

LIST OF PAPERS

FILE UNDER NO. 092.2 AGREEMENTS (Misc.)

Serial No.	From	Date	To	Synopsis
1				Charter of the United Nations International Organization
2	Winant	7/11/45	Sec of State	Telegram re French area in Berlin.

COMEA 333, 11 July 1945

STATE-WAR-NAVY COORDINATING
COMMITTEE

STATE

[Signature] Mr. Cox
[Signature] Mr. Moseley
[Signature] Mr. Gardiner

WAR

[Signature] Colonel McCarthy
[Signature] Lt. Colonel Pennoyer
[Signature] Lt. Colonel Field
[Signature] Major Gunther
[Signature] Lt. Spittall

NAVY

[Signature] Commander Richardson
[Signature] Lt. Comdr. Rockefeller
[Signature] Lt. Comdr. Geilfuss
Return to [Signature] Ensign Whiteside

[Signature] Note
[Signature] Circulate
[Signature] File

REMARKS:

DECLASSIFIED BY [Signature]

DEPARTMENT
OF
STATE

INCOMING
TELEGRAM

DIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

BG-1243

This telegram must be
closely paraphrased be-
fore being communicated
to anyone. (SECRET)

London

Dated July 11, 1945

14

Rec'd 6:55 p.m.

Secretary of State

Washington

TOP SECRET

MIACT, 6997, July 11, 8 p.m.

COMEA 333

Soviet EAC delegation tonight communicated new
formula for final para report transmitting agreement
French zone in Germany. This formula sent by Moscow
following Gusev's return (NYTEL 6932, July 10 rptd
for Murphy 30).

Sent to Dept rptd for Murphy as 34).

Soviet formula follows: "The commission recommends
that the question of determinating the boundaries of
the French area in greater Berlin, which area in con-
sequence of the Soviet area of the city having suffered
the greatest destruction, will be formed out of the
US and UK areas of greater Berlin, should be referred
for consideration to the Control Council in Berlin."

This formula has also been referred to UK and
French Delegations. EAC meeting July 12, 4 p.m.

Mosley's immediate personal comment to acting
Soviet representative

(2)

DEPARTMENT
OF
STATEINCOMING
TELEGRAMDIVISION OF
CENTRAL SERVICES
TELEGRAPH SECTION

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(2)

-2- NIACT, 6997, July 11, 8 p.m., from London

Soviet representative was that US formula is more practical since it does not attempt in absence of specific information and recommendations re division of Berlin to decide in advance whether formation of French area will require adjustments in two or three of present areas. Mosely also made clear that US delegation not (repeat not) authorized to accept new Soviet formula.

WINANT

JT

STATE-WAR-NAVY COORDINATING
COMMITTEE

Agreement
092.2

STATE

- Mr. Cox
- Mr. Moseley
- Mr. Gardiner

WAR

- Colonel McCarthy
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NAVY

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- File

REMARKS:

DECLASSIFIED

THE JOINT CHIEFS OF STAFF
WASHINGTON 25
MEMORANDUM

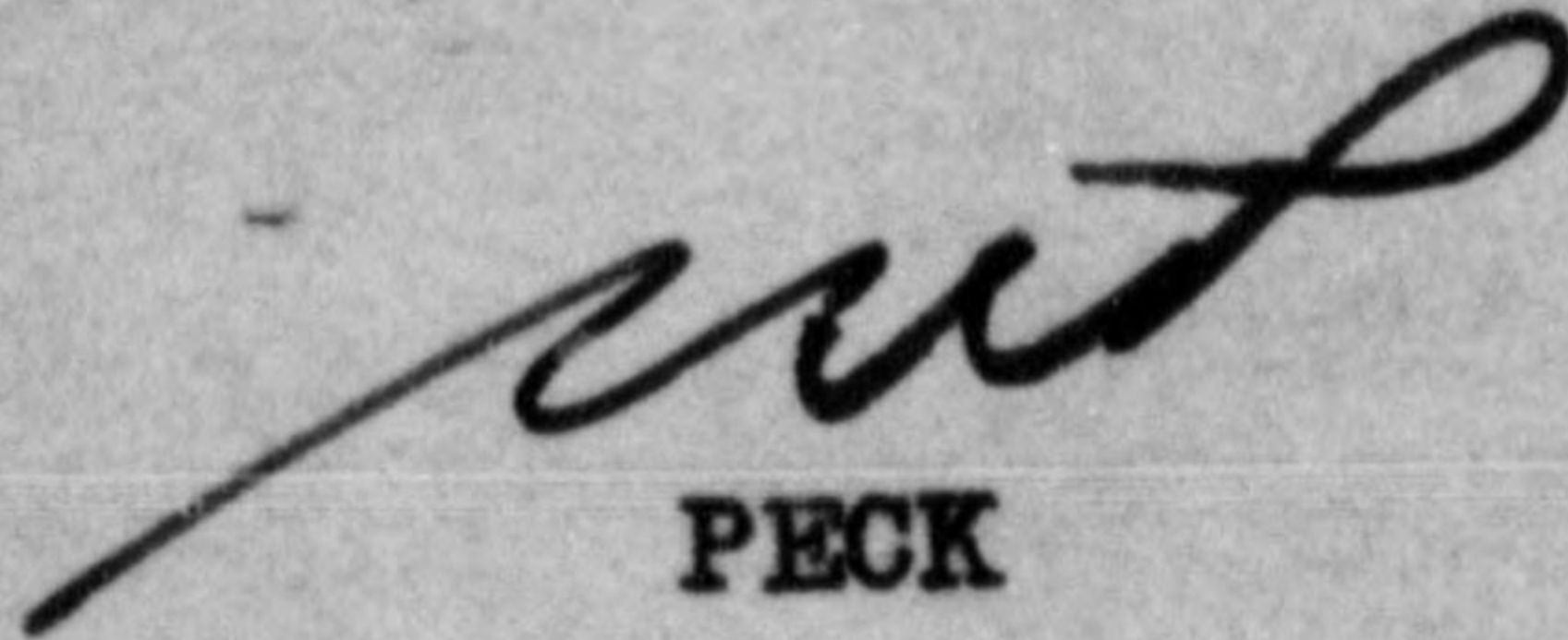
CS 13207

Date 23 June 1945

To: Colonel Charles W. McCarthy, Secy.,
S.W.N.C.C.

Subject: Charter of the United Nations
International Organization.

Here is a copy of one that will be on
its way to the Secretary of War and the
Secretary of Navy when signed by Admiral
Leahy.



PECK



THE JOINT CHIEFS OF STAFF
WASHINGTON 25, D. C.

Secretary, SWNCC



23 June 1945.

MEMORANDUM FOR THE SECRETARY OF WAR:
SECRETARY OF THE NAVY:

Subject: Charter of the United Nations
International Organization.

The Joint Chiefs of Staff have examined the enclosed draft text of the charter of the United Nations International Organization as furnished them by the military advisers at the San Francisco Conference. They are of the opinion that the military and strategic implications of this draft charter as a whole are in accord with the military interests of the United States.

For the Joint Chiefs of Staff:

WILLIAM D. LEAHY,
Fleet Admiral, U. S. Navy,
Chief of Staff to the
Commander in Chief of the Army and Navy.

Enclosure.

CHARTER OF THE UNITED NATIONS INTERNATIONAL ORGANIZATION

CHAPTER I

PURPOSES AND PRINCIPLES

PURPOSES

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 the 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.

PRINCIPLES

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 member or 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 provisions of 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 United Nations shall ensure that states not members 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 Organizations at San Francisco, or having previously signed The Declaration of the United Nations of January 1, 1942, sign the present charter and ratify it in accordance with Article 82.

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 which, 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.

3. The action of the General Assembly shall be promptly communicated by the Secretary General to the Government of the United States of America, as the depositary of the charter, and to the governments of all other members of the United Nations.

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 exercises 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, an international court of justice and a secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with 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 the principal and subsidiary organs.

CHAPTER IV

THE GENERAL ASSEMBLY

COMPOSITION

Article 10

The General Assembly shall consist of all the members of the United Nations. Each member shall have not more than 5 representatives in the General Assembly.

FUNCTIONS AND POWERS

Article 11

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 in Article 12 (X) may make recommendations to the members of the United Nations or to the Security Council or both on any such questions or matters.

Article 12

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 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 non-member state in accordance with the provisions of Article 38, paragraph 2, and except as provided in Article 12 (X) may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or both. A 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 out in paragraphs 1, 2 and 3 of this Article shall not limit the general scope of Article 11.

Article 12 (X)

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 basic freedoms for all without distinction as to race, sex, language or religion.

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

Article 14

Subject to the provisions of Article 12 (X) 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 adopted or applied to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other bodies of the organization.

Article 16

The General Assembly shall have power to approve the trusteeship agreements for areas not designated as strategic, and to perform such other functions as are assigned to it under chapters XII (X) and XII (Y).

Article 17

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

2. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 60 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

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

VOTING

Article 18

1. Each member of the United Nations shall have one vote in the General Assembly,

2. A member which is in arrears in the payment of its financial contributions to the organization shall have no vote 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.

Article 19

Decision of the General Assembly on important questions shall be made by a two-thirds majority of those 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 United Nations which are to designate the members on the Trusteeship Council in accordance with the provisions of Article 86 (C) the admission of new members to the United Nations, the expulsion of members, the suspension of the rights and privileges of members, questions relating to the operations of the trusteeship system, and budgetary questions. Decisions on other question - including the determination of additional categories of question to be decided by a two-thirds majority - shall be made by a majority of those present and voting.

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 COUNCILCOMPOSITIONArticle 23.

1. The Security Council shall consist of eleven members of the United Nations, 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 France 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 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 reelection.

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

PRIMARY RESPONSIBILITYArticle 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 and VIII.

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

Article 25.

The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the provisions of 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, 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.

Each member of the Security Council shall have one vote.

Article 28.

Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

Article 29.

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 Articles _____ to _____ inclusive, and under the last sentence of paragraph _____ of Article _____ a party to a dispute shall abstain from voting.

PROCEDURE

Article 30.

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 may best facilitate its work.

Article 31.

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

Article 32.

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

Article 33.

Any member of the United Nations may participate 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 34.

Any member of the United Nations which is not a member of the Security Council or any state 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 in the discussion relating to the dispute. The Security Council shall lay down such conditions as it may deem just for the participation of a state which is not a member of the United Nations.

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES.

Article 36

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

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

Article 37

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 its continuance is likely to endanger the maintenance of international peace and security.

Article 38

1. Any member of the United Nations may bring any dispute or any situation of the nature referred to in Article 37 to the attention of the Security Council, or of the General Assembly which will act in accordance with the provisions of Articles 12 and 12 (X).

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.

Article 39

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 36 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 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 40

1. Should the parties to a dispute of the nature referred to in Article 36 fail to settle it by the means indicated in that article they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 39 or to recommend such terms of settlement as it may consider appropriate.

Article 41

Without prejudice to the provisions of Articles 36-40 of this chapter, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a peaceful settlement of the dispute.

CHAPTER VIIACTION WITH RESPECT TO THREATS TO THE PEACE,
BREACHES OF THE PEACE AND ACTS OF AGGRESSIONArticle 43

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 the provisions of Articles 45 and 46, to maintain or restore international peace and security.

Article 44

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 43, 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 45

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

Article 46

Should the Security Council consider that measures provided for in Article 45 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 47

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 member states or between the Security Council and groups of member states and shall be subject to ratification by the signatory states in accordance with their constitutional processes.

Article 48

When the Security Council has decided to use force it shall, before calling upon a member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 47; invite that member, if the member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that members' armed forces.

Article 49

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 47, by the Security Council with the assistance of the Military Staff Committee.

Article 50

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

Article 51

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Councils' 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 Chief of Staff of the permanent members of the Security Council or their representative. 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 committees' 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 dealt with 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 52

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 53

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

Article 54

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 55

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 organization, 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 may deem necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTSArticle 55

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

Article 56

1. The Security Council shall, where appropriate, utilize such 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 described below, provided for pursuant to Article 80, 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 2nd World War has been an enemy of any signatory of the present charter.

Article 57

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 58

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 59

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 58.

Article 60

1. The various specialized agencies established by inter-governmental agreement, and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 65.

2. Specialized agencies thus brought into relationship with the organization are hereinafter referred to as "the specialized agencies".

Article 61

The organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 62

The organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agency required for the accomplishment of the purposes set forth in Article 58.

Article 63

Responsibility for the discharge of the organization's functions 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 IX (X in final text).

CHAPTER X
(was IX in preliminary draft)

ECONOMIC AND SOCIAL COUNCIL COMPOSITION

Article 63

1. The Economic and Social Council shall consist of eighteen members of the United Nations elected by the General Assembly. Each member of the Economic and Social Council shall have one representative.

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.

FUNCTIONS AND POWERS

Article 64

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.

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 65

1. The Economic and Social Council may enter into an agreement, approved by the General Assembly, with any of the agencies referred to in Article 60, defining the terms on which the agency concerned shall be brought into relationship with the United Nations.

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 66

1. The Economic and Social Council is authorized to take appropriate steps to obtain regular reports from the specialized agencies. It is authorized to 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 those recommendations falling within its competence which are made by the General Assembly.

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

Article 67

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

Article 68

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 the members of the United Nations and at the request of the specialized agencies.

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

VOTING

Article 69

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

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

PROCEDURE

Article 70

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 71

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 72

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

Article 73

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 concerned.

Article 74

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 X

THE INTERNATIONAL COURT OF JUSTICE

Article 64

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 65

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 recommendation of the Security Council.

Article 66

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 it necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 67

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.

* Not received by Secretariat.

Article 68

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 brought into relationship with it 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 XI

THE SECRETARIAT

Article 69

There shall be a secretariat comprising a Secretary-General and such staff as the organization may require. The Secretary-General shall be appointed by the General Assembly on the recommendation of the Security Council. He shall be the chief administrative officer of the organization.

Article 70

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 organizations. The Secretary-General shall make an annual report to the General Assembly on the work of the organization.

Article 71

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

Article 72

1. In the performance of their duties the Secretary-General and the staff shall be responsible only to the organization. They 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 officers.

2. Each member of the organization 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 73

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.

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 XII

POLICY REGARDING NON-SELF-GOVERNING TERRITORIESArticle 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

(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 with the appropriate international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this paragraph; 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 chapter XII (A) of the present charter applies.

Article 74

Members of the United Nations 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 (X)

INTERNATIONAL TRUSTEESHIP SYSTEMArticle 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 hereafter referred to as trust territories.

Article 76

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

- (A) To further international peace and security.
- (B) To promote the political, economic, social, and educational advancement of the inhabitants of the trust territories and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (C) To encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- (D) To 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 2nd 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 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 should be based on respect for the principle of sovereign equality.

Article 79

The terms of the 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 82 and 84.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made in accordance with the provisions of this chapter, 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 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 such agreements for placing mandated and other territories under the trusteeship system as may be concluded in accordance with the provisions of this chapter.

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 shall exercise the administration of the trust territory. Such authority, hereafter called the administering authority, may be one or more states or the United Nations itself.

Article 81 (X)

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 47.

Article 82

1. All functions of the United Nations related 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 83

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 undertaken by the administering authority under Article 47 and as well as for local defense and the maintenance of law and order within the trust territory.

Article 84-85

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, under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XII (Y)

THE TRUSTEESHIP COUNCIL

COMPOSITION

Article 86

The Trusteeship Council shall consist of specially qualified representatives designated as follows:

(A) One each by the members of the United Nations administering trust territories.

(B) One each by such of the members mentioned by name in Article 23 as are not administering trust territories, and,

(C) One each by as many other members of the United Nations elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of representatives is equally divided between administering and non-administering members of the United Nations.

FUNCTIONS AND POWERS

Article 87

The Trusteeship Council, in carrying out its functions as authorized by the General Assembly, 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 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 88 (X)

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

PROCEDURE

Article 89

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 90

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 XIII

MISCELLANEOUS PROVISIONS

Article 74

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 75

In the event of a conflict between the obligations of the members of the United Nations under the present charter and any other international obligations to which they are subject, their obligations under the present charter shall prevail.

Article 76

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 77

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 organization 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 organization for this purpose.

CHAPTER XIV

TRANSITIONAL SECURITY ARRANGEMENTSArticle 79

Pending the coming into force of such special agreements referred to in Article 47, as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 46, 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 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.

Article 80

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 XV

AMENDMENTSArticle 81

Amendments to the present charter shall 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 two-thirds of the members of the organization, including all the permanent members of the Security Council.

Article 81 (X)

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 General Assembly and by a vote of any seven members of the Security Council. Each member shall have one vote in the conference.
2. Any modification 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 organization 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 entry 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 XV (X)

RATIFICATION AND SIGNATURE

Article 82

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 elected.

3. The present charter shall come into force upon the deposit of ratifications by 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 France, and by a majority of the other signatory states. A protocol of such deposit shall 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 members of the United Nations on the date of the deposit of their respective ratifications.

Article 83

The present charter, of which the Chinese, English, French, Russian 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 United Nations
have signed the present charter.

Done at the City of San Francisco the twenty-third day
of June one thousand nine hundred and forty-five.