

PART ONE

**Establishment and Management
of United Nations Peace Operations**

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I

Charter of the United Nations

Commentary

1. Background

The Charter of the United Nations (Charter) was signed on 26 June 1945 in San Francisco and came into force on 24 October 1945. The Charter is the multilateral treaty on which the UN is founded.¹ The UN is an institution with four major purposes: the maintenance of international peace and security, the development of friendly relations between States, the achievement of international cooperation, and the harmonising of State actions. It is difficult to think of any matter relating to international relations which would not fall within the ambit of the stated purposes of the UN.

As well as the four purposes expressed in the Charter, the UN is also based on a number of principles. These principles include the sovereign equality of States, the settlement of disputes by peaceful means, the requirement to refrain from the threat or use of force, and the prohibition of intervening in matters within the domestic jurisdiction of States. The UN can implement the preservation of international peace and security either through collective methods (found in Chapter VII of the Charter and in particular Articles 41 and 42) or via peaceful resolution of disputes. Within this context it should be noted that Member States may undertake the maintenance of international peace and security pursuant to Article 51 of the Charter which provides for the right of individual or collective self-defence.

In the context of the implications of World War II, the predecessor of the UN, the League of Nations, was deemed unsuccessful in its aims of achieving international peace and security. Consequently it was decided that a new institution was required to reflect the political landscape and the pressing issues of the time. Keen to avoid some of the perceived failures of the League, the Charter is clear in establishing a Member State's supreme obligation to the UN with Article 103 requiring decisions made by the Security Council under Article 25 of the Charter to prevail over any other international agreements.

Whilst the UN is based on the equality of all member States, the Security Council is dominated by the five permanent members: China, France, Russia, United Kingdom, and the United States of America. The Security Council is the organ with primary responsibility for the maintenance of international peace and security and can make decisions which pursuant to Article 25 of the Charter require all members of the UN to accept and implement. This obligation was confirmed by the International Court of Justice (ICJ) in its Advisory Opinion on the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (Advisory Opinion) (1970) ('Namibia case')*:²

when the Security Council adopts a decision under Article 25 in accordance with the Charter, it is for member States to comply with that decision, including those members of the Security Council which voted against it and those Members of the United Nations who are not members of the Council. To hold otherwise would be to deprive this principal organ of its essential functions and powers under the Charter.³

It is important to note that this obligation is limited to 'decisions' of the Security Council and does not apply to broad pronouncements made by this organ. It has been determined that words used in Security Council resolutions such as 'urges' and 'invites' are non-binding whereas 'decides' is binding. Terms such as 'calls upon' and 'endorses' are less clear in relation to their binding nature. In situations of peace operations not requiring the consent of the parties involved, such as those created under

¹ *Certain expenses of the United Nations (Article 17, Paragraph 2, of the Charter) (Advisory Opinion) ('Certain Expenses case')* [1962] ICJ Rep 151, 157 where the Court 'recognised that the Charter is a multilateral treaty, albeit a treaty having certain special characteristics'.

² [1971] ICJ Rep 16.

³ *Ibid*, 54.

Chapter VII of the Charter, a careful review of the exact wording of the UN resolution is required to ascertain whether the stated obligations are intended to be binding upon Member States.⁴ This was confirmed by the ICJ in the *Namibia case*⁵ which stated that the language of a Security Council resolution needs to be carefully analysed before it can be determined if it has binding effect. In carrying out this analysis the following can be looked at:

the terms of the resolution to be interpreted, the discussions leading to it, the Charter provisions invoked and, in general, all circumstances that might assist in determining the legal consequences of the resolution of the Security Council.⁶

2. Pacific Settlement of Disputes

Chapter VI of the Charter provides for the pacific settlement of disputes. The essence of the system is found in Article 33 of the Charter. This Article states that parties to any dispute that threaten the maintenance of international peace and security shall seek solutions to that dispute using peaceful means of their own choice such as negotiation, enquiry, mediation, judicial settlement, resort to regional agencies, or arrangements. Where disputes concern legal matters it is expected that the parties to the dispute will refer the matter to the ICJ.

Within this system of peaceful settlement of disputes the Security Council may investigate any dispute to determine whether the dispute is likely to endanger international peace and security, and may make recommendations to the disputing parties as to methods they may use to resolve their disputes. The Security Council cannot, however, pursuant to Chapter VI impose obligations on the parties. It may only make recommendations to the disputing parties. Disputing parties may also bring the dispute to the attention of the General Assembly. The powers and functions of the General Assembly in this context are, however, limited by the requirements imposed by Articles 11 and 12 of the Charter.

3. Enforcement Measures

The enforcement measures that may be taken by the UN and Member States to maintain international peace and security are found in Chapter VII of the Charter. The UN organ central to the system of maintaining international peace and security is the Security Council. The Security Council has the power to determine whether a situation is a threat to international peace and security. Once it has made such a determination it can, pursuant to its Article 39 powers, make recommendations, or decide what measures, shall be taken to maintain or restore international peace and security. The measures that may be taken are escalatory in nature and are found in Articles 41 and 42 of the Charter. Article 41 envisages the use of non-military measures such as the interruption of economic and diplomatic relations whilst Article 42 extends to military operations including blockades.

The UN system of maintaining international peace and security does not limit the inherent right of individual or collective self-defence. However, the right of self-defence as expressed by Article 51 of the Charter is limited in two ways. First, Member States exercising the right of self-defence must report the exercise of the right immediately to the Security Council. Second, the exercise of the right is limited to the extent that once the Security Council has taken measures necessary to maintain international peace and security the right of self-defence of Member States is then limited to the actions the Council believes necessary in order to maintain or restore international peace and security.

4. UN Peace Operations

Whilst the Charter contains no express provisions relating to peace operations, the power to establish such operations is implied in the functions and powers of the Security Council and, to a more limited extent, the General Assembly. Even if a peace operation, such as a regional peace operation,

⁴ See UN Juridical Yearbook 1994, 502–3 on 'Resolutions under Chapter VII adopted by the Security Council – Practice of the Council'. See also Security Council Report, 'Security Council Action under Chapter VII: Myths and Realities', Special Research Report No.1, 23 June 2008. Available at < <http://www.securitycouncilreport.org/> > (last visited 1 September 2009).

⁵ [1971] ICJ Rep 16.

⁶ [1971] ICJ Rep 16, 53.

is established outside the institutional framework of the Security Council it is expected that the operation will comply with the purposes and principles enshrined in the Charter. Such operations are established so as to further the purposes of the UN through the mechanism of peaceful settlement of disputes or enforcement action.

When the Charter was being developed, it was intended that the use of armed force under the Charter was going to be based on 'special agreement or agreements' between the Security Council and Member States of the UN under Article 43. No such agreements have even been concluded. In its Advisory Opinion of 20 July 1962 in the *Certain Expenses case*⁷ the ICJ considered Article 43 and found that its implementation was not a prerequisite for the establishment of UN peace operations (see the discussion in ch 40 below). The UN Office of Legal Affairs (OLA) stated in a 1982 legal opinion that:

The Court thus excluded the peace-keeping operations of the United Nations from the applicability of Article 43. It further confirmed that the United Nations is not precluded from the use of military forces through procedures other than those envisaged in Article 43 of the Charter for purposes other than enforcement action.⁸

As a matter of practice, UN peace operations are established by the Security Council pursuant to a Security Council resolution (see the discussion in ch 42 below). Where an operation is established by the Security Council it is a subsidiary organ of the Council and is expected to adhere to the purposes and principles found in Articles 1 and 2 of the Charter. This expectation has resulted in the development of three elements fundamental to any UN mission. These elements are consent, impartiality, and the use of force only in self-defence (see the discussion in ch 44 on the use of force by individual peacekeepers). The importance of these elements to UN peace operations were first identified by Secretary-General Dag Hammarskjöld in his report to the UN concerning the experiences derived from the establishment and operation of the United Nations Emergency Force (UNEF I).⁹ Today, these elements are considered 'inter-related and mutually reinforcing ... [and] [t]aken together, they provide a navigation aid, or compass, for practitioners both in the field and at United Nations Headquarters'.¹⁰

The element of consent refers to the 'consent of the parties' and means that UN peacekeepers are deployed with the 'consent of the main parties to the conflict'.¹¹ The term 'impartiality' refers to the requirement that UN peacekeepers 'must implement their mandate without favour or prejudice to any party'.¹² Self-defence in this context includes resistance to attempts by forceful means to prevent the mission from discharging its duties under the mandate of the Security Council (so-called defence of the mandate).¹³ The violation by an operation of these elements can cast strong questions of legitimacy over the peace operation. Respect for these elements is a crucial part in distinguishing between the use of force for acts of aggression and that which is used for peace operations. The application of the principles of consent and impartiality in UN peace operations is consistent with some key principles articulated in Article 2 of the Charter, such as the principle of the equality of States (Article 2(1)), and the principle of non-intervention in matters essentially within the domestic jurisdiction of any State (Article 2(7)).

The Charter establishes a framework for dealing with threats to international peace and security by locating particular powers within a number of UN organs. Whilst the Charter does not provide an express authorisation for any particular organ to create a peace operation, two organs have powers and functions granted pursuant to relevant Chapters of the Charter to enable the creation of such missions. These organs are the Security Council and the General Assembly. The ICJ and the Secretariat also have significant roles to play in the interpretation of obligations and in the implementation of these responsibilities. Within this system, the Charter distinguishes between threats to international peace and security to be dealt with by pacific settlement (Chapter VI), those requiring coercive

⁷ *Certain expenses of the United Nations (Article 17, Paragraph 2, of the Charter) (Advisory Opinion)* [1962] ICJ Rep 151.

⁸ UN Juridical Yearbook 1982, 183–5, 184 on 'Implementation of Article 43 of the Charter of the United Nations regarding the provision of armed forces, assistance and facilities to the Security Council for the maintenance of international peace and security'.

⁹ Report of the Secretary-General, 'United Nations Emergency Force: Summary study of the experience derived from the establishment and operation of the Force', UN Doc. A/3943, 9 October 1958. Available at <<http://www.un.org/Depts/dhl/dag/docs/a3943e.pdf>> (last visited 1 September 2009).

¹⁰ United Nations, *United Nations Peacekeeping Operations: Principles and Guidelines* (2008), Annex 2. Hereafter referred to as 'UN Principles and Guidelines', but also known as the 'Capstone Doctrine'.

¹¹ *Ibid.*, 31.

¹² *Ibid.*, 33.

¹³ *Ibid.*, 34.

measures (Chapter VII and exclusively the mandate of the Security Council), and those dealt with through regional arrangement (Chapter VIII).

5. The Security Council

The Security Council consists of 15 Members of the UN. There are five permanent members of the Council, and the remaining 10 members are elected by the General Assembly. In the *Certain Expenses case*,¹⁴ the ICJ addressed the various functions of the UN's organs and determined that whilst the Security Council has primary responsibility for the maintenance of international peace and security, it does not have exclusive responsibility (see the discussion in ch 40 below). Given that the Security Council has primary responsibility for the maintenance of international peace and security, the vast majority of UN peace operations have been created pursuant to the powers of the Council. This is highlighted by the fact that since the United Nations Security Force in West New Guinea (UNSF) in 1962 was established, the authorisation of UN peace operations has been the exclusive domain of the Security Council (for further information on the establishment of UN peace operations see Section III of ch 46 below). The Security Council is the only UN organ that may establish a peace operation if the mission requires a binding decision or the use of force beyond self-defence of individuals is contemplated.

Key provisions of the Security Council's role in the area can be found in Articles 24 and 25 of the Charter, which relate to its functions and powers. Article 24 stipulates that the Security Council has 'primary responsibility for the maintenance of international peace and security', and that in carrying out its duties in relation to the maintenance of international peace and security the Council 'shall act in accordance with the Purposes and Principles of the United Nations'. Article 25 establishes the principle that members of the UN 'agree to accept and carry out the decisions of the Security Council'. Article 25 further develops the principle expressed in Article 2(5) of the Charter which requires Member States of the UN to render every assistance to the UN in the performance of its functions. The functions and powers of the Security Council in the context of peace operations are relevant to the Security Council acting to deal with 'Pacific Settlement of Disputes' (Chapter VI of the Charter), 'Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression' (Chapter VII), or 'Regional Arrangements' (Chapter VIII).

6. The General Assembly

The General Assembly consists of all the members of the UN and is therefore the most representative organ of the UN. The key powers and functions of the General Assembly that are relevant to UN peace operations are located in Articles 10 to 15 and Article 17 of the Charter. The ICJ in the *Certain Expenses case*¹⁵ (see the discussion in ch 40 below) affirmed that the General Assembly is also concerned with international peace and security and can recommend 'measures' pursuant to Article 14 of the Charter. Pursuant to Article 11 the Assembly may also bring to the attention of the Security Council any matter that is likely to endanger international peace and security. However, the powers of the General Assembly are restricted pursuant to Article 12(1) of the Charter which states:

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.¹⁶

An example of such a situation occurred during the early days of the Cold War when the Security Council was effectively stopped from exercising its primary responsibility owing to disagreements between its five permanent members and the use of the veto power to stop Security Council resolutions. This led to the General Assembly passing resolution 377 A (V), also known as the 'Uniting for Peace' resolution, which states that:

if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there

¹⁴ [1962] ICJ Rep 151.

¹⁵ [1962] ICJ Rep 151.

¹⁶ Charter of the United Nations (Charter), Article 12(1).

appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security.¹⁷

The resolution created the mechanism of the 'emergency special session' (ESS) of which, at the time of writing, 10 have been convened.¹⁸ It was under this procedure that the first armed UN peace operation, the United Nations Emergency Force (UNEF I), was established during the Suez crisis in 1956. This is the only instance of the establishment of such a peace operation pursuant to the 'Uniting for Peace' resolution.

The 'Uniting for Peace' resolution was used in operations in the Lebanon, United Nations Observation Group in Lebanon (UNOGIL) in 1958 and the Congo, Operation des Nations Unies du Congo (ONUC) in 1960. However, its use in these cases merely altered the tasks of peace operations which had already been established by the Security Council. The General Assembly also played a key role in authorising the UNSF operation in 1962. Pursuant to General Assembly resolution 1752 (XVII),¹⁹ the Assembly authorised the Secretary-General to undertake tasks entrusted to him in the peace agreement between Indonesia and the Netherlands regarding West New Guinea (West Irian). UNSF effectively provided the security for the United Nations Temporary Executive Authority (UNTAE), the first operation where the UN ran a transitional administration (for further information on the establishment of UN peace operations see Section III of ch 46 below).

7. The Secretariat

Pursuant to Article 99 of the Charter, 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'.

In regards to UN peace operations, and in accordance with the appointment of the Secretary-General as the chief administrative officer of the UN (Article 97 of the Charter), '[t]he Secretary-General is responsible to the Security Council for the organisation, conduct and direction of the [peace operation] ... and keeps the Council fully informed of developments relating to the functioning of the [peace operation]'.²⁰

In exercising these delegated powers the Secretary-General must act in the best interests of the United Nations itself and independently of any Member State (Article 100). Whilst the Secretary-General has this discretionary power delegated to him and his interpretation of it can only be challenged in the Security Council, making it binding on Member States, it is not without its limitations. For instance the Secretary-General does not have the power unilaterally to terminate a peace operation or change its mandate. This is due to the fact that the legal basis for a peace operation is a Security Council, or possibly a General Assembly, resolution and only the principal organ which passed the resolution can terminate or alter the mandate of the peace operation.

8. The International Court of Justice

The ICJ is, pursuant to Article 92 of the Charter, the principal judicial organ of the UN. The Court's jurisdiction includes 'all cases which the parties refer to it and all matters specially provided for in the Charter ... or in treaties and conventions in force'.²¹ The Court may also give Advisory Opinions concerning legal questions referred to it by the General Assembly, Security Council, other organs of the UN, and specialised agencies, authorised by the General Assembly.²²

¹⁷ GA Res. 377 A (V) of 3 November 1950, Operative Part [1].

¹⁸ See <<http://www.un.org/ga/sessions/emergency.shtml>> (last visited on 1 September 2009). The Rules of Procedure of the General Assembly, in particular Rules 8(b), 9(b), and 10, regulate the manner of calling an emergency special session. The Rules of Procedure are available at <http://www.un.org/ga/ropga_sessions.shtml> (last visited 1 September 2009).

¹⁹ See <<http://www.un.org/ga/sessions/emergency.shtml>> (last visited on 1 September 2009). The Rules of Procedure of the General Assembly, in particular Rules 8(b), 9(b), and 10, regulate the manner of calling an emergency special session. The Rules of Procedure are available at <http://www.un.org/ga/ropga_sessions.shtml> (last visited 1 September 2009).

²⁰ UN Juridical Yearbook 1990, 269–70, 269 on the 'Award of the 1988 Nobel Peace Prize to the United Nations Peacekeeping Forces – Practical and legal obstacles to the exercise by the United Nations Peacekeeping Forces of the right to nominate candidates provided for by the Special Regulations governing the award of the prize'.

²¹ Statute of the International Court of Justice, Article 36.

²² Charter, Article 96.

As such it plays an integral part in how the UN achieves its primary purpose of maintaining international peace and security by resolving legal disputes between States that threaten the peace or where a breach of the peace has already occurred. In Chapter VI of the Charter this is explicitly spelt out in Article 36:

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.²³

The Court's main role in relation to peace operations, however, has been in providing Advisory Opinions on matters relating to peacekeeping, an example being the Advisory Opinion the Court delivered in the *Certain Expenses case*.²⁴ The Court also has a role to play in resolving differences in the interpretation or application of the Convention on the Privileges and Immunities of the United Nations under Section 30 of the Convention as can be seen in the Advisory Opinion of the ICJ in the *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission of Human Rights (Advisory Opinion) ('Cumaraswamy Case')*²⁵ (see the discussion in ch 41 below).

Finally the Court, in the form of the President, is mentioned in Section VII of the model status-of-forces agreement (SOFA) which concerns the settlement of disputes (see the discussion in ch 2 below). The President of the Court is to appoint the chairman of the standing claims commission or arbitration tribunal in the event that no agreement on the chairman can be reached between the Secretary-General and the Government of the host country. Notwithstanding that a claims commission has never been established, the provision does show the role the Court has in resolving disputes involving the UN.

9. Other Relevant Provisions in the Charter

A key provision of the Charter is Article 105 which provides for the privileges and immunities of the UN as an organisation and its staff. These privileges and immunities are provided for the independent exercise of the functions of the UN. The Article 105 provisions have been further developed in the Convention on Privileges and Immunities of the United Nations (see the discussion in ch 27 below) and the model status-of-forces agreement (see the discussion in ch 2 below).

Peace operations are funded as certain expenses of the UN under Article 17 of the Charter (see the discussion in ch 40 below). This is confirmed in the annual reports of the Special Committee on Peacekeeping Operations which continually reaffirm:

the obligation of Member States under Article 17 of the Charter to bear the expenses of the Organization as apportioned by the General Assembly, bearing in mind the special responsibilities of the permanent members of the Security Council for the maintenance of peace and security as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963.²⁶

Finally of importance to UN peace operations and especially to personnel classified as experts on mission is Article 101 which states the importance of the UN securing staff with the 'highest standards of efficiency, competence, and integrity'. This requirement is reflected in the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission²⁷ which states '[o]fficials and experts on mission shall uphold the highest standards of efficiency, competence and integrity'²⁸ (see the discussion in ch 31 below). This wording is also reflected in the individual undertaking signed by civilian police when joining the police component of a UN peace operation.

²³ Charter, Article 36.

²⁴ [1962] ICJ Rep 151.

²⁵ [1999] ICJ Rep 62.

²⁶ For example, see Report of the Special Committee on Peacekeeping Operations and its Working Group, '2009 Substantive Session (23 February – 20 March 2009)', UN Doc. A/63/19, 24 March 2009, [174].

²⁷ UN Doc. ST/SGB/2002/9, 18 June 2002, entered into force 1 July 2002.

²⁸ Ibid, 4, Regulation 2, Conduct (a).

10. Regional Arrangements and Agencies

Peace operations may also be established by regional and subregional organisations pursuant to Chapter VIII of the Charter. Article 52 in Chapter VIII envisages regional arrangements or agencies dealing with matters relating to the maintenance of international peace and security provided that their activities are consistent with the purposes and principles of the Charter. Such activities may include peaceful settlement of disputes, such as conflict prevention, or it may include enforcement action. Other than the limitation that peace operations pursuant to regional arrangements or by regional agencies must comply with the principles and purposes of the Charter there are two other caveats imposed by Chapter VIII. First, Article 53 stipulates that no enforcement action may be undertaken under regional arrangements or by regional agencies without the authorisation of the Security Council. Second, Article 54 requires the Security Council to be fully informed of activities undertaken or contemplated under regional arrangements or by regional agencies. Both Articles 53 and 54 reinforce that the primary responsibility for the maintenance of international peace and security rests with the Security Council, and that the relationship between the Security Council and regional arrangements and agencies is that of cooperation to improve collective security.

*Reference*²⁹

Title	Charter of the United Nations
Opened for Signature	26 June 1945
Entered into Force	24 October 1945 (in accordance with Article 110)
Signatories	51 (50 of the original 51 members signed the Charter on 26 June 1945. Poland, which signed the Charter on 15 October 1945, is also an original member. 49 remain members with two, Czechoslovakia and the former Yugoslavia, having been dissolved) ³⁰
Parties	192 Member States ³¹
Depository	United States of America (Article 111 of the Charter)
Source	59 Stat. 1031; T.S. No. 993; 3 Bevans 1152
Full Text	< http://www.un.org/en/documents/Charter/index.shtml > ³²

Charter of the United Nations³³

(*Extract*)

PREAMBLE

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

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

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

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

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

²⁹ Visit the UN Treaty Collection at <<http://treaties.un.org>> for the latest information on the Charter (last visited 18 September 2009).

³⁰ See <<http://www.un.org/en/members/growth.shtml>> (last visited 1 September 2009) for a history showing the growth of UN membership.

³¹ Montenegro was accepted as the 192 Member State of the UN by GA Res. 60/264 of 28 June 2006.

³² Last visited 3 September 2009.

³³ Last visited 3 September 2009.

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**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

...

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.

...

CHAPTER III – Organs

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

...

CHAPTER IV – The General Assembly

Composition

...

Functions and Powers

Article 10

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

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.
2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 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 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

...

Procedure

...

Article 22

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

CHAPTER V – The Security Council

Composition

Article 23

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

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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Procedure

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Article 29

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

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Article 32

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

CHAPTER VI – Pacific Settlement of Disputes**Article 33**

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, 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

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

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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 remember.

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**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.

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CHAPTER XIV – The International Court of Justice

Article 92

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

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

- a. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
- b. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV – The Secretariat

Article 97

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

Article 98

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

Article 99

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

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization.

They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

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

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI – Miscellaneous Provisions

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Article 103

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

Article 104

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

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in 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.

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