

The UNITED NATIONS

CHARTER

What Was Done at San Francisco

By

CLARK M. EICHELBERGER

AMERICAN ASSOCIATION FOR THE UNITED NATIONS, Inc.
COMMISSION TO STUDY THE ORGANIZATION OF PEACE
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THE UNITED NATIONS CHARTER

THE UNITED STATES SENATE has ratified the United Nations Charter. Other nations are doing likewise.

Delegates of fifty nations attended the San Francisco Conference. All of them were recognized as Allies in the war against Germany, Italy or Japan. They comprised three-fourths of the population of the earth. Thus, the great part of mankind which had fought together to win the war worked together to write a charter of security and freedom so that war might not recur.

Byelorussia and Ukraine were admitted, and are included among the fifty. Denmark never formally declared war, but the resistance was considered so clear-cut that delegates were admitted after liberation without objection. Many people felt that Argentina climbed on the bandwagon as the parade had almost passed. Nevertheless, the Argentine Government had declared war on Germany, and Argentina was admitted.

There were many delays. But looking back over it, eight weeks do not seem too long a time to draft a Charter of peace, prosperity, human freedom for three-fourths of the people of the earth. There were great technical complications. Language was one. There were five working languages: English, French, Russian, Chinese and Spanish. Since the Chinese language describes ideas in characters, it was necessary, despite its richness in expressing the oldest living culture, to devise almost two thousand combinations of characters to express the Charter precisely.

Every American should be discussing the Charter, its hopes and possibilities, and the responsibility of the United States.

Hence this brief booklet.

NAME

The United Nations is to be the name of the organization. President Roosevelt was particularly desirous that this be so. If I may be pardoned a personal reference, over two years before the San Francisco Conference he told me he thought the name of the new League of Nations would be the United Nations. The name is a monument to his memory.

It represents at the same time a desire to found the world organization out of those who represented the moral forces against aggression in the second World War.

PURPOSES

The Charter opens with the phrase, "We, the peoples of the United Nations . . ." It is, in a sense, an agreement between peoples rather

than between governments. The opening phrase marks, in some respects, the most fundamental distinction between the Charter and the League of Nations Covenant. Whereas the Charter begins, "We, the peoples of the United Nations . . .," the League Covenant began "The High Contracting Parties . . ."

Both the Preamble and Chapter I state the purposes for the creation of the United Nations. These may be roughly separated into four divisions:

1. *Security*:—to save succeeding generations from the scourge of war; to maintain international peace and security by effective collective measures for the prevention or removal of threats to peace.

2. *Justice*:—to establish conditions under which justice and respect for treaties may be maintained; to develop friendly relations among nations based upon mutual respect and self-determination.

3. *Welfare*:—to achieve economic and social cooperation by the employment of international machinery for the promotion of welfare and social advancement.

4. *Human Rights*:—to reaffirm faith in fundamental human rights and the dignity and value of the human person; to encourage respect for human rights for all without distinction as to race, language, religion or sex.

BASIC OBLIGATIONS

All members are bound to fulfill the objectives assumed by them in the Charter. Among these are:

To settle international disputes by peaceful means and to maintain international peace, security and justice among nations;

To 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 organization;

To assist the organization in any action it would take to fulfill the provisions of the Charter;

To avoid giving assistance to the aggressor.

MEMBERSHIP

The original members of the United Nations will be those states which participated in the Conference or signed the United Nations Declaration of Jan. 1, 1942, and ratified the Charter. As for other states, membership is open to all peace-loving states which in the judgment of the organization are able and ready to accept the obligations contained in the Charter. The Security Council can recommend to the Assembly what additional members shall be admitted.

Clearly the San Francisco conference was determined that the basis of the organization should be those who represented the moral forces against aggression. The Potsdam Declaration, however, stated that the governments of the United States, Great Britain and Soviet Russia would support applications for membership from those states which had remained neutral during the war and which fulfill the qualifications of membership. Switzerland would not be eligible unless she is willing to abandon her traditional neutrality and assume obligations to take action against an aggressor. Such action includes the granting of safe conduct to the armies of the United Nations engaged in police action. In reality the number of neutrals is very small and includes primarily Sweden, Switzerland, Eire, Portugal and Spain. A resolution at San Francisco barring states whose governments came to power with the aid of Axis arms bars Spain so long as the Franco government is in power. This statement was reaffirmed by the Potsdam Declaration.

Obviously, it will be a very long time before the major enemy powers are ready for admission. As for the smaller Axis powers, to use the language of Winston Churchill on another occasion, they will have to work their passage back before they are admitted.

However, no nation can escape the universal law which the Charter establishes against war, although it may refuse to join the organization, or may even be refused admission. The organization is obligated to see to it that non-member states act in accordance with the principles necessary for the maintenance of international peace and security.

Here something very important has been achieved. The law against the use of force or the threat of force contrary to the spirit of the Charter is binding upon everybody. The laws against war are universal, even though membership is not.

WHERE WILL THE CONTROL REST?

The United Nations will have six principal organs:

1. A General Assembly
2. A Security Council
3. An Economic and Social Council
4. A Trusteeship Council
5. An International Court of Justice
6. A Secretariat.

These major bodies will be assisted by various commissions, committees, and agencies that are needed. There shall be no restriction on the eligibility of men and women to participate in these bodies.

A quick glance at these organs will show that the Charter outlines an organization that is much more developed and balanced than was the League of Nations or that outlined at Dumbarton Oaks. For illustration, the extensive economic development of the League of Nations was based upon one single Article in the Covenant. The Chapter of the Charter providing for social and economic cooperation contains eighteen Articles and comprises major portions of the document.

The International Court of Justice will be an integral part of the United Nations and will develop with it. The World Court was not an integral part of the League and did not keep pace with it.

The United Nations will have three Councils instead of one, as did the League of Nations. It contains a vision of human rights and freedom for the individual which is hardly to be found in the Covenant.

ARE THE CONTROLS DEMOCRATIC?

Following the Dumbarton Oaks Conference people asked constantly how democratic is the proposed world organization? The public mind seemed to swing between two extremes. There was the desire for an organization in which the very small state could have equal rights with the great. There was desire for an organization with power sufficiently concentrated to prevent aggression.

The conflict between these seemingly opposing points of view overshadowed the San Francisco Conference. The news from San Francisco personalized the conflict in terms of clash between some forty-five smaller powers on the one side and the five Great Powers on the other. Indeed, while it would give an exaggerated picture, it would nevertheless be possible to describe the Charter in terms of compromises between these two points of view.

Because the world wants security so badly, it was natural that the Security Council and how it would vote attracted most attention. For the sake of balance, therefore, it might be well to point out that of the four United Nations governing bodies only the Security Council seems to be weighted in favor of the Great Powers. The Assembly grants one vote to each member irrespective of size. Decisions of the Assembly in most cases are taken by a two-thirds vote without any special attention being paid to the Big Five. The Economic and Social Council will be composed of eighteen members, elected by the Assembly, each holding a seat for three years. Here there is no distinction between great and small powers, no permanent and non-permanent members. Decisions of this Council are taken by a simple majority. The Trusteeship Council is to be composed of nations

that have trust territories plus an equal number of states that do not. Its decisions are taken by a simple majority.

Consequently, one could say that of the four major bodies, there is only one in which the Great Powers may legally exercise a veto. I do not say that the five Great Powers, which represent almost one-half of the population of the earth, will not exercise considerable influence in these bodies. But I say that legally their votes are no more important than the votes of the smaller states. There are, of course, some exceptions to this generalization, such as in the question of revisions to the Charter. These will be discussed later.

Let us examine the major organs as the simplest way to a full understanding of the Charter.

THE GENERAL ASSEMBLY

The General Assembly may discuss anything under the sun. This is true for two reasons. First, because there is no power on earth that could prevent the delegates of fifty nations talking about anything they wanted to when they met in the annual Assembly. Second, because the Charter grants the Assembly the right to discuss any matter within the scope of the present Charter. Since the Charter encompasses almost every subject of international relations, there simply are no limits.

There was some discussion in San Francisco on limiting the discussion of the Assembly, but the idea was abandoned. The representatives of more than fifty nations, when they get together, are going to talk about anything they wish. There will be no power over them to prevent them and no policeman to disperse them.

A comparison with the League of Nations Assembly might be worth while. The League Assembly and Council had similar powers. The United Nations will be a more complex organization with three councils, thus greatly decentralizing their functions. The Security Council is an executive committee of the members rather than of the General Assembly. The Economic and Social Council and the Trusteeship Council are clearly executive committees of the General Assembly.

Nevertheless, despite this decentralization, I think the evolution of the United Nations Assembly will be similar to the evolution of the League Assembly. Because the General Assembly will represent all of the members, it may well become the most important and influential body of the United Nations.

Specifically, what powers are delegated to the Assembly in the Charter? These could roughly be divided into principles and administration.

1. In the first division, as we have already said, the General Assembly may discuss any matters within the scope of the Charter. It may make recommendations to the members of the United Nations or to the Security Council, or both, on any such question. There is the exception that the Assembly will not make recommendations on a dispute which is being dealt with by the Security Council.

2. The General Assembly may consider the principles of cooperation and the maintenance of international peace and security, including principles governing disarmament and the regulation of armaments. It may make recommendations to the members or to the Security Council.

It should be noted here that the General Assembly may make recommendations directly to the members, thus by-passing the Security Council if it does not feel that that body is fulfilling its duties.

3. The General Assembly may discuss any question relating to international peace and security brought before it by any member or non-member, or by the Security Council. It may make recommendations with regard to any such question to the state or states concerned or to the Security Council or both. If action is necessary, the question will be referred to the Security Council. This is proper because the Security Council as the executive committee of the members is in a better position to secure action.

The strongest Article, defining the powers of the Assembly, is Article 14 of Chapter IV, which states:

"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."

Under this broad Article the General Assembly may recommend measures of peaceful adjustment involving a violation of human rights, bad economic practices or violations of the principles of international law, providing they are likely to impair the general welfare or friendly relations among nations.

This Article is usually referred to as the "Vandenberg Amendment" because it was sponsored by Senator Arthur Vandenberg. It may prove to be one of the most important Articles of the Charter.

While the Dumbarton Oaks Proposals provided that the Assembly would not make recommendations on a matter pending before

the Security Council, they did not provide some responsibility in return on the part of the Security Council to the Assembly. This lack has been taken care of. The Secretary-General, with the consent of the Security Council, shall tell each Assembly meeting about matters pertaining to peace and security which are being dealt with by the Security Council. He shall also notify the General Assembly or the members, if the Assembly is not in session, immediately that the Security Council ceases to deal with such matters.

In addition, the General Assembly will 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 adopted or applied in promoting peace and security.

There was debate in San Francisco as to the right of the General Assembly to reject a report of the Security Council. But there again, no power exists to prevent the General Assembly from rejecting a report if it wants to.

The General Assembly furthermore may make recommendations about the development of international law and cooperation in economic, social, educational and health fields, human rights.

As for the administrative side of the General Assembly's functions, one of its most important powers is to approve the budget and financial arrangements with the specialized agencies. It shall determine what the dues shall be and collect them. It may even decide that a nation that is in arrears on dues cannot vote.

In the long history of parliaments, the control of the purse has been one of the most effective means of preventing tyranny. The control of the budget is one of the greatest powers conferred upon the General Assembly.

The General Assembly shall also have the power to approve the trusteeship agreements for dependent peoples (not for security areas).

It will elect the non-permanent members of the Security Council; all of the members of the Economic and Social Council; the non-administrating powers on the Trusteeship Council. It shall participate in the election of judges to the International Court.

One of the most important powers of the Assembly is to be found in the field of economic and social cooperation. In this field it is to be assisted by the Economic and Social Council. The broad powers of the Assembly in this field therefore will be discussed under the section dealing with these subjects.

The General Assembly will elect its president for each session. It shall elect the Secretary-General upon recommendation of the Secur-

ity Council. It will meet annually. It may meet on special occasions convoked by the Secretary-General at the request of the Security Council or a majority of the members of the United Nations. The General Assembly may create any committees, commissions or bodies that it wishes to, to help it fulfill its duties.

Advocates of world government will feel that the Assembly falls short of their desires because it cannot pass laws. It cannot pass laws that will be binding upon citizens within individual countries. The American Congress can pass laws that control the conduct of individuals within the various states. The Assembly lacks such power. But at San Francisco the statesmen were not writing the constitution of a world government, they were drafting a Charter for the United Nations.

THE SECURITY COUNCIL

The people are more concerned with security from war than anything else. The two world wars of our generation have cost at least eighty million casualties, with twenty million killed. The civilization of a large part of the world has been damaged almost beyond repair. This war closed with the production of the atomic bomb, making obsolete our present means of waging war and giving us a foretaste of what the third world war might be like. Man clearly now has in his hands the means for the suicide of the human race. No wonder then that the major concentration of the people's thinking has been upon the Security Council and the provisions for maintaining peace. There is universal discussion of the controls that must be established through the Security Council to utilize the atomic discovery for permanent peace rather than universal destruction.

The Security Council will perform two functions in the field of security: to promote the peaceful settlement of disputes, and to prevent or stop aggression.

The Security Council will have eleven seats. Five of them will be occupied permanently by the United States, Great Britain, Russia, China and France. The six remaining seats will be rotated among the smaller states by election of the Assembly, and each state will hold a seat for two years. Then the seat is given to some other state by the Assembly.

The Security Council will sit continuously. Each member of the Security Council will be represented at all times at United Nations headquarters. The Security Council shall also hold periodic meetings at which important members of the governments, such as foreign ministers or prime ministers, could attend. The experience of the League of Nations showed that it was very helpful for the

foreign ministers and the prime ministers to be present at meetings of the Council. However, it is very important that permanent representatives of the nations on the Security Council be men of the highest calibre. President Truman, in appointing former Secretary of State Edward R. Stettinius, Jr., as permanent American representative on the Security Council, has set a standard for other nations to follow. The provision for the Security Council to remain in continuous session is very important. Eleven able men, meeting in one place continuously, should be able to detect trouble on the horizon and adjust it before it becomes a crisis.

The members of the United Nations, in one of the strongest articles of the Charter, recognize the Security Council as their executive arm to maintain peace and security:

"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."

The members also "agree to accept and carry out the decisions of the Security Council in accordance with the provisions of the present Charter."

Here is authority sufficiently delegated and centralized to keep the peace if the Security Council functions well and the members back it up by fulfilling their obligations when it calls upon them for whatever military forces are necessary to prevent aggression.

PACIFIC SETTLEMENT OF DISPUTES

The obligations for the peaceful settlement of disputes are binding upon all states, not just members. It will be remembered that in the introduction to this pamphlet it was pointed out that, while not all nations need be members, all nations must act in accordance with the principles of peace and security. Article 33 under Chapter VI harmonizes with this principle. It states that the parties to any dispute, (not just members), likely to menace peace and security are first of all obligated to try to find a peaceful settlement. They are offered the ordinary methods of negotiation, mediation, conciliation, arbitration, judicial settlement, regional arrangements, or any other means of their own choice. The Security Council may, when it thinks necessary, call upon the parties to settle their disputes by such means.

But suppose the nations do not avail themselves of such means and the dispute continues to grow serious? Then the Security Coun-

cil may investigate the dispute to determine whether its continuation is likely to endanger peace and security.

As a matter of fact, the Security Council may investigate any situation which might give rise to a dispute. This gives it a chance to go to the root of the trouble. President Roosevelt said one time that disputes are like weeds. They need to be trampled upon before they grow up.

Any member of the United Nations may bring any dispute or any situation which might lead to a dispute to the attention of the Security Council, or to the General Assembly. A state which is not a member may do likewise.

The Security Council may at any stage of a dispute which is likely to threaten the peace of the world recommend methods of peaceful settlement. Legal disputes should normally be referred to the Court. If the parties do not settle the dispute, the Security Council may recommend terms of settlement.

PREVENTION OF AGGRESSION

So far, the nations have had a wide choice for the settlement of their disputes. They have had the good advice of the Security Council either on their own request or because the Security Council believed the situation was becoming serious. But now, it can really get tough. If it finds that there exists a threat to the peace, or a breach of the peace, or an act of aggression, it shall decide what to do to maintain or to restore peace and security.

In the first place, the Security Council may issue a stopgap order while it is deciding upon the measures to be taken. It may call upon the parties concerned to comply with such provisional measures.

Now, the Security Council swings into action either with non-military or with military police measures. It may call upon the members to break off physical relations with any potential or actual aggressors, such as stopping rail, sea, air, postal, telegraph, radio communications. And if the Council does not believe that such measures are enough, it may "take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security."

The above Article implies police forces. Where will they come from? Article 43 provides that all members of the United Nations will undertake to make available to the Security Council on its call armed forces, assistance and facilities, including rights of passage, necessary for such police action. The agreements by which nations will earmark certain contingents of their military forces for such

police purposes will be negotiated as soon as possible on the initiative of the Security Council. They will be agreements between the Security Council and the member states. It is a democratic arrangement. The very smallest nation may contribute something to the United Nations forces, even if only a single destroyer or a landing field. All may contribute according to their capacities.

So that the United Nations can take urgent military measures, members will hold immediately available national air force contingents for combined international enforcement action. This comes very close to being an international air police force. Instead of the forces being put in one place and the men wearing the uniform of the United Nations, they will remain in possession of the individual nations earmarking them, but they shall be immediately available for combined international enforcement action.

A member which does not have a seat in the Security Council may meet with the Council to discuss use of its armed forces under police action.

There will be a Military Staff Committee to advise and assist the Security Council. It would be responsible for the strategic direction of armed forces placed at the disposal of the Security Council. The Military Staff Committee may establish regional sub-committees.

One's imagination can picture the steps which the Security Council could take to stop a would-be aggressor. First, it could order the breaking off of all communications if it felt that was sufficient. Next it could rely upon a warning by air. It could ask the nations in any particular region to send their air force contingents as a combined air force to fly over the troublesome state, first to drop leaflets warning it and then to bomb its military installations. Then the final step would be for the Security Council to call upon the member states to use the military, naval and other forces already earmarked.

The success of the Council depends upon its ability to take decisions quickly and upon its ability to command military forces earmarked by the member states.

REGIONAL ARRANGEMENTS AND ALLIANCES AGAINST ENEMY STATES

The Charter provides that the organization shall encourage local settlements. Anything that a regional arrangement can settle, so much the better. It is not necessary to take every neighborhood quarrel to the main headquarters for settlement. However, no regional organization can take enforcement action without the

authority of the Security Council. This is necessary to maintain the supremacy of the world organization.

However, there were two kinds of situations for which exceptions were asked. At one time they threatened a breakdown of the authority of the Security Council.

One dispute came over the Western Hemisphere arrangement negotiated at Chapultepec. Some of the nations of Latin America thought that the nations of the Western Hemisphere should be able to take any enforcement action they wanted without the consent of the Security Council. Not only would this exception have weakened the Security Council by withdrawing a large part of the world from its supervision; it would have been a considerable blow to the security of the United States. If the nations of the Western Hemisphere could withdraw this part of the world from the concerns of the Security Council, the nations of Europe might create a regional organization and withdraw Europe from the concerns of the Security Council. Likewise Asia. The United States might find itself in a situation in which it was blocked from anything to say in the affairs of Europe and Asia, despite the fact that the United States has lost hundreds of thousands of men in two world wars which had their origins in those continents.

A compromise was worked out. It provides that nothing in the present Charter shall impair the inherent right of individual or collective self-defense until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council. They shall not in any way affect the authority and responsibility of the Security Council to use any means it wants to take to maintain or restore peace. In other words, if a nation in the Western Hemisphere is attacked, it may exercise the inherent right of self-defense. As provided for in the Chapultepec agreement, the other nations may go to its defense. But the Council must be immediately informed as to this defense and the Council can take over whenever and to any extent it wants to. The Council, in other words, is supreme.

The other exception that bothered the delegates came up in the alliances that had been created among certain of the United Nations in Europe to prevent Germany starting another war. These alliances are mainly between Russia and Great Britain, Russia and Czechoslovakia, Russia and Poland, Russia and Yugoslavia, Russia and France. They are defined in the Charter as "regional arrangements

directed against the renewal of aggressive policy on the part of any such (enemy) state." An "enemy state" is defined as any state which during the second World War has been an enemy of any signatory of the present Charter.

The Charter provides that although regional enforcement action cannot be taken without the authorization of the Security Council, there shall be this one exception. It consists of measures against such enemy states "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."

The Security Council has some additional powers. It will participate in the election of judges to the International Court of Justice. It will recommend to the General Assembly who should be the Secretary-General. It will recommend to the General Assembly the admission of new members and the suspension of privileges or even the expulsion of bad members.

The Security Council, assisted by the Military Staff Committee, may work out a plan for arms limitation or reduction.

THE "VETO"

Now we come to the problem that was the most difficult to meet—how will the Security Council vote? The statesmen could not make up their minds at Dumbarton Oaks. They worked out a formula at Yalta. The delegates at San Francisco differed as to what the Yalta formula meant. Finally, after weeks of discussion, they reached a decision.

Some background here is necessary. If the Security Council could call out the police forces by a simple majority, the six small states on the Security Council, since they are in a majority, could vote a police action to which the Great Powers might be opposed. Obviously, in the reconstruction period the Great Powers will have to contribute the largest proportion of the military forces earmarked for police purposes. Consequently, the vote had to be weighted in their favor. It was agreed at Yalta, and no one seriously challenged it at San Francisco, that when it came to using force to prevent aggression, the Council should take a vote by a majority of seven, and this seven must include the votes of the five Great Powers.

It was also agreed at Yalta that peaceful procedures short of using police measures, such as investigation and recommendation for peaceful settlements, should be taken by a majority of seven. The seven should include the five Great Powers. But if one of the five

were a party to the dispute, its vote would not count. In other words, it could not have a veto and place itself above the law.

But here the smaller states objected. Why give the Great Powers not parties to a dispute the right to veto investigation or recommendations for peaceful settlement? The Great Powers said that since investigation might be the beginning of steps that would lead to police action, they should exercise a right of veto at that point.

After some considerable debate, it was agreed that the Council could informally discuss any dispute or difficulty that it wanted to without any Great Power having a veto. It was agreed further that any nation might call the Council's attention to a situation that threatened the peace of the world, without the veto interfering. But if the dispute moved beyond such informal discussion to investigation or recommendation for peaceful settlement, there must be a formal vote in which the Great Powers would have to concur. That is, action could only be taken if a majority of seven agreed, and the seven must include the five Great Powers, with the exception that if one of the powers were party to a dispute its vote would not be counted.

We must remember that the Security Council is to be in continuous session. It would be absurd if each morning when its members sat down to discuss the affairs of the world they had to cable Washington, London, Moscow, Paris and Chungking for consent to discuss the items of the day's agenda.

Practically speaking, therefore, there are three stages in the handling of a dispute. One, the informal stage in which the members of the Council discuss the affairs of the world and its danger spots and receive complaints from member states about a situation that threatens the peace of the world. In this stage action can be taken by majority vote, because it is straight procedure. No power would have a veto.

But, two, if the Council swings into action to investigate any dispute, the majority of seven must include the Five Great Powers. This with the agreement that if a Great Power is party to the dispute, it cannot use its veto.

The third stage is reached with Article 41 when the Security Council decides that a situation exists which threatens the peace of the world and decides to take economic and military measures to prevent or stop it. Such a decision can be taken by a majority of seven, including the five Great Powers, whether parties to the dispute or not.

INTERNATIONAL COURT OF JUSTICE

Since the Court is part of the machinery for the peaceful settlement of disputes, this would be the proper place to make reference to it.

The question arose: Should the old World Court be used or a new court created? The delegates decided to create a new court, but to base its statute upon that of the old. Consequently, the new court will be very much the same as the old. Its judges will be elected by the General Assembly and the Security Council in the same way that the judges previously were elected by the Assembly and the Council of the League.

The Court may give advisory opinions at the request of the General Assembly or the Security Council. Various agencies of the organization may, with the permission of the Assembly, ask for an advisory opinion.

All members of the United Nations are automatically members of the Court. This is a happy improvement upon the League system in which a nation might belong to the Court but not to the League. Having the Court a part of the United Nations means a more well-ordered organization with the Court as its judicial arm.

There was a difference of opinion as to whether a nation would be obligated to use the Court in a legal dispute. By legal dispute was meant one for which international law existed upon which a settlement could be based. It was decided not to make submission of a dispute to the Court compulsory, but to permit nations to sign an optional clause. They did this under the old World Court Statute by which they agreed to accept the Court's jurisdiction. However, each member of the United Nations undertakes to comply with a decision of the Court if it is a party before it. And if it refuses, the other party may complain to the Security Council which may decide upon measures to back up the Court's judgment.

Some will wonder why a new court was created so very much like the old. Why not use the old? The major reason was to avoid embarrassment. There are nations, such as Spain, that are members of the old Court. They will not be original members of the United Nations. In fact Spain cannot be a member until the Franco Government has disappeared. Consequently a new Court had to be created so that the United Nations could determine who should be members to start with.

All of the delegates at San Francisco were very anxious to preserve the validity of any international agreements which provide for decisions by the World Court in case of a dispute. The Statute

of the new Court provides for the continuation of such obligations. The Court will meet at The Hague; the same as the old Court.

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

The section of international economic and social cooperation is actually the proclamation of a new hope for the world in better living and human rights. The significance of this section has been overshadowed by the perfectly natural concentration on security.

It will be remembered that when the delegates met at Dumbarton Oaks some of them thought that they were to make proposals for a security system only. Other delegates, including those of the United States, insisted upon outlining proposals for the over-all framework. They won, but not completely. The Economic and Social Council in the Dumbarton Oaks Proposals was not listed as one of the major organs. In the Charter this Council is moved to a position of equality.

The Charter, in the first place, recognizes that conditions of stability and well-being are necessary for peaceful and friendly relations among nations. And so the United Nations shall promote:

1. "Higher standards of living, full employment, and conditions of economic and social progress and development;
2. "Solutions of international economic, social, health, and related problems and international cultural and educational cooperation; and
3. "Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Then the Charter goes on to say that all members pledge themselves to take joint and separate action in cooperation with the United Nations to achieve the above purposes. For administrative purposes, the various agencies which United Nations conferences have or will establish, such as the Bank, Food and Agriculture, etc., shall be brought into relationship with the United Nations. (It will be remembered that the General Assembly, when such relationship is established, is to bring the budgets of these organizations into harmony with the United Nations budget.)

The United Nations shall make recommendations for the coordination of the policies of these agencies so they will function as a whole and there will not be duplication.

The United Nations shall hold conferences to create any new agencies that are needed.

THE ECONOMIC AND SOCIAL COUNCIL

This Council will have eighteen seats elected by the Assembly. Each nation shall hold its seat for three years. Decisions will be taken by a majority of members present and voting. There is no provision made for permanent and non-permanent members or distinction between great and small powers. While the non-permanent members of the Security Council are not eligible for reelection, members of the Economic and Social Council are. The latter, I think, is a weakness because there may be a tendency for certain nations to feel that they own a place on the Council and should be reelected each time. However, it does not need to work out that way if the General Assembly is courageous.

Now let us see what the Economic and Social Council can do. It is an executive committee of the Assembly. It may make studies and reports on any subject relating to economic, social, educational, cultural, health and related matters. It may make recommendations to the General Assembly. It may make recommendations to the members directly. It may make recommendations to the specialized agencies. And since these specialized agencies are brought into relationship with the United Nations, presumably its recommendations will be taken seriously. This is a very important point. President Roosevelt believed that there would be a great number of autonomous agencies and that there would be considerable decentralization. At the same time he understood the need of coordination into a single pattern. The Charter provides for both very well. But they shall be brought into relationship with the world organization through the initiative of the Assembly. And the job should be done by the Assembly's executive committee, which is the Economic and Social Council.

This Council may make recommendations for the promotion of human rights and fundamental freedoms. It may prepare draft conventions which when submitted to the Assembly will be passed on to the members for their approval. This comes the nearest to being a reference to international legislation in the document.

The Economic and Social Council may coordinate the activities of the specialized agencies. It may obtain reports from them.

The Economic and Social Council may assist the Security Council upon its request. This is very important because if the Security Council is denying a potential or actual aggressor the benefits of trade, rail, radio and postal communications, it must have the cooperation of the Economic and Social Council which deals with these matters.

One of the points which the Consultants to the American delegation were most anxious to win was incorporated in Article 71. It provides that the Economic and Social Council may consult with non-governmental organizations which are concerned with matters within its field. Such cooperation may be with international organizations such as the International Chamber of Commerce or with national organizations such as the farm groups, the C.I.O., A. F. of L., the Chamber of Commerce or the National Association of Manufacturers.

HUMAN RIGHTS

The emphasis of the Charter on human rights deserves special recognition. The sunlight of hope for oppressed peoples broke through the clouds of persecution with which Germany and her Nazi satellites had darkened the world. The French had been working on the question of human rights for some time; so had the Mexicans. Other states were also anxious to infuse the Charter with a new hope for the individual. If I may be permitted to make a personal reference, I should like to say that the American Consultants urged upon the Conference that the language of the Commission to Study the Organization of Peace pertaining to human rights be adopted in the Charter.

The Preamble states as one of the purposes of the organization the maintenance of the dignity of the human personality. Chapter I states as one of the purposes of the organization, "encouraging respect for human rights and for the fundamental freedoms for all without distinction as to race, sex, language or religion." The General Assembly is charged with the obligation of carrying out this purpose.

The Economic and Social Council shall not only make recommendations for the carrying out of this obligation, but shall also appoint a commission on human rights.

The nations that have dependent peoples likewise take an obligation for the promotion of human rights in their dependent areas. And such an obligation is paramount in the administration of trusteeship areas.

The question will be asked, what enforcement powers exist for the maintenance of human rights and fundamental freedoms? Primarily, the protection of human rights, except in the trusteeship areas, is a matter for the good faith of the nations, the development of public opinion, and hard work by the human rights commission.

All nations accepted the obligation to "fulfill in good faith the obligations assumed by them in accordance with the present Charter." Consequently, the obligation for the maintenance of human rights is well understood.

The human rights commission, if properly set up, may in course of time by the holding of constant conferences and mobilizing public opinion succeed in achieving an international bill of rights. This cannot be achieved overnight, nor will it come about without the support of public opinion. No magic but constant effort can dispel the racial and religious intolerance and minority oppression which exist in the United States and in other countries.

Paragraph 7 of the "Principles" (Article 2) specifically states that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within their domestic jurisdiction. However, the paragraph states that this principle shall not prejudice the application of enforcement measures under Chapter VII. Furthermore, under Article 14 in Chapter IV, 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. It would seem therefore that if a nation's persecution of any section of its population reached the stage of threatening the general welfare or the peace of the world, the Assembly or the Security Council could take action. The reader may say that the door is only open a few inches. A resolute world public opinion can swing it wide open. The obligations that the nations accept under the Charter and the powers of the Assembly and the Security Council to prevent or stop aggression open a new approach to the protection of the individual.

POLICY REGARDING NON-SELF-GOVERNING TERRITORIES—TRUSTEESHIP

The details of the plan for trusteeship over dependent peoples and strategic bases were primarily of American origin. But the first Article (73) establishing the principles of a new day for dependent peoples is of British origin.

Now let us examine it closely. First of all, all nations without any exception which have the administration of territories whose peoples do not have self-government:

1. Recognize the principle that the interests of the inhabitants of the territories come first;

2. Accept as a sacred trust the obligation to promote to the utmost the well-being of these inhabitants;
3. Ensure their political, economic, social and educational advancement, just treatment and protection against abuses;
4. Develop self-government and assist in the progressive development of free political institutions;
5. Further international peace and security;
6. Promote research and cooperate with one another through various international agencies with a view to the development of these colonies.

And here comes the heart of the agreement: All nations, without exception, subject to such limitation as security and constitutional considerations may require, are obligated to transmit regularly to the Secretary-General for information purposes reports relating to the economic, social and educational conditions in these territories.

These obligations do not simply apply to the territories under trusteeship. They apply to all territories on earth which do not have self-government. They apply to the British in Burma, to the French in Morocco, to the Belgians in the Congo, to the Americans in Puerto Rico, and to the non-self-governing territories of any member of the United Nations. Thus at last all nations accept a sacred trust to the world community for the well-being of their natives and the necessity of presenting a regular report to the United Nations.

Cynics may scoff because there may be gaps between the assumption of moral obligations and performance. But a great principle has been gained. And there is indication of a more liberal colonial policy on the part of various United Nations toward their colonial peoples.

Now let us examine the actual territories to be placed under trusteeship and how they would be looked after.

There are two kinds of trusteeship: for dependent peoples, and for strategic bases.

For Dependent Peoples: There are three classes of dependent peoples that might be put under trusteeship:

1. League of Nations mandates;
2. Territories taken away from the enemies in this war;
3. Territories voluntarily placed under the system.

No specific territories are mentioned. This is left for future negotiation. The most unfortunate gap seems to be that there is no compulsion for the transfer of League mandates. If any mandatory power were not willing to transfer its League Mandates to the trusteeship system it would leave the status of these territories in some doubt. It is hoped that all League Mandates will be transferred promptly.

Here is a moot point. If the Supervisory Body or the League of Nations Assembly should vote the dissolution of the League and the transfer of the League, its agencies and functions to the United Nations, could it transfer the mandates as such? This is a question that has not been answered.

The basic obligations of the trusteeship system parallel very nearly the basic obligations that nations take to all dependent areas. Furthermore, the trust power must encourage respect for human rights and for fundamental freedoms . . . to ensure equal treatment in social, economic and commercial matters for all members of the United Nations . . . and for the administration of justice.

There will be a Trusteeship Council. It will consist of one representative from each of the United Nations administering trust territories and an equal number from nations that do not have trust territories. The latter category will include any permanent member of the Security Council which does not have trust territories. That means that China and Russia are assured places on the Trusteeship Council. Decisions are to be taken by a majority of those present. This is a surprisingly liberal arrangement. The nations on the Trusteeship Council with trust territories are to be balanced by an equal number of nations without colonies. They might be more zealous in carrying out the ideals of the system.

The Trusteeship Council shall have the right to periodic inspection at times agreed upon with the trustee power. It also has the right to receive petition from dependent areas.

A question naturally arises. Is it necessary to transfer territory from an enemy state to a member of the United Nations so there can be a trust power over the dependent area? The Charter provides that the Trusteeship Council may directly administer a dependent area. An important point is here gained for international administration.

There is a second kind of trusteeship, a trusteeship

For Strategic Areas: Some areas may be considered important primarily for their strategic value. Such areas come under the supervision of the Security Council rather than the Trusteeship Council.

This is a perfectly logical arrangement. Japan fortified the Japanese mandated islands in violation of the League of Nations Mandate system. The Security Council, concerned primarily with security, would concern itself with strategic areas. However, one must admit unfortunately that the plan for trusteeship over strategic areas is not as well spelled out as the plan for trusteeship over dependent peoples. And here we Americans must admit that since we have not yet worked out our policy, particularly toward the islands in the Pacific, and since we did not have many dependent peoples anyway, we were much more concerned with the dependent peoples of other countries than with trusteeship for strategic bases which we might get out of this war. Our moral position would have been stronger had we been able to take as liberal a position toward strategic areas as we did toward dependent peoples.

The fact remains, however, that trusteeship for strategic bases is amply provided for although not spelled out. If the American people are willing to take advantage of their great moral position and recognize that they are trustees for strategic bases which they acquire, the United States may challenge the world to a new deal for dependent areas.

There are really two kinds of trusteeships involved in a strategic area. If there are both dependent people and a strategic base in the territory involved, the authority for the strategic area may avail itself of the assistance of the Trusteeship Council for the dependent people.

THE SECRETARIAT

The United Nations will have a Secretariat. Its chief administrative officer will be the Secretary-General. He shall be appointed by the General Assembly on the recommendation of the Security Council. Decisions of the Council in recommending the Secretary-General will apparently be by a simple majority. The Secretary-General shall be assisted by a staff.

The Secretary-General shall be the chief administrative officer of the Organization as well as of the staff. He shall function as the chief administrative officer at all meetings of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council.

He shall make an annual report to the General Assembly. He may bring to the attention of the Security Council any matter which in his opinion may threaten the peace of the world.

The Secretary-General shall appoint the staff under regulations established by the General Assembly.

Indeed, the Secretary-General, if able and courageous, will be one of the most important figures in the world. Courageous leadership on his part can do much to fashion the world organization. He can do much to see that the bodies of the organization meet their responsibilities.

The rules to protect the international character of the staff are strict. No member of the staff, including the Secretary-General, shall seek or receive instructions from any government, or from any authority outside the United Nations. A comparable obligation is placed upon the member states themselves. They undertake to respect the exclusively international character of the staff, and not to make any effort to influence them in the performance of their duties.

Nothing is said about nationality except that the staff shall be recruited on as wide a geographical basis as possible. Part of the Secretariat may be permanently assigned to the various Councils and to other organs of the United Nations.

TREATIES

All treaties and international agreements which members of the United Nations enter into after the organization is set up shall be registered with the Secretariat. The Secretariat will publish them.

No member of the United Nations can use any treaty which it fails to register as a basis for complaint or action before any body of the United Nations.

In case of a conflict between the obligations assumed under the United Nations Charter and any treaties or agreements, the Charter obligations come first and, logically, the others are scrapped.

The organization, its staff, and the representatives of members of the United Nations shall enjoy whatever privileges and immunities are necessary for the independent performance of the functions of the organization.

AMENDMENTS

The provision concerning amendments is a disappointment to many people who feel that the procedure for amendment is altogether too difficult. Amendments to the Charter will come into force when they have been adopted by vote of two-thirds of the Assembly and ratified. The two-thirds must, however, include the five Great Powers.

In effect, the Charter can be amended if two-thirds of the members agree, and providing the Big Five are included in the two-thirds. It was felt by many that sometime in the next decade there should be a constitutional convention, so to speak, for the purpose of reviewing the present Charter. This would seem to be a healthy procedure because in the course of a decade many weaknesses may develop and needs of improvement arise. Consequently, such a constitutional convention can be called by two-thirds vote of the General Assembly including a simple majority of seven of the Security Council. If such a convention shall not have been held within the next ten years, the proposal for such a convention shall be placed on the agenda of the tenth session of the General Assembly. If a majority of the Assembly including seven of the Security Council vote in favor, there shall be such a constitutional convention.

Unfortunately, however, the recommendations of such a conference cannot go into effect until ratified by two-thirds of the members, including all of the Big Five. However, such a meeting of all of the United Nations would be a meeting something like the present conference in San Francisco where nations would not be too arbitrary and where give-and-take would be the rule. Undoubtedly changes could be agreed upon there which would be approved by the Big Five.

AUTONOMOUS AGENCIES

The United Nations Charter contemplates the affiliation of a number of organizations particularly in the economic and social field. Some of these, such as the International Labor Office, have existed for years. Others are being formed. Among the latter are the Food and Agriculture Organization, UNRRA, the Provisional International Civil Aviation Organization, the International Bank for Reconstruction and Development and the International Monetary Fund.

Two other conferences are being planned to create organizations for which there is wide public demand. One will be an educational conference to plan an international office of education.

Another will be a conference to plan an international commercial organization to promote trade, wider distribution of raw materials and a more prosperous world. It will be a companion to the I.L.O., the Bank, the Food and Agriculture Organization, etc.

At San Francisco 17 delegates urged that as quickly as possible a health organization be set up. It will be remembered how the health organization of the League of Nations had much to do with

stopping of epidemics that were sweeping across Europe after the first World War. Even greater tragedy can result from the hunger and suffering of this war.

Thus it will be seen that there will be many more new agencies in the economic and social field than previously.

The Charter of course contemplates the affiliation of these organizations with the United Nations. Such affiliation would seem necessary for important reasons. In the first place affiliation will prevent duplication. It will make possible a united budget. It will make it easier for the countries to appropriate money. And when the United Nations Security Council wishes to quarantine a would-be aggressor, it must be able to call upon these agencies to cooperate in denying their benefits to the law-breaker.

The General Assembly and the Economic and Social Council are given full authority to arrange for the affiliation and coordination of these agencies. When such affiliation takes place the General Assembly may approve any financial and budgetary arrangements with regard to them. It may examine their budgets and make recommendations. The Economic and Social Council may enter into agreements with the approval of the General Assembly to establish relationships with the various agencies. It may make arrangements for representatives of these agencies to participate without vote at its deliberations and in its commissions. It may make arrangements for its representatives to participate in the deliberations of these agencies.

Furthermore, the General Assembly or the Economic and Social Council with the approval of the General Assembly may provide for the creation of new agencies as needed.

THE LEAGUE OF NATIONS

That the absorption of the major functions of the League was contemplated by the delegates of San Francisco is demonstrated by Paragraph C of Article 4 of the Agreement setting up interim machinery. This Article gives the Interim Commission authority to "Formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new organization to take over on terms to be arranged."

Before the San Francisco meeting a small committee of the League of Nations met privately to consider plans for the transfer of the League's assets to the United Nations.

There are many important assets of the League, including prop-

erty, bank accounts, staff, and activities now being carried on, which will be of considerable value to the United Nations. Some 500 treaties involving the League of Nations must be transferred in such a way that their validity is preserved. The problem is a technical one also. To give one illustration, if the United Nations takes over the League's bank accounts, it must also take over the obligations of its pension fund to present and past employees.

It is generally assumed that when the United Nations is a going concern, the League of Nations Assembly will meet to transfer its obligations and assets and such functions as are wanted to the new organization. It will be a dramatic moment when the old transfers its experience and assets to the new.

WHERE WILL THE ORGANIZATION BE LOCATED?

This was the most hush-hush question at San Francisco. No one would speculate about it publicly. The ill feeling between the Russian and Swiss governments seemed to make Geneva out of the question at the moment. Those relations might, however, improve.

If I may intrude a personal observation, I believe that the heart of the organization—including the Security Council, the Secretariat—should be located on a piece of internationalized territory, like the District of Columbia. The organization should be able to function without interference from any government that might be its host. It should have its own high-powered radio station so that if all other means of communication failed, it could reach the outside world.

The simplest procedure would seem to be for the Swiss to internationalize the Ariana Park where the League buildings are located, the road leading to the I.L.O. building and the grounds on which the I.L.O. is located. One-half mile away is the Gex territory. It is a free zone between France and Switzerland. If the French would internationalize it, more buildings could be located in this area.

Speculation as to where the buildings would be located in case a Geneva arrangement could not be worked out roamed all over the earth. Islands were mentioned, as well as territories in other countries. Several American cities bid for the honor of establishing the headquarters.

I think that public opinion should insist that the permanent headquarters be located in internationalized territory. Obviously the autonomous agencies will not all be located in one place. There

are the arguments that efficiency might suggest their being located together. But probably no spot in the world could be found that would please everybody. It may well be that the Aviation Organization will be located in Canada and the International Bank in the United States. President Roosevelt, I know, felt that there would be considerable decentralization in the location of the autonomous agencies. He felt that the Assembly would meet in various places such as Chungking, Moscow, Paris, London, Ottawa, Buenos Aires and Washington. But there must be a permanent location where the Security Council can be in session continuously without any interference. The Secretariat must also have such surroundings. Consequently there must be a central headquarters. This will be one of the most difficult problems to settle.

INTERIM AGREEMENT

In order that preparations be made for the set-up of the organization immediately upon ratification, the delegates at San Francisco decided that all of the governments signing the Charter at San Francisco have representatives on a preparatory commission.

An executive committee composed of 14 states whose representatives made up the executive committee of the Conference would meet continuously.

The Commission assisted by its executive committee shall: convoke the first meeting of the General Assembly; prepare the provisional agenda of the first meetings of the principal organs; make recommendations for the transfer of League assets.

It may examine the problems involved in the relationship between the autonomous agencies and the United Nations. It may issue invitations for the nominations of the candidates to the International Court of Justice. It may investigate the headquarters and make recommendations as to the Secretariat. The Commission will meet in London. Its expenses will be paid by the British. What they pay will be deducted from their dues when the organization is set up.

THE ROLE OF THE UNITED STATES

The American people and their Senate have accepted the Charter. They face the problem of the authority which the American representative on the Security Council will exercise through the President. Almost everyone is agreed that if the Security Council is to prevent aggression, it must act instantaneously either to recommend a peaceful settlement or to use economic and military force to prevent or stop aggression. Other legislation will be needed. The American

contribution to the budget must be voted. Many issues will arise if we are to act effectively as a member.

War is now determined by the speed of the bombing plane. It must be prevented with similar speed. Arrangements must be made for the President to be able to authorize the vote of the American representative on the Security Council for such action.

When the United States has joined and appropriate legislation has been passed, there will be many years of hard work ahead to make the organization succeed—to make it succeed in preventing another war, to make it succeed in promoting prosperity and advancing human rights. The organization will not automatically confer these benefits upon mankind. Rather it is an instrument to be used by courageous statesmanship and an alert public opinion.

The United States is one of the great nations. It must play a leading role. Indeed its voice may be more decisive than that of any other country. The job will be one for American public opinion.

CHARTER OF THE UNITED NATIONS

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, 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 insure, 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 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 Charter of the United Nations and do hereby establish an international organization to be 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 which might lead to a breach 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 cooperation in solving 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.

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 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.

6. The organization shall ensure that states 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 have previously signed the Declaration by United Nations of Jan. 1, 1942, sign 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.

2. The admission of any such state to membership in the United Nations will be effected 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 the 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.

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

The General Assembly shall consist of all the members of the United Nations. Each member shall not have 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 the Security Council, or to both, on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation 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 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council, or 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 10.

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 recommendation with regard to that dispute or situation unless the Security Council so requests.

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 cooperation in the political field and encouraging the progressive development of international law and its codification;

(b) Promoting international cooperation 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.

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 functions 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 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.

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-thirds 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 Security Council, the election of the 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 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.

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.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its 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 eleven 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 six 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 organization, and also to equitable geographical 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, however, three 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 insure 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 the 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.

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 an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven 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.

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.

3. 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.

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.

2. The Security Council shall, when it deems 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.

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 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, breach of 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 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon 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 measures provided for in Article 41 would be inadequate, or have proved to be inadequate, it may take such action 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 air, sea 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 rights of passage, necessary for the purpose of maintaining international peace and security.

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 fulfillment 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 plans for their combined action shall be determined, within the limits laid down in the special 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.

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 subcommittees.

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.

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 of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense, if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defense 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.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for 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 organization.

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 arrangements or by 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.

Article 53

1. 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 arrangements or by regional agencies 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, or 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 as 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.

CHAPTER IX
INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

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 standards 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 cooperation; and
- (c) Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All members pledge themselves to take joint and separate action in cooperation with the organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by inter-governmental 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 the 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 coordination 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.

Article 60

Responsibility 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
ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61

1. The Economic and Social Council shall consist of eighteen members of the United Nations elected by the General Assembly.
2. Subject to the provisions of Paragraph 3, six 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, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.
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.

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 coordinate 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 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 recommendations 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 the 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 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.

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 organizations, 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.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a 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 insure, with due respect for the culture of the peoples 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 peoples and their varying stages of advancement;

(c) To further international peace and security;

(d) To promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic and scientific purposes set forth in this Article; and

(e) To transmit regularly to the Secretary-General for information purposes, 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 conditions 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 purposes 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 toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples 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 rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the interdependence of the peoples of the world; and

(d) To insure equal treatment in social, economic and commercial matters for all members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives, and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to 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, relationship among which shall be based on respect for the principle of sovereign equality.

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 peoples 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 negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided 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 functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised 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 functions 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 insure 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 volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations toward the Security Council undertaken in this regard by the administering authority, as well as for local defense 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 the 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 insure 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 person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- (a) Consider reports submitted by the administering authority;
- (b) Accept petitions and examine them in consultation with the administering authority;
- (c) Provide for periodic visits to the respective trust territories at times 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 inhabitants of each trust territory, and 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 meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are 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 Chapter.

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 conditions 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 to which it is a party.

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 question.

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.

CHAPTER XV THE SECRETARIAT

Article 97

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 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 international peace and security.

Article 100

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 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 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 staffs 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 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.

CHAPTER XVI 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 Nations 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 fulfillment 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 fulfillment 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.

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-Nation Declaration, signed at Moscow, Oct. 30, 1943, and France, shall, in accordance with the provisions of Paragraph 5 of that Declaration, consult with one another 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 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 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 seven 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.

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 of 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 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.