

**Reform**

**Proposals**

**- For a Democratic United  
Nations and the Rule of Law**

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# Contents

Preface.....	4
Acknowledgements.....	6
Introduction .....	7
Reform Proposals .....	9
A. General Assembly matters.....	10
B. A United Nations Parliamentary Assembly .....	16
C. Selecting the Secretary-General .....	18
D. Overall issues .....	21
E. Behaviour of member states .....	23
F. ECOSOC and root-causes of conflicts.....	26
G. Prevention .....	30
H. The United Nations and women.....	33
I. The Security Council .....	34
J. Peacekeeping.....	39
K. International economic cooperation and trade .....	46
L. Humanitarian response.....	53
M. Food security agencies.....	57
N. The Trusteeship Council.....	58
O. Financing the United Nations .....	59
P. Greater involvement all across .....	63
Appendix	
Charter of the United Nations.....	65

## Preface

This booklet is the synthesis of a much more voluminous work published by the Dag Hammarskjöld Foundation as *Development Dialogue* no. 56 in June 2011 ('Erskine Barton Childers – For a democratic United Nations and the Rule of Law'). This presented a selection of writings by Erskine Barton Childers, former Secretary-General of the World Federation of United Nations Associations (WFUNA), who until his untimely death in 1996 relentlessly sought to enhance the work of the United Nations through reform initiatives and recommendations. Comments by those who share his ideals and engage in similar ways in today's context were included alongside his texts. The volume is freely accessible at the Foundation's website ([www.dhf.uu.se](http://www.dhf.uu.se)) and can also be ordered as hard copy from the secretariat.

Given the practical scope of this initiative and the aim of promoting a constructive contribution to a wider debate on ways of further enhancing the efficiency and credibility of the United Nations, we have expanded the collaboration into one between the Dag Hammarskjöld Foundation and the United Nations Association of Sweden, whose local Uppsala chapter initially played a midwife role in bringing the original volume into being. We now look forward to distributing this booklet widely for further debate, thereby adding to the constructive engagement with the global institution tasked by its Charter to bring about peace, human rights and development for the people of this world. Not everyone might agree with all the recommendations presented; neither do they represent an

official list of proposals documenting views held by our two organisations. However, we are in agreement that the range of issues identified deserves further debate and consideration.

We therefore hope that this summary, systematically compiling reform recommendations made by Erskine Barton Childers as well as the various contributors to the earlier volume published as *Development Dialogue*, will have the constructive impact it deserves. We are grateful to Hanne Christensen, who took upon herself the meticulous and systematic task of turning the analyses presented in the earlier volume into a practical tool which we trust will inspire many to contribute further towards a United Nations system that deserves our support.

*Stockholm and Uppsala,  
February 2012*

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UNA Sweden

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## Acknowledgements

We are grateful to Marjolijn Snippe, without whom the original publication would never have existed. We would also like to thank Vijay Mehta, as well as the many contributors willing to add their competent commentaries to the texts by Erskine Barton Childers, and acknowledge with thanks the facilitating role initially played by Eva Haxton and the local Uppsala chapter of the Swedish United Nations Association. Finally, we much appreciate the additional efforts voluntarily undertaken by Hanne Christensen to compile this summary of recommendations. Without the role played by all of them the Dag Hammarskjöld Foundation would not have been able to provide the forum for the first volume or to produce this publication jointly with the Swedish United Nations Association. The end result comes from a collaborative effort, which we trust the late Erskine Barton Childers (1929-1996) would have endorsed and appreciated. It gives voice to his continuous efforts to contribute to a United Nations, which in the absence of any meaningful alternative simply needs to be improved.



# Introduction

These recommendations for reform of the United Nations system are published at a time when the Dag Hammarskjöld Foundation is celebrating its 50th anniversary. We are pleased that in collaboration with the Swedish United Nations Association we can, among other ways, mark this occasion through a concise collection of structured and systematic proposals seeking to make the world organisation a more efficient, democratic and people-oriented agency for global governance, promoting human rights, social equality and justice among the people and countries of our world. This, too, was the mission of Dag Hammarskjöld, the United Nation's second Secretary-General between 1953 and 1961, who together with 15 others sacrificed his life in the service of the organisation while seeking a peaceful solution to the crisis in the Congo, when their plane crashed as it approached Ndola in then Northern Rhodesia (today's Zambia) shortly after midnight on 18 September 1961.

We at the Dag Hammarskjöld Foundation remain motivated by the legacy of the second Secretary-General, promoting its relevance to today's world. In an address at the New York University Hall of Fame Ceremony on the unveiling of the bust and tablet for Woodrow Wilson he stated on 20 May 1956:

[W]e are still seeking ways to make our international institutions fulfill more effectively the fundamental purpose expressed in Woodrow Wilson's words – 'to be the eye of the nations to keep watch upon the common interest.'

I have no doubt that forty years from now we shall also be engaged in the same pursuit. How could we expect otherwise? World organization is still a new adventure in human history. It needs much perfecting in the crucible of experience and there is no substitute for time in that respect”

His concluding words, devoted to the lasting legacy of Woodrow Wilson, would equally apply to him:

“It is a true measure of the leadership and idealism of Woodrow Wilson that it is not a vain pastime in this way to give some thought to the question of how he would have looked at our endeavors, our failures, and our successes, in the fields to which he devoted the best of his life. He is not only the first and foremost spokesman for true international organization. He is one of those who helped to create an international conscience which is, and will remain, a living force in all attempts to build a world of order

*Henning Melber  
Uppsala, February 2012*

# Reform Proposals

*Compiled by Hanne Christensen*

This summary presents recommendations that emerge from Development Dialogue no. 56, 2011, 'Erskine Barton Childers – For a democratic United Nations and the rule of law', published by the Dag Hammarskjöld Foundation.

Erskine Childers worked for the United Nations from 1967 to his retirement in 1989 and served most of the organisations of the system at all levels and in all regions. From 1989 to his untimely death in 1996, he championed a substantive number of reform proposals for the United Nations system and a working world community in collaboration with Sir Brian Urquhart. Together they authored five reports on reform of the United Nations for the Dag Hammarskjöld Foundation, which came out in well over 100,000 copies and reached a wide segment of the international community. They wrote themselves into the heart of the matter.

During the period 1989-1996 Erskine also travelled around the globe with the Charter of the United Nations in his pocket, though he knew it by heart, in memory of what was important, presented papers on UN reform at conferences and seminars, spoke to high and low, few and many, including the European Parliament in 1995, so that 'WE THE PEOPLES OF THE UNITED NATIONS', who declared the Charter, might enjoy a better world. Already in his lifetime his commitment to United Nations principles and ideals was legendary: a commitment inspired by Dag Hammarskjöld's. It is noteworthy that some

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\* Regional representative in the Nordic countries of the Independent Bureau for Humanitarian Issues.

of these pioneer reform proposals were voiced by heads of state and government in the general debate of the United Nations General Assembly at its 66th session in 2011, 15-20 years later.

Several of the reform proposals that Erskine advocated have already been implemented, or are about to be. Others have not yet come that far. In 2010 a group of 14 distinguished experts examined his suggestions, commented on them and added a number of new proposals. What follow below are the ensuing recommendations: Erskine Childers' and those of the experts. They offer a notable peace dividend and should be considered for their potential to bring about a reformed and fair world organisation in tune with the times.

## A. General Assembly matters

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1. *The General Assembly should assume a stronger role in United Nations affairs.* The General Assembly is the chief organ of the United Nations, the root of all other organs. Only the General Assembly has budgetary powers. Subservience to the Security Council must end. Recent trends towards greater involvement of the General Assembly should be strengthened. The General Assembly elects the Security Council to represent it in international peace and security matters, while the Security Council reports to the General Assembly, which, in turn, can accept or reject the reporting. Article 10 of the Charter provides that the General Assembly may discuss any question or matter within the Charter. It also provides that it may make recommendations to members of the United Nations and/or to the Security Council on peace and security,

save what is provided for in Article 12 of the Charter: disputes or situations under the responsibility of the Security Council. The General Assembly can discuss and call the attention of the Security Council to situations that might endanger international peace and security (Article 11.3), and it has the power to deny funds for any peace mission devised by the Security Council, if it is not in accord with the purposes and principles of the Charter. The Security Council cannot appropriate a single dollar of UN funds. Hence the General Assembly can be more of a counterbalance to the Security Council than what it is currently and has been for decades. Member states can contribute more significantly to the world organisation, whether they are members of the Security Council or not. In this context, attention is drawn to Article 24.1 of the Charter, which states that members of the United Nations 'confer on the Security Council primary responsibility for the maintenance of international peace and security', and that 'in carrying out its duties under this responsibility the Security Council acts on their behalf'. The use of the term 'confer' refers to equal partners comparing notes. It is the responsibility of the General Assembly to monitor whether the Security Council actually acts on its behalf and, if it doesn't, to make its opinion known to the Security Council. Or if Security Council action is blocked by a veto, it should exercise its responsibility for maintenance of peace and security under the 'Uniting for Peace' resolution of 1950, asserting the right of the General Assembly to step in when the Security Council is unable to act owing to Permanent Five differences and to make recommendations, including those involving the use of

armed force (see below). In this respect, the General Assembly has ultimate responsibility in peace and security matters. A stronger General Assembly would strengthen the United Nations and enhance its legitimacy.

2. *The General Assembly must establish that the prohibition of Article 12 of the Charter cannot preclude it from seeking an advisory opinion from the International Court of Justice on the matter of peace and security, that it cannot preclude it from debating resolutions to a dispute that has already gripped the Security Council (Article 10).* One way of doing the former is to request the International Court of Justice to look into whether the provision of Article 12.1 takes precedence over that of Article 96.1, while the latter can be ensured by a General Assembly focus on mediation aspects of relevance for disputes within the Security Council without making recommendations to the Security Council or to member states. The mere discussion would widen the perspective pursued by the Security Council. A small representative watchdog committee of the Assembly, dealing with all peace and security matters, could serve a useful purpose. It can be established under Article 22 of the Charter.
  
3. *The General Assembly should make the theme of its 66th session – mediation – its constant focus.* Recent years have been marked by conflict resolution through the use of armed force. The time has come to move away from that policy. It is infinitely better for everyone involved to reach a settlement by peaceful means and far less costly in every respect, not least in human

lives. It is also the approach with the highest chance of providing a lasting solution. Suggestions for mediation could be a part of each member state's contribution to the General Assembly sessions, presented in the general debate for example. If the entire membership puts its mind to it, innovative and effective approaches are bound to materialise, and member states would be united in finding new ways to peace.

4. *The General Assembly should authorise the Secretary-General to request the International Court of Justice to give an advisory opinion on any legal question and, in particular, possible discordance between actions and policies and provisions of the Charter.* At present the Charter restricts this right to the General Assembly and the Security Council (Article 96.1). Yet the Charter recognises the Secretary-General as one of three agents of the United Nations along with the General Assembly and the Security Council. If a Secretary-General has serious doubts about proper application of the Charter, he or she, as the guardian of the Charter, should have the opportunity to seek expert advice from the Court. Amendment of the Charter would be required.
  
5. *The General Assembly should also mandate its Legal Committee to monitor use of the Charter, Chapters VI and VII in particular, and recommend to the General Assembly when it is appropriate to activate Article 96.1 of the Charter and seek an advisory opinion from the International Court of Justice.* Proper application of the Charter needs to be constantly observed; digression from it is a grave concern that should be arrested.

Surveillance of the use of the Charter is a means to prevent it. The Legal Committee is equipped for that.

6. *The General Assembly should condemn purchase and extortion of votes of member states in the Assembly and the Security Council.* Reprisal according to vote is being practised, though it is inappropriate and a criminal offence in many member states, and should not be tolerated at the United Nations either. The sovereignty of member states must be respected. Intimidation of those with a different view should not take place, nor should blackmail or silencing of their voices in the General Assembly or Security Council by threatening, for example, to cut aid, end debt relief or loans from the World Bank, or reduce credit standing with the International Monetary Fund (IMF). The situation with Security Council resolution 678, passed on 29 November 1990, is an illustrative example. Yemen voted against forceful action against Iraq and was met with reprisals afterwards. US aid to Yemen was cut immediately, and Saudi Arabia expelled over 800,000 Yemeni remittance workers. The cost to the Yemini economy was estimated at nearly a billion dollars, a huge toll on one of the poorest economies in the world. Purchase and extortion of votes of member states were not foreseen by the founding fathers of the United Nations, who had noble intentions and high hopes for the organisation. Since then events have taken another turn. Purchase of votes, intimidation and blackmail have become common. Recent studies show systematic use of aid from the USA and resources from UN agencies (mainly UNICEF) to 'buy' the votes of countries on the Security Council. In the first decade



of 2000, countries were found to receive about 59 per cent more US aid and about 8 per cent more UN aid during their term on the Council than at other times, and a significant correlation was found between lending by the IMF and recipient governments' adherence to and support for US positions in the General Assembly.<sup>1</sup> Clearly, this is not the spirit of the United Nations. It should be noted, however, that other Permanent Five members also practise purchase and extortion of votes, only more secretly and with restrictions on the press. It is the relative openness and democracy of American society that allows the world to learn of US punitive measures, and to learn from it. Attempts at purchase and extortion of votes should be indictable to the International Court of Justice and made public to the world population to further a climate of fair play within the United Nations. A resolution of the General Assembly against it would be a start.

7. *An NGO blackmail watch with close ties to the media would also be required in cities that are headquarters of United Nations organisations, including the Bretton Woods institutions, to inform the world population of misdeeds on the part of governments and the United Nations itself.* Being presented globally as blackmailers may help stop those who seek to gain power within the United Nations system through unauthorised means, and may help UN agencies follow the track of pure professionalism.

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1 See David Woodward, 'Vote-buying in the UN Security Council', 31 August 2007, extracted from the Internet: <http://edm.iboninternational.org/component/content/article/51-commentary/76-vote-buyingintheUNSecurityCouncil> on 10 October 2011.

8. *The schedules of the General Assembly and the Economic and Social Council (ECOSOC) should be assessed, and an annual calendar considered.* The present timetable of essentially 14 weeks and 5-6 weeks, respectively, results in packed and overloaded agendas and places considerable time pressure on member states. Stretching the sessions over longer periods would solve the problem. The secretariat of the General Assembly and that of ECOSOC may wish to pursue the issue.

## **B. A United Nations Parliamentary Assembly**

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9. *A Parliamentary Assembly should be established as a principal organ of the United Nations, which 'WE THE PEOPLES' would be represented by.* History shows that peace and equity cannot be left to governments alone. People must be involved. Members of the General Assembly are restricted to governments of member states, and do not as such voice global public opinion, while a United Nations Parliamentary Assembly would do so. A Parliamentary Assembly would democratise global governance, facilitate public participation in UN affairs and bring the United Nations closer to us, 'the peoples.' The idea was first suggested by the UK's foreign secretary, Ernest Bevin, in the House of Commons in November 1945. Two years later, in his famous letter to the General Assembly at its second session in 1947, Albert Einstein called for the representatives of the General Assembly to be directly elected rather than representing the executive branches of governments. Since then it has been one of those issues that will not go away. The Parliamentary Assembly should

include a functional number of parliamentarians from the largest number of member states possible, based on a quota system that would ensure reasonable representation of both sparsely and heavily populated member states. The world population as a whole would elect the Parliamentary Assembly directly, at intervals. This election would correspond to six general elections in India at a time, and should be feasible with the cooperation of 193 member states. A construction should be sought in which the General Assembly and the Parliamentary Assembly would engage in an interactive relationship. The General Assembly would be responsible to the Parliamentary Assembly, which would monitor and substantiate the decisions of the General Assembly, and hence strengthen the position of the latter vis-à-vis the Security Council. The Parliamentary Assembly would also have the authority of oversight of the distribution and spending of funds. A United Nations Parliamentary Assembly could foster cohesion in the world population: the election process could bind us, the peoples, closer together. It could also spur the global democratisation process. The legislative function of the European Parliament apart, this institution may serve as a model for a United Nations Parliamentary Assembly. The European Parliament endorsed a resolution supporting the establishment of the United Nations Parliamentary Assembly as long ago as 1994.<sup>2</sup> In 2011 the European Parliament passed a recommendation calling on the Council of the European Union to foster a debate on establishing a United Nations Parliamentary Assembly during the 66th session of

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2 See European Parliament Resolution A3-0331193 of 25 February 1994.

the General Assembly and to advocate the establishment of it within the UN system.<sup>3</sup> European parliamentarians may wish to pursue the matter through the Inter Parliamentary Union to gain support for their resolve worldwide.

10. *A United Nations commission should be formed that would look into the mandate and technicality of a United Nations Parliamentary Assembly.* General and specific issues need to be discussed and determined in detail by experts and all member states to be fully informed so as to guide the final decision of the General Assembly. Member states from within the EU and elsewhere may wish to actively pursue the issue.

## C. Selecting the Secretary-General

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11. *The General Assembly should be more involved in the search and selection process leading to the appointment of the Secretary-General of the United Nations.* The Secretary-General is to be appointed by the General Assembly upon the recommendation of the Security Council (Article 97 of the Charter), but it is a recommendation only and should be recognised as such. The General Assembly can reject the recommendation and have the last word, if it so wishes. Since 1945 the search for the Secretary-General has remained mainly with the Security Council and has been pursued by the Permanent Five, in particular. As a result, a very short list of candidates has been discussed and voted on in the Council. It is not fair

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3 See European Parliament Resolution T7-0255/2011 of 8 June 2011.

to the membership of the United Nations that five members, comprising less than one-third of humankind, determine who the Secretary-General shall be. The Secretary-General is the leader of a United Nations belonging to all member states, hence the need for greater involvement on the part of the General Assembly. The General Assembly can adopt new rules for a proper search, selection and recommendation which it can accept, and it can adopt a term of office different from the current five-year period, such as a single seven-year term, which would give the UN a more independent Secretary-General. A step in that direction would be for the General Assembly to ask the Security Council to submit three names for consideration instead of one and to decide on a far more thorough search for candidates. The search process should involve various actors within member states, such as government authorities, the NGO community and interested citizens in order to find the most suitable person, and to ensure public support for the candidate. The candidate, who will be the chief civil servant of the world, should be a top-calibre professional with profound human qualities, a superb guardian of the UN Charter, competent to bring the Security Council back on the track set out by the Charter, if it goes astray in conflict situations. He or she must be able to detect and avert tricks by member states against the interests of the organisation. The Secretary-General should be prepared to go to the epicentre of an imminent conflict and call for belligerent parties to come to their senses. He or she should be ready to resign rather than go along with policies and decisions violating the Charter and international law. The Secretary-General should also be able to

comfort people who have lost everything, child or adult. Not an easy task to find such persons, but they do exist, and if 193 member states attune themselves to undertaking a thorough search, a number of candidates may emerge. A Mahatma Gandhi would have qualified.

12. *The next Secretary-General should be a woman.* So far only one woman has ever been considered by the Security Council for the post, whereas women serve as heads of UN agencies. The time has come to implement Security Council resolution 1325 of 31 October 2000, which in its first operational paragraph calls for progress in representation of women at all decision-making levels of international organisations – inter alia – for the prevention, management, and resolution of conflicts. That is the UN itself. With female heads of state and government around the globe, the equality rights of women have reached a stage where women can rightfully claim the position should be theirs next time it falls vacant. Arguments such as the paucity of women within the international community who are eligible for the position underestimate women; they bear no validity, and never have done. Member states with high women's rights profiles may wish to pursue the matter; women who are parliamentarians may wish to persuade their governments to support the selection of a female Secretary-General, and to urge the NGO community within and across member states to campaign for this.
  
13. *The leadership level of the United Nations Secretariat should be outstanding, visionary and perceptive.* It must be highly

capable of diagnosing problems and resolving them effectively, of motivating the entire United Nations staff to do their best. Leadership level staff members should have the capacity to become role models for the world, people whom the world population can look up to and be inspired by. The United Nations should be a shining example of leadership.

## D. Overall issues

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14. *The United Nations should be recognised as the central authority of the multilateral system.* Its role must not be challenged or usurped by any rival or alternative organisation. When the United Nations was established in 1945, it was conceived as the centrepiece of the emerging multilateral system. It should remain that way.
  
15. *Coherence in the United Nations policies of member states is called for.* Member states should speak with one voice throughout the United Nations system so that the system is not played out against itself. Parliaments of member states should have a committee coordinating all UN policy issues, including those related to the IMF and the World Bank, which would monitor the performance of the member state in the UN system and ensure the one-voice policy. NGOs within member states should urge members of parliament to demand an accounting by government of gross inconsistencies between their policies in the UN development system and those at the IMF and the World Bank. Inconsistencies include funding UN programmes (and bilateral projects) to

help build up education and health services in developing countries but endorsing IMF conditionality requiring the same countries to tear down the very same services.

16. *There is a need for a Convention on the National and Collective Human Rights Responsibilities of States* to weed out vagueness in existing instruments and spell out national and collective tasks. An appropriate framework in international law should be aimed for. Small and middle-sized states with a long-standing tradition of moving human rights instruments forward could be instrumental in bringing this about.
17. *Member states should reconsider their overseas development assistance (ODA) policy and turn it towards untied assistance.* The purpose of ODA is to help developing countries out of poverty. Untied ODA is instrumental in this. Tied ODA for its part bears elements of a disguised subsidy of one-way exports by a sort of compulsory sale. It helps create new business for exporters in developed countries, which is not what ODA is meant for. Reorientation is called for.
18. *The original principle that the headquarters of all specialised agencies should be located at the seat of the United Nations should be reconsidered.* The founding fathers of the United Nations agreed on the principle of stemming centrifugal forces within a system with specialised agencies, but it was never employed. The scattering of the agency headquarters to 10 cities in nine different countries has created a system that is more expensive for member states than a centralised



one would be, and virtually impossible to coordinate properly. A centralised model will be not only less costly but also facilitate synergies within the UN system.

## E. Behaviour of member states

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19. *Destructive myths about the United Nations should be exploded.* There are negative myths circulating within the international community that cause much harm to the United Nations. One is that the UN is a talk shop, which is anti-UN propaganda that serves no constructive purpose. It seems to have been forgotten that the United Nations is an organisation which facilitated the decolonisation process, increasing the number of independent member states from 50 in 1945 to 193 in 2011, helped forge most of them, and created more than 75 universal human rights instruments improving the lives of 7 billion people, including in countries in which the myth flourishes – just to mention a few of its accomplishments. Another myth is that the United Nations is an organisation with excessive costs in need of trimming, though few know what the magnitude of the budget of the United Nations system is, in a situation where there is little accurate information to find in the media to stem the myth. The current two-year United Nations regular budget amounts to US\$ 5.16 billion, at a time when the financial crisis is crippling many countries. Governments and people in particular are suffering, and the world is turning more and more to the United Nations for

answers and help.<sup>4</sup> To illustrate: the United Nations dues are half the amount spent annually by Western teenagers on clothing accessories like belts and decorative pins. The UN could help explode the myth by consistently informing the press about its annual budget. Then all can see how little cost is involved in comparison with national expenditure, such as military costs for instance.

20. *The 'paymaster' syndrome within the UN system should be critically examined by member states and fair game rules applied.* The 'paymaster' mentality is an undemocratic mind-set that does not belong to the spirit of the United Nations, but pollutes it. It is in discordance with the Preamble of the Charter, reaffirming the equal rights of nations large and small. The relative-capacity-to-pay formula applied in the UN system, meaning that every member state pays the same share of its Gross Domestic Product to UN budgets, corresponds to democratic voting rights and influence. All parties pay what their income allows, whether small or large, and it is as difficult for a poor member state to pay its dues to the UN and the specialised agencies as it is for a rich one to do so. In this sense everyone pays the same. It is against the very essence of democracy that wealth should play a part in voting rights and positions within government structures. No democratic member state would dare to suggest to its citizens that rich people should have weighted votes and more positions as civil servants of the state. The NGO community within and across democratic states

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4 'Ban Presents Budget Proposal Of Nearly \$5.2 Billion For Next Two Years', *UN Daily News*, 27 October 2011, New York: United Nations News Service.

exercising weighted voting may wish to consider campaigning for democratic voting systems and influence.

21. *The expression, 'donor countries', referring to a small number of member states, is misleading and misrepresentative.* It disguises the fact that all United Nations member states are donor countries to the UN budgets on an equal basis and has undertones of superior-inferior relationships that do not belong to the United Nations. When used in bilateral development assistance it conveys to taxpayers of the country providing funds to another the impression that developing countries do not make contributions of land, buildings, staff and their salaries, and often cash as well, which they do make to their programmes and projects; that they are inert 'recipients'. The term 'cooperation partner' is more suitable within the realm of the United Nations. It conveys equality and covers both the one providing funds and the one receiving them. Reorientation is called for.
  
22. *Double standards should be resisted and the principle of universalism given prominence.* Rules must apply to all member states, including those who think they are above the rules. The non-proliferation of nuclear weapons treaty illustrates this need. An implication of it is that nuclear weapons held by member states outside the treaty are considered acceptable, while those of member states covered by the treaty are not. Discussion in the General Assembly and the Security Council of the need for universalism, when particularism is pursued, would be helpful.

## F. ECOSOC and root causes of conflicts

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23. ECOSOC should be restored to its Charter function and take its rightful place as 'international machinery for the promotion of the economic and social advancement of all peoples' (Preamble). It must be given the prominence it was intended to have by the Charter: the forum for discussion of macro-policies that could address the economic and social needs of all peoples on an all-win basis. ECOSOC is the main organ tasked with furthering both economic and social cooperation and development worldwide, as is well known, yet economic issues have been to a large extent left to international financial institutions. Economic and social causes of conflict should be addressed by ECOSOC, in line with Article 55 of the Charter. Where these cannot be resolved or alleviated in time, the Security Council would deal with the consequences, primarily through peaceful settlement and, if that fails, action recommended in Chapter VII. As for impoverishment of a large part of the world population, a most potent cause of future conflict, ECOSOC can develop for the General Assembly all-gain macro-economic strategies for the full world and macro-social strategies that would remove causes of conflict and help ensure that 'WE THE PEOPLES' advance economically and socially (Article 62.1). With ECOSOC as the forum for discussing and initiating actions and for making recommendations to the General Assembly in both economic and social matters, including effective international economic cooperation for the benefit of all, the General Assembly as the organ for adoption of these strategies, and ECOSOC responsible for the subsequent co-

ordination of their implementation by the specialised agencies, including international financial institutions (see below), the balance between addressing socio-economic causes of conflict and maintenance and enforcement of peace and security in the Charter would be upheld.

24. *Member states should grasp the nettle in ECOSOC and provide input from the empathic world community into the social causes of conflict.* Without empathy, the world would collapse. Ideas should be injected into the discussions of ECOSOC which ensure societies with room for everybody, in which everybody gets a measure of fortune, not just one chance in life, but many. This means societies of great cohesion, with a general feeling of responsibility for others, societies based on the conviction that there is potential in everybody, and everybody has the right to a proper life. Nobody should sink to the bottom of society, if it can be avoided. This societal model is in demand all over the world, but takes international cooperation to achieve. When a part of the world population is faring badly, it is in the interest of all to find solutions to meet the challenge, for it is not acceptable, and also holds potential for clashes between the poor and the rich. The United Nations should always be the locomotive of international cooperation. ECOSOC is an important engine for that travel.
  
25. *ECOSOC should also, from its forthcoming session onwards, discuss and address the detrimental impact of macro-economic conditions on the world population, which, if not resolved,*

could become a major cause of tomorrow's strife, resulting in a battle between the poor and the rich. Economic issues are a major part ECOSOC's mandate, and Article 56 of the Charter, encouraging member states to strive for fulfilment of Article 55, includes state members of ECOSOC. One or more member states may wish to press for the issue to be entered on the agenda of ECOSOC, and the NGO community within and across member states may wish to lobby for it.

26. *Member states should strengthen their commitment to promoting the economic and social advancement of all peoples, as foreseen in the Charter. This can be done by making the United Nations the leader in all-gain macro-economic policies.*
  
27. *To address the root causes of conflict and upheaval a United Nations summit on the relationship between trade, money, finance and sustainable development should be held. The economic policies of barriers to trade, international money and financial arrangements and their detrimental impact on developing countries, which aggravate the global divide and hold a conflict potential, were issues close to the heart of Erskine Childers. The United Nations Development Programme (UNDP) has since the 1990s consistently pointed to the problems caused by resources being sucked out from – or not reaching – developing countries and has spelt out the negative effect on their development process. The World Economic Forum in Davos has dealt with the issues during the same time span. Some debt relief has taken place but, by and large, the situation remains much the same: developing*

countries are left behind in the global development process, while they are struggling with deprivation. There is a planetary household that has to be managed so that all can live well. The time has come for bringing the issue to the top of the agenda of the world community through a summit, and to devise a plan of action. The summit should be prepared through a carefully articulated sequence of negotiations. It should adopt: (i) all-win strategies to eliminate world poverty, addressing root causes of conflict; (ii) reforms of the United Nations system to enable it to mount a more effective, properly coordinated attack on world poverty; and (iii) strategies on how best to equip the UN system, including the Bretton Woods institutions and the World Trade Organisation (WTO), to implement the proposals adopted by the summit. The plan of action ensuing from the summit should give the details of this.

28. *The Department of Economic and Social Affairs should be strengthened with a high-level task force on international economic cooperation and sustainable development. The Secretariat's economic staff capacities should be energised and reinforced to assist the Secretary-General to present coherent macro-policy proposals for moving towards global equity and to gear up the United Nations for its originally intended economic leadership role. The UN should be the place to work for the best economists in the world.*
29. *NGOs in each member state should form a national consortium to work, each according to its special field, along the whole*

*conflict spectrum (unequal trade, food insecurity, environmental degradation, threats to peace and disarmament, human rights violation, shortfalls in humanitarian relief, etc).* Each group within the consortium would bring its reports and proposals to the national council of the consortium whose purpose should be to carry out multi-disciplinary monitoring and lobbying for key policies and reforms. The consortium should put pressure on its government to respect the principles of the United Nations Charter and to urge it to make the UN a far more effective organisation than it now is. Cooperation with NGO consortia would strengthen the policies of member states in ECOSOC, and ultimately in the General Assembly. The consortium should seek the cooperation of specialists in their countries to support and network with social and political scientists in conflict-prone countries as agents of conflict prevention and sources of early warning. It should also persuade its government to insist that the Security Council returns to the process in the Charter, begin with and pursue Chapter VI action, and turn to Chapter VII only in last resort. Other tasks for the consortia to pursue would be measures against global warming or nuclear proliferation, for instance.

## G. Prevention

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30. *The United Nations should be more prevention-oriented.* Prevention is better than cure, always has been. The UN should apply Dag Hammarskjöld's legacy, preventive diplomacy, around the clock, throughout the system. The focus should



be on master strategies to tackle complex root causes comprehensively and in a timely manner. Intensification of problems that can generate chain reactions with other problems and result in intransigent, multi-faceted or explosive effect, spilling over frontiers or requiring international intervention inside fragile states, must be detected and arrested before they grow out of hand and cause massive loss of human lives. Firm determination towards creating a culture of prevention within the UN system and in the world is called for. Inching forward is not enough. Early warning and forecasting capacities of global coverage should be in place for man-made and natural disaster, whether the evolving problem is of a political, socio-economic, environmental or climatic nature, at three levels: among governments, in their regional organisations; among non-governmental institutions where peace and social research institutes of North and South should work together; and in the Secretariat of the United Nations. Data-gathering and multi-disciplinary analytical staff capacities should be strengthened at all three levels. Expert knowledge within the academic community should be constantly updated and feed into the early warning and forecasting capacities. The Secretary-General should have an advisory team of experts at his or her disposal to help determine when a situation may explode. Forward-looking strategies with clear policy options should be formulated and presented to governments by the Secretary-General. A master plan for prevention throughout the UN system, including specialised agencies, should be established, linking all preventative strategies and elements to one overall

scheme that indicates what to do, when and how. Prevention, prevention, prevention should be the mantra and, when that is no longer feasible, early action. The leadership level (Under-Secretary-General and above) of the UN Secretariat, including the specialised agencies, could pursue the issue through the Chief Executives Board for Coordination (CEB) of the United Nations system. The NGO community may wish to mobilise to respond to the need for more thorough prevention, and to get governments in the United Nations to respond better to the active, conflictual part of the prevention spectrum.

31. *The United Nations fact-finding missions, lifted to a higher level of distinction by the General Assembly in 1991, should be lifted again, given more 'teeth', geared at voicing the concern of the international community about dangers to peace and deprivation of human rights, and devise measures of prevention.* It would serve to increase awareness within the international community of a possible breach of peace and massive human rights violations and to alert the concerned governments to possible consequences, and could ultimately help deter a threatening situation. Fact-finding missions should be launched as soon as early warning mechanisms pick up signs of escalation at sites of impending crisis. The roots and dimensions of the crisis should be determined, steps to defuse it set into motion and efforts to resolve the causes promptly begun. Fact-finding missions could be despatched by or in collaboration with regional organisations, as appropriate.

## H. The United Nations and women

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32. *The United Nations should be an exemplar of gender parity for the world.* The UN has championed a substantial number of groundbreaking instruments on women's rights and propelled gender equality in member states around the globe, but is not applying gender parity within the Secretariat. Only on lower steps of the professional level (up to P3) do women reach 50 per cent, on steps P4 and P5 the proportion declines, and on Director-and-above levels, women constitute a clear minority. Yet a world organisation must take its own legal instruments seriously and make gender parity systemic. Otherwise the suspicion is that it does not adhere to gender equality, and neglects to apply the spirit of own instruments. The Secretary-General should ensure gender parity in appointments of Under-Secretaries-General, Assistant Secretaries-General and senior-level professionals (D2s), while the body, United Nations Women, should set as a target the attainment of gender parity within the entire Secretariat in the near future, and significant change towards it within two years.
33. *Member states should ensure that women representatives on UN bodies and agencies are increased towards parity with men.* They should also take initiatives to ensure gender parity within government structures. A plan of action for gender parity could be a helpful tool.

## I. The Security Council

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34. *The Charter's sequence must be restored to the working of the Security Council, which is first and foremost Chapter VI action, peaceful redress, invoked early through proper contingency analysis, early warning and fact-finding missions; followed by Chapter VII action, enforcement, used as it was supposed to be used, sanctions first, and armed force only as a last resort, if peaceful redress has sadly failed. Since 1990, Chapter VII action has been given increasing attention. This needs to be changed. Strong emphasis on pacific settlement of disputes is required.*
  
35. *The Security Council should be more active in preventive diplomacy and resolve problems and crises before they flare up. Providing timely and effective action to prevent conflicts rather than reacting once the crisis has escalated is far more effective, less costly in human terms and infinitely cheaper than responding with armed force. It is the best investment in peace the Security Council can make. A corps of highly professional problem-solvers, torchbearing diplomats, capable of finding the path to peace, on call at 36 hours' notice, should be available to the Council, drawing in the best from the world.*
  
36. *The reform process of the Security Council should be speeded up with the aim of reflecting today's world. The last reform of the Security Council came into force in 1965 when its membership was increased to 15. Security Council reform has been on the agenda of the General Assembly since 1979, still without*

tangible results, although negotiations have intensified during the past few years. Issues considered include: categories of membership; voting rights; regional representation; the size of an enlarged Council and its working methods; and relations between the Security Council and the General Assembly. Of these issues the question of veto is particularly thorny. The provision, which relates to the stipulation of the voting procedures of the Permanent Five under Article 27.3 of the Charter, was reportedly authored by President Roosevelt prior to the Yalta Conference in February 1945 to accommodate the insistence of Marshall Stalin on a provision that gave permanent members of the Security Council the right to veto decisions with which they did not agree. In Stalin's reasoning, states that had not fought the war along with the Allies should not be able to claim equal status in the victory – or to outvote a permanent member – and unity among the permanent members had to be ensured.<sup>5</sup> Hence the veto clause is a legacy of Stalin's, meant to hold permanent members in a united front, but actually proving to have had an adverse effect in subsequent decades, encouraging disunity among the permanent members instead. In the period 1945 to 1950 the veto was used nearly 50 times. The veto right is not set in stone, though it was a *sine qua non* at the time the United Nations was established, but a reflection of a historical period which has now passed, and it requires amendment in a changing world, in which it serves as an obstructive measure. A Council reform model should be found, which ignores the search for consensus and demands for unanimity,

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5 See Winston S. Churchill, *The Second World War, Vol. VI: Triumph and Tragedy*, London: The Folio Society 2000, pp. 165-169 and 274-288.

unless it naturally presents itself, maintains the effectiveness of the United Nations, while increasing the membership of the Council, and ensures regional representation, a more flexible form of tenure and democratic voting rights – that is, graduated majority voting according to the type and gravity of the decision to be made. In a world where democratic principles are increasingly gaining ground, abandonment of the veto is a fair scenario, and also in line with the basic principle of human rights: everyone is equal. Nothing hinders members of the Security Council from forming a united front, if they so wish, but the provision requiring unanimity of permanent members has impeded United Nations action, or delayed it while thousands lost their lives (as in the Darfur crisis).

37. *As long as the present voting procedure of the Security Council prevails, veto-holding powers should as a minimum voluntarily relinquish their right to veto the Council recommendation relating to appointment of the Secretary-General and amendments to the Charter, so that we the peoples can indeed be represented by the Secretary-General and the Charter be declared by them.*
38. *The Military Staff Committee should be more active, assist the Security Council in assessing the reality of a situation, advise on military matters and plan military operations. To build trust among the wider UN membership, Article 47.2 of the Charter relating to the Military Staff Committee should be interpreted as a provision for standing regional representation.*

39. *To enhance the capacity of the United Nations to increase operations under Chapter VI and Chapter VII of the Charter, proposals from 'An Agenda for Peace' of 1992 should be reconsidered, including increasing the Working Capital Fund and establishing a United Nations Peace Endowment Fund.*<sup>6</sup> With the 'Responsibility to Protect' doctrine unanimously affirmed by heads of state and government at the 2005 World Summit, a proactive role for the United Nations is in the making, in which both peaceful and coercive means to settle a conflict are foreseen. A proactive role is more expensive than a passive one and hence demands more resources. The United Nations currently runs 16 peacekeeping operations around the globe. Its overall peacekeeping budget for 2010 was US\$ 7.9 billion, representing about 0.5 per cent of global military spending. Yet it is meant to 'save succeeding generations from the scourge of war' (Preamble), and raises the question of where the sense of proportion is in this matter. One or more member states may wish to pursue the issue.
40. *In case of Security Council division on a matter falling under the 'Responsibility to Protect' doctrine, the 'Uniting for Peace' procedure should be considered rather than waiting for the Permanent Five to reach unanimity.* It can cost thousands of lives to wait. Peoples' lives matter more than yielding to a permanent member. With a majority of two-thirds of

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6 See Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, New York: United Nations 1992, pp. 41-42.

the Security Council, or a majority of the members of the United Nations, an emergency special session of the General Assembly can be called within 24 hours and the General Assembly vote the action through with a two-thirds majority of the members present and voting.<sup>7</sup> The Uniting for Peace procedure has not often been applied, since it was first brought to use against a veto on the part of France and UK during the Suez crisis in 1956 when they launched an armed attack against Egypt on Egyptian soil. Yet it is an effective way to circumvent a veto when it does not have the best interest of humankind at heart.

41. *The Security Council should be precluded from initiating Chapter VII action in a case as long as the International Court of Justice is hearing peaceful settlement proposals relating to it, and from action by force as long as the World Court is attending to sanctions against it. The Secretary-General should keep an eye on this and call upon the Security Council to wait and, if that does not help, report on the issue to the Council, and ultimately the General Assembly.*
  
42. *Use of armed force should not be authorised by the Security Council unless Article 42 of the Charter is invoked. The phrasing 'Acting under Chapter VII of the Charter' and 'to use all necessary means' commonly used in Security Council resolutions authorising armed force is imprecise, not adequate for the use of armed force. It could read: 'Acting under*

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7 See General Assembly Resolution 377(V) of 3 November 1950.



Chapter VII of the Charter, and taking measures under its Article 42, while operational paragraphs would set out what specific measures of armed force they authorise and for how long, as appropriate. Also general reference to Chapter VII, which includes a range of provisions relating to sanctions, armed force, and the Military Staff Committee, implies, inter alia, that sanctions could be omitted, or not given the attention they should have, by implementers, if deemed convenient, which is not the intention of the Charter.

## J. Peacekeeping

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43. *United Nations peacekeeping operations should be founded on thorough all-round, independent needs assessments.* The success of the operation depends on it. The needs assessments should include not only military and policing factors but also political and socio-economic ones. They should be holistic sociological reviews of volatile situations, defining the military and policing requirements as precisely as possible. Independent needs assessments also prevent a Secretary-General from making recommendations to the Security Council, which anticipate what 'the traffic will bear' in the Council, rather than setting out what is required to deal with the reality of a situation.
44. *The United Nations roster of qualified suitable persons for needs assessments of peacekeeping operations should include persons highly experienced in political and socio-economic field analyses in addition to military and police analysis experts.*

They should all be culturally sensitive and familiar with the country or region of the trouble zone. Member states contributing to the operations should assist the Secretariat in building the roster and searching for suitable independent persons among their nationals and elsewhere.

45. *United Nations needs assessment teams for peacekeeping operations should coordinate with peace negotiators, whether working under UN auspices or not, to prevent confused anticipations, not only between the negotiators and the assessors but among antagonists as well.* Member states contributing to peacekeeping operations may wish to insist on such cooperation, and ultimately on all peace negotiation to take place under United Nations auspices, to ensure that antagonists do not use the results of needs assessments to make a situation worse.
  
46. *A United Nations Peace Enforcement Stand-by Capacity should be established under Article 43 of the Charter for swift deployment when circumstances so demand.* The passage in 'An Agenda for Peace', arguing for it to be established, should be turned into action.<sup>8</sup> In 1988 the number of peacekeeping operations was five, presently it is 16, and the lead-time is six months or longer. In a situation of smouldering conflicts around the world a rapid deployment force is needed. In the year 2000 a provisional capacity became operational, the

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8 Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, New York: United Nations 1992, p.25.

Standby High-Readiness Brigade, SHIRBRIG, with about 5,000 troops made available by 11 member states, but was disbanded in 2009. The need for a rapid deployment has proved itself on several occasions, and effective pursuance of the 'Responsibility to Protect' doctrine depends on it, if regional organisations do not respond to the need for protection, or if they are non-existent, as is the case in several regions of the world. A number of United Nations Airborne Rapid Rescue Units should be an integral part of the Capacity, to be deployed in case of imminent mass extinction of human lives. The Peace Enforcement Stand-by Capacity should be a UN peacekeeping force of volunteer recruitment, drawing in troops from as many member states as possible. It should carry out high-profile annual training exercises in different regions to remind the world population that it exists, ready to step in when needed to save lives. One or more member states may wish to pursue the issue within the United Nations and the NGO community within and across member states may wish to campaign for it on a global scale.

47. *Global representation and gender balance must be sought in United Nations peacekeeping operations.* Security Council resolution 1325 of 31 October 2000 calls for progress on gender mainstreaming throughout UN peacekeeping missions. The time has come to implement it in every peacekeeping mission. Empirical information shows that women peacekeepers bring a calming effect and a reduction in sexual violence in war zones.

48. *A resolution of the General Assembly is called for, which states that armed force cannot be deployed, using the name or authority of the United Nations, unless the United Nations takes responsibility for the decision itself, for the planning, the direction and the termination of such force.* Misuse of the name and authority of the United Nations must be prevented, and military action must not be disguised as decisive UN operations when they are not. Interventions that are not explicitly directed by the United Nations should not be labelled United Nations operations. They are more likely to be operations of one or more member states in the name of the United Nations. The intervention against Iraq in 1990 is an example that could happen again, but should not. Security Council resolution 678 of 29 November 1990 authorised unnamed member states cooperating with the Government of Kuwait to decide for or against war in the name of the United Nations, to decide what force to use, to choose what targets, to decide how long to attack and to decide when to halt. No meeting of the Security Council prior to the use of force was provided for in the resolution, and the Secretary-General was not mentioned at all. Yet it was all in the name of the United Nations and to some extent a *carte blanche* authorisation for that particular situation, in comparison with Security Council resolutions for United Nations peacekeeping operations that do have tight time limits, for instance. Resolution 678 is not the only one of its kind. The model has been applied since then. The Secretary-General should keep an eye on the comparability of various peacekeeping resolutions and enjoy precision on the Security Council, when needed.

49. *A campaign to establish a ban on covert interventions within member states, with funds or weapons, should be launched, and a United Nations declaration prepared and signed by member states to ensure a United Nations intervention will be the only one, that no parallel intervention will be pursued unilaterally by a member state or a coalition of the willing.* The intervention of US troops in Somalia on 3 October 1993, operating under its own command and ignoring that of the United Nations peacekeeping forces present in the country at the time, illustrates the need. Airborne rangers trying to capture General Aidid captured UN civilian staff instead and got into a firefight with Somalis, at which point UN troops had to come to their rescue. Enraged Mogadishans dragged one dead ranger through the muddy streets of Mogadishu before UN troops arrived on the scene. The incident was filmed and shown on television throughout the US the same night and has since then often been referred to in the US as a failure on the part of the UN. The raid was not a part of, or coordinated with, the UN peacekeeping forces. Neither the UN commander nor his American deputy had learned of the raid, until the rangers actually got into the firefight. The scene of the dead ranger dragged through mud has been shown on television in many member states ever since, but the story behind it never told. The UN as always in such matters kept silent, guarding the secrets of member states. The incident is reported to have led to a Presidential Decision Directive (no. 25 under President Clinton), restricting US participation in UN operations.<sup>9</sup> The sadness of the story is

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<sup>9</sup> See Thomas G. Weiss, 'Overcoming the Somalia Syndrome', *Global Governance*, vol.1, No. 2, May-August, 1995.

that such raids could happen again, though they should not. Small and middle-sized states would be crucial in establishing a ban on covert interventions to prevent a recurrence. They could move the entire membership of the UN by tabling and beginning to sign a compact, in much the same way as they did when the International Criminal Court was established.

50. *A General Assembly declaration should establish a United Nations rapid deployment humanitarian security police force: specifically trained volunteer policewomen and men on immediate standby, made available by member states, quickly sent to protect humanitarian operations, with rules of graduated engagement and phase-authorized use of arms, like national police. The declaration should state that once the UN humanitarian police force is deployed it will be a crime against humanity under international law to attack protected civilians or their sources of food and medicine and that if the humanitarian police are prevented from carrying out their mission, military forces will be deployed. The combatants would thus be formally and very clearly warned that if these UN police forces are prevented from carrying out their tasks, military intervention may follow.*
  
51. *The Security Council should have one standing Military Forces Committee and one standing Humanitarian Security Committee to deepen its deliberations. Each should be fully representative of the United Nations membership as a whole. The Humanitarian Security Committee should have stated provision for representatives of humanitarian NGOs to have access to it.*

52. *Regional peacekeeping and peacebuilding mechanisms under Chapter VIII of the Charter should be strengthened.* Regional organisations should establish mediation groups – panels of eminent independent persons plus a representative of the Secretary-General – to advise on threats to peace and human rights. When such disinterested people, respected for their sense of justice and possessing profound knowledge of the conditions of people within the region, offer their opinions and skills, crisis and conflict can be deterred before a situation heats up. The mediation group led by Kofi Annan, which brought Kenya's post-election conflict in 2008 to an end, is an example. The African Union already has a mediation group attached to it. NATO and other regional organisations could benefit from this approach. Nobel Peace Prize laureates could provide a pool of potential candidates.
53. *The ombud concept should be institutionalised in the United Nations system for the fields of human rights and humanitarian emergencies in order to find the most appropriate response.* An ombudsman should monitor peacekeeping operations and massive humanitarian emergency operations. The Secretary-General should have at his or her disposal a number of peace commissioners who would serve on an ombud basis and help defuse tension between member states, within established policies and programmes, and between the programmes and the government in question. The corps would comprise independent experts, renowned for their professionalism and integrity.

## K. International economic cooperation and trade

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54. *The IMF, the World Bank and the World Trade Organisation should all become an integral part of the United Nations system and be brought under the control of the General Assembly so that all member states have a say in international economy and trade matters. The United Nations has a vital role to play in shaping the world economic order to ensure economic security for all in accordance with its mandate under the Charter. It should exert global economic leadership of benefit to all, and bridge the gap between the poor and the rich. Policies on international finance and currency, debt and trade are of concern to the entire UN membership; the mandate and the performance of these three agencies are too important to the world community to be left outside the UN system. If humankind is left bereft of strategic policy to bring it through increasing dangers of convulsions between the poor and the rich, global warfare may ensue. Although the constitutions of the IMF and the World Bank were already drafted before the San Francisco Conference began in 1945, in line with that of the Food and Agriculture Organisation (FAO), they are covered by the concept of 'specialised agencies' referred to in Articles 57 and 58 of the Charter, just like FAO, the International Labour Organisation and the World Health Organisation (WHO), which includes '...agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health and related fields' (Art. 57.1).*



The IMF, the World Bank and the WTO should all find their place within the UN system through agreements with ECOSOC, as stated in Article 57, as should all specialised agencies, under the UN policy command provided for in Article 58. Records show that the founding fathers of the United Nations on the UN preparatory Commission by the mandate in the Charter in economic policy and action intended the UN to coordinate world macro-economic policy, currency and exchange, capital finance, trade and commodity prices, communications and transport. Hence, although tradition has developed differently, Article 58 can be activated with regard to the IMF, the World Bank and the WTO through involvement of the General Assembly and ECOSOC. Over the years the IMF and the World Bank, with support of the G-8 and later also the G-20, have built up a picture of themselves as beyond the reach of the UN system. The time has come to paint another picture. The World Summit for Social Development in 1995, attended by 187 member states, including 118 heads of state and government, marks the outlines of that picture. The final document of the Summit, agreed without a vote, reflects the need for coherence between the policy pursued through the IMF and the World Bank and that pursued through the United Nations, and for dialogue among them. It perceives the Bretton Woods institutions as included in the United Nations system along with specialised agencies; it recommends that all parts of the system increase and improve their cooperation in social development, to ensure their efforts are complementary, and combine

resources in joint initiatives for social development built around the Summit's objectives. The Summit also recommends the General Assembly to promote and strengthen coordination of the United Nations activities, the Bretton Woods institutions and the WTO at global, regional and national levels in the field of economic and social development programmes, including reports to and meetings in coordination with ECOSOC.<sup>10</sup> Hence, policy command of the General Assembly is in sight, and so is coordination by ECOSOC. There is a will among member states to fully incorporate the IMF, the World Bank and the WTO into the United Nations system and align their policies, so long as it is activated by member states. Again, small and middle-sized states could be helpful in this endeavour. One or more member states may wish to pursue the issue.

55. *A more democratic modus operandi of the IMF and the World Bank is called for.* Democratising efforts should be significantly strengthened. A large part of the world would benefit from it, and a potential source of conflict would be reduced. Democratic voting rights, including graded majority voting involving a number of member states according to the type and gravity of the decision to be taken, should be considered in the Bretton Woods institutions. Undemocratic voting structures should be consigned to the past. As late as in 2011, for example, the USA had slightly less than 16 and 17 per cent of votes in the World Bank and IMF, respectively, and a de-facto veto on major policy decisions,

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10 See United Nations document A/CONF.166/9 of 19 April 1995, pp. 88-89.

requiring a majority of 85 per cent in both institutions. The USA can not only dictate major policy decisions but also prevent other countries from gaining increased voting power through increased contributions. It stands to reason that the world cannot live with that monopoly. No member states can unilaterally control international economic cooperation in the long run. The interests at stake are too high. In the same year, the credit rating of the USA was adjusted one step downwards by Standard & Poor's. Hence, credit rating, one of the IMF's high-profile policy programmes, is controlled by the USA, which, while determining the credit rating of countries seeking economic assistance, has itself been found less creditworthy than previously. Ambiguity at the world level. The dictum of the Bretton Woods institutions of one-dollar-one-vote and de-facto veto of one member state should be replaced by one of all-win profound economic premeditation, taking into account in a considerate manner the justified needs of countries in need of economic assistance. Member states may wish to pursue these issues in the IMF and the World Bank, and the global NGO community to campaign for democratisation of the two institutions.

56. *Regional arrangements or regional institutions for international finance should be strengthened.* They are closer to the scene and have more feeling of realities on the ground. The strengthening of regional economic institutions in Asia within the past decade could serve as a model. Also, emerging economies in Africa, Asia and Latin America could use their new economic weight to insist on rethinking of the

global economic system by bringing in lessons from their own rapid development for others to replicate within their region and elsewhere, as feasible.

57. *The IMF should not pursue structural adjustment policies that interfere with programmes of the United Nations system, such as reduction in a member state's educational staff, which it has taken UNESCO years to build up, or cuts in health care service, which WHO has worked hard to establish; and members of the G-8 group should not support structural adjustment policies of the IMF that reduce the effect of programmes which their own bilateral aid has been instrumental in expanding. It wipes out years of development effort. Member states should look inside themselves and bring an end to inconsistency in their multilateral aid policies and inconsistency between their bilateral and multilateral aid policies. The NGO community within and across member states may wish to serve as watchdog here.*
58. *The G-20, which is increasingly becoming the centre stage forum for the major economic powers, should give the United Nations a clear role in its meetings. We the peoples would thereby have a voice in the meetings, giving the G-20 the legitimacy it currently lacks. The IMF and World Bank are represented at the meetings, but currently not the UN. Matters dealt with at G-20 meetings are too important to the world population for the UN not to be represented and participate. The United Nations is a unique authority to confer legitimacy on the important decisions on the economic challenges and threats*

facing the world. Yet it is excluded from such decisions. On 26 October 2011, the President of the General Assembly stated that the Assembly had been working to improve complementarities and mutual reinforcement between its own deliberations and those of G-20, and that he would convene an informal meeting of the Assembly after the G-20 Summit on 3-4 November 2011 for the organ to be briefed on its outcome.<sup>11</sup> One or more state members of the G-20 may wish to pursue the issue of close cooperation with the United Nations, and the NGO community may wish to run a campaign worldwide for UN participation in the G-20 meetings.

59. *Abuse of economic and political power to pressurise developing countries to accept potentially damaging concessions in WTO negotiations should not be permitted.* Erskine Childers was vocal about this. The Doha Round subsequent to his death showed that major-power dominance was ending and that multitudes within developing countries would no longer submit to it. Attempts that are surfacing again should be arrested. Mobilising the opinion of the world population against abuse would be an effective remedy. Member states fear the opinion of voters. Again, a close connection between the NGO blackmail watch and national and international media would be important.

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<sup>11</sup> 'General Assembly President Stresses Global Partnership to address Economic Crisis', *UN Daily News*, 26 October 2011, New York: United Nations News Service.

60. *More considerate treatment of the interests of developing countries in the WTO is called for.* The present trading regime in the WTO does not give developing countries their reasonable share of the market and should be amended. Groups of powerful member states often seek to uphold agricultural protectionism, safeguarding the agricultural products of developed countries. Protectionism can be a hindrance in a globalising world. Exports of developing countries should not be blocked by restrictions imposed by affluent states. It restricts their development process. They would benefit from a liberalised trading regime, as would consumers of member states imposing restrictions. The decision-making procedure of the WTO of one member one vote, dependent on consensus, is a lengthy one, which can result in ambiguous formulations in final agreements that make interpretation difficult. State members may wish to pursue these issues in the WTO, and the NGO community within and across member states to exert its influence.
61. *The way the international Coalition for Development Action worked in the 1990s should be re-established and built upon by NGOs.* The aim should be an all-out campaign to expose possible unequal trade relations in WTO and to create a global organisation for fair trade. NGOs have an important task in explaining to the populations of member states providing ODA that no amount of aid will enable developing countries to earn their way in a world of protective trading regimes that restricts import of competitive products from developing countries.

## L. Humanitarian response

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62. *The United Nations emergency response should be unified with its development action; this should be established through the creation of a United Nations Consolidated Assistance Programme (UNCAP). Agencies such as the United Nations High Commissioner for Refugees (UNHCR), the Office for the Co-ordination of Humanitarian Affairs (OCHA), the World Food Programme (WFP), the emergency wing of UNICEF (excepting emergency vaccinations, which would be transferred to WHO) and UNDP should be amalgamated into one body. The current system, with relief distributions split among UNHCR, UNICEF and WFP, is marked by inadequate and uneven reach of target populations and recipients falling into assistance lacunae when emergency assistance ends before development action begins. A single agency that unifies all UN emergency assistance to those affected by emergencies, man-made or natural, and ties emergency programming to prevention of future emergencies, on the one hand, and reconstruction and sustainable development, on the other, would result in holistic long-term programming. It would also lead to more equal assistance to target groups, eliminate instances of victims receiving water but no food, or vice versa, or nothing at all, and better gear the system to the relationship between development action and emergency-preparedness and between emergency assistance and development process. An emergency is a detour from development process that needs to be brought back on track and not result in decades-long emergency situations or in a spillover effect*

in a country next door. The proposed entity would comprise three elements. The first would focus on preventive political action, including governance-related diplomacy, humanitarian observers, dissemination of information to member states and the design of containment plans. The second would cover existing humanitarian assistance programmes. Target groups would be all kinds of displaced people and others affected by emergencies. Responses would include protection and emergency assistance to internally displaced persons (IDPs), refugees and returnees, stateless persons and expellees, as well as victims of natural disaster, wherever they are. The third element would be a development pillar with two branches (currently UNDP): branch A would be responsible for intensive development-oriented (previously emergency) programmes for target populations; and branch B would focus on regular sustainable development for populations in countries or areas not exposed to massive or complex humanitarian emergencies. UNCAP would naturally cooperate with FAO's Global Information and Early Warning System, which forecasts famine and impending food emergencies. The formation of UNCAP would naturally be accompanied by decentralisation of operational decision-making to UN staff on the ground in emergency situations. One or more member states may wish to pursue the issue of UNCAP in the General Assembly.

63. *An Agenda for Humanitarian Action*, repeatedly called for in General Assembly resolutions since 2002, should be issued.<sup>12</sup> It would be a policy document, similar to the

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12 See for example United Nations General Assembly Resolution A/RES/61/138 of 19 December 2006.



'Agenda for Peace' of 1992 and 'Agenda for Development' of 1995, which would set out the policies of the United Nations. The document should focus on the theme that the noblest purpose of humanitarian action is to save lives, prevent assault and alleviate suffering – while making itself redundant, becoming less needed in the future. It would spell out the modalities and linkages between emergency assistance and sustainable development process, with an inbuilt emergency-preparedness dividend, in a context of reaching all target populations. A draft declaration of basic tenets in humanitarian action in emergency situations was circulated to member states in 2006, which could form the basis for the Agenda.<sup>13</sup> The Agenda for Humanitarian Action would allow the interested humanitarian community to take a closer look at the relationship between policies and programmes of the United Nations, and would hence enhance the transparency of humanitarian action. In June 2011 the European Parliament recommended the Council of the European Union to work during the United Nations General Assembly's 66th session for the establishment of 'an international humanitarian aid agenda that would address the full range of humanitarian challenges, the increase in humanitarian needs and the complexity of humanitarian situations.'<sup>14</sup> The EU may wish to table a resolution in the General Assembly to this effect and hence contribute to moving the issue forward. OCHA may wish to fulfil the wish of the General Assembly and see to it that the United Nations issues a tangible Agenda for Humanitarian Action.

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13 See General Assembly document A/60/627 of 5 January 2006.

14 See European Parliament Resolution T/-0255/2011 of 8 June 2011.

64. *Reorientation of the humanitarian affairs segment of ECOSOC should be considered.* Rather than concentrating on humanitarian assistance, it could become the discussion forum for the following nexus: political preventive action – emergency preparedness – humanitarian assistance – resumed development process with inbuilt emergency preparedness dividend. Substantiated ideas on these linkages would be helpful to the UN response system in its search for feasible approaches yielding tangible results. One or more member states may wish to pursue the issue in ECOSOC.
65. *As long as the present United Nations humanitarian response system prevails, the humanitarian NGO community should continually study coordination problems in the UN system and launch a campaign to get them solved.* Problems of coordination can result in unnecessary delay of much needed relief, and ultimately in loss of human lives. Key times at sessions of UN bodies, such as ECOSOC, should be used for united and expert lobby with governments.
66. *Humanitarian NGOs should monitor and hold accountable humanitarian UN bodies over the quality of their staff, on the one hand, and governments that have provided unqualified or mediocre UN staff, on the other.* The quality of UN staff employed in humanitarian work, which is distinctly vulnerable to inadequacies in human resources, must be of the best. Conversely, the UN humanitarian response system should also thoroughly screen its implementing partners to prevent inexperienced NGOs from worsening a volatile situation,

ultimately causing loss of life; and the NGO humanitarian system should exercise strict self-regulation, excluding unqualified staff and agencies from humanitarian emergencies.

67. *Humanitarian NGOs providing life-saving relief in emergency situations that find the liaison with the UN humanitarian response inadequate should insist on its improvement until it is found satisfactory.* The natural forum would be the UN-NGO coordinative body on the ground and, if that fails to solve the problem, the issue needs to be pursued through home governments or, as a last resort, the media.
68. *The humanitarian NGO community should monitor the extent to which capable member states around the world pledge logistical resources to the United Nations on a standby basis, and drum up a storm of criticism, for instance through the media, when insufficient resources are dedicated to emergency situations.*

## M. Food security agencies

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69. *FAO and the International Fund for Agricultural Development (IFAD) should be merged.* Both are mandated to promote agricultural development, defeat hunger and eradicate food insecurity. They overlap in programmes. A reinforced single agency would suffice. IFAD's clear focus on eradication of rural poverty through policies enabling rural population groups to surmount destitution may as well be pursued by FAO, which is also geared to it. IFAD's function as an international financial institution may be added to the Technical

Cooperation Department of FAO that also promotes investment in agriculture and rural development. FAO would further benefit from the research capacity of IFAD. Although IFAD was established at the World Food Conference in 1974 partly on the basis of dissatisfaction with FAO, and FAO has been the subject of severe criticism during past decades, a comprehensive reform programme has been implemented since 2008 that now presents FAO as the lead agency for combating hunger. One or more member states may wish to pursue the merger in the governing bodies of FAO and IFAD and/or in the General Assembly.

## N. The Trusteeship Council

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70. *The Trusteeship Council should be converted into a United Nations Council on Representation and Governance.* The Trusteeship Council has seldom been in use since completion of the decolonisation process. A forum is needed to discuss and encourage innovative forms of representation and governance. The Arab Spring illustrates the need. The organ should serve as the world's think-tank, a source of counsel for the problems of reconstituting collapsed states. It would also provide mediating assistance to member states wishing to solve frontier problems and ethnic agonies. The Council would be a place where government officials can discuss with scientists and NGOs, and where populations in search of improved representation and governance can seek advice without fear of reprisal. It would be necessary to convert the Trusteeship Council through amendment of

the Charter. Alternatively, the new Council could be created as a subsidiary body to the General Assembly under Article 22 of the Charter. One or more member states may wish to pursue the issue in the General Assembly.

## O. Financing the United Nations

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71. *The costs of the United Nations system should be divided among member states according to the longstanding democratic principle, relative capacity to pay, yet with a limit on the percentage contribution of any member state. The proposal made by the Swedish prime minister, Olof Palme, in 1985, which introduced a limit of 10-12 per cent on the contribution of any member state to protect the UN from being dependent on a particular member state, while the difference would be absorbed by other countries, re-apportioned across the assessment scale, should be reconsidered and applied for contributions to both the regular budget and peacekeeping operations. A formula should be found in which a number of member states would increase their contributions to the regular budget of the United Nations and the peacekeeping budget to compensate for reduced contributions of others, with contributions to the peacekeeping budget coming out of the defence budgets of member states. The rising economies around the globe have made this possible. Attempts at undue influence would be defused and the 'paymaster' problem reduced.*

72. *The bulk of the finances for United Nations agencies and programmes should come from assessed contributions.* The earlier tradition ensuring this should be resumed. Voluntary contributions should be delimited. They weaken the system's capacity to perform and generate uncertainty for operational programmes.
73. *The United Nations dues system should be made more viable through supplementary sources of finance.* Alternative incomes for the UN should be considered as a supplement to the core assessment system to ensure proper functioning and development of the UN. The United Nations Organisation should be given access to new and predictably recurring sources of finance, supplementary financing by a selected form of automaticity. Ideas such as the Tobin Tax proposal should be considered, through which capital transaction for speculative purposes would be taxed to delimit it. Part of this revenue could help finance activities of the United Nations system. Or a general international transaction tax could be introduced to help finance the Millennium Development Goals (MDGs) and increase ODA. MDGs need extra resources to be fulfilled within their time frame, in an international setting of limited government funds. The goal of halving by 2015 the number of people who suffer from hunger is at risk, for instance. From 2008 to 2010 hungry people in the world rose from 850 million to 925 million. This trend must be reversed. ODA needs a helping hand to supply the required momentum of development efforts that can bridge the alarming gap between the poor and the rich.

International transactions proceed in increasing volume. A small fee on each transaction can make a huge difference in a world where a large part of the population lives in extreme poverty. Yet it is important that supplementary finance does not become a substitute for the fulfilment of the obligations upon all member states to make their apportioned contributions to the core costs of the UN system. Supplementary finance must be democratically governed on behalf of the whole membership of the UN. Once it is established, the Parliamentary Assembly of the United Nations must be given clearly stated roles of oversight of the distribution and spending of additional and alternative funds.

74. *Deliberate withholding of dues owing to the United Nations should be brought before the International Court of Justice.* Arrears for political reasons have been crippling the United Nations for decades, and the total arrears are still very large (US\$ 5.76 billion as of 31 August 2010, of which the USA owed US\$ 2.39 billion, or 41 per cent). The entire UN membership is held hostage as a result of this situation. The UN suffers from this financial disorder, while the US Congress appears unwilling to rectify the situation. Withholding of dues is against Article 17.2 of the Charter and subject to loss of voting rights in the General Assembly if arrears amount to the contributions due for the preceding two years (Article 19). The Charter makes no provision for deliberate withholding for political reasons as such. With deliberate withholding of dues as a permanent policy of member states, a General Assembly request for an advisory opinion from the

Court is called for, which spells out whether it is a violation of international law for member states to refuse to pay their dues to the regular UN budget on political grounds. There is a partial precedent from the 1960s, when the General assembly asked for an advisory opinion from the International Court of Justice on the refusal of the Soviet bloc and France to pay peacekeeping assessment dues for political reasons, when the Court ruled that all peacekeeping operations duly authorised were ‘expenses of the Organizations’ under Article 17. Anticipating violation of international law would be ruled, the verdict could have notable impact by exposing dues-owing member states to those that dutifully pay their dues and to the world population. Starving the United Nations budgets for political purposes should not be tolerated. Arm-twisters and free-riders must not get their way. One or more member states may wish to pursue this, and the NGO community within and across deliberately dues-withholding member states may wish to lobby for a change of heart.

75. *The General Assembly should consider as a basic principle under Article 17 of the Charter adoption of a decision that any member state withholding its apportioned dues for any reason other than accepted economic difficulty is denying other member states their share of the benefits of United Nations membership, and will accordingly cease to be eligible for benefits from its membership.* Measures could include denial of UN procurement awards. Exclusion from UN purchases can be expensive for member states and could serve to get them back on track.



76. *Late payment, likewise detrimental to the financial situation of the United Nations, can be remedied by applying interest penalties per quarter to late payers. Accepting dues in currencies other than the dollar may also help solve the problem.*
77. *Budget increases in real terms for United Nations organisations should be considered as natural, as for member states. The UN and its specialised agencies should be allowed to grow and improve. Recent years' trend of starved budgets should not be pursued. Nor should budget cuts be beyond the reasonable. The UN should be given the resources it can justify as being in need of – not more, not less. Being strong together, everyone can get a better life.*

## **P. Greater involvement across the world**

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78. *The function of international law in the world and the specific international law of the United Nations should be made clear to the world population. As a matter of principle, what the United Nations legislate for it ought to be widely known, in order that the populations of all member states can be spurred to respect and uphold such legislation and convince their governments to do likewise. Newspapers, media of international reach, national TV stations and broadcasting corporations could carry the messages through. They would all be required to be instrumental in this.*
79. *The world population should learn about the Charter of the United Nations. The Charter is the constitution of the world and should be a part of our common knowledge.*

One effective way is to include it in the syllabus for primary schools worldwide. UNESCO may wish to provide impetus to the initiative.

80. *The NGO community should get together and form a broad popular global movement to confront brutal and selfish powers, advocate equitable provisions to meet the needs of the entire world population and create a sustainable future for all. It would help forge world opinion against injustice. The name of this movement could be 'Right over Might' in memory of the theme of British prime minister Clement Attlee's famous, first-ever speech made in the General Assembly in 1946. The movement could be mobilised through the social media, such as Twitter or Facebook.*
81. *The United Nations should look inside itself, constantly review itself with a critical eye, cut out dead wood and remove what is arbitrary, inappropriate and irrational. This process will yield a continuously effective organisation. It is better to be the forerunner of reforms than overtaken by member states.*
82. *Member states of the General Assembly and the Security Council should re-commit themselves to the obligations of United Nations membership as set out by the Charter. They should speak up, voice their own opinions and do their utmost in the United Nations to give peace a chance. The United Nations could be an institution of stunning beauty. The wonder of the world.*

# Appendix

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## Charter of the United Nations

The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971, and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from eleven to fifteen. The amended Article 27 provides that decisions of the Security Council on



procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from eighteen to twenty-seven. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from twenty-seven to fifty-four.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote, of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

## PREAMBLE

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### 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 neighbours, and
- ♦ to unite our strength to maintain international peace and security, and
- ♦ to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
- ♦ to employ international machinery for the promotion of the economic and social advancement of all 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

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### 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 co-operation 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 centre 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 which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
  7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## CHAPTER II: MEMBERSHIP

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### Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 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

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### Article 7

1. There are established as 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

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### COMPOSITION

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#### Article 9

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

### FUNCTIONS and POWERS

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#### 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 co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommen-

dations 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 to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.
3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.
4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 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 co-operation in the political field and encouraging the progressive development of international law and its codification; b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

### 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

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### 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

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### 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

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### COMPOSITION

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#### Article 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid,

- in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the 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 after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
  3. Each member of the Security Council shall have one representative.

## **FUNCTIONS and POWERS**

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### **Article 24**

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for 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

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

## PROCEDURE

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### 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

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### 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, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it 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**

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## 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 the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

## Article 42

Should the Security Council consider that 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 fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

## Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and 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 sub-committees.

#### Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### Article 49

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

#### 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-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

### CHAPTER VIII: REGIONAL ARRANGEMENTS

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#### 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 United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through

such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional 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 CO-OPERATION

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### 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 co-operation with the Organization for the achievement of the purposes set forth in Article 55.

## Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with 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: THE ECONOMIC AND SOCIAL COUNCIL

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### COMPOSITION

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#### Article 61

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine 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

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### 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 co-ordinate the activities of the specialized agencies through consultation with and recommendations to such

agencies and through recommendations to the General Assembly and to the Members of the United Nations.

#### **Article 64**

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

#### **Article 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 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

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### 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

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### 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

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### 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 ensure, 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 co-operate 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-neighbourliness, 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

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### 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 towards 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 ensure 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 ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

## Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of 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

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### COMPOSITION

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#### Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:
  - a. those Members administering trust territories;
  - b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
  - c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.



## FUNCTIONS and POWERS

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### 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

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### 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

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### 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

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### Article 92

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

### 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 As-

sembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## CHAPTER XV: THE SECRETARIAT

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### 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

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### 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 fulfilment of its purposes.

### Article 105

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

and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion 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**

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### **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, 30 October 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

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### 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 nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
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

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### 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.



This booklet contains a list of concrete reform proposals to the United Nations. Not everyone might agree with all the recommendations presented; neither do they represent an official list of proposals documenting views held by our two organisations. However, we are in agreement that the range of issues identified deserves further debate and consideration.

We hope that this summary, systematically compiling reform recommendations made by Erskine Barton Childers as well as the various other contributors to an earlier volume published as *Development Dialogue*, will have the constructive impact it deserves.

