

EVERYBODY'S GUIDE
to the CHARTER OF UNITED NATIONS

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附聯合國準備委員會過渡辦法

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EVERYBODY'S GUIDE

to the **CHARTER OF UNITED NATIONS**

By **W. N. Ewer**

Diplomatic Correspondent of the "Daily Herald" (London)

with

**INTERIM ARRANGEMENTS ON PREPARATORY
COMMISSION OF THE UNO**

With Chinese Translation

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United Nations

**EVERYBODY'S GUIDE to the CHARTER OF UNITED
NATIONS** By W. N. Ewer

**INTERIM ARRANGEMENTS ON PREPARATORY COM-
MISSION OF THE UNO**

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EDITOR S. NOTE

In view of the fact that the CHARTER OF UNITED NATIONS is technical in its 111 Articles, an interpretation in popular language such as the present GUIDE, serving as an introductory, to the text of the CHARTER (published under separate cover), is not only desirable but also needed.

Recently the Preparatory Commission held session in London for the purpose of making preparations for the establishment of the United Nations Organization. The establishment and functions of the Preparatory Commission itself are not included in the Charter, but the Interim Arrangements signed at the San Francisco as one of the final documents of the UNO Conference provided for the Preparatory Commission to be a necessary step leading to the embodiment of the UNO. It is, therefore, printed herein to be read with the Charter.

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人人必讀 聯合國憲章指南

歐愛爾

問 簽字於聯合國憲章的是那些國家？

答 所有聯合作戰的各國。

問 現在歐戰業已結束，這些國家聯合的目的何在？

答 各國在所簽字的憲章內鄭重的宣稱：

「維持正義，尊重由條約而起之義務」；

「促成社會進步及較善之民生」；

「力行容恕，以善鄰之道和睦相處」；

「集中力量維持和平并防止戰爭」。(一)

問 各國如何實行上項目的。如何聯合？

答 第一，聯合國有一大會。各會員國無論大小，均派代表出席大會。又各會員國無論大小，均有一

投票權。(二)

問 俄國事實上不是有三個投票權嗎？

答 蘇聯只有一投票權，但烏克蘭與白俄羅斯兩共和國各有外交部及外長，所以也各有一投票權。(三)

(一)序言

(二)第四章

(三)第十八條

問 英帝國豈不是也有六個投票權的集體嗎？

答 並不，每一個自治領——連印度——與聯合王國（即英本國）各有一投票權，恰與在舊國際聯盟大會相同。在日內瓦和舊金山會議中，他們往往是五投反對票的。

問 大會做些什麼事？

答 討論各項國際問題，并向各會員國提出建議。（四）

問 舉例說，能提議修改現行條約嗎？

答 不能。在舊金山會議時，埃及曾建議應能修改。但是只有三四國贊成。多數國家認為這樣做法不能解決，反會多增困難。

問 英國政府對這一點是怎樣主張的？

答 英國贊成有一款說明大會對於任何足以損傷各國間友好關係的局勢，能建議和平解決辦法。并主張這裏面可包括提議修改條約，倘若現行條約對於友好關係確有損傷的話。

問 何為「安全理事會」？

答 安全理事會是由聯合國執行機關。其職務為處理各國間的爭議，并覓取和平解決的方法。若有任何國家破壞和平或有侵略行為，安全理事會當請聯合國各會員國採取恢復和平所必要的行動。

。（五）

問 這可解作安全理事會能令一個國家開戰嗎？

答 不。有一個特別協定，由這協定，會員國如果願意，可以其武裝軍隊全部或一理交由理事會指揮。

（四）第四章職權
（五）第五，六，七章

。但會員國如不願意這樣做，便只可請他們斷絕經濟或政治關係。並沒有要與侵略國作戰的義務。(六)

問 聯合國的兩會員國如果發生爭端又怎樣？

答 如有可能，希望他們能自行和平解決，或經由所隸屬的區域組織解決。若解決不了，雙方的任何一方得請安全理事會處理。或由安全理事會決定出而干涉。(七)

問 以後又怎樣？

答 安全理事會當調查該問題，經調查後，得提出解決建議。又或倘屬司法問題，則移送國際法院。

(八)

問 國際法院是什麼？

答 國際法院是由一批依特別規約選舉出來的著名法律家組織而成。該法院以法庭資格開庭并依照國際法對各項問題，如條約之正確解釋等裁判。(九)

問 國際法院處理政治問題嗎？

答 不。只處理純粹法律的問題。關於政治問題，是要由安全理事會依照憲章原則建議解決辦法的。聯合國所有會員國全都必須接受安全理事會的決議嗎？

(六)第七章

(七)第六章，第八章

(八)第六章，第十四章

(九)第十四章及國際法院規約專册

答 必須接受。他們同意「依憲章之規定，接受并履行安全理事會之決議。」(10)

問 那麼一切爭端正常的應由爭端各當事國，或由區域組織，或由安全理事會和平解決了？

答 正是如此。和平解決爭端是安全理事會的主要職務。

問 是如有任何國家不肯接受安全理事會的決議，或不肯和平解決時當怎樣辦？若對和平有威脅或有一國從事侵略又怎樣辦？

答 到那時候安全理事會可請聯合國會員國與犯事的國家斷絕全部或一部的經濟關係，并斷絕交通和外交關係。(11)

問 他們必須應命嗎？

答 當然。該記得所有各會員國都會同意履行安全理事會的決議。

問 安全理事會就祇能做到這一步嗎？

答 不祇的。倘若安全理事會認為這些辦法不足時，得「採取必要之空海陸軍行動，以維持或恢復和平。」(11)

問 有現成的軍隊供立即行動嗎？

答 有的，擔任對此等行動合作的各國，於安全理事會促請時，應將其本國空軍部隊隨時供給調遣。這時并已將所準備供給的其他陸海空軍部隊報告於安全理事會。

(10) 第五條

(11) 第四十一條

(12) 第四十二條

(13) 第四十五條，四十三條

問 這算是國際軍力嗎？

答 不算。由安全理事會及其軍事參謀團訂成計劃，但是除非另有特別協定，當由各國指揮官執行。

(二四)

問 那些國家任安全理事會的理事國？

答 五大國——英、美、法、蘇、中——及其他六國、此六國由大會選舉，任期二年。(一五)

問 據說五大國中任何一國皆能阻止安全理事會討論小國提出問題，這話真確嗎？

答 不確。在安全理事會作決議前，五大國必須先一致同意。這是因為必要時，須由他們執行決議。

。但是英國政府的堅持一個大國應有否決權不能便說是可以阻止討論。

問 又大國縱然是討論中的爭端當事國，在安全理事會仍能投票，這話是真的嗎？

答 這倒是真的。安全理事會全體理事國對所有的問題都能投票——雖然他們是爭端的當事國。英國

政府反對這項辦法，想規定爭端當事國不應投票。但卒放棄這個主張以求得同意。

問 設立託管理事會，意思是不是託管的國家永遠不能獨立？

答 適得其反。經規定託管制度的一個目標為增進託管領土趨向自治或獨立的發展。(一六)

問 在憲章裏面，聯合國會員國承諾合作解決國際經濟，社會及文化問題。情形如何？

答 要設立經濟暨社會理事會，由大會選舉十八會員國為理事，任期三年。(一七)

(一四)第四十五，六，七條

(一五)第二十三條

(一六)第十二章，第七十六條

(一七)第十章，第六十一條

問 經濟暨社會理事會做些什麼事？

答 其權力與職務故意使其留有彈性，因為這是一個很大的實驗。這樣一個國際性的經濟理事會，在歷史上還是初次，要隨經驗最善者而發展。(一八)

問 但是究竟要做些什麼事呢？

答 調查各種經濟暨社會事項，如教育，勞工狀況或衛生事業等，幷作成建議。

問 會員國必須接受其建議嗎？

答 不必須。如果這樣，會干涉到會員國的內政。但是各國輿論將知道經濟暨社會理事會曾向其政府建議應該做些什麼事。

(一八)第十章職權

聯合國設置準備委員會過渡辦法

出席舊金山市聯合國國際組織會議各國政府業經決定設立一國際組織，稱為聯合國，於本日簽訂聯合國憲章，並

決心在憲章發生效力兼依憲章規定成立聯合國以前，應設置聯合國準備委員會，辦理各項職權與任務。

同意如左：

一、茲設置聯合國準備委員會，以訂定大會，安全理事會，經濟暨社會理事會，及託管委員會首屆會議並召集國際法院之臨時辦法。

二、本委員會由憲章簽字各國政府代表各一人組織之。本委員會應自訂辦事細則及程序。本委員會之職權，在委員會休會期間，應由一執行委員會行使之。執行委員會之組織，包含本會議執行委員會之各國政府代表。執行委員會應委派必要之小組委員會以便利工作，並利用有特殊智識與經驗之人材。

三、本委員會設秘書主任一人，行使辦理委員會所決定之職權及任務，並設必要之職員，以助理一切。職員應儘可能包含參加各國所派之人員，由秘書主任聘任之。

四、本委員會應：

甲、召集大會首屆會議；

乙、準備本組織各主要機構首次會議之臨時議程，並準備議程下事項之有關文件及建議；

丙、擬具關於可能移轉國際聯盟某數項職務、活動及資產爲新組織認爲宜於依照將來另訂辦法

加以接收者之建議；

丁、審查涉及建立各政府間專門組織及協會與本組織關係之問題；

戊、依照國際法院規約之規定，邀請提出該法院法官候選人；

己、準備關於組織秘書處之建議；

庚、研究並準備關於本組織永久所在地之建議。

五、本委員會之經費及召集第一屆大會所需之費用，由大不列顛及北愛爾蘭聯合王國政府負擔，或經本委員之請求，由其他國家政府分担。各政府所預付款項，得在應繳本組織第一批會費內扣除之。

六、本委員會會址設於倫敦。本委員會應於聯合國國際組織會議結束後立即舉行第一次會議。執行委員會應於本組織憲章發生效力後儘可能從速召集本委員會開會，以後凡認爲適宜時皆得召集之。

七、本委員會於本組織秘書長選出後即停止存在，屆時其財產檔案均應移交於本組織。

八、美利堅合衆國政府暫負保管之責，本臨時辦法五種文庫簽字原件交其保管，副本分送各簽字國政府。美利堅合衆國政府當於秘書長指定時將原件移交與秘書長。

九、本文件即日生效，並將繼續公開由聯合國各創始會員國簽字，至本委員會依照第七款規定解散時爲止。

爲此下列署名爲此目的之各代表簽字於本文件之英、法、中、俄、西文本，各本一同作準。
公曆一千九百四十五年六月二十六日簽字於舊金山市。

(各國簽字代表名單已附刊於聯合國憲章後請參看。)

EVERYBODY'S GUIDE

to the

CHARTER OF UNITED NATIONS

By *W. N. Ewer*

Diplomatic Correspondent of the "Daily Herald" (London)

Q. Who are the United Nations that have signed the Charter at San Francisco?

A. All the nations which have been united in the war.

Q. For what purpose, now that the war in Europe is over, are all these nations united?

A. They have solemnly said, in the Charter they have signed, that they have united:

"to ensure justice and respect for the obligations arising from treaties";

"to promote social progress and better standards of life";

"to practice tolerance and live together in peace as good neighbours";

"to unite their strength to keep the peace and prevent new war." (1)

Q. How will they do this. How will they work together?

A. First there is to be a General Assembly of all the United Nations. Every country, big or small, will send its representatives to the Assembly. And every country, big or small, will have one vote. (2)

Q. But has not Russia, in fact, three votes?

A. The Union of Soviet Socialist Republics has one vote only, but the Republics of the Ukraine and White Russia, which have their own Foreign Offices and Foreign Ministers, will each have a vote as well. (3)

(1) Preamble 4.

(2) Chapter IV.

(3) Article 18.

Q. Does not the British Empire have a bloc of six votes?

A. No. Each Dominion—and India—has a vote as well as they did in the Assembly of the Old League. Both at Geneva and during the San Francisco Conference they frequently voted on opposite sides.

Q. What will the Assembly do?

A. It will discuss all kinds of international questions, and will make recommendations to all its member States. (4)

Q. Can it, for example, suggest the revision of existing treaties?

A. No. At San Francisco, Egypt proposed that it should be able to do this. But only three or four other States thought this might make more difficulties than it would settle.

Q. What did the British Government say to this?

A. The British Government supported a clause saying that the Assembly can recommend measures for the peaceful settlement of any situation which may impair friendly relations among nations. And it holds that this could include suggestions for revision of treaties, if an existing treaty was really impairing friendly relations.

Q. What is the "Security Council?"

A. The Security Council is to be the executive organ of the United Nations. It will have the duty of dealing with disputes between nations, of finding ways and means of settling them peacefully. And, if any nation breaks the peace or commits an aggression, the Council will call on the members of the United Nations to take such action as it's necessary to restore peace. (5)

Q. Does this mean that the Council can order a country to go to war?

A. No. There will be a special agreement by which member States can, if they choose, put their armed forces, or parts of them at the disposal of the Council. But, unless they do, they can only be asked to break off economic or political arrangements. There is no obligation to go to war against an aggressor. (6)

(4) Chapter IV. Functions.

(5) Articles 5, 6 and 7.

(6) Chapter VII.

Q. What will happen if there is a dispute of some kind between two of the United Nations?

A. They will be expected, if possible, to settle it peacefully between themselves, or through the agency of any regional organization to which they belong. But if they fail to do this, either of them may ask the Security Council to deal with it. Or the Council itself may decide to intervene. (7)

Q. What then?

A. The Council will then investigate the question. It may, after the investigation, make recommendations for settling the dispute. Or, if it is on a juridical question, it can refer the parties to the International Court of Justice. (8)

Q. What is the Court of Justice?

A. This will comprise a body of eminent lawyers, chosen under the terms of a special statute. It will sit as a court and give judgments, in accordance with the rules of international law, on such questions, as, for example, the correct interpretation of a treaty. (9)

Q. But will it deal with political questions?

A. No. Only purely legal questions. On political questions, it is the Security Council itself which will recommend a settlement in accordance with the principles of the Charter.

Q. Are all members of the United Nations bound to accept the decisions of the Council?

A. Yes. They agree to "accept and carry out the decisions of the Security Council in accordance with the Charter." (10)

Q. So normally it is expected that all disputes will be settled peacefully either by the parties themselves, or by regional organizations, or by the Security Council?

A. Exactly. Peaceful settlement of disputes is the chief duty of the Council.

Q. But what will happen if any State refuses to accept the Council's decision, or to settle a dispute peacefully? What

(7) Chapters VI and VII.

(8) Chapters VI and XIV.

(9) Chapter XIV and The International Court of Justice.

(10) Article 25.

if there is a threat to the peace, or if a State commits an aggression?

A. Then the Council can call on the members of the United Nations to break off—wholly or in part—economic relations with the offending State, and to cut off all communications with it, and to break diplomatic relations with it. (11)

Q. Must they obey the call?

A. Yes. Remember they have all agreed to carry out the Council's decisions.

Q. Is that all the Council can do?

A. No. If the Council thinks such measures are inadequate, it can "take such action by air, sea and land forces as may be necessary to maintain or restore peace." (12)

Q. Will there be forces ready to take action at once?

A. Yes. The nations which undertake to co-operate in such action if called on will hold air force contingents immediately available for use at the request of the Council. They will also have informed the Council what other forces—land, sea and air—they are prepared to provide. (13)

Q. Will this be an international force?

A. No. Plans will be made by the Council and its Military Staff Committee. But they will be carried out, unless there are special agreements, by the forces of each country under their own commanders. (14)

Q. Who will be the members of the Council?

A. The five Great Powers—Britain, America, France, Russia and China—and six others who will be elected for two year terms by the Assembly. (15)

Q. Is it true any one of the Great Powers can prevent the Security Council from discussing any question which a smaller country might bring before it?

A. No. All five Great Powers have to be unanimous before the Council can make a decision. This is because it is they who will have, if necessary, to enforce the decisions.

(11) Article 41.

(12) Article 42.

(13) Articles 45 and 43.

(14) Articles 45, 43 and 47.

(15) Article 28.

But the British Government insisted that the right of a Great Power to veto action should not mean that it can prevent discussion.

Q. It is true that a Great Power can vote in the Council even when it is a party to the dispute which is being considered?

A. Yes. All members of the Council can vote on all questions—even though they are parties to the dispute. The British Government was against this, and wanted a rule by which a party to a dispute should not vote. But it had to give way on this point in order to get agreement.

Q. Does the setting up of the trusteeship system mean that countries put under it will never become independent?

A. On the contrary, it is laid down that one of the objects of the system is to promote the development of the Trust territories towards self-government or independence. (16)

Q. In the Charter, the members of the United Nations promise to co-operate in solving international economic, social and cultural problems. What is being done about this?

A. There is to be an Economic and Social Council of 18 Member States elected for three-year terms by the General Assembly. (17)

Q. What will this Council do?

A. Its powers and duties are deliberately left rather elastic, because this is a big experiment. It is the first time in history that there has ever been such an international economic council. And it will have to develop as experience proves best. (18)

Q. But what sort of things will it do?

A. It will investigate and make recommendations on all kinds of economic and social matters—such things as education and labour conditions, or health services.

Q. Will Member States be bound to accept its recommendations?

A. No. That would be interference in their internal affairs. But public opinion in every country will know what the Council has recommended its government to do.

(16) Chapter, XII, Article 76.

(17) Chapter X, Article 61.

(18) Chapter X, Functions.

INTERIM ARRANGEMENTS

(Concluded by the Governments Represented at the United Nations Conference on International Organization)

The Governments represented at the United Nations Conference on International Organization in the City of San Francisco.

Having determined that an international organization to be known as the United Nations shall be established,

Having this day signed the Charter of the United Nations, and

Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission of the United Nations should be established for the performance of certain functions and duties.

AGREE as follows:

1. There is hereby established a Preparatory Commission of the United Nations for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Secretary Council, the Economic and Social Council, and the Trusteeship Council, and for the convening of the International Court of Justice.

2. The Commission shall consist of one representative from each government signatory to the Charter. The Commission shall establish its own rules of procedure. The functions and powers of the Commission, when the Commission is not in session, shall be exercised by an Executive Committee composed of the representatives of those governments now represented on the Executive Committee of the Conference. The Executive Committee shall appoint such committees as may be necessary to facilitate its work, and shall make use of persons of special knowledge and experience.

3. The Commission shall be assisted by an Executive Secretary, who shall exercise such powers and perform such duties as the Commission may determine, and by such staff as may be required. This staff shall be composed so far as

possible of officials appointed for this purpose by the participating governments on the invitation of the Executive Secretary.

4. The Commission shall:

(a) convoke the General Assembly in its first session;

(b) prepare the provisional agenda for the first sessions of the principal organs of the Organization, and prepare documents and recommendations relating to all matters on these agenda;

(c) formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new Organization to take over on terms to be arranged;

(d) examine the problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the Organization;

(e) issue invitation for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court;

(f) prepare recommendations concerning arrangements for the Secretariat of the Organization; and

(g) make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization.

5. The expenses incurred by the Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requests, shared by other governments. All such advances from governments shall be deductible from their first contributions to the Organization.

6. The seat of the Commission shall be located in London. The Commission shall hold its first meeting in San Francisco immediately after the conclusion of the United Nations Conference on International Organization. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organization comes into effect and whenever subsequently it considers such a session desirable.

7. The Commission shall cease to exist upon the election of the Secretary-General of the Organization, at which time its property and records shall be transferred to the Organization.

8. The Government of the United States of America shall be the temporary depository and shall have custody of the original document embodying these interim arrangements in the five languages in which it is signed. Duly certified copies thereof shall be transmitted to the governments of the signatory states. The Government of the United States of America shall transfer the original to the Executive-Secretary on his appointment.

9. This document shall be effective as from this date, and shall remain open for signature by the states entitled to be the original Members of the United Nations until the Commission is dissolved in accordance with paragraph 7.

IN FAITH WHEREOF, the undersigned representatives, having been duly authorized for that purpose, sign this document in the English, French, Chinese, Russian, and Spanish languages, all texts being of equal authenticity.

Done at the City of San Francisco, the 26th day of June, one thousand nine-hundred and forty-five.