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Charter and Structure of the United Nations

The structure and some of the most important procedures of the United Nations are set forth in its Charter (For full text, see Appendix, p. 159). This constitutional document, approved by the San Francisco Conference, has remained formally unchanged, except for the enlargement of the Security Council and the Economic and Social Council. It provides the legal, institutional framework for the organization. Examining its main features helps in estimating the UN’s success in reaching its main goal: the maintenance of international peace and security. Moreover, knowledge of the constitutional structure is essential for useful discussion of possible reforms.

The aims of the organization are introduced in soaring and yet sober language, as was doubtless appropriate at the end of a terrible war. The preamble, which has no strict legal application, contains a well-known, inspirational example:

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...

It is followed by two articles which describe the concrete purposes of the institution and the means provided to meet its lofty ends.

Among its broad range of activities, the central purpose is the maintenance of peace and security, the first aim set out in Article 1 of the Charter. A series of related purposes follow. These include friendly relations among nations, achieving cooperation to solve international problems of an economic, social, cultural or humanitarian character, and harmonization of the action of members so as to attain these ends. The implied assumption of the aims holds that broad cooperation would prevent war.
Two of the most elaborate chapters of the Charter contain the provisions for activities intended to maintain peace. Yet ‘peace’ is nowhere explicitly defined. It may be taken to mean only an absence of international violence and the protection of the territorial status quo from forceful alteration. Chapter VI of the Charter deals with the peaceful settlement of disputes which if continued might lead to a breakdown of the peace. Chapter VII authorizes coercive ‘...action with respect to threats to the peace, breaches of the peace, and acts of aggression.’

Arrangements for international economic and social cooperation intended to underpin a peaceful international order make up Chapters IX and X of the Charter. They include a wide-ranging declaration of principles that extend the scope of international organization beyond precedents. That prominent feature of international politics in 1945, the colonial empires, is treated in Chapters XI and XII. Chapter XI consists of a ‘declaration regarding non-self-governing territories’ in which members that administer territories that have not yet attained a full measure of self-government, accept a set of regulating principles. To the people of such territories, the Charter promises self-government but not necessarily independence.

A Trusteeship System that includes closer UN supervision of a special set of non-self-governing territories is set out in Chapter XII. These lands were to be brought at least to self-government and perhaps independence. Included in the system were at least the territories taken from the vanquished in the two world wars. Thus, it succeeded the League of Nations mandates system. All but one of the territories, South West Africa (now called Namibia), that the League supervised, were made Trust Territories. Other colonies could have been placed under the system, but none ever were.

Close relatives

Whatever the wishes of the wartime planners who framed the UN Charter, it closely resembles the Covenant of the League of Nations. The drafting committees that worked on the Charter, sought to start with a clean slate in order to scotch fears that the new organization merely revived a failure. They developed significantly different features for the United Nations but nevertheless were bound by basic facts of international politics.

As with the League, only sovereign states could join the UN. In both cases, the purpose was to prevent a breakdown of international stability as defined after a war. Both organizations established permanent