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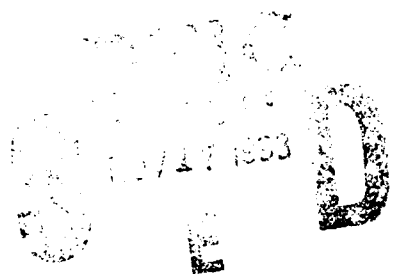
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# NAVAL POSTGRADUATE SCHOOL Monterey, California



## THESIS

THE UNITED NATIONS' PLAN FOR  
COLLECTIVE SECURITY:  
Is it Relevant Today?

by

Joanne Marie Fish

June, 1993

Thesis Advisor:

James J. Wirtz

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THE UNITED NATIONS' PLAN FOR  
COLLECTIVE SECURITY:  
Is it Relevant Today?

by

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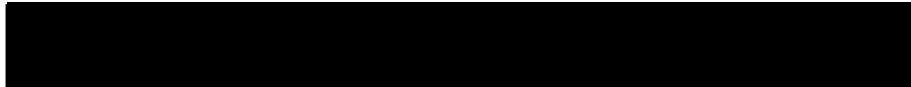
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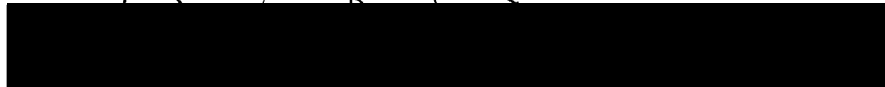


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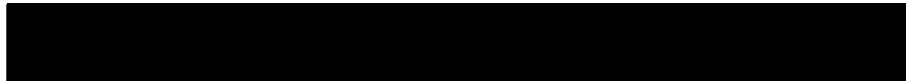
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## ABSTRACT

This study analyzes the original intentions of the creators of the United Nations for a collective security arrangement to provide for international peace and security. The study answers the questions: What kind of world order was the United Nations designed for? What was the perceived threat that the United Nations was designed to meet? What role was envisioned for the Security Council? Under what conditions did the United Nations envision the need for force? How was force through the United Nations to be used — specifically, what kind of force and what type of control would there be over this force? The study does a focused comparison between the 1943-1945 period and the current situation to determine if the 1943-1945 period is an appropriate historical analogy for a current assessment of the United States role in the United Nations. The study begins with a historical overview of the development of the United Nations, follows by a detailed discussion of the UN collective security plan. The study next looks at the current world situation with regard to the need for collective security, exploring what kind of world order is emerging and evaluates current threats. The study concludes with an analysis of how well the original UN collective security plan meets the current needs of the world system.

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## EXECUTIVE SUMMARY

The end of the Cold War has produced speculation that the new world order will be capable of realizing the United Nations' original collective security plan. There has been considerable rhetoric claiming that the "new world order" is the world order originally envisioned by the United Nations. A lot has been written about what this means the United Nations should now be able to accomplish. The literature fails to evaluate the original United Nations plan for collective security.

This thesis analyzes the original intentions of the creators of the United Nations for a collective security arrangement to provide for international peace and security. The thesis answers the questions: What kind of world order was the United Nations designed for? What was the perceived threat the United Nations was designed to meet? What role was envisioned for the Security Council? Under what conditions did the United Nations envision the need for force? How was force through the United Nations to be used — specifically, what kind of force and what type of control would there be over this force?

The thesis does a focused comparison between the 1943-1945 period and the current situation to determine if the 1943-1945 period is an appropriate historical analogy for a current assessment of the United States role in the United Nations. The thesis begins with a historical overview of the development of the United Nations. There is then a detailed discussion of the UN collective security plan. The thesis next looks at the current world situation with regard to the need for collective security. The study explores what kind of world order is emerging and evaluates current threats. The thesis

concludes with an analysis of how well the original UN collective security plan meets the current needs of the world system.

The thesis finds that the original intentions of the creators of the UN Charter were realistic with regard to the world as it existed in 1945. The individuals who wrote the Charter realized that they could not accurately forecast the future. Therefore they created a Charter robust enough to allow the United Nations to change and grow as needed. The current world order is similar to the world order of 1945, although it is still emerging. The flexibility written into the UN Charter by its creators allows for the differences in the emerging system. The creators of the Charter understood that they could not create an effective world organization overnight. They anticipated a gradual growth of the organization as it strove for the ideals its principles are based upon.

The original intentions of the creators of the United Nations provide useful insights to the limitation of a world system. For this reason, review of their efforts is valuable. The essential element then and now for progress is international cooperation. The common interest of international peace and security must be placed above self serving interests which interfere with achieving common goals.

The United States should take the lead in developing a more effective world system. Only by actively participating in the development of an international legal system can we ensure the system best represents US interests. United States military power should remain available to provide enforcement capabilities when necessary.

Optimism is what helps the human race reach its greatest potential. While idealism in its truest form may not be achievable, it is always a goal to strive for.

Meanwhile, idealism tempered by realism is a means toward making progress. If the hopes that the United Nations may suddenly function in the new world order as originally envisioned is overly optimistic, perhaps it can at least make progress toward the ideals that the Charter would have us strive toward.

## I. INTRODUCTION

*What shape the emerging order will take, what defences will be built against anarchy and terrorism, and how entrenched inequities can be removed will depend greatly on the wisdom, foresight and compassion of the world's leadership. It is the leaders of nations, engaged in joint deliberations, who can address not only the apparent problems but also the frustrations and fears that underlie and intensify them.<sup>1</sup>*

Boutros Boutros-Ghali, 1992

### A. UN COLLECTIVE SECURITY PLAN

During World War II, many countries began to work together on plans to help prevent future world wars. These plans resulted in the United Nations Organization. Within the charter for the United Nations, there are provisions intended to provide collective security for the member nations.<sup>2</sup> It was recognized that true collective security is an ideal which would be extremely difficult to achieve on a global basis. The number of world actors, with individual national interests, precluded the unity required for an ideal collective security system. Thus the United Nations provisions were intended to provide

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<sup>1</sup>Boutros Boutros-Ghali, United Nations Secretary-General, From his address to the Security Council Summit Meeting on January 31, 1992.

<sup>2</sup>Collective security means that all nations can be secure if all are guaranteed their "territorial integrity and existing political independence" against "external aggression" by any state or states. This definition comes from Article X of the Covenant of the League of Nations. For a general discussion of the assumptions upon which collective security is based see Frederick H. Hartmann, *The Relations of Nations*, 5th ed. (New York: Macmillan, 1978) p. 15.

selective collective security. These provisions were not intended to provide security in all instances, rather the organization was to act to maintain international peace and security.<sup>3</sup>

The United States was a prominent actor in these plans. This thesis will discuss the original US objectives for the United Nations, in particular the objectives behind the United Nations' collective security provisions.

The United Nations charter was designed to enable the permanent five members of the Security Council to make unanimous decisions regarding global security. Specifically, chapter six, entitled *Pacific Settlement of Disputes*, and chapter seven, entitled *Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression*, were designed to deal with peace and security issues. [These chapters are provided in Appendix A] Since chapter seven, article 42, provides for the use of military sanctions, this chapter is often referred to for its enforcement provisions.

With the development of the Cold War, the rift between the United States and the Soviet Union made the unanimity envisioned by the founders of the United Nations nearly impossible with regard to security decisions. The world order became bi-polar, with the United States and its allies facing the Soviet Union and its allies. The inability of the Security Council to ensure peace and

---

<sup>3</sup>This concept of selective collective security will be developed in more depth in the chapter which analyzes the UN Charter's provisions designed to provide for international peace and security.

stability resulted in the General Assembly undertaking greater responsibility in this area. These ad-hoc developments led to the birth of UN peacekeeping — the interposition of impartial troops under international control between parties to a conflict that have agreed to stop fighting.<sup>4</sup> Since there are no provisions for such operations in the UN charter, these operations are often referred to as "chapter six and a half provisions."

The end of the Cold War has produced speculation that the new world order will be capable of realizing the United Nations' original collective security plan. There has been considerable rhetoric claiming that the "new world order" is the world order originally envisioned by the United Nations. From this rhetoric comes the concept of an expanded spectrum of peacekeeping operations that would include operations not previously considered in the definition of peacekeeping. Thomas G. Weiss and Jarat Chopra develop such a spectrum in *United Nations Peacekeeping: An ACUNS Teaching Guide* which they call a typology of concrete peacekeeping. They describe their typology:

The categories cover both the traditional and potential operations, and progress from simpler observation tasks to more complex objectives of law and order, as well as various uses of force. This progression fits into the possible scope of operations between Chapters VI and VII of the Charter. A final section looks at enforcement — the logical, if politically quite distinct, end of the continuum...<sup>5</sup>

---

<sup>4</sup>This definition is taken from p. vi of *United Nations Peacekeeping: An ACUNS Teaching Text* by Thomas G. Weiss and Jarat Chopra.

<sup>5</sup>Thomas G. Weiss and Jarat Chopra, *United Nations Peacekeeping: An ACUNS Teaching Text*. (The Academic Council on the United Nations System, 1992) p. 8.

The primary categories that they list are Observation, Separation of Forces, Law and Order, Use of Limited Force, and Enforcement.<sup>6</sup>

The danger in thinking of these activities as a spectrum of operations, is that one often thinks in terms of a continuous spectrum where it is easy to advance from one level to another. While this may be convenient from an academic standpoint, it has practical difficulties when implemented, since the kinds of forces required for the different categories vary significantly. If these actions are to be thought of in terms of a spectrum, it must be clear that it is more of a step function than a continuous spectrum. Advancement from one category to another therefore requires special consideration to ensure that proper transition occurs. In most cases, transition will require an evaluation of the forces engaged and the command and control exercised over those forces.

Since the Charter did not originally envision "chapter six and a half" provisions, such a spectrum of operations was not the original intention of the authors of the Charter. Weiss and Chopra state: "This gap in the Charter became apparent as it was realized that the great powers were not as immune as was hoped from putting political imperatives before peace."<sup>7</sup> Peacekeeping operations evolved because the system was not able to operate as intended. There has been much written about peacekeeping operations. This thesis does not attempt to

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<sup>6</sup>See Part Two of the ACUNS Teaching Text, pp. 8-24, for a more detailed description of these categories and their subcategories.

<sup>7</sup>Weiss and Chopra, p. 4.



cover the concepts of peacekeeping in detail.<sup>8</sup> Instead, the thesis acknowledges that peacekeeping evolved because the United Nations could not function as its Charter intended, and evaluates the current ability for the United Nations to function as intended.

This thesis will evaluate the present requirements for collective security. Specifically, the US objectives for UN collective security will be examined. Historical analysis of the original US objectives will be contrasted with current US objectives for the use of force through the United Nations. The central question to be answered by this thesis is: Is the 1943-1945 period an appropriate historical analogy for a current assessment of the United States role in United Nations operations?

## **B. ORGANIZATION AND METHODOLOGY**

This thesis will use history to evaluate the original US objectives when formulating plans for United Nations collective security operations. A brief historical summary of the planning and thought evolution involved in the development of the United Nations will be provided. This history will portray the shift in US foreign policy with regard to international organizations. It will illustrate the merging of idealism — theory that represents life in an ideal form, as it should be rather than as it is, with emphasis on principles and values —

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<sup>8</sup>Two good sources of information on UN peacekeeping are: *The Blue Helmets: A Review of United Nations Peace-keeping* (New York: United Nations, 1990) and Alan James' *Peacekeeping in International Politics* (London: Macmillan, 1990).

with realism — theory based on concern for the actual or real. Lastly, it will highlight the US objectives for the United Nations.

Following this historical overview of the development of the United Nations, there will be a discussion of the UN collective security plan. The philosophy of the UN plan will be explored. The initial implementation period from 1946-1948 will be reviewed since it provides the best information on how the individuals concerned with the plan envisioned it working. This portion of the thesis will close with a summary of the essential ideas related to the question of why the statesmen of the pre-Cold War era believed the United Nations could successfully function as envisioned. It will answer the following questions: What kind of world order was the United Nations designed for? What was the perceived threat that the United Nations was designed to meet? What role was envisioned for the Security Council? Under what conditions did the United Nations envision the need for force? How was force through the United Nations to be used — specifically, what kind of force and what type of control would there be over this force?

The thesis will next look at the current world situation with regard to the need for collective security. The question of what kind of world order is emerging will be explored. Current world threats will be evaluated. Emphasis will be placed on the US perspective of the world and US objectives for the United Nations.

The thesis concludes with an analysis of how well the original UN collective security plan meets the current needs of the world system. A focused comparison of the answers to the two set of questions evaluate how well the United Nations, as originally envisioned, meets the security demands of today's world. The differences present today from the 1943-1945 time frame are discussed. Differences which fit within the flexibility of the plan are identified. Differences which provide obstacles to the plan are evaluated to determine if they require change or modification to the plan.

The State Department documents of the original negotiations, starting with the earliest discussions concerning a post war international organization are used, as well as personal memoirs. The theory of collective security is explored using both World War II era sources and current political science sources/references. Current world needs are derived from prominent political science journals and respected newspapers.

## II. ORIGINS OF THE UNITED NATIONS

*What happens at San Francisco will be an acid test of whether mankind has suffered enough and has learned enough to have acquired the vision and resolution to build a structure of organized international relations, through which order under laws can be established and maintained.<sup>9</sup>*

Cordell Hull, 1945

The fighting of World War II produced an atmosphere within which most nations shared a mutual desire for peace. These nations were faced with a choice; at the end of the war they could remain "armed to the teeth" or they could reduce their armaments and pool their forces under an International Organization tasked with providing for their collective-security.<sup>10</sup>

The United Nations Organization evolved out of a gradual planning process which took place throughout the Second World War. At the beginning of the process, the United States was unwilling to commit to any kind of international organization. However, the United States did understand the need for disarmament of aggressor nations and some kind of international police force to ensure global security. At the same time, the United States wanted to ensure sovereign rights for individual nations and equal rights to trade and raw

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<sup>9</sup>Cordell Hull, *The Memoirs of Cordell Hull*, II (New York: MacMillan, 1948), p. 1722. Hull made this statement to Stettinius in a letter dated April 20, 1945 -- prior to the opening of the San Francisco conference.

<sup>10</sup>Vere Micheles Dean, *The Four Cornerstones of Peace* (New York: McGraw Hill, 1946) p. xiv.

materials. Thus, at the very onset of the planning process for US postwar foreign policy, the economic well being of the world was directly tied to international security.

#### A. GENERAL POSTWAR FOREIGN POLICY PREPARATION

Preparation for postwar foreign policy began in 1939 and continued until the United Nations Conference on International Organization was held in San Francisco in the spring of 1945. According to the State Department the broad objective of this preparation was to:

...enable the United States to participate effectively in the solution of the vast and complicated problems of international relations that would confront the world after the defeat of the enemy.<sup>11</sup>

The State Department saw these preparations as a way to develop future foreign policy that would "safeguard and advance our vital national interests as a great power."<sup>12</sup> As such, the scope of consideration for this preparation was extremely broad. The work considered the "political, territorial, military, economic and social conditions essential to enduring peace and to human progress."<sup>13</sup>

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<sup>11</sup>Hartly Notter, *Postwar Foreign Policy Preparation 1939-1945*, Department of State Publication 3580 (Washington, D.C.: Government Printing Office, 1949) p. 1.

<sup>12</sup>Notter, p. 1.

<sup>13</sup>Notter, p. 1.

The preparation process may be described in two stages. Stage I is characterized by the initial efforts of an Advisory Committee on Problems of Foreign Relations. This committee was composed of officials of the State Department who realized the war would have a profound affect on the interests of the United States.<sup>14</sup> The committee was limited by the neutrality of the United States as well as by the uncertain outcome of the war.<sup>15</sup> Stage II began when the United States entered the war in December 1941. At this time special arrangements were made to consider the problems that would remain at the end of the war.<sup>16</sup> A new advisory committee was established by direction of President Franklin D. Roosevelt (FDR), with Cordell Hull, Secretary of State, as the Chairman. This committee drew on the expertise of the private sector, Congress, the Department of State, and other government agencies.<sup>17</sup> Stage II

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<sup>14</sup>Notter, p. 3. Under Secretary Sumner Welles was appointed as Chairman for the committee with Hugh Wilson as the vice chairman. The rest of the committee was comprised of Judge R. Walton Moore, Counselor; George S. Messersmith, Assistant Secretary; Adolf A. Berle, Jr., Assistant Secretary; Green H. Hackworth, Legal Advisor; Leo Pasvolsky, Special Assistant to the Secretary; Herbert Feis, Economic Advisor; Henry F. Grady, Assistant Secretary; Stanley K. Hornbeck, Political Advisor; Jay Pierrepont Moffat, Chief of the Division of European Affairs; James C. Dunn, Political Advisor; Brenkinridge Long, Assistant Secretary; Norman H. Davis, former chief delegate to the disarmament conferences in London and Geneva; and George Rublee, then director of the Intergovernmental Committee on Political Refugees. For more details see Notter, pp. 18-22.

<sup>15</sup>Notter, p. 69.

<sup>16</sup>Notter, p. 3.

<sup>17</sup>Notter, p. 3. For details on the membership of this committee and its subcommittees see Notter, pp. 71-78.

planning was characterized by an assumption of victory in the war and by the opinion that the United States, as a principle power would share the responsibility for shaping the character of the postwar world.<sup>18</sup>

Stage I preparations tended to be very general with emphasis on principle. If a spectrum is developed to describe the ideology involved, one end would be idealism and the other end would be realism.<sup>19</sup> Stage I planning may be viewed on the idealist end of the spectrum. Stage II planning became more concerned with the details of the new organization's operations as well as with the political constraints involved with such an organization. Stage II preparations steadily moved toward the realist end of the spectrum.

The entire process has been described as an "extraordinary process...for the specific purpose of preparing for the peace."<sup>20</sup> The depth and magnitude of the process illustrated the US commitment toward ensuring postwar peace. The United States expended this enormous effort because peace and stability in the world were considered essential to the United States. The First World War had demonstrated the effect of global war. The Second World War confirmed those lessons and illustrated that the United States must be involved in world politics to protect US interests.

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<sup>18</sup>Notter, p. 69.

<sup>19</sup>Such a spectrum is suggested by Francis Fukuyama in his article "The Beginning of Foreign Policy," *National Interest*, Summer 1989, no. 16.

<sup>20</sup>Notter, p. 2.

## B. THE ATLANTIC CHARTER

The development of the United Nations Organization can be traced to the idea that peace is a common interest which cannot be separated from other national needs. The first document to reflect this sentiment was the Atlantic Charter. The charter was signed on August 14, 1941. It was a joint declaration made by FDR and Prime Minister Winston Churchill concerning positive principles relating to a better future for the world.<sup>21</sup> [The press release covering the conference and the joint declaration is reproduced in Appendix B].

During the Atlantic Conference, Churchill asked FDR if he would agree to support some sort of "effective international organization" as was suggested by Churchill's first draft for the joint declaration.<sup>22</sup> FDR replied that he could not agree to such an organization because it would create "suspicions and opposition" in the United States. FDR believed such an organization could not be established until after an international police force composed of the United States and Great Britain had been functioning.<sup>23</sup> The final draft of the Atlantic Charter represented a compromise between FDR's and Churchill's positions. The Charter

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<sup>21</sup>U.S., Department of State, *Foreign Relations of the United States: Diplomatic Papers 1941*, I. p. 360. (Hereafter cited as FRUS '41)

<sup>22</sup>FRUS '41, p. 363. Taken from a Memorandum of Conversation, by the Under Secretary of State (Sumner Welles) At Sea, August 10, 1941.

<sup>23</sup>FRUS '41, p. 363.



called for a transition period at the end of the war, and only after this period would a permanent international organization be set up.<sup>24</sup>

At the Inter-Allied meeting held in London on September 24, 1941, The Soviet Union and nine other nations unanimously adopted a resolution pledging "their adherence to the common principles of policy" set forth in the Atlantic Charter.<sup>25</sup> This was when the principles for the United Nations Organization (although the organization was not actually conceived of yet) started being embraced by nations. The next step in the process would be the signing of the Declaration by United Nations.

The Atlantic Charter is significant because it demonstrates the willingness of the United States to work toward a common goal. The assumed participation of the United States in a post-war police force indicates the belief that the United States would continue to be involved with world affairs. However, the discussion between FDR and Churchill concerning an international organization highlights the US position on membership in an international organization. The fact that the utilization of a police force is clearly separated from the international organization

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<sup>24</sup>FRUS '41, p. 365. Taken from a Memorandum of Conversation, by the Under Secretary of State (Sumner Welles) At Sea, August 11, 1941.

<sup>25</sup>FRUS '41, p. 378. The governments were Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, Union of Soviet Socialist Republics, Yugoslavia, and representatives of General de Gaulle, leader of the Free Frenchmen. For greater detail of the meeting see Department of State *Bulletin*, September 27, 1941, pp. 233-235.

proves that the United States (FDR included) viewed international organizations in idealistic terms where provisions for the use of force were not included.

### C. THE UNITED STATES AS A BELLIGERENT

With the event of the Japanese attack on Pearl Harbor on December 7, 1941, the United States declared war on Japan on December 8, 1941. On December 11, 1941, Germany and Italy declared war on the United States. The entry of the United States into World War II marked the beginning of Stage II.

The words of Cordell Hull best sum up the significance of the United States' entry into the war:

The outbreak of war made it clear that problems of crucial importance in the field of foreign relations would confront this country as well as other countries upon the termination of hostilities. It became the obvious duty of the Department of State to give special attention to the study of conditions and developments relating to such problems. As the war spread over the earth, the scope of these studies was extended and work upon them steadily increased, so far as was compatible with the fullest possible prosecution of the war.<sup>26</sup>

Once the United States entered the war, victory of the United Nations alliance was assumed. The planning for an international organization reflected this assumption. No longer a neutral power, the United States considered that it would be a principle power among the victors. As a principle power, the United

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<sup>26</sup>Notter, p. 67. Quoted from "Our Foreign Policy in the Framework of Our National Interests," radio address by Cordell Hull, September 12, 1943. See *Department of State Bulletin*, IX, pp. 173-179.

States had a responsibility to decisively influence the nature of any general organization for international peace and security.<sup>27</sup>

#### D. DECLARATION BY UNITED NATIONS

The United States spearheaded plans for a joint declaration. "The Declaration by United Nations" was signed by twenty-six nations at the White House on January 1, 1942. [The text of the declaration is provided in Appendix C.] The declaration contains two principal features common for military alliances:

- (1) a pledge of full support and cooperation in conducting the war against the common enemy.
- (2) a pledge not to cease hostilities against the common enemy except by mutual agreement.<sup>28</sup>

Initially there were to be two documents. The first document was the joint declaration by many nations. The second document was an agreement between the four major powers — the United States, the United Kingdom, the Republic of China and the Union of Soviet Socialist Republics — for a Supreme War Council.

FDR decided that it would be more effective to have only one document.<sup>29</sup> The two documents would be combined. However, the Supreme War Council would still be restricted to the membership of the four major powers since a

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<sup>27</sup>Notter, p. 69.

<sup>28</sup>U.S., Department of State, *Foreign Relations of the United States: Diplomatic Papers, 1942, I.* (Washington, D.C.: Government Printing Office, 1960) p. 1. (Hereafter cited as to as FRUS '42)

<sup>29</sup>FRUS '42, p. 13.

larger number of representatives would make the council "unwieldy and ineffective."<sup>30</sup> The proposal for the Supreme War Council met with opposition from Churchill. To compromise on this issue, they decided to establish regional councils with the goal of eventually creating a supreme council.<sup>31</sup> Thus, it was decided to pursue only the joint declaration and to leave the issue of a Supreme War Council for future discussion.<sup>32</sup> This issue was one of the primary concerns for the alliance. The decisions made with regard to coordinated control of armed forces would later be reflected in the development of the UN charter. Interestingly, the British would later propose a Military Staff Committee for the UN Security Council which would be based on the operations of the Combined Chiefs of Staff that evolved from fighting the war.

The final draft of the declaration was the result of many concessions. Even the order for listing the signatories required a great deal of thought and consideration. The United States argued that little countries joining with the

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<sup>30</sup>FRUS '42, p. 15. These were the words of Carlton Savage, Assistant to the Assistant Secretary of State (Long), taken from a memorandum dated 27 December 1941. The memorandum discussed the explanation given to the British Ambassador concerning why the other dominions could not be given the same status as Great Britain.

<sup>31</sup>Hull, p. 1124. In his *Memoirs*, Hull says that FDR and Churchill took the first major step toward a Supreme War Council by establishing the Combined Chiefs of Staff. Subsequently, unified commands were agreed upon for individual theaters (the Mediterranean, European, Southwest Pacific, and Southeast Asia).

<sup>32</sup>Hull, p. 1121.

larger powers would be advantageous.<sup>33</sup> This reflected the democratic background of the United States where all individuals are important.

FDR was intimately involved with the actual wording of the declaration. He told the Secretary of State:

I am anxious that the most careful thought be given to the language in this Declaration, which will supplement the Atlantic statement, particularly in reference to the real purposes for which we fight.<sup>34</sup>

The last change to the document was made by FDR when he substituted the words "United Nations" for "Associated Powers" in the text.<sup>35</sup> Robert Sherwood claims that the declaration:

gave birth to the United Nations and provided an uplifting message of hope for countless millions in all parts of the world who prayed for a restoration of freedom and the establishment of an enduring peace.<sup>36</sup>

Later when the United States shifted its position concerning an international organization and began to plan for such an organization, FDR would chose the name "United Nations" for the organization.

The resultant declaration is some what general in scope. However, the signatories placed great significance upon the symbolism of their joining together

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<sup>33</sup>U.S., Department of State, *Foreign Relations of the United States: Conferences at Washington 1941-1942 and Casablanca 1943*. (Washington D.C.: Government Printing Office, 1968), p. 368. (Hereafter cited as to as FRUS W&C)

<sup>34</sup>FRUS W&C, pp 369-370.

<sup>35</sup>Robert E. Sherwood, *Roosevelt and Hopkins: An Intimate History*, (New York: Harper, 1948), p. 453.

<sup>36</sup>Sherwood, p. 453.

for a common cause.<sup>37</sup> By May 1, 1945, the text of the declaration had been acceded to by 21 other nations.<sup>38</sup> While the actual declaration does not mention an international organization, the mentality of "United Nations" created the basis of cooperation that eventually lead to the formation of the United Nations Organization.

#### E. COMMITMENT TO AN INTERNATIONAL ORGANIZATION

The idealist concept of an international organization treated all member nations as equals. In reality, equality is elusive. Member nations can be treated fairly equally, but in actuality they are not equal. The United States, Great Britain, the Soviet Union and China were considered the Big Powers in the alliances against Japan, Germany and Italy. As such, these four nations carried the majority of the burden for waging the war. Along with this burden came the recognition that the Big Powers have big responsibilities. These responsibilities were highlighted in a *Declaration of Four Nations on General Security* that was

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<sup>37</sup>FRUS '42, pp. 1-38.

<sup>38</sup>These nations were: Bolivia, Brazil, Chile, Columbia, Ecuador, Egypt, Ethiopia, France, Iran, Iraq, Lebanon, Liberia, Mexico, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Turkey, Uruguay, and Venezuela. For greater details, see the Department of State *Bulletin*, August 12, 1945, p. 238.

signed by these nations in November 1943.<sup>39</sup> [The text of this document is provided in Appendix D.]

The declaration was developed during the Tripartite Conference. The conference highlighted the concern that it was necessary to plan for the post war period prior to its actual arrival. This sentiment is best highlighted by the remarks of Cordell Hull:

...we feel that without in any way impeding the primary task of winning the war we should begin to divert our efforts to the general preparation even while the war is in progress for the early construction of a program of international collaboration.<sup>40</sup>

US participation in this preparation was indicative of the detailed planning which was ongoing in the United States. Hull continues:

We have many interests in common, among those a mutual interest in the preservation of peace and the establishment of international security which we regard as the only means of assuring the welfare, political, economic, and social, of every people in the world. The welfare of our people depends not only upon the measures taken internally by each Government, but also the establishment of a world power under which law will at all times preserve peace and guarantee to the peoples of the world the possibility of continuing their progress.<sup>41</sup>

These sentiments illustrated the idea that the future of the United States was linked with the rest of the world. The US objective was to insure the future would be stable and peaceful.

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<sup>39</sup>U.S., Department of State, *Foreign Relations of the United States: Diplomatic Papers, 1943*, I. p. 755. (Hereafter cited as FRUS '43) This declaration is also referred to as the Moscow Declaration in other sources.

<sup>40</sup>FRUS '43, p. 591.

<sup>41</sup>FRUS '43, p. 591

Hull wanted to capitalize on the spirit of cooperation that existed between the peoples of the United Nations. After the war, it would be more difficult to obtain unified support for any kind of plan. Hull hoped to utilize the unity brought on by the war to solve some of the post-war problems. He believed that after the war the nations would become more concerned with individual interests than with common goals.<sup>42</sup> This was a lesson Hull had learned from President Wilson following the First World War.<sup>43</sup> The shift in United States policy toward development of an international organization during the war was due to the efforts of Hull and others who supported these beliefs.

Prior to the conclusion of the Tripartite Conference, Molotov recommended that the United States, Great Britain and the Soviet Union appoint representatives to a committee which would jointly work out the details involved in establishing the general international organization as referenced by Article 4 of the declaration.<sup>44</sup>

Preparation for a conference for such a committee began after FDR gave his approval to a "Possible Plan" formulated by the Informal Political Agenda Group on February 3, 1944.<sup>45</sup> Both the United States and Great Britain developed

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<sup>42</sup>FRUS '43, p. 614.

<sup>43</sup>FRUS '43, p. 615.

<sup>44</sup>FRUS '43, p. 640.

<sup>45</sup>U.S., Department of State, *Foreign Relations of the United States: Diplomatic Papers, 1944, I* (Washington, D.C.: Government Printing Office, 1966). p. 622. (Hereafter cited as FRUS '44) From a footnote made to "Notes on Meeting of Secretary Hull With President



outlines of the topics to be included in the discussions. From these outlines three fields for discussion were chosen:

- I. Maintenance of Peace and Security
- II. Economic Collaboration
- III. Treatment of Dependent Areas<sup>46</sup>

Preparations continued and on June 10th, FDR made a Statement to the Press. In this statement he said:

The maintenance of peace and security must be a joint task of all peace-loving nations. We have, therefore, sought to develop plans for an international organization comprising all such nations. The purpose of the organization would be to maintain peace and security and to assist the creation, through international cooperation, of conditions of stability and well-being necessary for peaceful and friendly relations among nations.<sup>47</sup>

FDR said that there should be an international court of justice to deal with "justiciable disputes." He qualified his comments by saying that he was not advocating a "superstate with its own police forces and other paraphernalia of coercive power."<sup>48</sup> Rather:

We are seeking effective agreement and arrangements through which the nations would maintain, according to their capacities, adequate forces to meet the needs of preventing war and of making impossible deliberate preparation for war and to have such forces available for joint action when necessary.<sup>49</sup>

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Roosevelt at the White House on February 3, 1944." For more details see pp. 620-622.

<sup>46</sup>FRUS '44, 627.

<sup>47</sup>FRUS '44, pp. 642-643.

<sup>48</sup>FRUS '44, p. 643.

<sup>49</sup>FRUS '44, p. 643.

These statements by FDR verbalized US objectives for an international organization. The main objective was to maintain peace and security. The statement indicates that this would be achieved by cooperating and creating a stable world order. At the same time, the organization would have to be able to enforce its positions. This position prompted the first sustained consideration of the nature of the military capabilities that might be given to the nascent United Nations.

Preparations continued, a tentative agenda was developed for FDR's approval in July.<sup>50</sup> This was soon followed by a tentative proposal for a General International Organization.<sup>51</sup> It was handed to the representatives of the British, Soviet and Chinese embassies, which contributed to the development of other nations' ideas for an international organization.

Section IV of this proposal was entitled "Determination of Threats to the Peace or Breaches of the Peace and Action With Respect Thereto." Subsection D discussed "Measures Involving the Use of Armed Force." Force was to be used when other methods had failed to resolve the problem and would be authorized by the executive council. These forces (and facilities for the forces) would be contributed by member states when they were called upon by the executive

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<sup>50</sup>FRUS '44, pp. 647-650. This agenda was forwarded to FDR in a memorandum by the Secretary of State (Hull) dated July 11, 1944.

<sup>51</sup>For the complete proposal see "United States Tentative Proposal for a General International Organization, July 18, 1944" in FRUS '44, pp.653-669.

council and would be in accordance with agreements previously made by the nations. These agreements, which would determine the number and type of forces, "should be concluded among the member states at the earliest possible moment after the organization comes into existence."<sup>52</sup> The United States proposed that these forces be maintained by the individual nations in a condition of "effective readiness" so that they would be available for "international cooperative action."<sup>53</sup> There is very little difference between these desires and the chapter seven provisions of the UN Charter. The US position is represented by this proposal. The organization should have force capabilities. The force capabilities should come from members who independently maintain those capabilities. The forces should be made available when the "executive council" (later called the Security Council) votes to utilize them.

Provisions for the use of force in the proposal completed the shift in US position. [The United States now embraced the development of an international organization to ensure peace and stability in the postwar world. It supported preparations to be completed during the war. And it wanted the organization to have enforcement capabilities.]

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<sup>52</sup>FRUS '44, p. 661.

<sup>53</sup>FRUS '44, p. 661.

Great Britain responded on July 22 with their tentative proposal for a General International Organization.<sup>54</sup> The British proposal was also quite lengthy. It discussed many of the political realities which would affect the development of an international organization. The British proposal stressed that flexibility in the organization was essential. With regard to the conditions in which action to maintain peace and security should be taken, the British proposed:

There should be no attempt to lay down in advance any rigid definition of the occasions on which such actions should be taken, but that the Members of the Organization and the World Council should only be empowered to take action in accordance with the principles and objects of the Organization.<sup>55</sup>

The British also proposed that there be a Military Staff Committee. The primary duty of this committee would be to "prepare and keep up to date plans for the prevention of any renewed aggression..."<sup>56</sup> Additionally, the Military Staff Committee would be responsible for any coordination of forces provided by the member states. Thus the British desired the guidelines for the organization to remain general enough to keep the organization flexible. This would require the organization to use discretion. The Military Staff Committee would be one source of information to help make discretionary decisions.

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<sup>54</sup>For the complete proposal see "Tentative Proposals by the United Kingdom for a General International Organization" in FRUS '44, pp. 670-693.

<sup>55</sup>FRUS '44, p. 685.

<sup>56</sup>FRUS '44, p. 687.

## F. DUMBARTON OAKS CONFERENCE

The Dumbarton Oaks Conference was conducted to allow for discussion of the proposals for an international organization. The Dumbarton Oaks Proposal, which resulted, was a tentative charter for an international organization to ensure peace and security. It was an embryo of the United Nations Charter. [Appendix E contains the Dumbarton Oaks Proposal] The Dumbarton Oaks proposal was general in terms of details to allow for flexibility within the organization. The generality also allowed for growth of ideas. And finally, it represented the compromise necessary for the four nations to reach agreement.

The proposed structure for the United Nations was more flexible than the League of Nations structure.<sup>57</sup> By not trying to define all the future concerns of the United Nations it would be more adaptable to changing circumstances.<sup>58</sup> The Dumbarton Oaks proposal was more focused on security issues than the League Covenant had been. It placed the responsibility of maintaining peace and security with the Security Council. The Security Council was to be composed of 11 member nations. The United States, Great Britain, the Soviet Union, China and France would be permanent members. Six other nations would be elected by the general assembly for terms of two years. The Security Council was to be able to investigate any dispute or situation which might develop into a dispute. If the

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<sup>57</sup>Dean, p. 6. For a more complete discussion of the details of the Dumbarton Oaks conference see pages 1 - 24 and 145 - 167.

<sup>58</sup>Dean, p. 7.

nations involved in the dispute were unable to settle the dispute peacefully, the Security Council was to take any measures necessary for the maintenance of peace. The Security Council would be able to apply a wide range of measures which did not require military force. If non-military measures proved inadequate, the Security Council was to be empowered to "take such action by air, naval, or land forces as may be necessary to maintain or restore international peace and security."<sup>59</sup>

While the League Covenant had been too idealistic, the creators of the proposed United Nations had learned to apply realism to their ideals. The creators of the proposal attempted to learn from the excessive optimism of the League of Nations. They attempted to learn from the lessons of World War II by proposing a Military Staff Committee composed of the Chiefs of Staff of the five permanent members of the Security Council. This staff would be a continuation of the Allied agency, the Combined Chiefs of Staff, which had proven effective in waging World War II.<sup>60</sup> The staff would be used to coordinate necessary military actions.

From the Dumbarton Oaks document it is easy to see that many of the elemental concepts for the United Nations were worked out at this conference. The Military Staff Committee was clearly proposed by the British at this time.

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<sup>59</sup>Dean, p. 3.

<sup>60</sup>Dean, p. 10.

The functions of the committee would not be greatly altered in the follow-on negotiations for the United Nations.<sup>61</sup>

During the conference, the Soviets recommended that there be two separate organizations; one to deal with social-economic issues, and a separate one to deal with political-military issues. This was rejected by the United States who believed the issues must be considered together to establish a stable world order.

The Soviets had also proposed a standing air force for the United Nations. This proposal was discussed at length. The difficulties on placing any kind of forces under control of an organization which did not yet exist made this issue difficult to resolve. The United States position was that there should not be any standing armed forces belonging to the United Nations. When the United Nations required armed forces, the Security Council could then call for them from the member nations. It was determined to leave negotiation of specific forces for a later time.

Another issue left unresolved was that of disarmament following the end of the war. While all nations involved recognized the benefits of reduced national expenditures on armaments, a specific plan for disarmament was not negotiated. In general, it was believed that national armament levels could be reduced, such that the collective security arrangements would be the primary source of defense. Other nation's armament levels should not be allowed to grow so that the relative

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<sup>61</sup>A comparison of the Dumbarton Oaks Document and the UN Charter show how little the content changed from the Dumbarton Oaks Conference to the final UN Charter.

strength of the collective security arrangements would remain effective. It was left to future negotiations to refine these concepts.

#### **G. YALTA CONFERENCE**

The Yalta Conference was essentially a preliminary peace conference. However, Roosevelt, Churchill and Stalin undertook some of the questions concerning the United Nations which had been left unresolved at the Dumbarton Oaks conference. It was here that they determined to meet with their allies in San Francisco to prepare the charter for the United Nations. Additionally, they worked out the voting formula for the Security Council, with which they then consulted China and France.

The significance of this conference is that it set certain expectations for the big three's national behavior. Soviet transgressions concerning this agreement set the stage for a change in American attitude toward the Soviets in the post-war era. The secession of Truman to the presidency following Roosevelt's death cemented the change. This change between the United States and the Soviet Union would play a big part in the San Francisco Conference and in the international system as a whole in the years to follow.

#### **H. INTER-AMERICAN CONFERENCE**

During the time Cordell Hull was Secretary of State, it was believed that regional security arrangements would weaken the effectiveness of a global international security organization. Hull submitted his resignation as Secretary



of State in the fall of 1944. His health was failing and he was no longer able to deal with the strain associated with his position.<sup>62</sup> Thus, when the United States attended the Inter-American Conference on Problems of War and Peace In Mexico City in February 1945, the United States delegation was headed by Edward R. Stettinius, who had been appointed Secretary of State.<sup>63</sup>

The Mexico City Conference addressed many of the security issues facing the western hemisphere.<sup>64</sup> It was attended by all the nations who were members of the Pan American Union with the exception of Argentina.<sup>65</sup> The conference culminated with the signing of the Act of Chapultepec<sup>66</sup> which was a "Declaration on Reciprocal Assistance and American Solidarity."<sup>67</sup> [The Act of Chapultepec is provided in Appendix F] In effect, this act reaffirmed the funda-

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<sup>62</sup>Hull, p. 1715.

<sup>63</sup>Dean, pp. 39-40.

<sup>64</sup>For a more detailed account of the Mexican Conference and the US Latin American policy see chapter 5 of Thomas M. Campbell, *Masquerade Peace: America's UN Policy 1944-1945*, (Tallahassee, FL: Florida State University Press, 1973) "Latin America and the UN Policy."

<sup>65</sup>Dean, p. 39. The Pan American Union, formed in 1890, was composed of the United States and 20 Latin American republics. Argentina's Farrell-Peron regime was considered fascist. Resolution 59 of the Mexican conference deplored Argentina's Axis ties, but encouraged Argentina to shift to the united position of the other American nations. Admission of Argentina to the United Nations would become a major issue at the San Francisco conference. See chapter 5 of Campbell.

<sup>66</sup>The Act of Chapultepec was approved on March 3, 1945 by 19 American nations, providing for joint action to protect each American nation against aggression.

<sup>67</sup>Dean, p. 42.

mental principles of the Monroe Doctrine, but instead of it being a unilateral proclamation by the United States it was now endorsed by all Latin American nations.<sup>68</sup> The American Nations were to act collectively in their own defense unless and until the world organization took effective actions to deal with an attack.

The Mexican Conference identified a shift in the US position toward regional security arrangements. This was a shift that had come silently with the appointment of Stettinius as Secretary of State. It was not that Stettinius greatly favored this shift, but rather that he failed to recognize it and prevent it. It was also another step toward a more realistic organization which recognized the importance of regional relationships. [Hull's desires for a world organization without the bridging regional levels represented the ideal for a world organization.]

The military, represented at the conference by General Embick, of the Joint Chiefs of Staff, fully supported inter-American solidarity. The military value of a regional agreement was important with the future of the United Nations unknown.<sup>69</sup> Since regional security arrangements involve fewer nations, it is easier to reach agreement on the specifics of the agreements. With the United

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<sup>68</sup>Dean, pp. 42-43.

<sup>69</sup>Thomas M. Campbell, *Masquerade Peace: America's UN Policy 1944-1945*, (Tallahassee, FL: Florida State University Press, 1973) p. 116.

States emerging from a policy of isolationism, security interests in the Western Hemisphere remained critical to US interests.

The negotiations at the Mexican Conference put the United States in a difficult position. On one side were the regional interests of the Western Hemisphere, while on the other side were the original goals for internationalism proposed by the Dumbarton Oaks Conference.<sup>70</sup> Eventually, the United States was able to win Latin American support for the Dumbarton Oaks proposal by agreeing to transmit proposed amendments at the San Francisco Conference.<sup>71</sup> The regional issue became a critical detail of the San Francisco conference.<sup>72</sup>

Hull believed that the shift in policy at the Mexico City Conference would have negative effects for the United Nations. During the San Francisco Conference he commented that failure to "check the trend of nations to rely on national and regional self-protective measures" would cause the United Nations to gradually fade away.<sup>73</sup>

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<sup>70</sup>For a more detailed account of the Mexican Conference and the US Latin American policy see chapter 5 of Campbell, "Latin America and the UN Policy.

<sup>71</sup>Campbell, p. 125. For a discussion of the most important points that the American Delegation to the United Nations Conference on International Organization proposed see *Foreign Relations of the United States: Diplomatic Papers, 1945, I*, pp. 353-355. For the actual amendments proposed by the United States, see Notter pp. 679-687.

<sup>72</sup>Campbell, p. 129. This issue will be developed in more detail in the Section on the San Francisco Conference.

<sup>73</sup>Hull, pp. 1722-23.

## I. SAN FRANCISCO CONFERENCE

The United Nations Conference on International Organizations conducted in San Francisco in the Spring of 1945 was attended by 50 nations who had declared war on Germany or Japan or both.<sup>74</sup> The conference functioned on two levels. One was the drafting of the charter for the United Nations Organization by technical experts. The other level was the discussion of the problems facing peaceful settlement of the war by political leaders.<sup>75</sup>

The Dumbarton Oaks proposal formed the core of the United Nations Charter. The great powers who formed the leadership for the coalition which won the world war would retain the responsibility of maintaining world security. In this role they would be given sufficient authority to discharge this responsibility.<sup>76</sup> Sherwood described such an organization as "a world organization equipped with teeth and guts as well as with moral principles."<sup>77</sup>

Many of the smaller nations represented at the San Francisco conference supported the Latin American position of a stronger role for regional security arrangements. The United States was required to do a delicate balancing act between the two positions of regional and world organization. On the one hand, the United States was one of the original drafters of the Dumbarton Oaks

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<sup>74</sup>Dean, p. 53.

<sup>75</sup>Dean, pp. 53-54.

<sup>76</sup>Dean, p. 67.

<sup>77</sup>Sherwood, p. 825.

proposal. On the other hand, the United States had negotiated the Act of Chapultepec with Latin America. The United States explained the Act of Chapultepec as consistent with the Dumbarton Oaks Proposal since any actions taken by the regional arrangement were to be in conformity with the world organization's goals. The Latin American nations wanted the Act of Chapultepec referenced in the United Nations Charter, or they wanted an independent assurance from the United States that it would abide by the Act. In the end, the chapter on regional arrangements and their relationship to the United Nations (Chapter VIII) was redrafted at San Francisco. The most significant change was the addition of Article 51 to the end of Chapter VII. Article 51 recognizes the right of collective self-defense in cases where the Security Council is unable to take action.<sup>78</sup>

## J. THE UNITED NATIONS CHARTER

The UN Charter became operative on October 24, 1945. It was realized that the organization would have to grow, it could not start out perfect. No organization could eliminate all conflicts. As Vera Micheles Dean said in the foreword of her book *The Four Cornerstones of Peace*:

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<sup>78</sup>Good discussions on the US position are found in U.S., Department of State, *Foreign Relations of the United States: Diplomatic Papers, 1945*, I. (Washington, D.C.: Government Printing Office, 1967) in the Minutes of the Thirty-Second Meeting of the US Delegation, Held at San Francisco on May 7, 1945 (pp. 631-640) and in the Minutes of the Thirty-Ninth Meeting of the US Delegation, Held at San Francisco on May 15, 1945 (pp. 719-727).

...as long as there is life on earth there will be disorder, there will be constant changes in the relations of human beings with each other. Our task is not to prevent all conflicts among nations (that is impossible), but to make sure that when conflicts do arise they are settled by peaceful means, not by war... The best we can do is to reach workable compromises, knowing full well that any compromise made today will have to be revised tomorrow.<sup>79</sup>

Thus, the ideas for the United Nations came from the framework that compromise was necessary and the details could grow with the organization. It was better to make a start by agreeing on the general themes than to not have an agreement because the details could not be solved.

The UN Charter begins with the following declaration:

WE THE PEOPLE OF THE UNITED NATIONS determined

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

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

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

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

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

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

to ensure, by the acceptance of principles and the institutions of methods, that armed forces shall not be used, save in the common interest, and

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<sup>79</sup>Dean, p. xix.

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

The Charter is then composed of nineteen chapters which outline the general structure of the organization and its principles, functions and power. [These Chapters are listed in Appendix A.] There are six principle organs of the United Nations. These are (1) the General Assembly, (2) the Security Council, (3) the Secretariat, (4) the Economic and Social Council, (5) the Trusteeship Council, and (6) the International Court of Justice. All of these organs are essential to the functioning of the United Nations as originally intended. However, the Security Council was designed to have the primary responsibility for maintaining international peace and security.

#### K. US MEMBERSHIP IN THE UNITED NATIONS

Congress passed an Act "To Provide for the Appointment of Representatives of the United States in the Organs and Agencies of the United Nations, and To Make Other Provisions With Respect to the Participation of the United States in such Organization" on December 19, 1945. This Act became known as the "United Nations Participation Act of 1945" and is the statutory basis for United States participation in the United Nations.<sup>80</sup>

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<sup>80</sup>U.S., Department of State, *Foreign Relations of the United States 1946, I.* (Washington, D.C.: Government Printing Office, 1972) p. 1. (Hereafter cited as to as FRUS '46)

Membership in the United Nations organization completed the shift in US foreign policy from political isolationism to international cooperation. Cordell Hull has been credited with being the "Father of the United Nations." He, more than any other person, was responsible for the development of the policies that lead to the creation of the organization. FDR's ideas on postwar security initially differed from Hull's, but eventually came to support Hull's beliefs.<sup>81</sup> The realism injected on Hull's idealist intentions by others is what allows the Charter to be so robust. The US Department of State, with the leadership of Hull, was primarily responsible for most of the technical preparations which resulted in the actual Charter.<sup>82</sup> The Charter clearly reflects the US position on the purpose for an international peace organization.

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<sup>81</sup>Ruth B. Russell and Jeannette E. Muther, *A History of The United Nations Charter: The Role of the United States 1940-1945*. (Washington, D.C.: Brookings, 1958) p. 1.

<sup>82</sup>Leland M. Goodrich and Anne P. Simons, *The United Nations and the Maintenance of International Peace and Security*. (Washington, D.C.: Brookings, 1955) p. 9.



### III. UN COLLECTIVE SECURITY PLAN

*...instead of trying to govern the actions of the members and the organs of the United Nations by precise and intricate codes of procedure, we have preferred to lay down purposes and principles under which they are to act. And by means, we hope to insure that they act in conformity with the express desires of the nations assembled here, while, at the same time, we give them freedom to accommodate their actions to circumstances which today no man can foresee.*<sup>83</sup>

Lord Halifax, 1945

#### A. GENERAL PHILOSOPHY OF THE ORIGINAL PLAN

The primary purpose of the United Nations is to maintain international peace and security. The Charter is more than an ordinary treaty, it is a constitution for an international political organization.<sup>84</sup> At the conclusion to the San Francisco Conference, Cordell Hull described the UN Charter as a "human rather than a perfect instrument."<sup>85</sup> He used this description because as he said: "It has within it ample flexibility for growth and development, for dynamic adaptation to changing conditions."<sup>86</sup> The Charter combines the traditional methods for international adjustment of diplomacy, mediation, conciliation and

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<sup>83</sup>Goodrich and Simons, p. 10. Lord Halifax of the United Kingdom Delegation to the President at the San Francisco Conference. The original source as listed in Goodrich: UN Information Organization and US Library of Congress, *Documents of the United Nations Conference on International Organizations*, Vol. 6 (1945) p. 26.

<sup>84</sup>Goodrich and Simons, p. 10.

<sup>85</sup>Hull, p. 1723.

<sup>86</sup>Hull, p. 1723.

arbitration with collective coercion. Unlike the League of Nations Covenant, the Charter also recognizes the importance of effective preventive measures for aggressive actions which could escalate to larger conflicts.<sup>87</sup> Most importantly, the Charter does not try to create a rigid legal framework for its members. Instead the Charter provides a flexible structure which can be further developed to meet the changing needs of the organization.

To fulfill the demands of maintaining international peace and security, the Charter divides responsibilities into two major functions. The first is the creation of "conditions that would be conducive to the maintenance of peaceful relations among nations, and would make for stability, friendship, and good neighbors."<sup>88</sup> Primary responsibility for this function was given to the General Assembly. The cooperation of nations necessary to create good economic and social conditions was viewed as the cornerstone of the plan, that would enable the nations to coexist peacefully. Thus, responsibility for this portion of the plan rested with all the members. It is the intention of the Charter that the individual members settle any dispute peacefully.

The charter also accounted for the true distribution of political, economic and military power among nations. The nations which had formed the core of the United Nations Alliance were given permanent membership in the Security

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<sup>87</sup>Goodrich and Simons, p. 343.

<sup>88</sup>Goodrich and Simons, p. 17.

Council. This permanent membership came with special voting privileges and with increased responsibility for ensuring international peace and security. The Security Council is responsible for facilitating peaceful settlement of disputes and for preventing or suppressing aggression. In this regard, the Security Council is responsible, according to Goodrich, for the second major function of doing:

...everything possible to bring about peaceful adjustment of disputes that arise, of removing threats to the peace when threats arise, and of suppressing breaches of the peace, if in spite of the preventive action, peace should be broken.<sup>89</sup>

This responsibility requires the permanent members to cooperate among themselves to determine the best course of action. If possible, conflicts are to be resolved peacefully. That failing, the Security Council is empowered to take stronger actions. Chapters six and seven of the Charter identify Security Council responsibilities for resolving disputes.

## **B. SPECIFICS OF THE PLAN**

Chapter six deals with *Pacific Settlement of Disputes*. [This chapter is reproduced in Appendix A.] The chapter is designed to utilize the traditional methods mentioned above. Specifically, Article 33 requires:

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.

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<sup>89</sup>Goodrich and Simons, p. 17.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.<sup>90</sup>

Chapter seven deals with *Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression*. [This chapter is reproduced in Appendix A.] In this chapter, the Charter gives the Security Council the responsibility to determine when there are "threats to the peace, breach of the peace, or acts of aggression."<sup>91</sup> In these instances the Security Council is to make recommendations or decide what actions should be taken in accordance with Article 41 — measures not involving the use of force — or Article 42 — measures involving the use of force.

The Charter does not define the terms *threat* or *aggression*, but leaves the determination of what constitutes a threat or aggression to the discretion of the Security Council. During the negotiations that led to development of the UN Charter, it was determined that any attempt to define these terms would limit the power of the Security Council to take action when a situation was not specifically covered by definition in the Charter. By leaving the terms of the Charter general, the Security Council could develop the issue by the actions it determined to take.

In all instances, the provisions of Article 41 were to be contemplated prior to consideration of the use of force as provided in Article 42. In general, problems were to be dealt with at the lowest level possible. First at the individual nation level, next at the regional level, and lastly at the international

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<sup>90</sup>UN Charter, Chapter 6, Article 33.

<sup>91</sup>UN Charter, Chapter 7, Article 39.

level. Similarly, Chapter 6, *Pacific Settlement of Disputes*, was to be utilized before the Chapter 7 provision if possible.

The plan calls for the members to make available to the Security Council armed forces, facilities, assistance and rights of passage through special agreements. These agreements would determine the amount of forces, their level of readiness and the type of facilities and assistance that would be made available to the United Nations. The specific agreements were not part of the Charter but were to be negotiated "as soon as possible, on the initiative of the Security Council."<sup>92</sup> These provisions are found in Article 43 and as such are often referred to as Article 43 agreements.

Article 47 of the UN Charter calls for the establishment of a Military Staff Committee. This committee is composed of the Chiefs of Staff of the permanent members of the Security Council. Other members may be invited to participate when it would improve the efficiency of the committee. The British first proposed the Military Staff Committee. The idea was based on the Combined Chiefs of Staff developed by the allies during World War II. The concept requires the powers involved to have common goals and to cooperate toward achieving those goals.

The Military Staff Committee is responsible for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee may

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<sup>92</sup>UN Charter, Chapter 7, Article 43.

also establish regional subcommittees. The actual command of forces is to be worked out outside of the provisions of the Charter.

The plan requires the members of the United Nations to "join in affording mutual assistance in carrying out the measures decided upon by the Security Council."<sup>93</sup> Thus, while the Security Council is envisioned to be the executive agency with regard to determination of actions taken to restore international peace and security, all members are to be involved in carrying out the actions. The Security Council is to provide the leadership, but the other members are to be involved participants.

Recognizing that the Security Council may not be able to take immediate action, the Charter does not impair the "inherent right of individual or collective self-defense" in the event of an armed attack.<sup>94</sup> The Charter does require that any such actions be reported to the Security Council. It also states that independent actions do not relieve the responsibility of the Security Council to take action, nor effect the authority of the Security Council to take action when necessary to restore international peace and security.

The General Assembly was given the task of considering "the general principles of cooperation in the maintenance of international peace and security."<sup>95</sup> This was to include the principles governing disarmament and the

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<sup>93</sup>UN Charter, Chapter 7, Article 49.

<sup>94</sup>UN Charter, Chapter 7, Article 51.

<sup>95</sup>UN Charter, Chapter IV, Article 11.

regulation of armaments. It was assumed that disarmament would follow the end of the war. One of the basic purposes for a general international organization was to continue to provide security as disarmament occurred. Regulation of armaments would ensure threats to the peace were kept minimal. Gradual disarmament and regulation of armaments would allow for the forces authorized for use by the Security Council to provide an effective deterrent to future aggression. No individual nation would have enough forces to challenge the collective forces of the organization.

### C. INITIAL EFFORT TO IMPLEMENT THE PLAN

The founders of the United Nations realized that there would need to be a phase of implementation for the new system of international security described in the Charter. Chapter XVIII, *Transitional Security Arrangements*, specifically deals with this phase of implementation. Article 106 states:

...the parties to the Four-Nations Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with the view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and stability.\*

The transitional phase was intended to last until the Article 43 agreements could be negotiated and come into force. This would allow the Security Council to exercise its Article 42 responsibilities.

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\*UN Charter, Chapter XVIII.

The United States prepared a paper in January 1946 which set forth the US views on the functions and initial organization of the Military Staff Committee. The paper, entitled "The Functions and Organization of the Military Staff Committee of the United Nations," served as the basis for the discussion of the rules of procedure for the Military Staff Committee. The actual rules that the Security Council directed the Military Staff Committee to operate under were based on the US proposal.<sup>97</sup>

In February 1946, the Security Council directed the Military Staff Committee to develop plans for the implementation of Article 43. The US position regarding the process of negotiating Article 43 agreements was expressed in a memorandum by the United States Representatives on the Military Staff Committee dated March 15, 1946.<sup>98</sup> The principles to be advocated may be summed up as follows. The Security Council would establish a pool of armed forces that should be maintained at operational strength by the contributing member nations. The forces would be ready for combat so that the Security Council can draw from them promptly when required for use under the UN Charter. The pool of forces would be composed of air, land and sea forces and should be organized and distributed geographically to allow the United Nations to respond globally. National air forces would be available to the United Nations to fulfill the

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<sup>97</sup>FRUS '46, p. 734.

<sup>98</sup>FRUS '46, p. 759.



measures of Article 45. The armed forces would be based in the nation providing them, except when actually under the direction of the Security Council. The majority of the forces would be provided by the permanent members of the Security Council until other member's forces become available. The permanent members of the Security Council would contribute forces of a comparable strength. However, the strength of different components [air, land, and sea] would differ greatly. Other member nations would contribute "armed forces and/or installations, services, transportation, rights of passage or items of common military supply."<sup>99</sup> The Military Staff Committee would confer with representatives of other member nations to determine their contributions.

Contributed forces would come under the control of the Security Council at the time and place determined by the Security Council. The Security Council would designate an over-all commander to command United Nations forces when they are operating under Security Council direction. The Military Staff Committee would provide the strategic direction for the over-all commander. When forces are not in use by the Security Council they should remain under the command of their own nations.

Negotiations for the supply of forces could be reopened to increase or decrease the number of forces to be supplied to the Security Council. Each member nation would be responsible for the supply, maintenance and transport

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<sup>99</sup>FRUS '46, p. 759.

of its forces to the extent of its capability. The agreements to establish United Nation forces would be completed with the least amount of delay practical. Each member nation would have a separate agreement with the Security Council, but if possible the agreements should utilize a standard form.<sup>100</sup>

The United States initially intended to contribute:

one corps comprising two divisions, a balance task force of 5 wings, one carrier task group, amphibious and sea transport lift for the above forces to the extent available, plus adequate surface support.<sup>101</sup>

This contribution illustrates the US position in favor of contributing a mixture of forces with emphasis on air and naval forces.

In May 1946, the Joint Chiefs of Staff provided additional guidance with regard to the "command and control of the armed forces at the disposal of the Security Council of the United Nations."<sup>102</sup> They recommended predetermined rules covering the establishment of international command and staff arrangements. However, they also recommended that the actual selection of command and staff personnel not be made until "immediately before such forces are to be placed at the disposal of the Security Council."<sup>103</sup> The supreme commander of a United Nations military force should be able to designate the

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<sup>100</sup>The actual memorandum is reproduced in FRUS '46, pp. 759-760.

<sup>101</sup>FRUS '46, p. 769. Taken from the footnote regarding the State-War-Navy Coordinating Committee (SWNCC) guidance for Article 43 agreement. The information came from SWNCC 219/8.

<sup>102</sup>FRUS '46, p. 796.

<sup>103</sup>FRUS '46, p. 797.

subordinate commanders of forces of mixed nationalities, while the nations furnishing complete contingents should supply the senior and subordinate commanders for their contingents.<sup>104</sup>

From the very beginning of the negotiations of the Military Staff Committee, the Soviets made progress difficult. They would not initiate any preliminary discussions until the Security Council officially established the Military Staff Committee.<sup>105</sup> After the committee had been established, the Soviets failed to provide their position paper on April 3 as had been directed by the committee. The Soviets did not submit their proposal until September 18, when the United States recommended that the subcommittee on basic principles begin to work with the proposals received so far.<sup>106</sup> The Soviets continued to impede progress. On September 17, 1946 the US representative to the Military Staff Committee to the joint Chiefs of Staff described the Soviets as "not only having no intention of participating in substantive work of the Military Staff Committee but also that they are committed to a policy of obstructionism."<sup>107</sup> Without complete cooperation of all members of the Military Staff Committee, the effectiveness of the committee was seriously hindered.

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<sup>104</sup>FRUS '46, p. 797. For additional information on the guidance provided by the Joint Chiefs of Staff see the discussion provided in the Appendix to the document, reproduced on pp. 798-801.

<sup>105</sup>FRUS '46, pp. 728-729.

<sup>106</sup>FRUS '46, p. 915.

<sup>107</sup>FRUS '46, p. 930.

On April 30, 1947 the Military Staff Committee submitted a report on "General Principles Governing the Organization of the Armed Forces Made Available to the Security Council by Member Nations of the United Nations."<sup>108</sup> The Security Council did not begin consideration of the report until June 4, 1947.<sup>109</sup> In June the report was supplemented with estimates for force strength.<sup>110</sup> Neither the report nor the estimates provided a consensus of opinion. Majority agreement was reached on the wording of every article. However, there were dissenting opinions on 16 of 41 articles in the Military Staff Committee Report.<sup>111</sup> The United States was included in the majority opinion for every article.<sup>112</sup> The Soviet Union dissented in 14 of the 16 instances. In 13 of those instances the Soviet Union did not agree with anyone else and in 11 instances was the sole dissenter. France dissented on five articles. In two cases

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<sup>108</sup>U.S., Department of State. *Foreign Relations of the United States 1947, I* (Washington, D.C.: Government Printing Office, 1973), p. 468. (Hereafter cited as FRUS '47) The actual text of the report is contained in United Nations, *Official Records of the Security Council, Second Year, Special Supplement No. 1*, and in Department of State *Bulletin*, August 3, 1947, pp. 247-273.

<sup>109</sup>FRUS '47, p. 477.

<sup>110</sup>Norman Bentwich and Andrew Martin, *A Commentary on the Charter of the United Nations*, (London: Routledge & Kegan Paul Ltd., 1950), p. 103.

<sup>111</sup>FRUS '47, pp. 495. For a table of the "Dissenters From Majority Version of Each Article of the Military Staff Committee Report on General Principles Not Unanimously Agreed To" see pp. 495-496.

<sup>112</sup>The US position with reference to the major matters dissented over is summarized in Appendix A of a "Report by the 'Ad-Hoc' Committee to Effect collaboration on Security Functions of the United Nations to the State-War-Navy Coordinating Committee." For details, see FRUS '47, pp. 493-494.

France did not agree with anyone else, but was only a sole dissenter once. Great Britain and China each dissented once, but neither as a sole dissenter.<sup>113</sup>

There was disagreement among the five nations concerning the size and strength of the forces which would be put at the disposal of the Security Council. A spectrum of differences of opinion had the Soviet Union on one end and the United States at the other end. The Soviet Union wanted a relatively small force. The opinions of China, France and Great Britain fell close to the Soviet position. On the other end of the spectrum, the United States desired forces of considerable size and strength. The United States believed the combined forces available to the Security Council should be large enough to challenge any state, including the permanent members of the Security Council. The other permanent members did not share this sentiment. Additional disagreement evolved over the composition of the forces. The Soviet Union argued for equal and identical contributions from all the permanent members. The other members believed that the contributions should reflect the differences in the existing militaries of these members and need only be comparable. Such a plan would require the Soviet Union to provide predominantly land forces while the United States would provide mainly air and naval forces.<sup>114</sup>

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<sup>113</sup>FRUS '47, p. 495.

<sup>114</sup>Harold K. Jacobson, *Networks of Interdependence; International Organizations and the Global Political System*, 2nd ed. (New York: Alfred A. Knopf, 1984), p. 177.

These disagreements and the mistrust behind the motives for the differing opinions caused the negotiations to founder. By 1947 the Military Staff Committee had become deadlocked over this issue.<sup>115</sup> Initially the blame for this could be placed on the Soviets. In a 1949 Annual Review of the United Nations Affairs, the following best summed up opinions:

It is now evident, however, that four of the five members of the Military Staff Committee have for some time been in general agreement on the fundamental principles, and that the inability of the committee to make progress in its work is due largely to the fact that the Soviet Union has consistently disagreed with the position taken by the other four members.<sup>116</sup>

Wherever the blame lay, the result was that the United Nations was unable to organize forces in accordance with Article 43. A more accurate assessment might be to lay the blame on all of the permanent members for their inability to make the necessary compromises needed for agreement to result. Clearly, the inability of the permanent members to cooperate enough to come to a consensus prevented the Military Staff Committee, and the Security Council, from functioning as envisioned by the Charter.

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<sup>115</sup>Jacobson, p. 178.

<sup>116</sup>1949 *Annual Review of United Nations Affairs*, ed. Clyde Eagleton, Director of the Graduate Program of Studies in the United Nations and World Affairs, New York University (New York: New York University Press, 1950) p. 141.

#### D. US OBJECTIVES FOR THE PLAN

The US position on establishing an international organization had shifted from being unwilling to consider such an organization until after a post-war transitional period to pushing to establish such an organization prior to the end to the war. This shift occurred because the organization was supposed to emerge with capabilities that would allow it to respond to aggression. The enforcement provisions were critical to US objectives. The idea that an organization intended to ensure peace might need force to insure security, illustrated the realism that was applied to the idealism that gave birth to the United Nations.

Although the Roosevelt administration had a strong UN policy, with which it hoped to bring about a new international order, the military was never convinced that an international organization could provide adequate security for the United States. The Administration hoped that this new international order would accept American political traditions as a role model. This would fulfill the Wilsonian dreams of making the world safe for democracy. The UN policy had a central role in American diplomacy. Such an orderly international setting would provide the kind of open-market economy the United States needed for continued growth.<sup>117</sup>

At the heart of this policy was the Secretary of State, Cordell Hull. Hull saw World War II as an opportunity to "remold the world along lines that would

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<sup>117</sup>Campbell, p. v.

aggrandize the national economy and spread democratic ideology."<sup>118</sup> The focus of State Department negotiations were to bring about the UN policy. There were three stages to the implementation of this policy. Stage one was to influence the allies to accept democratic institutions. Stage two was to gain the American people's support for the internationalization of democracy. Stage three was to actually establish the United Nations as a permanent organization for world democracy.<sup>119</sup>

Stage two was extremely critical given the principles of democracy. To accomplish this task the State Department conducted a "public relations blitzkrieg to ensure public support for the UN policy."<sup>120</sup> They were successful enough that following the Dumbarton Oaks conference the US government was irrevocably committed to the United Nations.<sup>121</sup> Even after Hull was replaced by Under-Secretary Stettinius, who lacked Hull's diplomatic insight, the State Department continued along the path already chosen. Despite the deterioration of cooperation between the allies toward the end of the war, the United States continued to press for the framework it believed would eventually cure these new difficulties.

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<sup>118</sup>Campbell, p. 4.

<sup>119</sup>Campbell, p. 5.

<sup>120</sup>Campbell, p. 6.

<sup>121</sup>Campbell, p. 58.



When Harry Truman succeeded Roosevelt as President, there was a definite shift in American attitude toward the Soviets. However the United Nations concepts had been so ingrained in the American Public that its success was expected. Truman also believed that "the preservation of World Peace required a United Nations Organization ready to use force when necessary."<sup>122</sup> Thus, the charter was signed, perhaps more because the nations involved understood the need than because they were willing to fulfill the requirements such an organization would demand for success.

It is no surprise that the Military Staff Committee failed to become an effective avenue for organizing an international military force. Neither the US Secretary of War, Stimson, nor the Secretary of the Navy, Forrestal, were supporters of the UN concept of collective security. Both had serious misgivings about trusting national safety to an international organization. They feared the pretense of international security would cause the United States to demobilize its own forces and thus become vulnerable.<sup>123</sup> The United States position in the Military Staff committee was one which would insure US security. US insistence on a UN force strong enough to challenge any of the permanent members reflects this attitude. The United Nations Alliance which fought and won World War II

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<sup>122</sup>Percy W. Bidwell, "Ideals in American Foreign Policy," *International Affairs*, October 1946, Vol. XXII, no. 4. (An address given by Bidwell at Chatnam House on July 9, 1946) p. 481.

<sup>123</sup>Campbell, p. 137.

formed the framework for the organization. Those nations, which had a significant role in the alliance, were envisioned as continuing to have a significant role in the United Nations Organization. Secretary of State Stettinius stated:

It was taken as axiomatic at Dumbarton Oaks and continued to be the view of the Sponsoring Governments at San Francisco, that the cornerstone of world security is the unity of those nations which formed the core of the grand alliance against the Axis.<sup>124</sup>

The United States used its political influence in the alliance to shape the coalition into "a permanent arrangement for collectively maintaining the future peace."<sup>125</sup>

The US proposals for the organization were often influenced by the strategic decisions of the war and by policies decisions designed to return the world to a stable and prosperous environment once peace was attained.<sup>126</sup>

The persistent planning and negotiations spearheaded by the United States eventually led to the Charter of the United Nations. The allies established a "working and workable collaboration without precedence in the history of warfare."<sup>127</sup> The functioning of the organization is dependent on the agreement and cooperation of great power nations intrusted with the leadership of the Security Council. In this regard, the organization "was not as complete or solid

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<sup>124</sup>Goodrich and Simons, pp. 11-12. In a report to the President on the work at the San Francisco Conference.

<sup>125</sup>Russell and Muther, p. 1.

<sup>126</sup>Russell and Muther, p. 2.

<sup>127</sup>Russell and Muther, p. 8. As reported by Stettinius to President Truman at the end of the San Francisco Conference.

a partnership as desired by the United States."<sup>128</sup> While the organization depended on this agreement and cooperation, it had no means of ensuring the same.

The difficulties in developing a cooperative peace settlement at the end of the war foreshadowed the difficulties which lay ahead for the United Nations Organization. The resultant political strife resulted in the bipolar world of the Cold War era.

#### **E. ESSENTIAL ELEMENTS OF US POLICY**

With membership in the newly formed United Nations, the United States completed the transition from isolationism to international cooperation.

##### **1. The World Order as Perceived in 1945**

While the vocabulary of international relations had not yet been developed to include the concept of a multi-polar system, the statesmen of the time surely viewed the world in those now familiar terms. The world was composed of many independent nations and many more nations which would soon become independent. These nations were to be treated as equal as possible. However, the statesmen of the time also realized that there were nations that commanded a larger percentage of power in the world system than average. These nations were referred to as the "Big Powers" [China, France, Great Britain, the United States and the Soviet Union].

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<sup>128</sup>Russell and Muther, p. 8.

The Big Powers formed the core of the United Nations Organization by wielding the greatest responsibility in the Security Council. In its role as a Big Power, the United States believed it had an obligation to fully support the United Nations. The United States had been instrumental in the formation of the United Nations. United States participation was believed to be essential to the success of the organization. President Truman expressed these beliefs in his appointment letter to Edward R. Stettinius, Jr. as Representative of the United States to the United Nations:

The importance of the success of the United Nations organization cannot be overestimated and the responsibility which this Government bears for contributing to that success is a significant one.<sup>129</sup>

The initial objective of US participation in the United Nations, as stated by Stettinius, was that "of bringing the United Nations into operation."<sup>130</sup>

The commitment of the United States to the United Nations was best stated by Secretary of State, James F. Byrnes:

The United States supports the Charter. The United States supports the fullest implementation of the principles of the Charter. The United States seeks to achieve the purposes of the Charter. And the United States seeks to perfect the Charter as experience lights the way.<sup>131</sup>

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<sup>129</sup>FRUS '46, p. 2. Stettinius functioned as the US Representative at the United Nations, US Representative in the Security Council and as the Senior US Representative to the General Assembly. For a complete listing of the US Delegation see FRUS '46 pp. 5-7.

<sup>130</sup>FRUS '46, p. 8.

<sup>131</sup>FRUS '46, p. 51. This statement is taken from the *Report of the United States Delegation to the First Part of the First Session of the General Assembly of the United Nations, London, England, January 10-February 14, 1946*, which Secretary of State, James F. Byrnes

Not only was the United States committed to the UN Charter as written, the United States was also committed to ensuring that the United Nations grew into an effective organization.

While the world was viewed as multi-polar, the United States saw its own position in this system as that of the primary power.<sup>132</sup> In the Balance-of-Power model that predominated international relations, the United States considered itself a "balancer."<sup>133</sup> The world was creating a new international system based on the concepts of democracy which the United States had so well popularized. In this regard, the United States viewed itself as an example. For this reason, United States participation was essential to the success of the United Nations. The United States had played a key role in the victory of World War II. Now in the post-war era, the United States was the only Big Power with the necessary economic well being to get the rest of the world back on the track to healthy economic development. While the United States recognized the importance of the other Big Powers, it played the role of arbitrator between their differences during much of the negotiations to create the United Nations. The

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submitted to President Truman on March 1.

<sup>132</sup>Bidwell, p. 48. In the Address Bidwell states: "They [educated Americans] ...say...that the United States having now become the greatest Power on earth, our action and, equally, our inaction is of desperate importance to all the world."

<sup>133</sup>The concept of Balance of Power has be practiced since long before the actual term was coined. The dictionary lists the origination of the term at the late 1500s. For a good discussion of Balance of Power and the concept of a "balancer" see Chapter 16 of Hartmann.

United States would continue to play this role until the world system became bipolar, at which time the United States would continue to function as an arbitrator among the western allies.

## 2. The Threat

While the Charter leaves the threat undefined the discussions which led to the development of the Charter illustrate the threats the Charter was designed for. Prior to the actual development of the Charter, the United States insisted upon the connection of social and economic conditions with those of political and military considerations. The United States clearly recognized the connection between the struggles resultant from social and economic conditions to aggressive actions. Germany had started her aggrandizement by a quest for raw materials. Lack of raw materials hurt the economic well being of Germany and effected social conditions there.<sup>134</sup> The possibility of new German aggression was discussed as a potential threat.<sup>135</sup> The potential for another nation, as yet undetermined, to become a future aggressor was also considered. The purpose for the provision to use force in the original British proposal was

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<sup>134</sup>The Atlantic Charter addresses the issue of equal access to raw materials. During the negotiations of the Charter, France desired equal access to raw materials to be specifically mentioned. The Minutes of the Fifty-Eighth Meeting of the US Delegation, Held at San Francisco on May 30, 1945 dealt with this issue. For specifics see FRUS '45, pp. 978-980.

<sup>135</sup>One such instance was during the Sixth Four-Power Preliminary Meeting on Questions of Organization and Admission, Held at San Francisco on May 1, 1945. See FRUS '45, p. 509.

"for the prevention of any renewed aggression by Germany or Japan, or any other state which might at any time give signs of becoming an aggressor."<sup>136</sup>

In more general terms, the behavior of "Outlaw Nations" was discussed as a threat which needed "to be kept in line."<sup>137</sup> The United Nations would like for all nations to be members of their organization. However, they realized that all nations would not be members and that the Charter would only apply to member nations. They hoped the Charter would create international norms. Nations which did not behave within these norms could be a threat.

The inability of the statesmen of the time to forecast future threats was clearly understood. They wisely determined that the Charter should not address specific threats. Instead, threats would be interpreted as they developed. The Charter was left flexible enough to respond to threats as they were identified.

### 3. The Role of the Security Council

The United Nations organization is a world organization where all members are intended to play an important role. However, the creators of the organization were not naive enough to believe that every nation should have an equal responsibility toward the success of the organization. Structurally, such equal responsibility would be too unwieldy. Realistically, some nations had greater influence in the world system than others.

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<sup>136</sup>FRUS '44, p. 687.

<sup>137</sup>FRUS '45, p. 430. Taken from the Minutes of the Eighteenth Meeting of the US Delegation, Held at San Francisco on April 26, 1945.

The Security Council was designed to have primary responsibility for maintaining international peace and security. The small composition of the Security Council was intended to function more effectively than the larger General Assembly. The smaller membership of the Security Council allowed for easier consensus building among the members. The permanent members of the Security Council reflected the balance of power in the existing world system. China, France, Great Britain, the United States and the Soviet Union were considered the Big Power nations. It was natural that they should have the greatest responsibilities, thus they were allowed the veto power within the Security Council.

#### 4. Conditions for the Use of Force

The creators of the United Nations envisioned the use of force as a means to settle a dispute when all peaceful means had failed to succeed. This is clear by the wording of Article 42: "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved inadequate..."<sup>138</sup> Article 41 measures were intended to be at least considered prior to any military action being taken at the international level through Security Council actions.

The Charter also envisioned a hierarchy of response to any dispute. First the parties to the dispute were to seek a solution. Next, regional

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<sup>138</sup>UN Charter, Chapter VII, Article 42.



organizations were to deal with the disputes within their region. Finally, unresolved disputes were to be handled by the Security Council. This arrangement was intended to find solutions at the lowest level possible.

#### 5. Types of Forces

The types of force envisioned were armed forces contributed from the member nations for the collective security of the organization. The specifics concerning the contributions of the individual members were to be negotiated, at "the earliest possibility," between the Security Council and the individual members. These negotiations would result in individual Article 43 agreements. During the transition phase, the permanent members of the Security Council would provide any armed forces required for them to fulfill their Article 42 responsibilities.

The Charter envisioned air, land and sea forces being made available to the Security Council through Article 43 agreements. The specific force requirements were left to be determined by the Military Staff Committee. The Military Staff Committee did try to establish predetermined requirements, but were unable to reach complete agreement in this regard. However, the size of contributions were to be proportional to the ability of the nations to provide them. In this respect, the permanent members of the Security Council were envisioned as providing the largest portion of armed forces. Smaller nations unable to provide actual forces might contribute in other ways — installations, rights of passage, services, transportation, or items of common military supply.

Finally, a minimal amount of forces were envisioned as being necessary since disarmament arrangements would reduce the need for large forces. Collective use of forces against an aggressor would make for a preponderance of force.

#### 6. Control of Forces

The Security Council was envisioned as having overall control of any armed forces utilized to maintain international peace and security. When the Military Staff Committee was formed, they discussed the issue of command and control of armed forces placed under the control of the Security Council. The United States felt that armed forces should be maintained by the individual member nations in a condition of readiness, and that they should not come under Security Council control until actually required for use by the Security Council.

When the Security Council requires the use of armed forces, the forces should be made available to the Security Council by the member nations. At that time, the Security Council should appoint an over-all commander for such forces. This over-all commander would receive strategic direction from the Military Staff Committee, but would have direct operational control of the troops. Subordinate commanders of forces composed of mixed nationalities would be appointed by the over-all commander. Member nations should appoint their own subordinate commander when permitted by force integrity.

#### IV. THE CURRENT WORLD ENVIRONMENT

*Across the globe we all look forward to a future free of war, a world where we might raise our children in peace and freedom. And this institution, The United Nations, born amidst the ashes of war, embodied those hopes and dreams like no other...And now, 47 years later, we stand at the end of another war, the Cold War, and our hope and dreams have awakened again.*<sup>139</sup>

President Bush, 1992

The onset of the Cold War and political changes in China prevented the kind of unanimity among the five permanent members upon which the logic of the Charter was built.<sup>140</sup> With the end of the Cold War there is great hope that the United Nations will be able to succeed where it had previously failed.

##### A. THE NEW WORLD ORDER

In the autumn of 1989, the collapse of the Soviet Empire in Eastern Europe initiated a new world order.<sup>141</sup> The stability provided by the bipolar system was threatened by the uncertainty of the new world order. While the old system provided unwritten but well known rules of acceptable international behavior, the rules of the new system are not well defined. The deterioration of the old bipolar system continued with the collapse of the Soviet Union at the end of 1991. Prior

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<sup>139</sup>President Bush's UN Address to the General Assembly, September 21, 1992.

<sup>140</sup>Weiss and Chopra, p. 4.

<sup>141</sup>Joseph S. Nye, Jr. "What New World Order?" *Foreign Affairs*, Spring 1992, Vol. 71, p. 84.

to this collapse, global competition was between the ideologies of communism and democracy. In the new system the competition will be between nationalism and transnationalism — interests which expand beyond national borders.<sup>142</sup> This competition will be less black and white than the old competition was.

There are good and bad sides to both nationalism and transnationalism. In the future, nations must endeavor to find the balance which emphasizes the positive aspects of both, while diminishing their negative points.

While modern communications and technology make the world more interdependent, that does not necessarily mean that the world is becoming more homogenous. There has been consolidation among some nations such as the unification of Germany and the unification of Yemen. However, the dissolution of nations such as the Soviet Union and Yugoslavia is just as common. The world is now more aware of the differences of which it is composed. This increases the opportunity for conflict. Aggravating this are the problems of overpopulation, decreasing resources, economic development, environmental concerns, control of ocean resources and the use of outer space. The challenge is to find resolutions which benefit all, rather than at the expense of some for the gain of others.

These changes allow for a revitalized interest in the United Nations as an effective international organization for maintaining collective security. The United Nations has always been a universal organization in theory. In practice, it has

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<sup>142</sup>Nye, p. 85.

been composed of rival alliances aligned with one of the superpowers, or nonaligned. As Jeanne Kirkpatrick said, the United Nations was not to be confused with the "real world."<sup>143</sup> As the real world possibly approaches the ideal world of the United Nations, there are increased roles for the United Nations and its associated organizations.

Following the Gulf Crisis, there was an increase in interest and support for the United Nations. Much was written about the new world order being the right environment for increased United Nations participation.<sup>144</sup> This enthusiasm created unrealistic expectations of what the United Nations could do. Some political scientists realized how unrealistic some of these expectations were. Richard K. Betts argues:

that reborn enthusiasm for collective security is fueled by confusion about which is the cause and which is the effect in the relationship between collective security and peace, and by conflation of *present security conditions* (absence of a threat) with *future security functions* (coping with a threat).<sup>145</sup>

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<sup>143</sup>Allan Gerson. *The Kirkpatrick Mission: Diplomacy Without Apology America at the United Nations 1981-1985*. (New York: The Free Press, A Division of Macmillan, 1991), p. 286.

<sup>144</sup>For example see, Robert C. Johansen's "Lessons for Collective Security," *World Policy Journal*, Summer 1991, Vol. 8. Another example, which explores this issue more thoroughly, is William J. Durch and Barry M. Blechman, *Keeping the Peace: The United Nations in the Emerging World Order* (Washington, D.C.: The Henry L. Stimson Center, 1992), this book is subtitled "Pragmatic Steps Toward Ideal Objectives."

<sup>145</sup>Richard K. Betts. "Systems for peace of Causes of War?; Collective Security, Arms Control, and the New Europe," *International Security*, Summer 1992, Vol. 17, no. 1, p. 7.

Betts's concern is that the idea of collective security will be taken so seriously that it will bar consideration of parallel security arrangements that "should be considered incompatible with it in principle."<sup>146</sup>

Even more pessimistic, John J. Mearsheimer argues that the end of the Cold War increases the potential for a major crisis and war in Europe.<sup>147</sup> This is directly opposed to the optimism that the end of the Cold War will allow for increased international cooperation. Mearsheimer argues that peace in Europe during the Cold War resulted from bipolarity with its approximate military balance between the superpowers and the presence of large numbers of nuclear weapons on both sides.<sup>148</sup> He states that multipolarity is more likely to result in war. He rests this argument on the premise that "the distribution and character of military power are the root causes of war and peace."<sup>149</sup> Mearsheimer believes in balance of power politics and does not expect that collective security will succeed in ensuring international peace and security.

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<sup>146</sup>Betts, p. 41.

<sup>147</sup>John J. Mearsheimer. "Back to the Future: Instability in Europe After the Cold War," *International Security*, Summer 1990, Vol. 15, no. 1, p. 6.

<sup>148</sup>Mearsheimer, p. 13.

<sup>149</sup>Mearsheimer, p. 6.

There are convincing arguments against Mearsheimer.<sup>150</sup> However, the most convincing argument may be that the world system has changed so much that the old balance of power model is no longer an accurate representation of the system. In his article "International Primacy: Is the Game Worth the Candle?" Robert Jervis argues that great power politics is no longer about the pursuit of primacy.<sup>151</sup> He states that war among the most powerful actors is unlikely. Since primacy was important for success in war, this reason for primacy no longer exists. Jervis admits that there are other reasons for striving for international primacy, both competitive and cooperative. However, he says the cooperative reasons are now stronger than the competitive ones.

Jervis ends his argument by discussing "What's in the World's Interest?" He claims, "The maintenance of U.S. primacy matters for the world as well as for the United States."<sup>152</sup> He supports this claim with the fact that no other country can make comparable contributions to international peace and security. Additionally he claims that the United States is now the only major power whose national identity is defined by a set of universal political and economic values.<sup>153</sup>

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<sup>150</sup>See *International Security*, "Back to the Future, Part II: International Relations Theory and Post-Cold War Europe," Fall 1990, Vol. 15, no. 2, and "Back to the Future, Part III: Realism and the Realities of European Security," Winter 1990/91, Vol. 15, no. 3.

<sup>151</sup>Robert Jervis. "International Primacy: Is the Game Worth the Candle?" *International Security*, Spring 1993, Vol. 17, no. 4.

<sup>152</sup>Jervis, 1993, p. 82.

<sup>153</sup>Jervis, 1993, p. 82.

If Jervis' arguments are true, the time could not be better for making a renewed commitment to the United Nations. No other country has the potential necessary to provide the leadership needed.

## B. SECURITY COUNCIL SUMMIT MEETING

The Security Council held an unprecedented summit meeting for the first time in January 1992.<sup>154</sup> The meeting was to determine the future of the Organization. The central issue of the summit was how the peacekeeping arm of the United Nations could be improved.<sup>155</sup> Britain's Prime Minister Major, serving as the President of the Council for January, opened the summit: "A new situation in the world needs new ideas."<sup>156</sup> He summed the situation up: "The international agenda is shifting from crisis management... to crisis prevention."<sup>157</sup>

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<sup>154</sup>The meeting was attended by the heads of state (with the exception of Hungary and Zimbabwe) for the member nations of the Security Council. Those in attendance were: Mr. Major, United Kingdom of Great Britain and Northern Ireland, Mr. Vranitzky, Austria, Mr. Martens, Belgium, Mr. Veiga, Cape Verde, Mr. Li Peng, China, President Borja, Ecuador, President Mitterand, France, Mr. Jeszenszky (Personal Emissary of the Prime Minister), Hungary, Mr. Rao, India, Mr. Miyazawa, Japan, King Hassan II, Morocco, President Yeltsin, Russia, President Bush, United States, President Perez, Venezuela, Mr. Shamuyarira (Personal Emissary of the President), Zimbabwe. United Nations Provisional Document S/PV.3046 is the Provisional Verbatim Record of the Three Thousand and Forty-Sixth Meeting of the Security Council, Held at Headquarter, New York, on January 31, 1992. (Hereafter cited as UN doc. S/PV.3046)

<sup>155</sup>Russell M. Dallen, Jr., "Summit stresses global cooperation'" *The Interdependent*, Spring 1992, Vol. 18, no. 2, p. 1.

<sup>156</sup>UN doc. S/PV.3046, p. 3-5.

<sup>157</sup>Dallen, p. 1.



Each of the heads of State/government made a statement, ending with Major's statement for the United Kingdom. Each statement reflected individual states' concerns and hopes for the future. Most statements reflected the uncertainty of the future and called for renewed efforts toward making collective security work, including progress in international law. Many expressed a desire for more preventative actions and less reactive actions. There was great hope that the North-South confrontation would not be allowed to replace the East-West confrontation. Economic interdependence was discussed, with emphasis on the need to decrease spending on armaments. The damage to the environment was discussed as a common threat which requires cooperation for equitable solutions. Continued progress in the area of human rights was called for. However, in his statement for China, Li Peng said:

Human rights cover many aspects. They include not only civil and political rights but also economic, social and cultural rights. As far as the large number of developing countries is concerned, the rights to independence, subsistence and development are of paramount importance. In essence, the issue of human rights falls within the sovereignty of each country. A country's human rights situation should not be judged in total disregard of its history and national conditions.<sup>158</sup>

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<sup>158</sup>Un doc. S/PV.3046, p. 93.

Essentially, China was saying that the internal affairs of a country should not be interfered with using human rights as an excuse.<sup>159</sup> Finally, concern for adequate financing of the United Nations was addressed.

At the meeting President Mitterand of France proposed a revitalization of the Military Staff Committee.<sup>160</sup> Several of the nations called for "a UN peacekeeping force that could respond rapidly to a crisis."<sup>161</sup> Such a force could fulfill the intent of Articles 43 and 45.

The summit ended by inviting the Secretary-General to submit recommendations on how to strengthen the United Nations capacity for preventative diplomacy, peacekeeping and peacemaking. The Secretary-General's report "An Agenda for Peace," was released in June 1992 in response to this request.

### C. THE US POSITION

The Bush Administration called for the United States to take up the leadership of the New World Order. However, the administration was unable to launch the kind of public relations campaign necessary to win American support

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<sup>159</sup>This interpretation of human rights differs from the traditional definition which states that human rights are fundamental rights belonging to an individual which the government may not interfere with.

<sup>160</sup>"UN Security Council Holds First Summit" *Fact on File*, v. 52, no. 2672, 6 Feb 1992, p. 65. President Mitterand's is contained on pp. 13-22 of UN Document S/PV.3046.

<sup>161</sup>Dallen, p. 2.

for this role. There has been a renewed interest in the United Nations as an instrument of collective security in the post-Cold War environment. Unfortunately, US interest goes only as far as the purse strings. There are increasing demands that domestic problems take priority for funding. The rising costs of peacekeeping operations has come under strong debate within the US Congress.<sup>162</sup> While the necessity of collective action was clearly understood in the Gulf crisis, one can not overlook the necessity of sharing the cost, as well as the glory, of that intervention among the coalition. Perhaps even more important is the hesitancy with which the US Congress gave the Bush Administration permission to commit US forces. In a debate which lasted over three days, for the first time in history, the Congress openly and extensively debated whether the President should be authorized to "take the country, unprovoked by direct attack, into war."<sup>163</sup> The Senate vote was a close 52 in support of the President, 47 opposed.<sup>164</sup> The House gave support with a vote of 250 to 183.<sup>165</sup> This is indicative of the increase in the role Congress has taken with regard to the

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<sup>162</sup>Barbara Crossette, "Spending for U.N. Peacekeeping Is Given Hard Look in Congress," *New York Times*, 6 Mar 1992, pp A1 and A6.

<sup>163</sup>"Members' Anguish: The Passionate Debate Over Authorizing Use of Force in the Gulf," *Congressional Quarterly Almanac*, v. XLV, 1989, pp. 752-3.

<sup>164</sup>CQ Almanac, 1989, p. 749.

<sup>165</sup>CQ Almanac, 1989, p. 750.

military since the Vietnam era.<sup>166</sup> The best example of this shift in Congressional control was the passage of the War Powers law over President Nixon's veto. This legislation limited the president's power to commit US forces abroad without Congressional support.<sup>167</sup> With this kind of a constraint on the presidential power it is difficult to believe the Congress will give equal or greater power for committing US forces to combat to an international organization. The US position with regard to UN forces remains as it was in 1945. Control of forces should be maintained by the contributing nations. If and when the Security Council requires the use of such forces to settle a dispute, control of the forces would then be worked out.

This method of determining how the forces should be controlled by the Security Council is representative of the original UN plan. However, much of the rhetoric of the post-Cold War discusses a standing UN force under the immediate control of the United Nations. Such a plan would require an extensive increase in the financial support of the United Nations to train and maintain such forces in a condition of readiness. The United States does not support this position, nor did the original intentions of the UN Charter.

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<sup>166</sup>Thomas E. Mann, *A Question of Balance; The President, the Congress and Foreign Policy*, (Washington, D.C.: The Brookings Institute, 1990) p. 15.

<sup>167</sup>"Enactment of War Powers Law over Nixon's Veto," *Congressional Quarterly Almanac*, v. XXIX, 1973, p. 905.

The Clinton administration has not put forth a new position with regard to UN forces. While the new administration has proposed stronger intervention in regional crises, it has not proposed that the United Nations be structured to respond without due consideration by the Security Council. Madeline Albright, the Clinton Administration's Permanent Representative to the United Nations, has let it be known that; "Washington intends to make greater use of multinational diplomacy, while still reserving the right to act alone in special situations."<sup>168</sup>

#### D. AN AGENDA FOR PEACE

In his report to the Security Council, the Secretary-General stated: "the United Nations is a gathering of sovereign States and what it can do depends on the common ground they create between them."<sup>169</sup> The improved east-west relationship offers new possibilities for cooperation to meet security threats. The world has entered a "time of global transition marked by uniquely contradictory trends."<sup>170</sup> While technological advances increase international cooperation in many areas, fierce assertions of nationalism and sovereignty threaten effective cooperation toward common goals.

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<sup>168</sup>Trevor Rowe, "Is the U.N. Failing?" *The Interdependent*, Spring 1993, Vol. 19, no. 1, p. 6.

<sup>169</sup>UN doc. A/47/277, "An Agenda for Peace." June 17, 1992. p. 1.

<sup>170</sup>UN doc. A/47/277, p. 3.

Boutros-Ghali claims that the end of the Cold War has allowed the United Nations to emerge as "a central instrument for the prevention and resolution of conflicts and for the preservation of peace."<sup>171</sup> He lays out the following aims for the United Nations:

To seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results;

Where conflict erupts, to engage in peacemaking aimed at resolving the issues that have led to conflict;

Through peace-keeping, to work to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers;

To stand ready to assist in peace-building in its differing contexts: rebuilding the institutions and infrastructures of nations torn by civil war and strife; and building bonds of peaceful mutual benefit among nations formerly at war;

And in the largest sense, to address the deepest causes of conflict: economic despair, social injustice and political oppression. It is possible to discern an increasingly common moral perception that spans the world's nations and peoples, and which is finding expression in international laws, many owing their genesis to the work of this organization.<sup>172</sup>

Most of these aims could have been voiced by the creators of the UN Charter. The major difference which exists today is the history of UN peacekeeping operations. These operations, controlled primarily by the General Assembly have continued to increase at a rapid rate since 1988. Prior to 1988, the United Nations

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<sup>171</sup>UN doc. A/47/277, p. 4.

<sup>172</sup>UN doc. A/47/277, p. 4.

authorized 14 peacekeeping missions. From 1988 to the present there have been 12 additional operations authorized. The Secretary-General asks that members strengthen this arm of international security by establishing advance funding and armed forces which can be committed to action in a more timely manner. The Security Council is still evaluating the proposals offered in *An Agenda for Peace*. However, they have urged members to show a willingness to send rapid-response units to crisis areas.<sup>173</sup> Who should provide what could be negotiated under Article 43 agreements.

Those nations which have traditionally contributed forces for peacekeeping missions have a strong history in this area and are perhaps best suited for these operations. The permanent members of the Security Council and other nations with more advanced militaries are better suited for situations which require a preponderance of force.<sup>174</sup> They may also continue to supply the logistical support for peacekeeping operations, as well as a deterrent to escalation of violence by their willingness to commit forces if necessary.

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<sup>173</sup>Frank J. Prial, "U.N. Seeks Signal on Troop Notice," *New York Times*, October 30, 1992, p. A4, col. 6.

<sup>174</sup>Robert Wesley Poor's unpublished thesis, "The United States in United Nations Military Operations," Naval Postgraduate School, 1992, examines the role of the United States in United Nations military operations. The thesis develops a spectrum of operations and concludes that the United States is best suited to operations on either end of the spectrum.

There is much to still be discussed with regard to An Agenda for Peace. It is a good thought provoker which hopefully will stimulate negotiations and cooperation.

## **E. AN OVERVIEW OF RECENT WORLD EVENTS**

The United Nations has been mentioned in the newspapers almost daily in the recent past. There has been an unprecedented recommitment to the principles of the Charter. While some of the initial enthusiasm following the Gulf Crisis was too optimistic, progress has been made toward improving the functioning of the United Nations. A general overview of some of the regions where United Nations involvement is still current will provide some thought on what is achievable.

### **1. Cambodia**

The United Nations Transitional Authority in Cambodia (UNTAC) represents an impressive attempt to harness all the optimistic ideas for how the United Nations can work in the post-Cold War environment. The problem is that it was an attempt to do too much too soon.

While intervention in Cambodia has not been able to easily accomplish all its original goals, progress has been made. Of particular importance is the knowledge gained that changes take time to accomplish — even in the post-Cold War environment. With such knowledge also comes the realization that intervention may not have the clear cut end point it was originally envisioned to



find. A new government in Cambodia will continue to need United Nations support to succeed.

## 2. Somalia

The initial attempt at intervention in Somalia is an excellent example that good intentions are not always enough. Without some semblance of order, humanitarian aid is simply not effective. The realization that the process would need to be at least a two phased project, resulted in the birth of Operation Restore Hope. Phase one of this project was to restore a semblance of order to the country. Phase one was spearheaded by the United States and backed up by the military power of the United States. The need for the deterrence of a strong military power to make progress, illustrates the need for a different kind of intervention from what the United Nations has traditionally provided. Phase two, of the operation is more of a purely humanitarian effort. However, even without the dominant presence of the United States, the operation continues to have the support of the United States, and thus the deterrent effect of US military power.

## 3. Yugoslavia

The disorder in the former republics of Yugoslavia is perhaps the best illustration of the United Nations inability to deal with the unknown aspects of the future. The United Nations was originally envisioned as promoting the status quo by preventing the aggressive partitioning of nations as a result of war. The

creators of the Charter did not envision the potentially explosive self-destruction of nations.

In its initial attempts to maintain the status quo, the United Nations failed to recognize the aggressive actions of Serbia which came from within. Since the United Nations was not intended to interfere with internal domestic problems, it was reluctant to become involved in the dissolution of Yugoslavia. If the break-up had been a peaceful process, this would not have been a problem. Unfortunately, the process was not peaceful. The question then became, at what point are the republics independent, and therefore the conflict no longer internal? This question is important for the future of United Nations operations, and has yet to be clearly resolved.

The biggest failing of the United Nations, with regard to the former Yugoslavia, has been its action in Bosnia-Herzegovina. Here the United Nations has enacted an arms embargo. But the embargo has not been fully enforced, allowing the Bosnian Serbs to continue being supported, while the Bosnian Muslims are unable to get arms. The greatest failing of the policy is that it has prevented the Muslims from protecting themselves and has failed to provide collective protection for them as they would expect from collective security.

The Vance-Owens peace plan was destined to fail because it tried to turn back the clock and not recognize the territories which had been aggressively taken by the Bosnian Serbs. The United Nations should have prevented this aggression. The best thing the United Nations can do now, is to recognize its

failings and attempt to prevent the same mistakes from occurring again. A peace settlement in Bosnia-Herzegovina must account for the aggression which has occurred without condoning it. Future actions in the region must strive for peaceful settlements of disputes and prevention of the violent actions which have resulted in the past.

## V. CONCLUSION

*We are not idealists in an ivory tower, but we keep our idealism and check it against realism.*<sup>175</sup>

Lord Owen, 1993

### A. A SHIFTING PARADIGM

The new world order represents a paradigm shift in international relations. The new paradigm is moving the world toward a global system. In this global system there will be increased interdependence. However, this means increased potential for conflict as well as for co-operation. War must be made undesirable for such a system to succeed. If every nation took the attitude that it would only attack if attacked first, there would be no more wars of armed conflict. Unfortunately, such a situation is dependent upon the attainment of satisfaction with the status quo. As President Bush said in his 1992 State of the Union Address:

For the world is still a dangerous place. Only the dead have seen the end of conflict. And though yesterday's challenges are behind us, tomorrow's are being born.<sup>176</sup>

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<sup>175</sup>Lord Owen at a Press conference following the signing of a peace accord for Bosnia-Herzegovina in Vouliagmeni, Greece on May 2, 1993 as paraphrased from CNN.

<sup>176</sup>United States President George Bush, State of the Union 1992 Address delivered before a Joint session of Congress, Washington, D.C., 28 Jan 1992. Taken from *Vital Speeches of the Day*, 15 Feb 1992, p. 259.

It is necessary for a revitalized United Nations to take on the leadership of this global system. While peaceful coexistence of all is the ultimate goal, some kind of law and order must exist to create a world order. The United States should provide leadership to the United Nations to move in this direction. The United States cannot afford to be the world's sole police force, nor can it afford to not be the leadership for the world's united police actions against destabilizing aggression. The US reputation rests on the United States fulfillment of this role.

The United Nations should take the lead in consolidating international norms into international laws. The original intentions for the United Nations were for it to create international laws to enforce international norms. The creators of the United Nations recognized that international laws could not be established quickly. Rather, they would need to evolve slowly.

International laws must be enforced. For the foreseeable future, military power will be an important implement for enforcement of international laws. Hopefully, the deterrent effect of such power will be enough to insure peace. Realistically, it may not be. When it is not, actual application of force will be necessary.

The United Nations will need to have a strong military force at its disposal to meet the challenges of the new world order. Since there are already many formidable military forces in existence, it would be wisest to reach this goal by increasing the military might of the United Nations at the same time arms reductions reduce the military forces of individual nations. This was the original

intention of the United Nations. The Cold War caused a sidetrack with regard to progress in the area of disarmament. Following the end of the Cold War there has been new interest in disarmament. Most promising are the reductions in nuclear armaments of the two superpower nations. Unfortunately, proliferation of weapons of mass destruction is still a threat. Hopefully, progress will be made to improve this situation. The General Assembly is working on a proposal for a United Nations Register on Arms Transfers that would allow for more transparency in armaments. This proposal was mentioned by Mr. Miyazawa of Japan at the Security Council Summit Meeting.

The Military Staff Committee is suited to coordinate these efforts. However, this will not be an easy task to accomplish as many individual nations, the United States included, may see such actions as a threat to their sovereignty. Additionally, the Military Staff Committee needs to restore its reputation to that of an effective organization. The United Nations should be the avenue for deciding the details. The 1992 Security Council Summit Declaration illustrates the recognition of the need for change.<sup>177</sup> Only through compromise and cooperation can success be gained.

While the United Nations was able to bring a consensus to bear against the blatantly aggressive actions of Iraq, the Military Staff Committee was not used to

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<sup>177</sup>"Security Council Summit Declaration: New Risks for Stability and Security," *New York Times*, 1 Feb 1992, p. 4.

coordinate these actions.<sup>178</sup> The United States was unwilling to yield control of the forces. Additionally, the United Nations is not as effective in forming consensus when the issue is not well defined. In such cases, nations appear more concerned with protecting their own sovereignty than with enhancing the effectiveness of the United Nations.

## **B. CURRENT WORLD COMPARED TO 1945**

The most striking difference in today's world from the world of 1945 is its increased interdependence. International trade has increased and flourished. The General Agreement on Tariffs and Trade (GATT) while continuing in its efforts to liberalize trade has made significant progress to date. Technology has advanced the world in many dimensions, such as communication and transportation. We can know what is happening around the world nearly instantaneously and we can get almost anywhere quickly.

One of the goals for the United Nations was to make the world both economically and socially more interdependent. Thus, the level of interdependency that now exists might be viewed as a success of the UN system. It is a success if the world is more stable and secure — the primary goal of the United Nations.

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<sup>178</sup>The ACUNS teaching text describes the action as a "United States-led coalition of some 28 countries..." It proposes a model of the United Nations "sub-contract" for coordination of action vice utilizing the Military Staff Committee. (p. 28.)

## 1. Emerging World Order

While the new world order is still emerging, it is clearly no longer a bipolar system. Some sort of multipolar arrangement seems most likely to result. As with the multipolar system which existed in 1945, the United States will be a primary power. It is in the interest of the United States to remain a balancer within the new system, since the balancer has more influence over the direction the system will take than the other powers do. The historic background of the United States gives it links to more nations than any other country. The position of arbitrator, which the United States has filled in the past, gives the United States the reputation needed to continue to positively influence other nations. The United Nations remains a good system with potential for growth. The United States should take a leadership role in guiding this growth.

## 2. The Threat

The definition of security has changed to become broader. In 1945, the concept of security concerning the social and economic considerations of society was a new idea. Today that concept is readily accepted.

Outlaw nations that refuse to act in accordance with the norms of the system continue to be a threat. The United States has shifted its military strategy to address potential regional threats. These threats are defined only in general terms, since for the most part the specifics are unknown or at least uncertain. This is the same situation which existed when the creators of the United Nations tried to define the threat.



Lack of equal access to raw materials is still a problem, perhaps even a greater problem with increasing populations and decreasing resources. As people begin to understand the damage done to the earth's environment, it is ever more important that states cooperate to manage distribution of resources.

### 3. The Role of the Security Council

The Security Council has grown from eleven members to fifteen. This change occurred in 1965 when the number of nonpermanent members was increased to ten. The permanent members remain the same, as does the requirement for unanimity among these members when the Council makes decisions. During the Cold War, this unanimity was difficult to achieve. Veto votes were cast against decisions 279 times.<sup>179</sup> Since the end of the Cold War there have been no vetoes.

Some have argued that with the increased size of the general membership, the size of the Security Council should be increased proportionally. The creators of the United Nations gave the Security Council responsibilities that require the council to be able to function efficiently. Growth in the size of the Council would decrease efficiency. What is most important, is that the Security Council represent the variety of concerns expressed by the General Assembly. The number of states who are members has increased to 181 member states.

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<sup>179</sup>Prial, October 30, 1992.

However, a fifteen member Security Council still provides adequate representation of regional interests.

A more difficult issue is that of the permanent membership. When the United Nations was founded, the five permanent members represented the primary powers in the world system. The world has changed over the years and power relationships have shifted. Many argue that the permanent members should reflect these shifts. Both Germany and Japan have requested consideration as permanent members of the Security Council.<sup>180</sup> As it has been difficult enough to reach consensus among five permanent members, an increase in permanent members could have negative effects. Clearly, any changes to the Security Council structure must be carefully considered.

#### 4. Use of Force

The renewed commitment to the principles of the Charter allow for reconsideration of the original intentions for the use of force. Since the Charter is flexible, changes are not necessary. What has changed, and continues to change is the interpretation of national sovereignty. It is likely that new norms will develop where the use of force will be acceptable if a nation is judged to have used its sovereignty irresponsibly.

Peacekeeping operations, which developed ad hoc, have come to play an important role in the system. Boutros-Ghali's "Agenda for Peace" discusses the

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<sup>180</sup>Paul Lewis. "Germany Seeks Permanent U.N. Council Seat," *New York Times*, 24 September 1992, p. A1 and A4.

potential of this arm of security. Cooperative actions to strengthen peacekeeping actions should be considered. While peacekeeping actions do cost money, the cost is must less than the cost of war. The financing for these actions must be found.

The Security Council summit meeting indicated that the need for preventive actions are more important than ever. The Security Council should encourage regional security groups to solve issues early — before aggressive action is taken. This was the original intent of regional security arrangements. During the Cold War, the regional arrangements of the North Atlantic Treaty Organization (NATO) and the Warsaw Pact divided world unity. Future regional arrangements must strive to cooperate. NATO provides a good model for a successful regional arrangement.

Ultimately, the responsibility still rests with the Security Council. The Council should be more systematic in its approach to maintaining international peace and security. International norms should continue to be strengthened. A revitalized Military Staff Committee should increase its ability to monitor global activities, identifying problems at an earlier stage, thus allowing proactive responses vice reactive actions.

##### 5. Types of Forces

This area was never totally resolved. The Charter was intended to leave these detail to further consideration. The scenario, for which the use of force is intended, will determine the types of forces necessary. The policy

guidelines prepared by the United States in 1946 still apply. While there are debates about establishing a standing UN force, the creators of the United Nations never intended for the organization to have standing forces under independent UN control.

Members were expected to make force commitments to the United Nations' collective security arrangement. However, the member nations were to retain control of their forces until the Security Council actually called for the use of those forces. The intended command structure for UN forces also indicates that members would continue to have considerable control of the forces they contributed even after the Security Council had called for their use. Coordinated control of the Article 43 agreements should be able to provide adequate force capabilities for the United Nations as long as the members are committed to the agreements they make.

#### 6. Control of Forces

The Charter intends for the Security Council to have control of the forces only when the forces are to be used by the Security Council for the maintenance of international peace and security. The United States has always supported this position. Given the developments within the US Congress it is unlikely that this position will change.

In the fiscal environment which currently exists, it is unreasonable to expect the United Nations to be able to provide financial support for military

forces. The burden must therefore be shared by the members providing the forces. The concept of burden sharing has been somewhat developed in NATO. The NATO alliance may serve as the best model for the effective combining of individual forces to create an effective fighting force. In the post-Cold War environment NATO's mission has been redefined to better fit regional threats. NATO shows potential of becoming the kind of regional security arrangement originally envisioned by the creators of the United Nations.

Command and control planning can be executed by the Military Staff Committee. Forces may then conduct combined operations for training purposes. Coordinated effort should be made to allow maximum member control of their component forces. In the event that the Security Council needs to utilize forces for enforcement purposes this structure will allow for the most flexibility. Individual member contributions may be viewed as a component of a larger force. Depending on the scenario requiring the use of force, the Security Council should then construct the kind of force needed for the particular mission.

Finally, the planned control of forces at the disposal of the Security Council must be coordinated with disarmament efforts. The creators of the United Nations recognized this need. Today it is more important than ever. Increasing armament levels throughout the globe are a great source of instability. Enormous resources are expended in the production of these armaments. These resources could be better expended for the common good of the global society.

The five permanent members of the Security Council are the world's largest arms exporters. They must set a better example and reverse the trend in arms sales.

### C. FUTURE EXPECTATIONS AND HOPES

Peace is still the basic common interest which holds the United Nations together. Peace is a necessary ingredient for healthy international trade. The United States economy is irrevocably linked to the international system. Therefore the United States must continue to fulfill its international commitments. Domestic interests can no longer be separated from foreign interests. At the same time the United States does not have the financial flexibility it had in 1945. The United States must therefore use its leadership abilities to help the United Nations find other sources of funding. The financing of the Gulf Crisis coalition was a good example of this. Other possibilities should be considered. Brian Urquhart has suggested that the private sector and the non-governmental sector become more involved.<sup>181</sup>

The United States continues to possess a unique combination of military, economic, and political assets to protect and nurture global interests.<sup>182</sup> If it is to retain the status as a world leader, the United States must fulfil its responsibilities. While there is a cost for this leadership, there are uncertain risks

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<sup>181</sup>Brian Urquhart. "The United Nations in 1992: problems and opportunities," *International Affairs*, April 1992, Vol. 68, no. 2, p. 315.

<sup>182</sup>Edward C. Luck. "Making Peace," *Foreign Policy*, Winter 1992-93, no. 89. p. 139.

in forfeiting it. Does the United States really wish for any other nation to fulfil this role? If the United States allows another nation to do so, could it easily and peacefully reassert leadership if US interests are threatened?<sup>183</sup>

Thus, while the new world order is emerging as some form of multipolar system, the United States still has an interest in being the balancer of the system. As the world advances in terms of interdependence, the effect on collective security is unknown. The United Nations is far from an ideal collective security organization. The UN Charter was designed to take this fact into consideration. The Charter allows for flexibility and growth of the organization. Progress has been made toward positive growth of the organization. The post-Cold War environment should allow for an increased rate of progress. However, changes will still need to be gradual. Hope that the United Nations is ready to fulfil the requirements of an ideal system will only set unrealistic expectations. The recent past has already illustrated this.

The original intentions of the creators of the United Nations provide useful insights to the limitation of a world system. For this reason, review of their efforts is valuable. The essential element then and now for progress is international cooperation. The common interest of international peace and security must be placed above self serving interests which interfere with achieving common goals.

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<sup>183</sup>Luck, p. 139.

While the creators were uncertain of the future threats the organization would meet, they tried to allow enough flexibility to respond to any threats. In this regard, the realization that the social and economic considerations are linked to the political and military considerations was key. The future still contains unknown threats to international peace and security. However, a clear common threat is damage to our environment. This threat provides added emphasis to the need to cooperate and make the world a better place -- that after all was intended as the ultimate goal of the United Nations.

Brian Urquhart argues that for the first time in history inaction and self-indulgence threaten our future.<sup>184</sup> We do not have the time to be too realistic, if realism provides only "short-sightedness, self-interest, and policies lacking in the necessary courage or vision."<sup>185</sup> as Urquhart stated:

We are in a situation which is so revolutionary and so different from that of preceding generations that it may well be that idealism, with an element of Utopian thinking, is a far more realistic approach than self-styled realism.<sup>186</sup>

This situation is similar to that which existed in 1945. The primary difference may well be the time we have available to fulfil our goals. We do not need a new world order, we need a world society committed to cooperation toward the common good. This society must be based on international laws. The creators

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<sup>184</sup>Urquhart, p. 312.

<sup>185</sup>Urquhart, p. 311.

<sup>186</sup>Urquhart, p. 312.



of the United Nations recognized this need. There has been tremendous development in the field of international law. However, true cooperation is necessary for a successful international legal system.

The United States should take the lead in developing this system. Just as the United States' active participation in the planning of the United Nations ensured that the organization represented our desires, only by actively participating in the development of an international legal system can we ensure the system best represents US interests. United States military power should remain available to provide enforcement capabilities when necessary. As Bidwell stated in 1946: "The critical question at present about American foreign policy is... 'How shall we use our Power?'"<sup>187</sup> The question is just as relevant today.

Optimism is what helps the human race reach its greatest potential. While idealism in its truest form may not be achievable, it is always a goal to strive for. Meanwhile, idealism tempered by realism is a means toward making progress. If the hopes that the United Nations may suddenly function in the new world order as originally envisioned is overly optimistic, perhaps it can at least make progress toward the ideals that the Charter would have us strive toward.

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<sup>187</sup>Bidwell, p. 484.

## APPENDIX A

### CHARTER OF THE UNITED NATIONS<sup>188</sup>

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

- to practice tolerance and live together in peace with one another as good neighbors, and
- to unite our strength to maintain international peace and security, and
- to 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.

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<sup>188</sup>Charter of the United Nations, Report to the President on the Results of the San Francisco Conference by the Chairman of the United States Delegation, the Secretary of State. Department of State, Publication 2349, Conference Series 71, June 26, 1945.

## CHAPTER I

# PURPOSES AND PRINCIPLES

### *Article 1*

The purposes of the United Nations are:

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

### *Article 2*

The organization and its members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following principles:

1. The organization is based on the principle of the sovereign equality of all its members.
2. All members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.
5. All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

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

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

## CHAPTER II

### MEMBERSHIP

#### *Article 3*

The original members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

#### *Article 4*

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

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

#### *Article 5*

A member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

#### *Article 6*

A member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council.

## CHAPTER III

### ORGANS

#### *Article 7*

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

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

#### *Article 8*

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

## CHAPTER IV

### THE GENERAL ASSEMBLY

#### COMPOSITION

#### *Article 9*

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

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

#### FUNCTIONS AND POWERS

#### *Article 10*

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

### *Article 11*

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

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any member of the United Nations, or by the Security Council, or by a state which is not a member of the United Nations in accordance with Article 3, 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 cooperation in the political field and encouraging the progressive development of international law and its codification;

b. Promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

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

*Article 14*

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

*Article 15*

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

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

*Article 16*

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

*Article 17*

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

2. The expenses of the organization shall be borne by the members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 7 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

## VOTING

### *Article 18*

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of the members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of members, questions relating to the operation of the trusteeship system, and budgetary questions.

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

### *Article 19*

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

## PROCEDURE

### *Article 20*

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

### *Article 21*

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



*Article 22*

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

CHAPTER V

THE SECURITY COUNCIL

COMPOSITION

*Article 23*

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

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

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

FUNCTIONS AND POWERS

*Article 24*

1. In order to 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

*Article 27*

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

PROCEDURE

*Article 28*

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the organization as in its judgment will best facilitate its work.

*Article 29*

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

*Article 30*

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

*Article 31*

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

*Article 32*

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

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

*Article 33*

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and Security, shall, first of all, seek a solution by negotiation, 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 the nature referred to in article 33 fail to settle it by 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 33-37 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 communications, 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 subcommittees.

#### *Article 48*

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

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

#### *Article 49*

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

#### *Article 50*

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

*Article 51*

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

CHAPTER VIII

REGIONAL ARRANGEMENTS

*Article 52*

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

#### *Article 55*

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

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

#### *Article 56*

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

#### *Article 57*

1. The various specialized agencies, established by 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

### COMPOSITION

#### *Article 61*

1. The Economic and Social Council shall consist of eighteen members of the United Nations elected by the General Assembly.

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

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

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

## FUNCTIONS AND POWERS

### *Article 62*

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

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

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

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

### *Article 63*

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

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the members of the United Nations.

### *Article 64*

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

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

### *Article 65*

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

*Article 66*

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

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

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

VOTING

*Article 67*

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

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

PROCEDURE

*Article 68*

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

*Article 69*

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

*Article 70*

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

CHAPTER XI

**DECLARATION REGARDING  
NON-SELF-GOVERNING TERRITORIES**

*Article 73*

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

a. To 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 cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this article; and

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

*Article 74*

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

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

*Article 75*

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

*Article 76*

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

- a. To further international peace and security;
- b. To promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development 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 defense and the maintenance of law and order within the trust territory.



*Article 85*

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

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

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

COMPOSITION

*Article 86*

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

- a. Those members administering trust territories;
- b. Such of those members mentioned by name in Article 23 as are not administering trust territories; and
- c. As many other members elected for three-year terms by the General Assembly as may be necessary to 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

*Article 87*

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

- a. Consider reports submitted by the administering authority;
- b. Accept petitions and examine them in consultation with the administering authority.
- c. Provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. Take these and other actions in conformity with the terms of the trusteeship agreements.

*Article 88*

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

VOTING

*Article 89*

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

PROCEDURE

*Article 90*

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

*Article 91*

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

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

*Article 92*

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

*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 obligations under any other international agreement, their obligations under the present Charter shall prevail.

*Article 104*

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

*Article 105*

1. The organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfillment of its purposes.

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

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

## CHAPTER XVII

### TRANSITIONAL SECURITY ARRANGEMENTS

#### *Article 106*

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

#### *Article 107*

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

## CHAPTER XVIII

### AMENDMENTS

#### *Article 108*

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

#### *Article 109*

1. A general conference of the members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their

respective constitutional processes by two-thirds of the members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## CHAPTER XIX

### RATIFICATION AND SIGNATURE

#### *Article 110*

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

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

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

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

#### *Article 111*

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

In faith whereof the representatives of the Governments of the United Nations have signed the present Charter.

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

## APPENDIX B

### *Joint Statement by President Roosevelt and Prime Minister Churchill, August 14, 1941*

The following statement signed by the President of the United States and the Prime Minister of Great Britain is released for the information of the Press:

The President of the United States and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, have met at sea.

They have been accompanied by officials of their two Governments, including high ranking officers of their Military, Naval and Air Services.

The whole problem of the supply of munitions of war, as provided by the Lease-Lend Act, for the armed forces of the United States and for those countries actively engaged in resisting aggression has been further examined.

Lord Beaverbrook, the Minister of Supply of the British Government, has joined in these conferences. He is going to proceed to Washington to discuss further details with appropriate officials of the United States Government. These conferences will also cover the supply problems of the Soviet Union.

The President and the Prime Minister have had several conferences. They have considered the dangers to world civilization arising from the policies of military domination by conquest upon which the Hitlerite government of Germany and other governments associated there with have embarked, and have made clear the stress which their countries are respectively taking for their safety in the face of these dangers.

They have agreed upon the following joint declaration:

Joint declaration of the President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the people concerned;

Third, they respect the right of all people to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;



Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that disarmament of such nations is essential. They will likewise aid and encourage all other practical measures which will lighten for peace-loving peoples the crushing burden of armaments.

FRANKLIN D. ROOSEVELT  
WINSTON S. CHURCHILL

## APPENDIX C

### *Declaration by United Nations*

A JOINT DECLARATION BY THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, CHINA, AUSTRALIA, BELGIUM, CANADA, COSTA RICA, CUBA, CZECHOSLOVAKIA, DOMINICAN REPUBLIC, EL SALVADOR, GREECE, GUATEMALA, HAITI, HONDURAS, INDIA, LUXEMBOURG, NETHERLANDS, NEW ZEALAND, NICARAGUA, NORWAY, PANAMA, POLAND, SOUTH AFRICA, YUGOSLAVIA

The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland dated August 14, 1941, known as the Atlantic Charter.

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world,

DECLARE:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war.

(2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

Done at Washington  
January First, 1942.

## APPENDIX D

### *Declaration of Four Nations on General Security*

The Governments of the United States of America, the United Kingdom, the Soviet Union and China;

united in their determination, in accordance with the Declaration by the United Nations of January 1, 1942, and subsequent declarations, to continue hostilities against those Axis powers with which they respectively are at war until such powers have laid down their arms on the basis of unconditional surrender;

conscious of their responsibility to secure the liberation of themselves and the peoples allied with them from the menace of aggression;

recognizing the necessity of ensuring a rapid and orderly transition from war to peace and security with the least diversion of the world's human and economic resources for armaments;

jointly declare:

1. That their united actions, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security.

2. That those of them at war with a common enemy will act together in all matters relating to the surrender and disarmament of that enemy.

3. That they will take all measures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy.

4. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.

5. That for the purpose of maintaining international peace and security pending the reestablishment of law and order and the inauguration of a system of general security, they will consult with one another and as occasion requires with the other members of the United Nations with a view to joint action on behalf of the community of nations.

6. That after the termination of hostilities they will not employ their military forces within the territories of other states except for the purposes envisaged in this declaration and after joint consultation.

7. That they will confer and cooperate with one another and with other members of the United Nations to bring about a practicable general agreement with respect to the regulation of armaments in the post-war period.

## APPENDIX E

### DUMBARTON OAKS DOCUMENTS ON INTERNATIONAL ORGANIZATION<sup>189</sup>

#### STATEMENT BY THE PRESIDENT OF THE UNITED STATES REGARDING THE DUMBARTON OAKS PROPOSALS

I WISH to take this opportunity to refer to the work of the Dumbarton Oaks Conversations between the delegations of the United States, the United Kingdom, the Soviet Union, and China on the plans for an international organization for the maintenance of peace and security.

The conversations were completed Saturday, October 7, 1944, and proposals were submitted to the four Governments for their consideration. These proposals have been made public to permit full discussion by the people of this country prior to the convening of a wider conference on this all-important subject.

Although I have not yet been able to make a thorough study of these proposals, my first impression is one of extreme satisfaction, and even surprise, that so much could have been accomplished on so difficult a subject in so short a time. This achievement was largely due to the long and thorough preparations which were made by the Governments represented, and in our case, was the result of the untiring devotion and care which the Secretary of State has personally given to this work for more than two and a half years — indeed for many years.

The projected international organization has for its primary purpose the maintenance of international peace and security and the creation of the conditions that make for peace.

We now know the need for such an organization of the peace-loving peoples and the spirit of unity which will be required to maintain it. Aggressors like Hitler and the Japanese war lords organize for years for the day when they can launch their evil strength against weaker nations devoted to their peaceful pursuits. This time we have been determined first to defeat the enemy, assure that he shall never again be in position to plunge the world into war, and then to so organize the peace-loving nations that they may through unity of desire, unity of will, and unity of strength be in position to assure that no other would-be aggressor or conqueror shall even get started. That is why from the very beginning of the war, and paralleling our military plans, we have begun to lay

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<sup>189</sup>Department of State, Publication 2192, Conference Series 56.

the foundations for the general organization for the maintenance of peace and security.

It represents, therefore, a major objective for which this war is being fought, and as such, it inspires the highest hopes of the millions of fathers and mothers whose sons and daughters are engaged in the terrible struggle and suffering of war.

The projected general organization may be regarded as the keystone of the arch and will include within its framework a number of specialized economic and social agencies now existing or to be established.

The task of planning the great design of security and peace has been well begun. It now remains for the nations to complete the structure in a spirit of constructive purpose and mutual confidence.

OCTOBER 9, 1944

#### STATEMENT BY THE SECRETARY OF STATE OF THE UNITED STATES

The proposals for an international organization for the maintenance of international peace and security, upon which the representatives of the United States, the United Kingdom, the Soviet Union, and China have agreed during the conversations at Dumbarton Oaks, have been submitted to the four Governments and are today being made generally available to the people of this Nation and of the world.

All of us have every reason to be immensely gratified by the results achieved at these conversations. To be sure, the Proposals in their present form are neither complete nor final. Much work still remains to be done before a set of completed proposals can be placed before the peace-loving nations of the world as a basis of discussion at a formal conference to draft a charter of the projected organization for submission to the governments. But the document which has been prepared by the able representatives of the four participating nations and has been agreed to by them, as their recommendation to their respective Governments is sufficiently detailed to indicate the kind of an international organization which, in their judgment, will meet the imperative need of providing for the maintenance of international peace and security.

These proposals are now being studied by the four Governments which were represented at the Washington Conversations and which will give their urgent attention to the next steps which will be necessary to reach the goal of achieving the establishment of an effective international organization.

These proposals are now available for full study and discussion by the peoples of all countries.

We in this country have spent many months in careful planning and wide consultation in preparation for the conversations which have just been concluded. Those who represented the Government of the United States in these discussions

were armed with the ideas and with the results of thinking contributed by numerous leaders of our national thought and opinion, without regard to political or other affiliations.

It is my earnest hope that, during the time which must elapse before the convocation of a full United Nations conference, discussions in the United States on this all-important subject will continue to be carried on in the same non-partisan spirit of devotion to our paramount national interest in peace and security which has characterized our previous consultations. I am certain that all of us will be constantly mindful of the high responsibility for us and for all peace-loving nations which attaches to this effort to make permanent a victory purchased at so heavy a cost in blood, in tragic suffering, and in treasure. We must be constantly mindful of the price which all of us will pay if we fail to measure up to this unprecedented responsibility.

It is, of course, inevitable that when many governments and peoples attempt to agree on a single plan the result will be in terms of the highest common denominator rather than of the plan of any one nation. The organization to be created must reflect the ideas and hopes of all the peace-loving nations which participate in its creation. The spirit of cooperation must manifest itself in mutual striving to attain the high goal by common agreement.

The road to the establishment of an international organization capable of effectively maintaining international peace and security will be long. At times it will be difficult. But we cannot hope to attain so great an objective without constant effort and unflinching determination that the sacrifices of this war shall not be in vain.

OCTOBER 9, 1944

**REPORT TO THE SECRETARY OF STATE  
SUBMITTED BY THE CHAIRMAN OF THE AMERICAN  
DELEGATION TO THE WASHINGTON CONVERSATIONS  
ON INTERNATIONAL ORGANIZATION**

I take great pleasure in submitting to you the results of the exploratory conversations on international organization held in Washington between representatives of the Governments of the United States, the United Kingdom, the Soviet Union, and China. The first phase of the conversations, between representatives of the United States, the United Kingdom, and the Soviet Union, took place from August 21 to September 28; the second phase, between representatives of the United States, the United Kingdom, and China, was held from September 29 to October 7. The results of the work accomplished in both phases are embodied in the following Proposals which each of the four

delegations is transmitting to its respective Government as the unanimously agreed recommendations of the four delegations.

I am happy to report that the conversations throughout were characterized by a spirit of complete cooperation and great cordiality among all participants, the proof of which is evident in the wide area of agreement covered in the Proposals. The few questions which remain for further consideration, though important, are not in any sense insuperable, and I recommend that the necessary steps for obtaining agreement on these points be taken as soon as possible.

It is proper to emphasize, at the conclusion of these preliminary conversations, that the Proposals as they are now submitted to the four Governments comprise substantial contributions from each of the delegations. It is my own view, which I believe is shared by all the participants, that the agreed Proposals constitute an advance over the tentative and preliminary proposals presented by each delegation. This has resulted from a single-minded effort of all the delegations at Dumbarton Oaks to reach a common understanding as to the most effective international organization capable of fulfilling the hopes of all peoples everywhere.

I wish to take this opportunity to express my grateful recognition of the contribution to the successful outcome of these conversations made by the members of the American delegation and to commend the advisers and the staff for their most helpful assistance. Above all, I wish to express my profound appreciation to the President and to you, Mr. Secretary, for the constant advice and guidance without which our work could not have been accomplished with such constructive and satisfactory results.

E. R. STETTINIUS, JR.

OCTOBER 7, 1944

## **STATEMENT ISSUED SIMULTANEOUSLY BY THE PARTICIPATING GOVERNMENTS**

The Government of the United States has now received the report of its delegation to the conversations held in Washington between August 21 and October 7, 1944, with the delegations of the United Kingdom, the Union of Soviet Socialist Republics, and the Republic of China on the subject of an international organization for the maintenance of peace and security.

There follows a statement of tentative proposals indicating in detail the wide range of subjects on which agreement has been reached at the conversations.

The Governments which were represented in the discussions in Washington have agreed that after further study of these proposals they will as soon as possible take the necessary steps with a view to the preparation of complete proposals which could then serve as a basis of discussion at a full United Nations conference.

OCTOBER 9, 1944

### **PROPOSALS FOR THE ESTABLISHMENT OF A GENERAL INTERNATIONAL ORGANIZATION**

#### **(DUMBARTON OAKS PROPOSALS)**

There should be established an international organization under the title of The United Nations, the Charter of which should contain provisions necessary to give effect to the proposals which follow.

#### **CHAPTER I. PURPOSES**

The purposes of the Organization should be:

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 the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace;
2. To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in the solution of international economic, social and other humanitarian problems; and
4. To afford a center for harmonizing the actions of nations in the achievement of these common ends.



## CHAPTER II. PRINCIPLES

In pursuit of the purposes mentioned in Chapter I the Organization and its members should act in accordance with the following principles:

1. The Organization is based on the principle of the sovereign equality of all peace-loving states.

2. All members of the Organization undertake, in order to ensure to all of them the rights and benefits resulting from membership in the Organization, to fulfill the obligations assumed by them in accordance with the Charter.

3. All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace and security are not endangered.

4. All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.

5. All members of the Organization shall give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter.

6. All members of the Organization shall refrain from giving assistance to any state against which preventive or enforcement action is being undertaken by the Organization.

The Organization should ensure that states not members of the Organization act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

## CHAPTER III. MEMBERSHIP

1. Membership of the Organization should be open to all peace-loving states.

## CHAPTER IV. PRINCIPAL ORGANS

1. The Organization should have as its principal organs:

- a. A General Assembly;
- b. A Security Council;
- c. An international court of justice; and
- d. A Secretariat.

2. The Organization should have such subsidiary agencies as may be found necessary.

## CHAPTER V. THE GENERAL ASSEMBLY

### *Section A. Composition*

All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter.

### *Section B. Functions and Powers*

1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion. The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

2. The General Assembly should be empowered to admit new members to the Organization upon recommendation of the Security Council.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

4. The General Assembly should elect the non-permanent members of the Security Council and the members of the Economic and Social Council provided for in Chapter IX. It should be empowered to elect, upon recommendation of the Security Council, the Secretary-General of the Organization. It should perform such functions in relation to the election of the judges of the international court of justice as may be conferred upon it by the statute of the court.

5. The General Assembly should apportion the expenses among the members of the Organization and should be empowered to approve the budgets of the Organization.

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

7. The General Assembly should make recommendations for the coordination of the policies of international economic, social, and other specialized agencies brought into relation with the Organization in accordance with agreements between such agencies and the Organization.

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

#### *Section C. Voting*

1. Each member of the Organization should have one vote in the General Assembly.

2. Important decisions of the General Assembly, including recommendations with respect to the maintenance of international peace and security; election of members of the Security Council; election of members of the Economic and Social Council; admission of members, suspension of the exercise of the rights and privileges of members, and expulsion of members; and budgetary questions, should be made by a two-thirds majority of those present and voting. On other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, the decisions of the General Assembly should be made by a simple majority vote.

#### *Section D. Procedure*

1. The General Assembly should meet in regular annual sessions and in such special sessions as occasion may require.

2. The General Assembly should adopt its own rules of procedure and elect its President for each session.

3. The General Assembly should be empowered to set up such bodies and agencies as it may deem necessary for the performance of its functions.

## **CHAPTER VI. THE SECURITY COUNCIL**

#### *Section A. Composition*

The Security Council should consist of one representative of each of eleven members of the Organization. Representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and, in due course, France, should have permanent seats. The General Assembly should elect six states to fill the

non-permanent seats. These six states should be elected for a term of two year, three retiring each year. They should not be immediately eligible for reelection. In the first election of the non-permanent members three should be chosen by the General Assembly for one-year terms and three for two year terms.

*Section B. Principal Functions and Powers*

1. In order to ensure prompt and effective action by the Organization, members of the Organization should by the Charter confer on the Security Council primary responsibility for the maintenance of international peace and security and should agree that in carrying out these duties under this responsibility it should act on their behalf.

2. In discharging these duties the Security Council should act in accordance with the purposes and principles of the Organization.

3. The specific powers conferred on the Security Council in order to carry out these duties are laid down in Chapter VIII.

4. All members of the Organization should obligate themselves to accept the decisions of the Security Council and to carry them out in accordance with the provisions of the Charter.

5. In order to promote the establishment and maintenance of international peace and Security with the least diversion of the world's human and economic resources for armaments, the Security Council, with the assistance of the Military Staff Committee referred to in Chapter VIII, Section B, paragraph 9, should have the responsibility for formulating plans for the establishment of a system of regulation of armaments for submission to the members of the Organization.

*Section C. Voting*

(Note — The question of voting procedure in the Security Council is still under consideration.)

*Section D. Procedure*

1. The Security Council should be so organized as to be able to function continuously and each state member of the Security Council should be permanently represented at the headquarters of the Organization. It may hold meetings at such other places as in its judgment may best facilitate its work. There should be periodic meetings at which each state member of the Security Council could if it so desired be represented by a member of the government or some other special representative.

2. The Security Council should be empowered to set up such bodies or agencies as it may deem necessary for the performance of its functions including regional subcommittees of the Military Staff Committee.

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

4. Any member of the Organization should participate in the discussion of any question brought before the Security Council whenever the Security Council considers that the interests of that member of the Organization are specially affected.

5. Any member of the Organization not having a seat on the Security Council and any state not a member of the Organization, if it is a party to a dispute under consideration by the Security Council, should be invited to participate in the discussion relating to the dispute.

## **CHAPTER VII. AN INTERNATIONAL COURT OF JUSTICE**

1. There should be an international court of justice which should constitute the principal judicial organ of the Organization.

2. The court should be constituted and should function in accordance with a statute which should be annexed to and be a part of the Charter of the Organization.

3. The statute of the court of international justice should be either (a) the Statute of the Permanent Court of International Justice, continued in force with such modifications as may be desirable or (b) a new statute in the preparation of which the Statute of the Permanent Court of International Justice should be used as a basis.

4. All members of the Organization should ipso facto be parties to the statute of the international court of justice.

5. Conditions under which states not members of the Organization may become parties to the statute of the international court of justice should be determined in each case by the General Assembly upon recommendation of the Security Council.

## **CHAPTER VIII. ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION**

### *Section A. Pacific Settlement of Disputes*

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

2. Any state, whether member of the Organization or not, may bring any such dispute or situation to the attention of the General Assembly or of the Security Council.

3. The parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security should obligate themselves, first of all, to seek a solution by negotiation, mediation, conciliation, arbitration or judicial settlement, or other peaceful means of their own choice. The Security Council should call upon the parties to settle their dispute by such means.

4. If, nevertheless, parties to a dispute of the nature referred to in paragraph 3 above fail to settle it by the means indicated in that paragraph, they should obligate themselves to refer it to the Security Council. The Security Council should in each case decide whether or not the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, and, accordingly, whether the Security Council should deal with the dispute, and, if so, whether it should take action under paragraph 5.

5. The Security Council should be empowered, at any stage of a dispute of the nature referred to in paragraph 3 above, to recommend appropriate procedures or methods of adjustment.

6. Justiciable disputes should normally be referred to the international court of justice. The Security Council should be empowered to refer to the court, for advice, legal questions connected with other disputes.

7. The provisions of paragraph 1 to 6 of Section A should not apply to situations or disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned.

*Section B. Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto*

1. Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.

2. In general the Security Council should determine the existence of any threat to the peace, breach of the peace or act of aggression and should make recommendations or decide upon the measures to be taken to maintain or restore peace and security.

3. The Security Council should be empowered to determine what diplomatic, economic, or other measures not involving the use of armed force should be employed to give effect to its decisions, and to call upon members of the Organization to apply such measures. Such measures may include complete or partial interruption of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic and economic relations.

4. Should the Security Council consider such measures to be inadequate, it should be empowered to take such action by air, naval 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 Organization.

5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security. Such agreement or agreements should govern the numbers and types of forces and the nature of the facilities and assistance to be provided. The special agreement or agreements should be negotiated as soon as possible and should in each case be subject to approval by the Security Council and to ratification by the signatory states in accordance with their constitutional processes.

6. In order to enable urgent military measures to be taken by the Organization there should be held immediately available by the members of the Organization national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in paragraph 5 above.

7. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security should be taken by all the members of the Organization in cooperation or by some of them as the Security Council may determine. This undertaking should be carried out by the members of the Organization by their own action and through action of the appropriate specialized organizations and agencies of which they are members.

8. Plans for the application of armed force should be made by the Security Council with the assistance of the Military Staff Committee referred to in paragraph 9 below.

9. There should be established a Military Staff Committee the functions of which should be 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, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any member of the Organization not permanently represented on the Committee should be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work. Questions of command of forces should be worked out subsequently.

10. The members of the Organization should join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

11. Any state, whether a member of the Organization or not, which finds itself confronted with special economic problems arising from the carrying out of measures which have been decided upon by the Security Council should have the right to consult the Security Council in regard to a solution of those problems.

#### *Section C. Regional Arrangements*

1. Nothing in the Charter should preclude 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 such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Security Council should encourage 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.

2. The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority, but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

3. The Security Council should 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. ARRANGEMENTS FOR INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION**

#### *Section A. Purpose and Relationships*

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms. Responsibility for the discharge of this function should be vested in the General Assembly and, under the authority of the General Assembly, in an Economic and Social Council.

2. The various specialized economic, social and other Organizations and agencies would have responsibilities in their respective fields as defined in their statutes. Each such organization or agency should be brought into relationship with the Organization on terms to be determined by agreement between the Economic and Social Council and the appropriate authorities of the specialized organization or agency, subject to approval by the General Assembly.



### *Section B. Composition and Voting*

The Economic and Social Council should consist of representatives of eighteen members of the Organization. The states to be represented for this purpose should be elected by the General Assembly for terms of three years. Each such state should have one representative, who should have one vote. Decisions of the Economic and Social Council should be taken by simple majority vote of those present and voting.

### *Section C. Functions and Powers of the Economic and Social Council*

1. The Economic and Social Council should be empowered:
  - a. to carry out, within the scope of its functions, recommendations of the General Assembly;
  - b. to make recommendations, on its own initiative, with respect to international economic, social and other humanitarian matters;
  - c. to receive and consider reports from the economic, social and other organizations or agencies brought into relationship with the Organization, and to coordinate their activities through consultations with, and recommendations to, such organizations or agencies;
  - d. to examine the administrative budgets of such specialized organizations or agencies with a view to making recommendations to the organizations or agencies concerned
  - e. to enable the Secretary-General to provide information to the Security Council;
  - f. to assist the Security Council upon its request; and
  - g. to perform such other functions within the general scope of its competence as may be assigned to it by the General Assembly.

### *Section D. Organization and Procedure*

1. The Economic and Social Council should set up an economic commission, a social commission, and such other commissions as may be required. These commissions should consist of experts. There should be a permanent staff which should constitute a part of the Secretariat of the Organization.

2. The Economic and Social Council should make suitable arrangements for representatives of the specialized organizations or agencies to participate without vote in its deliberations and in those of the commissions established by it.

3. The Economic and Social Council should adopt its own rules of procedure and the method of selecting its President.

## CHAPTER X. THE SECRETARIAT

1. There should be a Secretariat comprising a Secretary- General and such staff as may be required. The Secretary General should be the chief administrative officer Of the Organization. He should be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter.

2. The Secretary-General should act in that capacity in all meetings of the General Assembly, of the Security Council, and of the Economic and Social Council and should make an annual report to the General Assembly on the work of the Organization.

3. The Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and Security.

## CHAPTER XI. AMENDMENTS

Amendments should come into force for all members of the Organization, 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 the members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization.

## CHAPTER XII. TRANSITIONAL ARRANGEMENTS

1. Pending the coming into force of the special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5, and in accordance with the provisions of paragraph 5 of the Four-Nation Declaration, signed at Moscow, October 30, 1943, the states parties to that Declaration should consult with one another and as occasion arises with other members of the Organization 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.

2. No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Governments having responsibility for such action.

### NOTE

In addition to the question of voting procedure in the Security Council referred to in Chapter VI, several other questions are still under consideration.

WASHINGTON, D.C.

*October 7, 1944*

## APPENDIX F

### *The Act of Chapultepec*<sup>190</sup>

#### DECLARATION ON RECIPROCAL ASSISTANCE AND AMERICAN SOLIDARITY

##### WHEREAS:

1. The peoples of the Americas, animated by a profound love of justice, remain sincerely devoted to the principles of international law:

2. It is their desire that such principles, notwithstanding the present difficult circumstances, may prevail with greater force in future international relations:

3. The Inter-American Conferences have repeatedly proclaimed certain fundamental principles, but these must be reaffirmed and proclaimed at a time when the juridical bases of the community of nations are being established:

4. The new situation in the world makes more imperative than ever the union and solidarity of the American peoples, for the defense of their rights and the maintenance of international peace:

5. The American states have been incorporating in their international law, since 1890, by means of conventions, resolutions and declarations, the following principles:

(a) The proscription of territorial conquest and the non recognition of all acquisitions made by force (First International Conference of American States, 1890).

(b) The condemnation of intervention by a State in the internal or external affairs of another (Seventh International Conference of American States, 1933, and Inter-American Conference for the Maintenance of Peace, 1936).

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<sup>190</sup>Department of State, *Bulletin*, March 4, 1945.

(c) The recognition that every war or threat of war affects directly or indirectly all civilized peoples, and endangers the great principles of liberty and justice which constitute the American ideal and the standard of its international policy (Inter-American Conference for the Maintenance of Peace, 1936).

(d) The procedure of mutual consultation in order to find means of peaceful cooperation in the event of war or threat of war between American countries (Inter-American Conference for the Maintenance of Peace, 1936).

(e) The recognition that every act susceptible of disturbing the peace of America affects each and every one of them and justifies the initiation of the procedure of consultation (Inter-American Conference for the Maintenance of Peace, 1936).

(f) That any difference or dispute between the American nations, whatever its nature or origin, shall be settled by the methods of conciliation, or unrestricted arbitration, or through the operation of international justice (Inter-American Conference for the Maintenance of Peace, 1936).

(g) The recognition that respect for the personality, sovereignty and independence of each American State constitutes the essence of international order sustained by continental solidarity, which historically has been expressed and sustained by declarations and treaties in force (Eighth International Conference of American States, 1938).

(h) The affirmation that respect for and the faithful observance of treaties constitutes the indispensable rule for the development of peaceful relations between States, and treaties can only be revised by agreement of the contracting parties (Declaration of American Principles, Eighth International Conference of American States, 1938).

(i) That in case the peace, security or territorial integrity of any American republic is threatened by acts of any nature that may impair them, they proclaim their common concern and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedure of consultation, using the measures which in each case the circumstances may make advisable (Declaration of Lima, Eighth International Conference of American States, 1938).

(j) That any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression

against all the American States (Declaration XV of the Second Meeting of the Ministers of Foreign Affairs, Habana, 1940).

6. The furtherance of these principles, which the American States have practiced in order to secure peace and solidarity between the nations of the Continent constitutes an effective means of contributing to the general system of world security and of facilitating its establishment: and

7. The security and solidarity of the Continent are affected to the same extent by an act of aggression against any of the American States by a non-American State, as by an American State against one or more American states.

## PART I

### *Declaration*

#### THE GOVERNMENT REPRESENTED AT THE INTER-AMERICAN CONFERENCE ON WAR AND PEACE

DECLARE:

First. That all sovereign States are juridically equal amongst themselves.

Second. That every state has the right to the respect of its individuality and independence, on the part of the other members of the international community.

Third. That every attack of a State against the integrity or the inviolability of territory, or against the sovereignty or political independence of an American State, shall, conformably to Part III hereof, be considered as an act of aggression against the other States which sign this declaration. In any case invasion by armed forces of one State into the territory of another, trespassing boundaries established by treaty and demarcated in accordance therewith shall constitute an act of aggression.

Fourth. That in case acts of aggression occur or there may be reasons to believe that an aggression is being prepared by any other State against the integrity and inviolability of territory, or against the sovereignty or political independence of an American State, the States signatory to this declaration will consult amongst themselves in order to agree upon measures it may be advisable to take.

Fifth. That during the war, and until the treaty recommended in Part II hereof is concluded, the signatories of this declaration recognize that such threats and acts of aggression as indicated in paragraphs Third and Fourth above constitute an interference with the war effort of the United Nations, calling for such procedures, within the scope of their constitutional powers of a general nature and for war, as may be found necessary, including:

- recall of chiefs of diplomatic missions;
- breaking of diplomatic relations;
- breaking of consular relations;
- breaking of postal, telegraphic, telephonic, radio-telephonic relations;
- interruption of economic, commercial and financial relations;
- use of armed force to prevent or repel aggression.

Sixth. That the principles and procedure contained in this declaration shall become effective immediately, inasmuch as any act of aggression or threat of aggression during the present state of war interferes with the war effort of the United Nations to obtain victory. Henceforth, and with the view that the principles and procedure herein stipulated shall conform with the constitutional principles of each republic, the respective governments shall take the necessary steps to perfect this instrument in order that it shall be in force at all times.

## PART II

### *Recommendation*

#### THE INTER-AMERICAN CONFERENCE ON PROBLEMS OF WAR AND PEACE

#### RECOMMENDS:

That for the purpose of meeting threats or acts of aggression against any American Republic following the " establishment of peace, the Governments of the American Republics should consider the conclusion, in accordance with their constitutional processes, of a treaty establishing procedures whereby such threats or acts may be met by:

The use, by all or some of the signatories of said treaty of any one or more of the following measures:

- recall of chiefs of diplomatic missions;
- breaking of diplomatic relations;
- breaking of consular relations;
- breaking of postal, telegraphic, telephonic, radio-telephonic relations;
- interruption of economic, commercial and financial relations;
- use of armed force to prevent or repel aggression.

### PART III

This declaration and recommendation provide for a regional arrangement for dealing with matters relating to the maintenance of international peace and security as are appropriate for regional action in this Hemisphere and said arrangements and the activities and procedures referred to therein shall be consistent with the purposes and principles of the general international organization, when established.

This declaration and recommendation shall be known as the *ACT OF CHAPULTEPEC*.

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