrangements made by the General Assembly.*

**ARTICLE 58**

Responsibilities for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

**CHAPTER X****THE ECONOMIC AND SOCIAL COUNCIL****Composition****ARTICLE 59**

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. *In order to partially renovate the Economic and Social Council, and secure continuity in its work, eighteen members shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.*

4. Each member of the Economic and Social Council shall have one representative.

#### Functions and Powers

##### ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.



3. Each member of the Economic and Social Council shall have one representative.

*4. The associate Members of the United Nations may be invited to participate without vote, in the sessions of the Economic and Social Council.*

## Functions and Powers

### ARTICLE 60

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, *environmental*, health and related matters and may make recommendations to respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

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3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences in matters falling within its competence.

## ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such Agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

## ARTICLE 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

#### ARTICLE 61

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 55, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such Agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

#### ARTICLE 62

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

## ARTICLE 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

## ARTICLE 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the decisions of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

## Voting

## ARTICLE 67

1. Each member of the Economic and Social Council shall have *one vote*.

2. Decisions of the Economic and Social Council shall be made by a majority of the votes of the members present and voting.

**ARTICLE 63**

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

**ARTICLE 64**

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the *decisions* of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

**Voting****ARTICLE 65**

1. *Each member of the Economic and Social Council shall have the same number of votes as they have at the General Assembly.*

2. Decisions of the Economic and Social Council shall be made by a majority of the votes of the members present and voting.

Procedure

ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

## Procedure

### ARTICLE 66

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights and *the preservation of nature*, and such other commissions as may be required for the performance of its functions.

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The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote , in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

#### ARTICLE 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organization and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

#### ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.



#### ARTICLE 69

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations.

#### ARTICLE 70

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

## ARTICLE 73

1. Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained full measure of self-government recognize the principle that *the interests of the inhabitants of these territories are paramount and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories and, to this end:*

*a. to ensure, with due respect for the culture of the people concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses;*

*b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its people and their varying stages of advancement;*

*c. to further international peace and security;*

## DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

### ARTICLE 71

1. Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained full measure of self-government recognize the principle that *at this point, self-determination is the only way to really respect the interests of the inhabitants of these territories.*

2, *Self-determination may lead to independence, but also to some kind of link between the state responsible for the administration and the non self governing territory, the most important thing being that the free expression of the people's will has been guaranteed.*

3. *In order to secure that free expression of will, a popular consultation must be carried out under the auspices of the United Nations.*

*d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with a view to the practical achievement of the social economic, and scientific purpose set forth in this Article; and*

*e. to transmit regularly to the Secretary-General for information purpose, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social and educational condition in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.*

#### ARTICLE 74

*Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.*

CHAPTER XII  
*INTERNATIONAL TRUSTEESHIP SYSTEM*

#### ARTICLE 75

*The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.*

#### ARTICLE 76

*The basic objectives of the trusteeship system, in accordance with the Purpose of the United Nations laid down in Article 1 of the present Charter, shall be:*

- a. to further international peace and security;*
- b. to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstance of each territory and its people and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;*
- c. to encourage respect for human right and for fundamental freedoms for all without distinction as to encourage recognition of the interdependence of the peoples of the world; and*

## CHAPTER XII

### INTERNATIONAL PROTECTION

## ARTICLE 72

1. *The signatories of this Charter affirm their solidarity with one another, and their obligation to come to the rescue of any people who goes through an unusual situation of duress, due to a natural disaster or to civil strife.*

2. *In case of a natural disaster, no assistance may be given without a formal request by the government concerned.*

3. *In case of civil strife, when there is no effective control of the country by any faction or by the government, the Organization may decide on a collective action to secure the well-being of the people affected. This collective action shall proceed according to the following principles and rules of procedure:*

*a. The situation must be of such a serious nature that the survival of the country is at play, because the economic infrastructure is being destroyed, all the population or part of it is harassed, murdered or subject to any kind of servitude, and there is no prospect of a prompt return to normality.*

*d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their national, and also equal treatment for the attainment of the foregoing objectives and subject to the provisions of Article 80.*

#### ARTICLE 77

*1. The trusteeship system shall apply such territories in the following categories as may be placed thereunder by means of trusteeship agreements:*

*a. territories now held under mandate;*

*b. territories which may be detached from enemy states as a result of the Second World War; and*

*c. territories voluntarily placed under the system by states responsible for their administration.*

*2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.*

#### ARTICLE 78

*The trusteeship system shall not apply to territories which have become Members of the United Nations, relation ship among which shall be based on respect for the principle of sovereign equality.*



*b. The decision to intervene must have the support of a large part of the Organization and for that it must be the General Assembly's decision following the recommendation of the Security Council.*

*c. The pacification through armed intervention must be followed by an attempt to conciliate the political forces in presence. Only if that solution proves to be impossible shall the United Nations establish a provisional government, which under the authority of the organization will try to restore normality.*

*d. Once this new government takes over control of the country, the Security Council shall vote on whether the conditions have been met for the UN forces to leave.*

## ARTICLE 79

*The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.*

## ARTICLE 80

*1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any people or the terms of existing international instruments to which Members of the United Nations may respectively be parties.*

*2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiate and conclusion of agreements for placing mandated and other territories under the trusteeship system as provides for in Article 77.*

## ARTICLE 81

*The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust*



*territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.*

#### ARTICLE 82

*There may be designated , in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.*

#### ARTICLE 83

*1. All function of the United Nations relating to strategic areas, including the approval of terms of the trusteeship agreements and of their alteration or amendment, shall be exercise by the Security Council.*

*2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.*

*3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those function of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.*

#### ARTICLE 84

*It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of voluntary forces, facilities and assistance from the*



*trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.*

#### ARTICLE 85

*1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.*

*2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.*

### CHAPTER XIII

#### THE TRUSTEESHIP COUNCIL

##### *Composition*

#### ARTICLE 86

*1. The Trusteeship Council shall consist of the following Members of the United Nations:*

- a. those Members administering trust territories;*
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and,*
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total*



*number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.*

*2. Each member of the Trusteeship Council shall designate one specially qualified persons to represent it therein.*

#### *Functions and Powers*

##### *ARTICLE 87*

*The General Assembly and, under its authority, the Trusteeship council, in carrying out their function, may:*

- a. consider reports submitted by the administering authority;*
- b. accept petition and examine them in consultation with the administering authority;*
- c. provide for periodic visits to the respective trust territories at time agreed upon with the administering authority; and;*
- d. take these and other actions in conformity with the terms of the trusteeship agreements.*

##### *ARTICLE 88*

*The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.*





## *Voting*

### ARTICLE 89

1. *Each Member of the Trusteeship Council shall have one vote.*
2. *Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.*

## *Procedure*

### ARTICLE 90

1. *The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.*
2. *The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meeting of the request of a majority of its members.*

### ARTICLE 91

*The Trusteeship Council shall, when appropriate, avail itself of the assistance of Economic and Social Council and of the specialized agencies in regard to matter with which they respectively concerned.*



CHAPTER XIV  
*THE INTERNATIONAL COURT OF JUSTICE*

ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, *which is based upon the Statute of the Permanent Court of International Justice* and forms an integral part of the present Charter.

**CHAPTER XIII**  
**THE INTERNATIONAL JUDICIARY SYSTEM**

**ARTICLE 73**

*The International Judiciary System shall be formed by the International Court of Justice, the four Regional Courts and the World Tribunal of Criminal Justice.*

**ARTICLE 74**

1. The International Court of Justice shall be the principal judicial organ of the United Nations. *It is composed of fifteen judges and shall function in accordance with the annexed Statute, which forms an integral part of the present Charter.*

2. *Four regional courts shall be established: the International Court for Europe; the International Court for Africa; the International Court for Asia; and the International Court for America. They shall be composed by five judges.*

3. *All international controversies shall be submitted to these courts before going to the International Court of Justice. They shall function in accordance with the same Statute of the International Court of Justice.*

**ARTICLE 93**

1. All Members of the United Nations are **ipso facto** parties to the *Statute of the International Court of Justice*.

2. A state which is not a Member of the United Nations may become a party to the Statute of the *International Court of Justice* on condition to be determined in each case by the General Assembly *upon the recommendation of the Security Council*.

#### ARTICLE 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case which it is a party.

#### ARTICLE 75

1. All Members of the United Nations are "ipso facto" parties to the *International Judiciary System*.

2. A state which is not a member of the United Nations may become a party to the Statute of the *International Judiciary System* on conditions to be determined in each case by the General Assembly.

#### ARTICLE 76

*The World Tribunal of Criminal Justice, composed by nine judges elected by the General Assembly, shall function in accordance with a Statute adopted as Annex II of this Charter.*

#### ARTICLE 77

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party *and cooperate as necessary to execute any sentence of the World Tribunal of Criminal Justice.*

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

#### ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

#### ARTICLE 96

1. *The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal questions.*

2. *Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*



2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the International Court of Justice *or by the World Tribunal of Criminal Justice*, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment. *The Security Council may also take any measures deemed to be necessary to force any state to cooperate in the execution of the judgments of the World Tribunal of Criminal Justice.*

#### ARTICLE 78

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

#### ARTICLE 79

*All principal organs of the United Nations and the specialized agencies, may request advisory opinions of the International Court on legal questions arising within the scope of their activities.*

CHAPTER XV  
THE SECRETARIAT

ARTICLE 97

The Secretariats shall comprise a Secretary-General and such staff as the Organization may require. The Secretary General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, *and of the Trusteeship Council*, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of intentional peace and security.

CHAPTER XIV  
THE SECRETARIAT

ARTICLE 80

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly. He shall be the chief administrative officer of the Organization.

ARTICLE 81

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, and of the Economic and Social Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

ARTICLE 82

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. *It may also bring to the attention of the General Assembly, the Security Council or the Economic and Social Council any other matter which in his opinion should be dealt with by those organs.*

## ARTICLE 100

1.- In the performance of their duties the Secretary- General and the staff shall not seek or receive instructions from any government to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staff shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standard of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## ARTICLE 83

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which may reflect on their position as international officials responsible only to the Organization.

2. Each member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

#### ARTICLE 84

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## MISCELLANEOUS PROVISIONS

## ARTICLE 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after *the present Charter comes into force* shall as soon as possible be registered with the Secretariat and published by it.

2. No Party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

## ARTICLE 103

In the event of a conflict between the obligations of the Members of the United Nation under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

## ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

## CHAPTER XV

## MISCELLANEOUS PROVISIONS

### ARTICLE 85

1. Every treaty and every international agreement entered into by any Member of the United Nations after *October 24, 1945*, shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke the treaty or agreement before any organ of the United Nations.

### ARTICLE 86

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreements, their obligations under the present Charter shall prevail.

### ARTICLE 87

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

### ARTICLE 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose



**ARTICLE 88**

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose. *All conventions previously concluded on this subject are tacitly reconducted.*

CHAPTER XVII  
TRANSITIONAL SECURITY ARRANGEMENTS

ARTICLE 106

*Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nations Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration consult with one other and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.*

ARTICLE 107

*Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.*



CHAPTER XVIII  
AMENDMENTS

ARTICLE 108

Amendments to the present Charter shall come into force for all Member of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and 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.

ARTICLE 109

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 nine members of the Security Council. Each Member of the United Nations shall have *one vote in 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.

CHAPTER XVI  
AMENDMENTS

ARTICLE 89

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the Members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including *three* of the permanent members of the Security Council.

ARTICLE 90

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 nine Members of the Security Council. Each Member of the United Nations shall have *as many votes in the conference as they have in the General Assembly*.

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 *three* of 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.*

## CHAPTER XIX

### RATIFICATION AND SIGNATURE

#### ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit *as well as the Secretary-General of the Organization when he has been appointed.*

3. The present Charter shall come into force upon the deposit of ratifications by the *Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and by a majority if the other signatory states.* A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory.

*3. The proposal to call such a conference shall be placed on the agenda of the General Assembly, every twenty years and the conference shall be held if so decided by a majority vote of the members of the General Assembly, included any nine members of the Security Council.*

CHAPTER XVII  
RATIFICATION AND SIGNATURE

ARTICLE 91

1. The present Charter *as amended* shall be ratified by the signatory states in accordance with their respective constitutional procedures.

2. The ratifications shall be deposited with the *Secretary General of the United Nations*, who shall notify all the signatory states of each deposit.

3. The present Charter *as amended* shall come into force upon the deposit of ratifications *by two thirds of the members of the Organization, including China, France, Russia, the United Kingdom of Great Britain and Northern Ireland and the United States of America*

A protocol of the ratification deposited shall thereupon be drawn up by the *Secretary General*, who shall communicate copies thereof to all the signatory states.

4. *The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.*

#### ARTICLE 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the *Government of the United States of America*. Duly certified copies thereof shall be transmitted by *that Government* to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.



## ARTICLE 92

The present Charter, of which the Arabic, Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the *Secretariat of the United Nations Organization*. Duly certified copies thereof shall be transmitted by the *Secretary General* to the Governments of the signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

Done at the city of San Francisco the -----th day of -----, one thousand nine hundred and ninety-----.

## ANNEX 1

## STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

## ARTICLE 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

## CHAPTER I

## ORGANIZATION OF THE COURT

## ARTICLE 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

## ARTICLE 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

## ANNEX I

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The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

## ARTICLE 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state *and no state may have any of its nationals serving as a judge more than two consecutive terms.*

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

#### ARTICLE 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly *upon recommendation of the Security Council*.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

#### ARTICLE 4

1. The members of the Court shall be elected by the General Assembly from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly.

## ARTICLE 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

## ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and school of law, and its national academies and national sections of international academies devoted to the study of law.

## ARTICLE 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

## PARTICLE 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

## ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

## ARTICLE 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly *and to the Security Council*.

## ARTICLE 8

The General Assembly *and the Security Council* shall proceed *independently of one another* to elect the members of the Court.

## ARTICLE 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

## ARTICLE 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly *and in the Security Council* shall be considered as elected.

2. *Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members on the Security Council.*

3. In the event of more than one national of the same state obtaining an absolute majority of the votes *both of the General Assembly and of the Security Council*, the eldest of these only shall be considered as elected.



2. The Secretary-General shall submit this list to the General Assembly.

#### ARTICLE 8

The General Assembly shall proceed to elect the members of the Court.

#### ARTICLE 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

#### ARTICLE 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly shall be considered as elected.

2. In the event of more than one national of the same state obtaining an absolute majority of the votes of the General Assembly, the eldest of these only shall be considered as elected.

## ARTICLE 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

## ARTICLE 12

1. If, after the third meeting, one or more seats still remain unfilled, *a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council*, may be formed at any time *at the request of either the General Assembly or the Security Council*, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly *and the Security Council* for their respective acceptance.

2. If the *joint conference* is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the *joint conference* is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the *Security Council*, proceed to fill the vacant seats by selection from among those candidates who have obtained votes *either* in the General Assembly *or in the Security Council*.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

## ARTICLE 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

## ARTICLE 12

1. If, after the third meeting, one or more seats still remain unfilled, a commission consisting of six members, appointed by the General Assembly may be formed at any time for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly, for their acceptance.

2. If the commission is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the commission is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the General Assembly, proceed to fill the vacant seats by selection from among those candidates who have obtained votes in the General Assembly.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

## ARTICLE 13

1. The members of the Court shall be elected for nine years and may be reelected; *provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.*

2. *The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.*

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

## ARTICLE 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the *Security Council*.

### ARTICLE 13

1. The members of the Court shall be elected for nine years and may be reelected *for only one more term. A third of the Court shall be renewed every three years.*

2. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

3. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

### ARTICLE 14

Vacancies shall be filled according to the procedures of the preceding articles, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the *General Assembly* or by the Security Council *when the General Assembly is not in session.*

## ARTICLE 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

## ARTICLE 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.
2. Any doubt on this point shall be settled by the decision of the Court.

## ARTICLE 17

1. No member of the Court may act as agent, counsel, or advocate in any case.
2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.
3. Any doubt on this point shall be settled by the decision of the Court.

## ARTICLE 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

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#### ARTICLE 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

#### ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

#### ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

#### ARTICLE 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

#### ARTICLE 22

1. The seat of the Court shall be established at The Hague. This however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.



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## ARTICLE 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

## ARTICLE 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

## ARTICLE 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.



2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

#### ARTICLE 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

#### ARTICLE 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

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A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

#### ARTICLE 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

#### ARTICLE 29

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

#### ARTICLE 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

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## ARTICLE 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. *If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.*

3. *If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.*

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, *and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.*

5. *Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.*

6. *Judges chosen as laid down in paragraphs 2, 3 and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.*



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2. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court who are not of the nationality of the parties concerned.

## ARTICLE 32

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive a special allowance for every day on which he acts as President.
4. *The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.*
5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.
8. The above salaries, allowances, and compensation shall be free of all taxation.

## ARTICLE 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

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CHAPTER II  
COMPETENCE OF THE COURT

ARTICLE 34

1. Only states may be parties in cases before the Court.
2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.
3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

ARTICLE 35

1. The Court shall be open to the states parties to the present Statute.
2. The conditions under which the court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the *Security Council*, but in no case shall such conditions place the parties in a position of inequality before the Court.

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ARTICLE 35

1. The Court shall be open to the states parties to the present Statute.
2. The conditions under which the court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down *by General Assembly or when not in session, by the Security Council*, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

#### ARTICLE 36

1. The jurisdiction of the Court comprises all cases which *the parties* refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. *The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:*

*a. the interpretation of a treaty;*

*b. any question of international law;*

*c. the existence of any fact which, if established,*

*would constitute a breach of an international obligation;*

*d. the nature or extent of the reparation to be made for the breach of an international obligation.*

3. *The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.*

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

#### ARTICLE 36

The jurisdiction of the Court comprises all cases which *any of* the state parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

4. *Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.*

5. *Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.*

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.





## ARTICLE 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

## ARTICLE 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by , civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

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CHAPTER III  
PROCEDURE

ARTICLE 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

ARTICLE 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

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2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

#### ARTICLE 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

#### ARTICLE 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy privileges and immunities necessary to the independent exercise of their duties.

#### ARTICLE 43

1. The procedure shall consist of two parts: written and oral.

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2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

#### ARTICLE 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

#### ARTICLE 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.



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## ARTICLE 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

## ARTICLE 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

## ARTICLE 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

## ARTICLE 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

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The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

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## ARTICLE 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

## ARTICLE 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## ARTICLE 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

## ARTICLE 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

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## ARTICLE 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

## ARTICLE 56

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

## ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

## ARTICLE 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

## ARTICLE 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

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## ARTICLE 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

## ARTICLE 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.



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## ARTICLE 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

## ARTICLE 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

## ARTICLE 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV  
ADVISORY OPINIONS

## ARTICLE 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

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### ADVISORY OPINIONS

## ARTICLE 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

#### ARTICLE 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

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3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

#### ARTICLE 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

#### ARTICLE 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

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CHAPTER V  
THE REGIONAL COURTS

ARTICLE 69

*The five judges of each of the four regional courts shall be elected by the members of the United Nations which are in that regional area, as defined by the General Assembly.*

ARTICLE 70

*1. When all parties to a controversy are in the area of one of the Regional Courts, that controversy must be submitted to that Regional Court before going to the International Court of Justice, and only after the sentence has been delivered by the Regional Court may any of the parties appeal to the International Court of Justice.*

*2. When the parties in a controversy are in different regions, they may go directly to the International Court of Justice.*

ARTICLE 71

*The rules of procedure for the Regional Courts are, "mutatis mutandis" the same as for the International Court of Justice.*

CHAPTER V  
AMENDMENT

ARTICLE 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly *upon recommendation of the Security Council* may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

ARTICLE 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

CHAPTER VI  
AMENDMENTS

ARTICLE 72

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

ARTICLE 73

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.



## ANNEX II

*(To be completed by the International Law  
Commission)*

### THE WORLD TRIBUNAL OF CRIMINAL JUSTICE

#### CHAPTER I

#### COMPOSITION OF THE TRIBUNAL

##### ARTICLE 1

*The Tribunal shall be composed of nine judges elected by the General Assembly in the same conditions and following the same procedures set forth in the Annex I for the judges of the International Court of Justice.*

##### ARTICLE 2

*The members of the Tribunal shall be elected for nine years and may be reelected only once; provided, however, that of the judges elected at the first election, the terms of three judges shall expire at the end of three years, and the terms of three more shall expire at the end of six years.*

##### ARTICLE 2

*The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.*



## CHAPTER II

### COMPETENCE

#### ARTICLE 3

*Any Member state, or the General Assembly or the Security Council may initiate proceedings before the World Tribunal of Criminal Justice against any State, individual or criminal organization presumed to be guilty of a crime "jure gentium".*

#### ARTICLE 4

*The Tribunal shall apply international law, as defined in article 38 of the Statute of the International Court of Justice, and in particular:*

- a. The principles of international law recognized in the Charter of the Nuremberg Tribunal;*
- b. The Code of offences against the peace and security of mankind;*
- c. The international conventions against drug trafficking;*
- d. The international conventions against terrorism;*
- e. The international conventions against piracy.*

## CHAPTER III

### PROCEDURE

#### ARTICLE 5

*The procedure of the Tribunal must ensure a fair trial for the persons accused of any crime.*





*ARTICLE 6*

*A quorum of seven judges shall suffice to constitute the Tribunal, but the full Tribunal shall sit when deciding the judgment.*

*ARTICLE 7*

*The judgment is final and without appeal, but an application for revision may be made if a new fact is discovered, which was unknown at the time of the judgment and that is of such nature that it could be a decisive factor.*

*ARTICLE 8*

*The sentence must be executed in a country recommended by the Tribunal and approved by the Security Council.*

## REFERENCES

- Bailey, S. (1964) *The Secretariat of the United Nations*, New York, Frederick A. Praeger.
- Bailey, S.D. (1971) *Voting in the Security Council*, Bloomington: Indiana University Press.
- Boutros-Ghali, Boutros (1992) *Memoria sobre la Labor de la Organizacion*. Septiembre 1992, Nueva York: Naciones Unidas.
- Cassen, R. and associates (1986) *Does Aid Work? Report to and Intergovernmental Force*, Oxford: Oxford University Press.
- Cordier, A. *Public Papers of the Secretaries General of the United Nations*, 8 vols. New York: Columbia University Press.
- Cox, R. W. and Harold Jacobson, eds. (1974) *The Anatomy of Influence. Decision Making in the International Organizations*, New Haven: Yale University Press.
- Daws, Sam and Ute Adamczick-Gerteis, eds. (1997), *Documents on Reform of the United Nations*, Oxford: St. Anthony's Collegs, Oxford University Press
- De Senarclens, P. (1988) *La Crise des Nations Unies*, Paris: Presses Universitaires de France.
- Finkelstein, L.S., ed. (1988) *Politics in the United Nations System*, London: Duke University Press.
- Franck, T. (1985) *Nations Against Nations*, New York: Oxford University Press.
- Fromuth P.J. (1988) *A Successor Vision, The United Nations of Tomorrow*, Boston: University Press of America.
- Goodrich L. and Hambro E. (1946) *Charter of the United Nations: Commentary and Documents*, Boston: World Peace Foundation.
- Imber Mark, F., (1995) *Environment, Security and UN Reform*, New York: St. Martin's Press.
- Lie, T. (1954) *In the Cause of Peace*, New York: Macmillan
- Luard,E. (1990) *The Globalization of Politics: The Changed Focus of Political Action in the Modern World*, New York: New York University Press.
- Mitrany, D. (1966) *A Working Peace System*, Chicago: Quadrangle Books.
- Modelski, G. Ed (1979) *Transnational Corporations and World Order*, San Francisco: Freeman.
- Murphy, J.M. (1982) *The United Nations and the Control of International Violence*, Totowa,NJ: Towman and Allenheld.
- Peterson, M. (1986) *The General Assembly in World Politics*, Boston: Allen and Unwin.
- Ramcharan, B.G. (1987) *Keeping Faith with the United Nations*, Dordrecht: Martinus Nijhoff.
- Renninger, J.P., ed. (1989) *The Future Role of the United Nations in an Independent World*, Dordrecht: Martinus Nijhoff.
- Riggs, R.E. and Jack C. Plano (1988) *The United Nations International Organization and World Politics*, Pacific Grove: Brooks/Cole Publishing Company.
- Roberts, A. and Benedict Kingsbury, eds. (1988) *United Nations, Divided World*, Oxford: Clarendon Press.
- Romulo, C. (1986) *A Third World Soldier at the UN*, New York: Greenwood Press.
- Russell, R. (1958) *A History of the United Nations Charter*, Washington, D.C.: Brookings.
- Scott, G. (1973) *The Rise and Fall of the United Nations*, New York: Macmillan.
- Seara-Vazquez, Modesto (1985) *Tratado General de la Organizacion Internacional*,

- 2nd.Ed. Mexico: Fondo de Cultura Economica.  
 \_\_\_\_\_ ed.. (1995) *Las Naciones Unidas a los cincuenta años*, México:  
 Fondo de Cultura Económica.  
 \_\_\_\_\_ "The Security Council at fifty: Mid Age Crisis or Terminal Illness",  
 in *Global Governance*, Vol.1, Num. 2, 1996.  
 Siekmann, R. (1985) *Basic Documents on United Nations and Related Peacekeeping  
 Forces*, Boston: Martinus Nijhoff.  
 Spero, J. (1985) *The Politics of International Economic Relations*, New York: Saint  
 Martin's.  
 Stoessinger, J.G. and associates (1964) *Financing the United Nations*, Washington,  
 D.C.: Brookings Institution.  
 Stoessinger, J. (1974) *Why Nations Go To War*, New York: Saint Martin's.  
 --- (1977) *The United Nations and the Superpowers: China, Russia and America*,  
 New York: Random House.  
 United Nations (1990) *Global Outlook. An Economic, Social, and Environmental  
 Perspective*, USA: United Nations Publications.  
 Urquhart, B. and Erskine Childers (1990) *A World in Need of Leadership; Tomorrow's  
 United Nations*, Motala (Sweden).  
 Van den Haag, E. and John P. Conrad (1987) *The U.N. In or Out*, New York:  
 Plenum Press.  
 Wainhouse, D. (1966) *International Peace Observation*, Baltimore: Johns Hopkins  
 Press.  
 William, D. (1987) *The Specialized Agencies and the United Nations. The System in  
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