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01 June 1945
30 June 1945

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03/06

S-1019
Box-3
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(PAGE 2.3)

Draft

國際法院規約

第一條

聯合國憲章所設之國際法院為聯合國主要司法機關，其組織及職務之行使應依本規約之下列規定。

第一章

法院之組織

第二條

法院以獨立法官若干人組織之。此項法官應不論國籍，就品格高尚並在各本國具有最高司法職位之任命資格或公認為國際法之法學家中選舉之。

第三條

一. 法院以法官十五人組織之，其中不得有二人為同一國家之國民。

二. 就充任法院法官而言，一人而可視為一個國家以上之國民者，應認為屬於其通常行使公民及政治權利之國家或會員國之國民。

第四條

一. 法院法官應由大會及安全理事會依下列規定就常設公斷法院各國團體所提出之名單內選舉之。

二. 在常設公斷法院並無代表之聯合國會員國，其候選人名單應由各該國政府專為此事而委派之團體提出；此項各國團體之委派，準用一九〇七年海牙和平解決國

際紛爭條約第四十四條規定委派常設公斷法院公斷員之條件。

三. 凡非聯合國會員國而已接受法院規約之國家，其參加選舉法院法官時，參加條件，如無特別協定，應由大會經安全理事會之提議規定之。

第五條

一. 聯合國秘書長至遲應於選舉日期三個月前，用書面邀請屬於本規約當事國之常設公斷法院公斷員，及依第四條第二項所委派之各國團體，於一定期間內分別由各國團體提出能接受法官職務之人員。

二. 每一團體所提人數不得超過四人，其中屬其本國國籍者不得超過二人。在任何情形下，每一團體所提候選人之人數不得超過應佔席數之一倍。

第六條

各國團體在提出上項人員以前，宜諮詢本國最高法院、大學法學院、法律學校、專研法律之國家研究院、及國際研究院在各國所設之各分院。

第七條

一. 秘書長應依字母次序，編就上項所提人員之名單。除第二十條第二項規定外，僅此項人員有被選權。

二. 秘書長應將前項名單提交大會及安全理事會。

第八條

大會及安全理事會各應獨立舉行法院法官之選舉。

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第九條

每次選舉時，選舉人不獨應注意被選人必須各具必要資格，並應注意務使法官全體確能代表世界各大文化及各主要法系。

第十條

一. 候選人在大會及在安全理事會得絕對多數票者應認為當選。

二. 安全理事會之投票，或為法官之選舉或為第十二條所稱聯席會議人員之指派，應不論安全理事會常任理事及非常任理事之區別。

三. 如同一國家之國民得大會及安全理事會之絕對多數票者不止一人時，其年事最高者應認為當選。

第十一條

第一次選舉會後，如有一席或一席以上尚待補選時，應舉行第二次選舉會，並於必要時舉行第三次選舉會。

第十二條

一. 第三次選舉會後，如仍有一席或一席以上尚待補選時，大會或安全理事會得隨時聲請組織聯席會議，其人數為六人，由大會及安全理事會各派三人。此項聯席會議就每一懸缺以絕對多數票選定一人提交大會及安全理事會分別請其接受。

二. 具有必要資格人員，即未列入第七條所指之候選人名單，如經聯席會議全體同意，亦得列入該會議名單。

三. 如聯席會議確認選舉不能有結果時，應由已選出之法官，在安全理事會所定之期間內，就曾在大會或安全理事會得有選舉票之候選人中，選定若干人補足缺額。

四. 法官投票數相等時，年事最高之法官應投決定票。

二

第十三條

一. 法官任期九年，並得連選，但第一次選舉選出之法官中，五人任期應為三年，另五人為六年。

二. 上述初期法官，任期孰為三年孰為六年，應於第一次選舉完畢後立由秘書長以抽籤方法決定之。

三. 法官在其後任接替前，應繼續行使其職務，雖經接替，仍應結束其已開始辦理之案件。

四. 法官辭職時應將辭職書致送法院院長轉知秘書長。轉知後，該法官之一席即行出缺。

第十四條

凡遇出缺，應照第一次選舉時所定之辦法補選之，但秘書長應於法官出缺後一個月內，發出第五條規定之邀請書並由安全理事會指定選舉日期。

第十五條

法官被選以接替任期未滿之法官者，應任職至其前任法官任期屆滿時為止。

第十六條

一. 法官不得行使任何政治或行政職務，或執行任何其他職業性質之任務。

二. 關於此點，如有疑義，應由法院裁決之。

第十七條

一. 法官對於任何案件，不得充任代理人、律師、或輔佐人。

二. 法官曾以當事國一造之代理人、律師、或輔佐人、或以國內法院或國際法院或調查委員會委員，或以其他資格參加

FINAL PROOF—June 25th.

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任何案件者，不得參與該案件之裁決。

三. 關於此點，如有疑義，應由法院決定之。

第十八條

一. 法官除由其餘法官一致認為不復適合必要條件外，不得免職。

二. 法官之免職，應由書記官長正式通知秘書長。

三. 此項通知一經送達秘書長該法官之一席即行出缺。

第十九條

法官於執行法院職務時，應享受外交特權及豁免。

第二十條

法官於就職前應在公開法庭鄭重宣言本人必當秉公竭誠行使職權。

第二十一條

一. 法院應選舉院長及副院長，其任期各三年，並得連選。

二. 法院應委派書記官長，並得酌派其他必要之職員。

第二十二條

一. 法院設在海牙，但法院如認為合宜時，得在他處開庭及行使職務。

二. 院長及書記官長應駐於法院所在地。

第二十三條

一. 法院除司法假期外，應常川辦公。司法假期之日期及期間由法院定之。

二. 法官得有定時假期，其日期及期間，由法院斟酌海牙與各法官住所之距離定之。

三. 法官除在假期或因疾病或其他重大原由，不克視事，經向院長作適當之解釋外，應常川備由法院分配工作。

第二十四條

一. 法官如因特別原由認為於某案之裁判不應參與時，應通知院長。

二. 院長如認某法官因特別原由不應參與某案時，應以此通知該法官。

三. 遇有此種情形，法官與院長意見不同時，應由法院決定之。

第二十五條

一. 除本規約另有規定外，法院應由全體法官開庭。

二. 法院規則得按情形並以輪流方法，規定准許法官一人或數人免予出席，但準備出席之法官人數不得因此減至少於十一人。

三. 法官九人即足構成法院之法定人數。

第二十六條

一. 法院得隨時設立一個或數個分庭，並得決定由法官三人或三人以上組織之。此項分庭處理特種案件，例如勞工案件及關於過境與交通案件。

二. 法院為處理某特定案件，得隨時設立分庭，組織此項分庭法官之人數，應由法院得當事國之同意定之。

三. 案件經當事國之請求應由本條規定之分庭審理裁判之。

第二十七條

第二十六條及第二十九條規定之任何分庭所為之裁判，應視為法院之裁判。

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第二十八條

第二十六條及第二十九條規定之分庭，經當事國之同意，得在海牙以外地方開庭及行使職務。

第二十九條

法院為迅速處理事務，應於每年以法官五人組織一分庭。該分庭經當事國之請求，得用簡易程序，審理及裁判案件。法院並應選定法官二人，以備接替不能出庭之法官。

第三十條

一. 法院應訂立規則，以執行其職務，尤應訂定關於程序之規則。

二. 法院規則得規定關於襄審官之出席法院或任何分庭，但無表決權。

第三十一條

一. 屬於訴訟當事國國籍之法官，於法院受理該訴訟案件時，保有其參與之權。

二. 法院受理案件，如法官中有屬於一造當事國之國籍者，任何他造當事國得選派一人為法官，參與該案。此項人員尤以就第四條及第五條規定所提之候選人中選充為宜。

三. 法院受理案件，如當事國均無本國國籍法官時，各當事國均得依本條第二項之規定選派法官一人。

四. 本條之規定於第二十六條及第二十九條之情形適用之。在此種情形下，院長應請分庭法官一人，或於必要時二人，讓與屬於關係當事國國籍之法官，如無各當事國國籍之法官或各該法官不能出席時，應讓與各當事國特別選派之法官。

五. 如數當事國具有同樣利害關係時，

四

在上列各規定適用範圍內，祇應作為一當事國。關於此點，如有疑義，由法院裁決之。

六. 依本條第二第三及第四項規定所選派之法官，應適合本規約第二條，第十七條第二項，第二十條及第二十四條規定之條件。各該法官參與案件之裁判時，與其同事立於完全平等地位。

第三十二條

一. 法院法官應領年俸。

二. 院長每年應領特別津貼。

三. 副院長於代行院長職務時，應按日領特別津貼。

四. 依第三十一條規定所選派之法官而非法院之法官者，於執行職務時，應按日領酬金。

五. 上列俸給津貼及酬金由聯合國大會定之，在任期內，不得減少。

六. 書記官長之俸給，經法院之提議由大會定之。

七. 法官及書記官長支給退休金及補領旅費之條件，由大會訂立章程規定之。

八. 上列俸給津貼及酬金，應免除一切稅捐。

第三十三條

法院經費由聯合國擔負，其擔負方法由大會定之。

第二章

法院之管轄

第三十四條

一. 在法院得為訴訟當事國者，限於國家。

二. 法院得依其規則,請求公共國際團體供給關於正在審理案件之情報。該項團體自動供給之情報,法院應接受之。

三. 法院於某一案件遇有公共國際團體之組織約章,或依該項約章所締結之國際協約,發生解釋問題時,書記官長應通知有關公共國際團體並向其遞送所有書面程序之文件副本。

第三十五條

一. 法院受理本規約各當事國之訴訟。

二. 法院受理其他各國訴訟之條件,除現行條約另有特別規定外,由安全理事會定之,但無論如何,此項條件不得使當事國在法院處於不平等地位。

三. 非聯合國會員國為案件之當事國時,其應擔負法院費用之數目由法院定之。如該國業已分擔法院經費之一部,本項規定不適用之。

第三十六條

一. 法院之管轄包括各當事國提交之一切案件,及聯合國憲章或現行條約及協約中所特定之一切事件。

二. 本規約各當事國得隨時聲明關於具有下列性質之一切法律爭端,對於接受同樣義務之任何其他國家,承認法院之管轄為當然而具有強制性,不須另訂特別協定:

(子) 條約之解釋。

(丑) 國際法之任何問題。

(寅) 任何事實之存在,如經確定即屬國際義務者。

(卯) 因違反國際義務而應予賠償之性質及其範圍。

違反

三. 上述聲明,得無條件為之,或以數個或特定之國家間彼此拘束為條件,或以一定之期間為條件。

四. 此項聲明應交存聯合國秘書長並由其將副本分送本規約各當事國及法院書記官長。

五. 曾依常設國際法院規約第三十六條所為之聲明而現仍有效者,就本規約當事國間而言,在該項聲明期間尚未屆滿前並依其條款,應認為對於國際法院強制管轄之接受。

六. 關於法院有無管轄權之爭端,由法院裁決之。

第三十七條

現行條約或協約或規定某項事件應提交國際聯合會所設之任何裁判機關或常設國際法院者,在本規約當事國間,該項事件應提交國際法院。

第三十八條

一. 法院對於陳訴各項爭端,應依國際法裁判之,裁判時應適用:

(子) 不論普通或特別國際協約,確立訴訟當事國明白承認之規條者。

(丑) 國際習慣,作為通例之證明而經接受為法律者。

(寅) 一般法律原則為文明各國所承認者。

(卯) 在第五十九條規定之下,司法判例及各國權威最高之公法學家學說,作為確定法律原則之補助資料者。

二. 前項規定不妨礙法院經當事國同意本“公允及善良”原則裁判案件之權。

第三章

程序

第三十九條

一. 法院正式文字爲英法兩文。如各當事國同意用法文辦理案件,其判決應以法文爲之。如各當事國同意用英文辦理案件,其判決應以英文爲之。

二. 如未經同意應用何種文字,每一當事國於陳述中得擇用英法兩文之一,而法院之判詞應用英法兩文。法院並應同時確定以何者爲準。

三. 法院經任何當事國之請求,應准該當事國用英法文以外之文字。

第四十條

一. 向法院提出訴訟案件,應按其情形將所訂特別協定通告書記官長或以請求書送達書記官長。不論用何項方法,均應叙明爭端事由及各當事國。

二. 書記官長應立將請求書通知有關各方。

三. 書記官長並應經由秘書長通知聯合國會員國及有權在法院出庭其他之國家。

第四十一條

一. 法院如認情形有必要時,有權指示當事國應行遵守以保全彼此權利之臨時辦法。

二. 在終局判決前,應將此項指示辦法立即通知各當事國及安全理事會。

第四十二條

一. 各當事國應由代理人代表之。

六

二. 各當事國得派律師或輔佐人在法院予以協助。

三. 各當事國之代理人、律師、及輔助人應享受關於獨立行使其職務所必要之特權及豁免。

第四十三條

一. 訴訟程序應分書面與口述兩部份。

二. 書面程序係指以訴狀、辯訴狀、及必要時之答辯狀連同可資佐證之各種文件及公文書,送達法院及各當事國。

三. 此項送達應由書記官長依法院所定次序及期限爲之。

四. 當事國一造所提出之一切文件應將證明無訛之抄本一份送達他造。

五. 口述程序係指法院審訊證人、鑑定人、代理人、律師及輔佐人。

第四十四條

一. 法院遇有對於代理人、律師、及輔佐人以外之人送達通知書,而須在某國領土內行之者,應逕向該國政府接洽。

二. 爲就地搜集證據而須採取步驟時,適用前項規定。

第四十五條

法院之審訊應由院長指揮,院長不克出席時,由副院長指揮;院長副院長均不克出席時,由出席法官中之資深者主持。

第四十六條

法院之審訊應公開行之,但法院另有決定或各當事國要求拒絕公衆旁聽時,不在此限。

第四十七條

一. 每次審訊應作成記錄,由書記官長及院長簽名。

二. 前項記錄爲唯一可據之記錄。

第四十八條

法院為進行辦理案件應頒發命令；對於當事國每造，應決定其必須終結辯論之方式及時間；對於證據之搜集，應為一切之措施。

第四十九條

法院在開始審訊前，亦得令代理人提出任何文件，或提供任何解釋。如經拒絕應予正式記載。

第五十條

法院得隨時選擇任何個人、團體、局所、委員會、或其他組織，委以調查或鑑定之責。

第五十一條

審訊時得依第三十條所指法院在其程序規則中所定之條件，向證人及鑑定人提出任何切要有關之詰問。

第五十二條

法院於所定期限內收到各項證明及證據後，得拒絕接受當事國一造欲提出之其他口頭或書面證據，但經他造同意者，不在此限。

第五十三條

一、當事國一造不到法院或不辯護其主張時，他造得請求法院對自己主張為有利之裁判。

二、法院於允准前項請求前，應查明不特依第三十六條及第三十七條法院對本案有管轄權，且請求人之主張在事實及法律上均有根據。

第五十四條

一、代理人律師及輔佐人在法院指揮下陳述其主張已完畢時，院長應宣告辯論終結。

二、法官應退席討論判決。

三、法官之評議應秘密為之，並永守秘密。

第五十五條

一、一切問題應由出席法官之過半數決定之。

二、如投票數相等時，院長或代理院長職務之法官應投決定票。

第五十六條

一、判詞應叙明理由。

二、判詞應載明參與裁判之法官姓名。

第五十七條

判詞如全部或一部份不能代表法官一致之意見時，任何法官得另行宣告其個別意見。

第五十八條

判詞應由院長及書記官長簽名，在法庭內公開宣讀，並應先期通知各代理人。

第五十九條

法院之裁判除對於當事國及本案外，無拘束力。

第六十條

法院之判決係屬確定，不得上訴。判詞之意義或範圍發生爭端時，經任何當事國之請求後，法院應予解釋。

第六十一條

一、聲請法院覆核判決，應根據發現具有決定性之事實，而此項事實在判決宣告時為法院及聲請覆核之當事國所不知者，但以非因過失而不知者為限。

二、覆核程序之開始應由法院下以裁判，載明新事實之存在，承認此項新事實

具有使本案應予覆核之性質，並宣告覆核之聲請因此可予接受。

三. 法院於接受覆核訴訟前得令先行履行判決之內容。

四. 聲請覆核至遲應於新事實發現後六個月內爲之。

五. 聲請覆核自判決日起逾十年後不得爲之。

第六十二條

一. 某一國家如認爲某案件之判決可影響屬於該國具有法律性質之利益時，得向法院聲請參加。

二. 此項聲請應由法院裁決之。

第六十三條

一. 凡協約發生解釋問題，而訴訟當事國以外尚有其他國家爲該協約之簽字國者，應立由書記官長通知各該國家。

二. 受前項通知之國家有參加程序之權；但如該國行使此項權利時，判決中之解釋對該國具有同樣拘束力。

第六十四條

除法院另有裁定外，訴訟費用由各造當事國自行擔負。

第四章

諮詢意見

第六十五條

一. 法院對於任何法律問題如經任何團體由聯合國憲章授權而請求或依照聯合國憲章而請求時，得發表諮詢意見。

二. 凡向法院請求諮詢意見之問題，應

八

以聲請書送交法院。此項聲請書對於諮詢意見之問題，應有確切之敘述，並應附送足以釋明該問題之一切文件。

第六十六條

一. 書記官長應立將諮詢意見之聲請，通知凡有權在法院出庭之國家。

二. 書記官長並應以特別且直接之方法通知法院（或在法院不開庭時，院長）認所爲對於諮詢問題能供給情報之有權在法院出庭之任何國家，或國際團體，聲明法院於院長所定之期限內準備接受關於該問題之書面陳述，或準備於本案公開審訊時聽取口頭陳述。

能供給情報

三. 有權在法院出庭之任何國家如未接到本條第二項所指之特別通知時，該國家得表示願以書面或口頭陳述之意思，而由法院裁決之。

四. 凡已經提出書面或口頭陳述或兩項陳述之國家及團體，對於其他國家或團體所提之陳述，准其依法院（或在法院不開庭時，院長）所定關於每案之方式，範圍及期限，予以評論。書記官長應於適當時間內將此項書面陳述通知已經提出此類陳述之國家及團體。

第六十七條

法院應將其諮詢意見當庭公開宣告並先期通知秘書長，聯合國會員國，及有直接關係之其他國家及國際團體之代表。

第六十八條

法院執行關於諮詢意見之職務時，並應參照本規約關於訴訟案件各條款之規定，但以法院認爲該項條款可以適用之範圍爲限。

第五章

修正

第六十九條

本規約之修正準用聯合國憲章所規定關於修正憲章之程序，但大會經安全理事會

之建議得制定關於本規約當事國而非聯合國會員國參加該項程序之任何規定。

第七十條

法院認為必要時得以書面向秘書長提出對於本規約之修正案，由聯合國依照第六十九條之規定，加以討論。

EQUIVALENT TEXT CERTIFICATION

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Date June 25, 1945

John C. H. Wu
(name)
John C. H. Wu
Chairman
(title)

for the Chinese
Language Panel

Philip D. Sprouse
Secretary of the Chinese
Language Panel
Philip D. Sprouse

* Insert "Charter", "Statute of the Court",
or "Resolution for the Interim Commission".

Yi-ang Chiang
President

Shan Wing Chan
PP Boston

聯合國憲章
及
國際法院規約

公曆一千九百四十五年訂於金山

聯合國憲章
~~序言~~

我聯合國人民

同茲決心，欲免後世再遭今代人類兩度身歷慘不堪言之戰禍，

重伸基本人權，人格尊嚴與價值，以及男女與大小各國平等權利之信念，

創造適當環境，俾克維持正義，尊重由條約與國際法其他淵源而起之義務，久而弗懈，

促成大自由中之社會進步及較善之民生，
並為達此目的

力行容恕，彼此以善鄰之道，和睦相處，

集中力量，以維持國際和平及安全，

接受原則，確立方法，以保證非為公共利益，不得使用武力，

運用國際機構，以促成全球人民經濟及社會之進展，

用是發憤立志，務求同心協力，以竟厥功。

爰由我各本國政府，經齊集金山市之代表各將所奉全權證書，互相校閱，

均屬妥善，議定本聯合國憲章，並設立國際組織，定名聯合國。

鑒
書

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NOTE: Underscore Will Be Added.

第一章

宗旨及原則

第一條

聯合國之宗旨爲：

一. 維持國際和平及安全；並爲此目的：採取有效集體辦法，以防止且消除對於和平之威脅，制止侵略行爲或其他和平之破壞；並以和平方法且依正義及國際法之原則，調整或解決足以破壞和平之國際爭端或情勢。

二. 發展國際間以尊重人民平等權利及自決原則爲根據之友好關係，並採取其他適當辦法，以增強普遍和平。

三. 促成國際合作，以解決國際間屬於經濟、社會、文化、及人類福利性質之國際問題，且不分種族、性別、語言、或宗教，增進並激勵對於全體人類之人權及基本自由之尊重。

四. 構成一協調各國行動之中心，以達成上述共同目的。

第二條

爲求實現第一條所述各宗旨起見，本組織及其會員國應遵行下列原則：

一. 本組織係基於各會員國主權平等之原則。

二. 各會員國應一秉善意，履行其依本憲章所擔負之義務，以保證全體會員國由加入本組織而發生之權益。

三. 各會員國應以和平方法解決其國際爭端，俾免危及國際和平、安全、及正義。

四. 各會員國在其國際關係上不得使用威脅或武力，或以與聯合國宗旨不符之任

何其他方法，侵害任何會員國之領土完整或政治獨立。

五. 各會員國對於聯合國依本憲章規定而採取之行動，應盡力予以協助，聯合國對於任何國家正在採取防止或執行行動時，各會員國對該國不得給予協助。

六. 本組織在維持國際和平及安全之必要範圍內，應保證非聯合國會員國遵行上述原則。

七. 本憲章不得認為授權聯合國干涉在本質上屬任何國家國內管轄之事件，且並不要求會員國將該項事件依本憲章提請解決；但此項原則不妨礙第七章內執行辦法之適用。

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NOTE: Underscore Will Be Added.

第二章

會員

第三條

凡曾經參加金山聯合國國際組織會議或前此曾簽字於一九四二年一月一日聯合國宣言之國家，簽訂本憲章，且依憲章第一百一十條規定而予以批准者，均爲聯合國之創始會員國。

第四條

一．凡其他愛好和平之國家，接受本憲章所載之義務，經本組織認爲確能並願意履行該項義務者，得爲聯合國會員國。

二．准許上述國家爲聯合國會員國，將由大會經安全理事會之推薦以決議行之。

第五條

聯合國會員國，業經安全理事會對其採取防止或執行行動者，大會經安全理事會之建議，得停止其會員權利及特權之行使。此項權利及特權之行使，得由安全理事會恢復之。

第六條

聯合國之會員國中，有屢次違犯本憲章所載之原則者，大會經安全理事會之建議，得將其由本組織除名。

第三章

機關

第七條

一．茲設聯合國之主要機關如下：

大會，安全理事會，經濟暨社會理事會，託
管理事會，國際法院，及秘書處。

二、聯合國得依本憲章設立認為必需之
輔助機關。

第八條

聯合國對於男女均得在其主要及輔助機
關在平等條件之下，充任任何職務，不得
加以限制。

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NOTE: Underscore Will Be Added.

GALLEY-4 Revised

第四章 大會

組織

第九條

- 一. 大會由聯合國所有會員國組織之。
- 二. 每一會員國在大會之代表,不得超過五人。

職權

第十條

大會得討論本憲章範圍內之任何問題或事項,或關於本憲章所規定任何機關之職權;並除第十二條所規定外,得向聯合國會員國或安全理事會或兼向兩者,提出對各該問題或事項之建議。

第十一條

一. 大會得考慮關於維持國際和平及安全之合作之普通原則,包括軍縮及軍備管制之原則;並得向會員國或安全理事會或兼向兩者提出對於該項原則之建議。

二. 大會得討論聯合國任何會員國或安全理事會或非聯合國會員國依第三十五條第二項之規定向大會所提關於維持國際和平及安全之任何問題;除第十二條所規定外,並得向會員國或安全理事會或兼向兩者提出對於各該項問題之建議。凡對於需要行動之各該項問題,應由大會於討論前或討論後提交安全理事會。

三. 大會對於足以危及國際和平或安全之情勢,得提請安全理事會注意。

四. 本條所載之大會權力並不限制第十條之概括範圍。

第十二條

一. 當安全理事會對於任何爭端或情勢,正在執行本憲章所授予該會之職務時, 大會非經安全理事會請求,對於該項

GALLEY— 4 Revised

第四章
大會

組織

第九條

- 一. 大會由聯合國所有會員國組織之。
- 二. 每一會員國在大會之代表,不得超過五人。

職權

第十條

大會得討論本憲章範圍內之任何問題或事項,或關於本憲章所規定任何機關之職權;並除第十二條所規定外,得向聯合國會員國或安全理事會或兼向兩者,提出對各該問題或事項之建議。

第十一條

- 一. 大會得考慮關於維持國際和平及安全之合作之普通原則,包括軍縮及軍備管制之原則;並得向會員國或安全理事會或兼向兩者提出對於該項原則之建議。
- 二. 大會得討論聯合國任何會員國或安全理事會或非聯合國會員國依第三十五條第二項之規定向大會所提關於維持國際和平及安全之任何問題;除第十二條所規定

外，並得向會員國或安全理事會或兼向兩者提出對於各該項問題之建議。凡對於需要行動之各該項問題，應由大會於討論前或討論後提交安全理事會。

三．大會對於足以危及國際和平或安全之情勢，得提請安全理事會注意。

四．本條所載之大會權力並不限制第十條之概括範圍。

第十二條

一．當安全理事會對於任何爭端或情勢，正在執行本憲章所授予該會之職務時，大會非經安全理事會請求，對於該項爭端或情勢，不得提出任何建議。

二．秘書長經安全理事會之同意，應於大會每次會議時，將安全理事會正在處理中關於維持國際和平及安全之任何事件，通知大會；於安全理事會停止處理該項事件時，亦應立即通知大會，或在大會閉會期內通知聯合國會員國。

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NOTE: Underscore Will Be Added.

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第十三條

一. 大會應發動研究，並作成建議：

(子) 以促進政治上之國際合作，並提倡國際法之逐漸發展與編纂。

(丑) 以促進經濟、社會、文化、教育、及衛生各部門之國際合作，且不分種族、性別、語言、或宗教，助成全體人類之人權及基本自由之實現。

二. 大會關於本條第一項(丑)款所列事項之其他責任及職權，於第九章及第十章中規定之。

第十四條

大會對於其所認為足以妨害國際間公共福利或友好關係之任何情勢，不論其起原如何，包括由違反本憲章所載聯合國之宗旨及原則而起之情勢，得建議和平調整辦法，但以不違背第十二條之規定為限。

第十五條

一. 大會應收受並審查安全理事會所送之常年及特別報告；該項報告應載有安全理事會對於維持國際和平及安全所已決定或施行之辦法之陳述。

二. 大會應收受並審查 聯合國其他機關所送之報告。

第十六條

大會應執行第十二章及第十三章所授予關於國際託管制度之職務，包括關於非戰畧防區託管協定之核准。

第十七條

一. 大會應審核本組織之預算。

二. 本組織之經費應由各會員國依照大會分配限額擔負之。

三. 大會應審核經與第五十七條所指各種專門機關訂定之任何財政及預算辦法，並應審查該項專門機關之行政預算，以便向關係機關提出建議。

投票

第十八條

一. 大會之每一會員國，應有一個投票

權。

二. 大會對於重要問題之決議應以到會及投票之會員國三分二之多數決定之。此項問題應包括：關於維持國際和平及安全之建議，安全理事會非常任理事國之選舉，經濟暨社會理事會理事國之選舉，依第八十六條第一項(寅)款所規定託管理事會理事國之選舉，對於新會員國加入聯合國之准許，會員國權利及特權之停止，會員國之除名，關於施行託管制度之問題，以及預算問題。

三. 關於其他問題之決議，包括另有何種事項應以三分二之多數決定之問題，應以到會及投票之會員國過半數決定之。

第十九條

凡拖欠本組織財政款項之會員國，其拖欠數目如等於或超過前兩年所應繳納之數目時，即喪失其在大會投票權。大會如認拖欠原因，確由於該會員國無法控制之情形者，得准許該會員國投票。

程序

第二十條

大會每年應舉行常會，並於必要時，舉行特別會議。特別會議應由秘書長經安全理事會或聯合國會員國過半數之請求召集之。

第二十一條

大會應自行制定其議事規則。大會應選舉每次會議之主席。

第二十二條

大會得設立其認為於行使職務所必需之輔助機關。

FINAL GALLEY PROOF

NOTE: Underscore Will Be Added.

GALLEY— 6 Revised

第五章 安全理事會

組織

第二十三條

一．安全理事會以聯合國十一會員國組織之。中華民國、法蘭西、蘇維埃社會主義共和國聯邦、大不列顛及北愛爾蘭聯合王國及美利堅合衆國應爲安全理事會常任理事國。大會應選舉聯合國其他六會員國爲安全理事會非常任理事國，選舉時首宜充分斟酌聯合國各會員國於維持國際和平與安全及本組織其餘各宗旨上之貢獻，並宜充分斟酌地域上之公勻分配。

二．安全理事會非常任理事國任期定爲二年；但第一次選舉非常任理事國時，其中三者之任期應爲一年。任滿之理事國，不得即行連選。

三．安全理事會每一理事應有代表一人。

職權

第二十四條

一．爲保證聯合國行動迅速有效起見，各會員國將維持國際和平及安全之主要責任，授予安全理事會，並同意安全理事會於履行此項責任下之職務時，即係代表各會員國。

二．安全理事會於履行此項職務時，應遵照聯合國之宗旨及原則。爲履行此項職

章第六章第七章第八章及第十二章內規定之。

三. 安全理事會應將常年報告, 並於必要時特別報告, 提送大會審查。

第二十五條

聯合國會員國同意依憲章之規定接受並履行安全理事會之決議。

第二十六條

為足見國際和平及安全之建立及維持, 以盡量減少世界人力及經濟資源之消耗於軍備起見, 安全理事會藉第四十七條所指之軍事參謀團之協助, 應負責擬具方案, 提交聯合國會員國, 以建立軍備管制制度。

投票

第二十七條

一. 安全理事會每一理事國應有一個投票權。

二. 安全理事會關於程序事項之決議, 應以七理事國之可決票表決之。

三. 安全理事會對於其他一切事項之決議, 應以七理事國之可決票包括全體常任理事國之同意票表決之; 但對於第六章及第五十二條第三項內各事項之決議, 爭端當事國不得投票。

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NOTE: Underscore Will Be Added.

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程序

第二十八條

一．安全理事會之組織，應以使其能繼續不斷行使職務爲要件。爲此目的，安全理事會之各理事國應有常駐本組織會所之代表。

二．安全理事會應舉行定期會議，每一理事國認爲合宜時得派政府大員或其他特別指定之代表出席。

三．在本組織會所以外，安全理事會得在認爲最能便利其工作之其他地點舉行會議。

第二十九條

安全理事會得設立其認爲於行使職務所必需之輔助機關。

第三十條

安全理事會應自行制定其議事規則，包括其推選主席之方法。

第三十一條

在安全理事會提出之任何問題，經其認爲對於非安全理事會理事國之聯合國任何會員國之利益有特別關係時，該會員國得參加討論，但無投票權。

第三十二條

聯合國會員國而非爲安全理事會之理事國，或非聯合國會員國之國家，如於安全理事會考慮中之爭端爲當事國者，應被邀參加關於該項爭端之討論，但無投票權。安全理事會應規定其所認爲公平之條件，以便非聯合國會員國之國家參加。

第六章

爭端之和平解決

第三十三條

一．任何爭端之當事國，於爭端之繼續存在足以危及國際和平與安全之維持時，應儘先以談判、調查、調停、和解、公斷、司法解決、區域機關或區域辦法之利用、或各該國自行選擇之其他和平方法，求得解決。

二．安全理事會認為必要時，應促請各當事國以此項方法，解決其爭端。

第三十四條

安全理事會得調查任何爭端或可能引起國際磨擦或惹起爭端之任何情勢，以斷定該項爭端或情勢之繼續存在是否足以危及國際和平與安全之維持。

第三十五條

一．聯合國任何會員國得將屬於第三十四條所指之性質之任何爭端或情勢，提請安全理事會或大會注意。

二．非聯合國會員國之國家如為任何爭端之當事國時，經預先聲明就該爭端而言接受本憲章所規定和平解決之義務後，得將該項爭端，提請大會或安全理事會注意。

三．大會關於按照本條所提請注意事項之進行步驟，應遵守第十一條及第十二條之規定。

第三十六條

一．屬於第三十三條所指之性質之爭端或相似之情勢，安全理事會在任何階段，得建議適當程序或調整方法。

二．安全理事會對於當事國為解決爭端業經採取之任何程序，理應予以考慮。

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NOTE: Underscore Will Be Added.

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三. 安全理事會按照本條作成建議時，同時理應注意凡具有法律性質之爭端，在原則上，理應由當事國依國際法院規約之規定提交國際法院。

第三十七條

一. 屬於第三十三條所指之性質之爭端，當事國如未能依該條所示方法解決時，應將該項爭端提交安全理事會。

二. 安全理事會如認為該項爭端之繼續存在，在事實上足以危及國際和平與安全之維持時，應決定是否當依第三十六條採取行動或建議其所認為適當之解決條件。

第三十八條

安全理事會如經所有爭端當事國之請求，得向各當事國作成建議，以求爭端之和平解決，但以不妨礙第三十三條至第三十七條之規定為限。

第七章

對於平和之威脅和平之破壞及侵畧行為之應付辦法

第三十九條

安全理事會應斷定任何和平之威脅，和平之破壞，或侵畧行為之是否存在，並應作成建議或抉擇依第四十一條及第四十二條規定之辦法，以維持或恢復國際和平及安全。

第四十條

爲防止情勢之惡化，安全理事會在依第三十九條規定作成建議或決定辦法以前，得促請關係當事國遵行安全理事會所認爲必要或合宜之臨時辦法。此項臨時辦法並不妨礙關係當事國之權利，要求，或立場。安全理事會對於不遵行此項臨時辦法之情形，應予適當注意。

第四十一條

安全理事會得決定所應採武力以外之辦法，以實施其決議，並得促請聯合國會員國執行此項辦法。此項辦法得包括經濟關係，鐵路，海運，航空，郵，電，無線電，及其他交通工具，之局部或全部停止，以及外交關係之斷絕。

第四十二條

安全理事會如認第四十一條所規定之辦法爲不足或已經證明爲不足時，得採取必要之空海陸軍行動，以維持或恢復國際和平及安全。此項行動得包括聯合國會員國之空海陸軍示威，封鎖，及其他軍事舉動。

第四十三條

一．聯合國各會員國爲求對於維持國際和平及安全有所貢獻起見，擔任於安全理事會發令時，並依特別協定，供給爲維持國際和平及安全所必需之軍隊，協助，及便利，包括過境權。

二．此項特別協定應規定軍隊之數目及種類，其準備程度及一般駐紮地點，以及所供便利及協助之性質。

三．此項特別協定應以安全理事會之主

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NOTE: Underscore Will Be Added.

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動，儘速議訂。此項協定應由安全理事會與會員國或由安全理事會與若干會員國之集團締結之，並由簽字國依其憲法程序批准之。

第四十四條

安全理事會決定使用武力時，於要求非安全理事會會員國依第四十三條供給軍隊以履行其義務之前，如經該會員國請求，應請其遣派代表，參加安全理事會關於使用其軍事部隊之決議。

第四十五條

爲使聯合國能採取緊急軍事辦法起見，會員國應將其本國空軍部隊爲國際共同執行行動隨時供給調遣。此項部隊之實力與準備之程度，及其共同行動之計劃，應由安全理事會以軍事參謀團之協助，在第四十三條所指之特別協定範圍內決定之。

第四十六條

武力使用之計劃應由安全理事會以軍事參謀團之協助決定之。

第四十七條

一。茲設立軍事參謀團，以便對於安全理事會維持國際和平及安全之軍事需要問題，對於受該會所支配軍隊之使用及統率問題，對於軍備之管制及可能之軍縮問題，向該會貢獻意見並予以協助。

二。軍事參謀團應由安全理事會各常任理事國之參謀總長或其代表組織之。聯合國任何會員國在該團未有常任代表者，如於該團責任之履行在效率上必需該國參加其工時，應由該團邀請參加。

三。軍事參謀團在安全理事會權力之下，對於受該會所支配之任何軍隊，負戰略上之指揮責任；關於該項軍隊之統率問題，應待以後處理。

四。軍事參謀團，經安全理事會之授權，並與區域內有關機關商議後，得設立區域分團。

一、執行安全理事會爲維持國際和平及安全之決議所必要之行動，應由聯合國全體會員國或由若干會員國擔任之，一依安全理事會之決定。

二、此項決議應由聯合國會員國以其直接行動，及經其加入爲會員之有關國際機關之行動履行之。

第四十九條

聯合國會員國應通力合作，彼此協助，以執行安全理事會所決定之辦法。

第五十條

安全理事會對於任何國家採取防止或執行辦法時，其他國家，不論其是否爲聯合國會員國，遇有因此項辦法之執行而引起之特殊經濟問題者，應有權與安全理事會商解決此項問題。

第五十一條

聯合國任何會員國受武力攻擊時，在安全理事會採取必要辦法，以維持國際和平及安全以前，本憲章不得認爲禁止行使單獨或集體自衛之自然權利。會員國因行使此項自衛權而採取之辦法，應立向安全理事會報告，此項辦法於任何方面不得影響該會按照本憲章隨時採取其所認爲必要行動之權責，以維持或恢復國際和平及安全。

FINAL GALLEY PROOF

NOTE: Underscore Will Be Added.

第八章

區域辦法

第五十二條

一. 本憲章不得認為排除區域辦法或區域機關，用以應付關於維持國際和平及安全而宜於區域行動之事件者；但以此項辦法或機關及其工作與聯合國之宗旨及原則符合者為限。

二. 締結此項辦法或設立此項機關之聯合國會員國，將地方爭端提交安全理事會以前，應依該項區域辦法，或由該項區域機關，力求和平解決。

三. 安全理事會對於依區域辦法或由區域機關而求地方爭端之和平解決，不論其係由關係國主動，或由安全理事會提交者，應鼓勵其發展。

四. 本條絕不妨礙第三十四條及第三十五條之適用。

第五十三條

一. 安全理事會對於職權內之執行行動，在適當情形下，應利用此項區域辦法或區域機關。如無安全理事會之授權，不得依區域辦法或由區域機關採取任何執行行動；但關於依第一百零七條之規定對付本條第二項所指之任何敵國之步驟，或在區域辦法內所取防備此等國家再施其侵略政策之步驟，截至本組織經各關係政府之請求，對於此等國家之再次侵略，能擔負防止責任時為止，不在此限。

二. 本條第一項所稱敵國係指第二次世界大戰中為本憲章任何簽字國之敵國者而言。

關於爲維持國際和平及安全起見，依區域辦法或由區域機關所已採取或正在考慮之行動，不論何時應向安全理事會充分報告。

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NOTE: Underscore Will Be Added.

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第九章 國際經濟及社會合作

第五十五條

爲造成國際間以尊重人民平等權利及自決原則爲根據之和平友好關係所必要之安定及福利條件起見，聯合國應促進：

(子)較高之生活程度，全民就業，及經濟與社會進展。

(丑)國際間經濟、社會、衛生、及有關問題之解決；國際間文化及教育合作。

(寅)全體人類之人權及基本自由之普遍尊重與遵守，不分種族、性別、語言、或宗教。

第五十六條

各會員國應允採取共同及個別行動與本組織合作，以達成第五十五條所載之宗旨。

第五十七條

一、由各國政府間協定所成立之各種專門機關，依其組織約章之規定，於經濟、社會、文化、教育、衛生、及其他有關部門負有廣大國際責任者，應依第六十三條之規定使與聯合國發生關係。

二、上述與聯合國發生關係之各專門機關，以下簡稱專門機關。

第五十八條

本組織應作成建議，以調整各專門機關之政策及工作。

第五十九條

本組織應於適當情形下，發動各關係國間之談判，以創設為達成第五十五條規定宗旨所必要之新專門機關。

第六十條

履行本章所載本組織職務之責任，屬於大會及大會權力下之經濟暨社會理事會。為此目的，該理事會應有第十章所載之權力。

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NOTE: Underscore Will Be Added.

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第十章 經濟暨社會理事會

組織

第六十一條

一．經濟暨社會理事會由大會選舉聯合國十八會員國組織之。

二．除第三項所規定外，經濟暨社會理事會每年選舉理事會六國，任期三年；任滿之理事國得即行連選。

三．第一次選舉時，經濟暨社會理事會應選理事十八國，其中六國任期一年，另六國任期二年，一依大會所定辦法。

四．經濟暨社會理事會之每一理事國應有代表一人。

職權

第六十二條

一．經濟暨社會理事會得作成或發動關於國際經濟、社會、文化、教育、衛生、及其他有關事項之研究及報告；並得向大會、聯合國會員國、及關係專門機關、提出關於此種事項之建議案。

二．本理事會爲增進全體人類之人權及基本自由之尊重及維護起見，得作成建議案。

三．本理事會得擬具關於其職權範圍內事項之協約草案，提交大會。

四．本理事會得依聯合國所定之規則召集本理事會職務範圍以內事項之國際會議。

第六十三條

一．經濟暨社會理事會得與第五十七條所指之任何專門機關訂立協定，訂明關係專門機關與聯合國發生關係之條件。該項協定須經大會之核准。

二．本理事會，為調整各種專門機關之工作，得與此種機關會商並得向其提出建議，並得向大會及聯合國會員國建議。

第六十四條

一．經濟暨社會理事會得取適當步驟以取得專門機關之經常報告。本理事會得與聯合國會員國及專門機關商定辦法俾就實施本理事會之建議及大會對於本理事會職權範圍內事項之建議所採之步驟，取得報告。

二．本理事會得將對於此項報告之意見提送大會。

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NOTE: Underscore Will Be Added.

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第六十五條

經濟暨社會理事會得向安全理事會供給情報，並因安全理事會之邀請，予以協助。

第六十六條

一．經濟暨社會理事會應履行其職權範圍內關於執行大會建議之職務。

二．經大會之許可，本理事會得應聯合國會員國或專門機關之請求，供其服務。

三．本理事會應履行本憲章他章所特定之其他職務，以及大會所授予之職務。

投票

第六十七條

一．經濟暨社會理事會每一理事國應有一個投票權。

二．本理事會之決議，應以到會及投票之理事國過半數表決之。

程序

第六十八條

經濟暨社會理事會應設立經濟與社會部門及以提倡人權為目的之各種委員會，並得設立於行使職務所必需之其他委員會。

第六十九條

經濟暨社會理事會應請聯合國會員國參加討論本理事會對於該國有特別關係之任何事件，但無投票權。

第七十條

經濟暨社會理事會得商定辦法使專門機關之代表無投票權而參加本理事會及本理事會所設各委員會之討論，或使本理事會之代表參加此項專門機關之討論。

第七十一條

經濟暨社會理事會得採取適當辦法，俾與各種非政府組織會商有關於本理事會職權範圍內之事件。此項辦法得與國際組織商定之，並於適當情形下，經與關係聯合國會員國會商後，得與該國國內組織商定之。

第七十二條

一．經濟暨社會理事會應自行制定其議事規則，包括其推選主席之方法。

二．經濟暨社會理事會應依其規則舉行必要之會議。此項規則應包括因理事國過半數之請求而召集會議之條款。

FINAL GALLEY PROOF

NOTE: Underscore Will Be Added.

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第十一章

關於非自治領土之宣言

第七十三條

聯合國各會員國，於其所負有或擔承管理責任之領土，其人民尚未臻自治之充分程度者，承認以領土居民之福利爲至上之原則，並接受在本憲章所建立之國際和平及安全制度下，以充量增進領土居民福利之義務爲神聖之信託，且爲此目的：

（子）於充分尊重關係人民之文化下，保證其政治、經濟、社會、及教育之進展，予以公平待遇，且保障其不受虐待。

（丑）按各領土及其人民特殊之環境，及其進化之階段，發展自治；對各該人民之政治願望，予以適當之注意；並助其自由政治制度之逐漸發展。

（寅）促進國際和平及安全。

（卯）提倡建設計畫，以求進步；獎勵研究；各國彼此合作，並於適當之時間及場合與專門國際團體合作，以求本條所載社會、經濟、及科學目的之實現。

（辰）在不違背安全及憲法之限制下，按時將關於各會員國分別負責管理領土內之經濟、社會、及教育情形之統計及具有專門性質之情報，遞送秘書長，以供參攷。本憲章第十二章及第十三章所規定之領土，不在此限。

聯合國各會員國公同承諾對於本章規定之領土，一如對於本國區域，其政策必須以善鄰之道奉爲圭臬；並於社會、經濟、及商業上，對世界各國之利益及幸福，予以充分之注意。

FINAL GALLEY PROOF

NOTE: Underscore Will Be Added.

第十二章 國際託管制度

第七十五條

聯合國在其權力下，應設立國際託管制度，以管理並監督憑此後個別協定而置於該制度下之領土。此項領土以下簡稱託管領土。

第七十六條

按據本憲章第一條所載聯合國之宗旨，託管制度之基本目的應為：

(子)促進國際和平及安全。

(丑)增進託管領土居民之政治、經濟、社會、及教育之進展；並以適合各領土及其人民之特殊情形及關係人民自由表示之願望為原則，且按照各託管協定之條款，增進其趨向自治或獨立之逐漸發展。

(寅)不分種族、性別、語言、或宗教，提倡全體人類之人權及基本自由之尊重，並激發世界人民互相維繫之意識。

(卯)於社會、經濟、及商業事件上，保證聯合國全體會員國及其國民之平等待遇，及各該國民於司法裁判上之平等待遇，但以不妨礙上述目的之達成，且不違背第八十條之規定為限。

第七十七條

一、託管制度適用於依託管協定所置於該制度下之下列各種類之領土：

(子)現在委任統治下之領土。

(丑)因第二次世界大戰結果或將自敵國割離之領土。

(寅)負管理責任之國家自願置於該制度下之領土。

二、關於上列種類中之何種領土將置於託管制度之下，及其條件，為此後協定所當規定之事項。

第七十八條

凡領土已成為聯合國之會員國者，不適用託管制度；聯合國會員國間之關係，應基於尊重主權平等之原則。

第七十九條

置於託管制度下之每一領土之託管條款，及其更改或修正，應由直接關係各國，包括聯合國之會員國而為委任統治地之受託國者，予以議定，其核准應依第八十三條及第八十五條之規定。

第八十條

一、除依第七十七條，第七十九條，及第八十一條所訂置各領土於託管制度下之個別託管協定另有議定外，並在該項協定未經締結以前，本章任何規定絕對不得解釋為以任何方式變更任何國家或人民之權利，或聯合國會員國個別簽訂之現有國際約章之條款。

二、本條第一項不得解釋為對於依第七十七條之規定而訂置委任統治地或其他領土於託管制度下之協定，授以延展商訂之理由。

第八十一條

凡託管協定均應載有管理領土之條款，並指定管理託管領土之當局。該項當局，以下簡稱管理當局，得為一個或數個國家，或為聯合國本身。

FINAL GALLEY PROOF

NOTE: Underscore Will Be Added.

第八十二條

於任何託管協定內，得指定一個或數個戰畧防區，包括該項協定下之託管領土之一部或全部，但該項協定並不妨礙依第四十三條而訂立之任何特別協定。

第八十三條

一．聯合國關於戰畧防區之各項職務，包括此項託管協定條款之核准，及其更改或修正，應由安全理事會行使之。

二．第七十六條所規定之基本目的，適用於每一戰畧防區之人民。

三．安全理事會以不違背託管協定之規定且不妨礙安全之考慮為限，應利用託管理事會之協助，以履行聯合國託管制度下關於戰畧防區內之政治、經濟、社會、及教育事件之職務。

第八十四條

管理當局有保證託管領土對於維持國際和平及安全盡其本分之義務。該當局為此目的得利用託管領土之志願軍、便利、及協助，以履行該當局對於安全理事會所負關於此點之義務，並以實行地方自衛，且在託管領土內維持法律與秩序。

第八十五條

一．聯合國關於一切非戰畧防區託管協定之職務，包括此項託管協定條款之核准及其更改或修正，應由大會行使之。

二．託管理事會於大會權力下，應協助大會履行上述之職務。

第十三章 託管理事會

組織

第八十六條

一．託管理事會應由下列聯合國會員國組織之：

(子)管理管託領土之會員國。

(丑)第二十三條所列名之國家而現非管理託管領土者。

(寅)大會選舉必要數額之其他會員國，任期三年，俾使託管理事會理事國之

續數，於聯合國會員國中，之管理託管領

土者及不管理者之間，得以平均分配。

二、託管理事會之每一理事國應指定一特別合格之人員，以代表之。

~~職權~~

第八十七條

大會及在其權力下之託管理事會於履行職務時得：

(子) 審查管理當局所送之報告。

(丑) 會同管理當局接受並審查請願書。

(寅) 與管理當局商定時間，按期視察各託管領土。

(卯) 依託管協定之條款，採取上述其他行動。

第八十八條

託管理事會應擬定關於各託管領土居民之政治、經濟、社會、及教育進展之問題單；就大會職權範圍內，各託管領土之管理當局應根據該項問題單向大會提出常年報告。

投票

第八十九條

一、託管理事會之每一理事國應有一個投票權。

二、託管理事會之決議應以到會及投票之理事國過半數表決之。

FINAL GALLEY PROOF

NOTE: Underscore Will Be Added.

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程序

第九十條

一、託管理事會應自行制定其義事規則，包括其推選主席之方法。

二、託管理事會應依其所定規則，舉行必要之會議。此項規則應包括關於經該會過半數之理事國請求而召集會議之規定。

第九十一條

託管理事會於適當時，應利用經濟暨社會理事會之協助，並對於各關係事項，利用專門機關之協助。

第十四章

國際法院

第九十二條

國際法院為聯合國之主要司法機關，其職務應依所附規約執行其職務。該項規約係以國際常設法院之規約為根據，並為本憲章之構成部分。

第九十三條

一、聯合國各會員國為國際法院規約之當然當事國。

二、非聯合國會員國之國家得為國際法院規約當事國之條件，應由大會經安全理事會之建議就各別情形決定之。

第九十四條

一. 聯合國每一會員國爲任何案件之當事國者, 承諾遵行國際法院之判決。

二. 遇有一造不履行依法院判決應負之義務時, 他造得起訴於安全理事會。安全理事會如認爲必要時, 得作成建議或決定應採辦法, 以執行判決。

第九十五條

本憲章不得認爲禁止聯合國會員國依據現有或以後締結之協定, 將其爭端託付其他法院解決。

第九十六條

一. 大會或安全理事會對於任何法律問題得請國際法院發表諮詢意見。

二. 聯合國其他機關, 及各種專門機關, 對於其工作範圍內之任何法律問題, 得隨時以大會之授權, 請求國際法院發表諮詢意見。

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NOTE: Underscore Will Be Added.

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第十五章

秘書處

第九十七條

秘書處置秘書長一人及本組織所需之辦事人員若干人。秘書長應由大會經安全理事會之推薦委派之。秘書長爲本組織之行政首長。

第九十八條

秘書長在大會、安全理事會、經濟暨社會理事會、及託管理事會之一切會議，應以秘書長資格行使職務，並應執行各該機關所託付之其他職務。秘書長應向大會提送關於本組織工作之常年報告。

第九十九條

秘書長得將其所認爲可能威脅國際和平及安全之任何事件，提請安全理事會注意。

第一百條

一、秘書長及辦事人員於執行職務時，不得請求或接受本組織以外任何政府或其他當局之訓示，並應避免足以妨礙其國際官員地位之行動。秘書長及辦事人員專對本組織負責。

二. 聯合國各會員國承諾尊重秘書長及
辦事人員責任。

第一百零一條

一. 辦事人員由秘書長依大會所定章程
委派之。

二. 適當之辦事人員應長期分配於經濟
暨社會理事會、託管理事會、並於必要
時，分配於聯合國其他之機關。此項辦事人
員構成秘書處之一部。

三. 辦事人員之僱用及其服務條件之決
定，應以求達效率、才幹、及忠誠、之最
高標準為首要考慮。徵聘辦事人員時，於
可能範圍內，應充分注意地域上之普及。

構

之專屬國際性決不設法影響其責任之履行

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NOTE: Underscore Will Be Added.

第十六章

雜項條款

第一百零二條

一. 本憲章發生效力後，聯合國任何會員國所締結之一切條約及國際協定應儘速在秘書處登記，並由秘書處公佈之。

二. 當事國對於未經依本條第一項規定登記之條約或國際協定，不得向聯合國任何機關援引之。

第一百零三條

聯合國會員國在本憲章下之義務與其依任何其他國際協定所負之義務有衝突時，其在本憲章下之義務應居優先。

第一百零四條

本組織於每一會員國之領土內，應享受於執行其職務及達成其宗旨所必需之法律行為能力。

第一百零五條

一. 本組織於每一會員國之領土內，應享受於達成其宗旨所必需之特權及豁免。

二. 聯合國會員國之代表及本組織之職員，亦應同樣享受於其獨立行使關於本組織之職務所必需之特權及豁免。

三. 爲明定本條第一項及第二項之施行細則起見，大會得作成建議，或爲此目的向聯合國會員國提議協約。

第十七章

過渡安存辦法

第一百零六條

在第四十三條所稱之特別協定尚未生效，因而安全理事會認為尚不得開始履行第四十二條所規定之責任前，一九四三年十月三十日在莫斯科簽訂四國宣言之當事國及法蘭西應依該宣言第五項之規定，互相洽商，並於必要時，與聯合國其他會員國洽商，以代表本組織採取為維持國際和平及安全宗旨所必要之聯合行動。

第一百零七條

本憲章並不取消或禁止負行動責任之政府對於在第二次大戰中本憲章任何簽字國之敵國因該次戰爭而採取或受權執行之行動。

世界

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NOTE: Underscore Will Be Added.

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第十八章 修正

第一百零八條

本憲章之修正案經大會會員國三分二之表決並由聯合國之會員國三分二，包括安全理事會全體常任理事國，各依其憲法程序批准後，對於聯合國所有會員國發生效力。

第一百零九條

一．聯合國會員國，為檢討本憲章得以大會會員國三分二之表決，經安全理事會任何七理事國之表決，確定日期及地點，舉行全體會議。聯合國每一會員國在全體會議中應有一個投票權。

二．全體會議以三分二表決所建議對於憲章之任何更改，應經聯合國會員國三分二，包括安全理事會全體常任理事國，各依其憲法程序批准後，發生效力。

三．如於本憲章生效後大會第十屆年會前，此項全體會議尚未舉行時，應將召集全體會議之提議列入大會該屆年會之議事日程；如得大會會員國過半數及安全理事會任何七理事國之表決，此項會議應即舉行。

第十九章

批准及簽字

第一百一十條

一. 本憲章應由簽字國各依其憲法程序批准之。

二. 批准書應交存美利堅合衆國政府。該國政府應於每一批准書交存時通知各簽字國，如本組織秘書長業經委派時，並應通知秘書長。

三. 一俟美利堅合衆國政府通知已有中華民國、法蘭西、蘇維埃社會主義共和國聯邦、大不列顛及北愛爾蘭聯合王國、與美利堅合衆國，以及其他簽字國之過半數將批准書交存時，本憲章即發生效力。美利堅合衆國政府應擬就此項交存批准之議定書並將副本分送所有簽字國。

四. 本憲章簽字國於憲章發生效力後批准者，應自其各將批准書交存之日起爲聯合國之創始會員國。

第一百一十一條

本憲章應留存美利堅合衆國政府之檔庫，其中，法、俄、英、及西文各本同一作準。該國政府應將正式副本分送其他簽字國政府。

爲此聯合國各會員國政府之代表謹簽字於本憲章，以昭信守。

公曆一千九百四十五年六月二十六日簽訂於金山市。

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NOTE: Underscore Will Be Added.

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Date June 25, 1945

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(name)

Chairman
(title)

for the Chinese
Language Panel

Philip D. Sprouse
Secretary of the Chinese
Language Panel

Philip D. Sprouse

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Shan Wing Chan
J. Stöckler
T. B. Smith
Yieng Kiang
5378

聯合國憲章
及
國際法院規約

公曆一千九百四十五年訂於金山

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國際法院規約

第一條

聯合國憲章所設之國際法院爲聯合國主要司法機關，其組織及職務之行使應依本規約之下列規定。

第一章

法院之組織

第二條

法院以獨立法官若干人組織之。此項法官應不論國籍，就品格高尚並在各本國具有最高司法職位之任命資格或公認爲國際法之法學家中選舉之。

第三條

一. 法院以法官十五人組織之，其中不得有二人爲同一國家之國民。

二. 就充任法院法官而言，一人而可視爲一個國家以上之國民者，應認爲屬於其通常行使公民及政治權利之國家或會員國之國民。

第四條

一. 法院法官應由大會及安全理事會依下列規定就常設公斷法院各國團體所提出之名單內選舉之。

二. 在常設公斷法院並無代表之聯合國會員國，其候選人名單應由各該國政府專爲此事而委派之團體提出；此項各國團體之委派，準用一九〇七年海牙和平解決國

際紛爭條約第四十四條規定委派常設公斷法院公斷員之條件。

三. 凡非聯合國會員國而已接受法院規約之國家，其參加選舉法院法官時，參加條件，如無特別協定，應由大會經安全理事會之提議規定之。

第五條

一. 聯合國秘書長至遲應於選舉日期三個月前，用書面邀請屬於本規約當事國之常設公斷法院公斷員，及依第四條第二項所委派之各國團體，於一定期間內分別由各國團體提出能接受法官職務之人員。

二. 每一團體所提人數不得超過四人，其中屬其本國國籍者不得超過二人。在任何情形下，每一團體所提候選人之人數不得超過應佔席數之一倍。

第六條

各國團體在提出上項人員以前，宜諮詢本國最高法院、大學法學院、法律學校、專研法律之國家研究院，及國際研究院在各國所設之各分院。

第七條

一. 秘書長應依字母次序，編就上項所提人員之名單。除第二十一條第二項規定外，僅此項人員有被選權。

二. 秘書長應將前項名單提交大會及安全理事會。

第八條

大會及安全理事會各應獨立舉行法院法官之選舉。

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第九條

每次選舉時，選舉人不獨應注意被選人必須各具必要資格，並應注意務使法官全體確能代表世界各大文化及各主要法系。

第十條

一. 候選人在大會及在安全理事會得絕對多數票者應認為當選。

二. 安全理事會之投票，或為法官之選舉或為第十二條所稱聯席會議人員之指派，應不論安全理事會常任理事及非常任理事之區別。

三. 如同一國家之國民得大會及安全理事會之絕對多數票者不止一人時，其年事最高者應認為當選。

第十一條

第一次選舉會後，如有一席或一席以上尚待補選時，應舉行第二次選舉會，並於必要時舉行第三次選舉會。

第十二條

一. 第三次選舉會後，如仍有一席或一席以上尚待補選時，大會或安全理事會得隨時聲請組織聯席會議，其人數為六人，由大會及安全理事會各派三人。此項聯席會議就每一懸缺以絕對多數票選定一人提交大會及安全理事會分別請其接受。

二. 具有必要資格人員，即未列入第七條所指之候選人名單，如經聯席會議全體同意，亦得列入該會議名單。

三. 如聯席會議確認選舉不能有結果時，應由已選出之法官，在安全理事會所定之期間內，就曾在大會或安全理事會得有選舉票之候選人中，選定若干人補足缺額。

四. 法官投票數相等時，年事最高之法官應投決定票。

二

第十三條

一. 法官任期九年，並得連選，但第一次選舉選出之法官中，五人任期應為三年，另五人為六年。

二. 上述初期法官，任期孰為三年孰為六年，應於第一次選舉完畢後立由秘書長以抽籤方法決定之。

三. 法官在其後任接替前，應繼續行使其職務，雖經接替，仍應結束其已開始辦理之案件。

四. 法官辭職時應將辭職書致送法院院長轉知秘書長。轉知後，該法官之一席即行出缺。

第十四條

凡遇出缺，應照第一次選舉時所定之辦法補選之，但秘書長應於法官出缺後一個月內，發出第五條規定之邀請書並由安全理事會指定選舉日期。

第十五條

法官被選以接替任期未滿之法官者，應任職至其前任法官任期屆滿時為止。

第十六條

一. 法官不得行使任何政治或行政職務，或執行任何其他職業性質之任務。

二. 關於此點，如有疑義，應由法院裁決之。

第十七條

一. 法官對於任何案件，不得充任代理人、律師、或輔佐人。

二. 法官曾以當事國一造之代理人、律師、或輔佐人，或以國內法院或國際法院或調查委員會委員，或以其他資格參加

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任何案件者，不得參與該案件之裁決。

三. 關於此點，如有疑義，應由法院決定之。

第十八條

一. 法官除由其餘法官一致認為不復適合必要條件外，不得免職。

二. 法官之免職，應由書記官長正式通知秘書長。

三. 此項通知一經送達秘書長該法官之一席即行出缺。

第十九條

法官於執行法院職務時，應享受外交特權及豁免。

第二十條

法官於就職前應在公開法庭鄭重宣言本人必當秉公竭誠行使職權。

第二十一條

一. 法院應選舉院長及副院長，其任期各三年，並得連選。

二. 法院應委派書記官長，並得酌派其他必要之職員。

第二十二條

一. 法院設在海牙，但法院如認為合宜時，得在他處開庭及行使職務。

二. 院長及書記官長應駐於法院所在地。

第二十三條

一. 法院除司法假期外，應常川辦公。司法假期之日期及期間由法院定之。

二. 法官得有定時假期，其日期及期間，由法院斟酌海牙與各法官住所之距離定之。

三. 法官除在假期或因疾病或其他重大原由，不克視事，經向院長作適當之解釋外，應常川備由法院分配工作。

第二十四條

一. 法官如因特別原由認為於某案之裁判不應參與時，應通知院長。

二. 院長如認某法官因特別原由不應參與某案時，應以此通知該法官。

三. 遇有此種情形，法官與院長意見不同時，應由法院決定之。

第二十五條

一. 除本規約另有規定外，法院應由全體法官開庭。

二. 法院規則得按情形並以輪流方法，規定准許法官一人或數人免予出席，但準備出席之法官人數不得因此減至少於十一人。

三. 法官九人即足構成法院之法定人數。

第二十六條

一. 法院得隨時設立一個或數個分庭，並得決定由法官三人或三人以上組織之。此項分庭處理特種案件，例如勞工案件及關於過境與交通案件。

二. 法院為處理某特定案件，得隨時設立分庭，組織此項分庭法官之人數，應由法院得當事國之同意定之。

三. 案件經當事國之請求應由本條規定之分庭審理裁判之。

第二十七條

第二十六條及第二十九條規定之任何分庭所為之裁判，應視為法院之裁判。

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第二十八條

第二十六條及第二十九條規定之分庭，經當事國之同意，得在海牙以外地方開庭及行使職務。

第二十九條

法院為迅速處理事務，應於每年以法官五人組織一分庭。該分庭經當事國之請求，得用簡易程序，審理及裁判案件。法院並應選定法官二人，以備接替不能出庭之法官。

第三十條

- 一. 法院應訂立規則，以執行其職務，尤應訂定關於程序之規則。
- 二. 法院規則得規定關於襄審官之出席法院或任何分庭，但無表決權。

第三十一條

- 一. 屬於訴訟當事國國籍之法官，於法院受理該訴訟案件時，保有其參與之權。
- 二. 法院受理案件，如法官中有屬於一造當事國之國籍者，任何他造當事國得選派一人為法官，參與該案。此項人員尤以就第四條及第五條規定所提之候選人中選充為宜。
- 三. 法院受理案件，如當事國均無本國國籍法官時，各當事國均得依本條第二項之規定選派法官一人。
- 四. 本條之規定於第二十六條及第二十九條之情形適用之。在此種情形下，院長應請分庭法官一人，或於必要時二人，讓與屬於關係當事國國籍之法官，如無各當事國國籍之法官或各該法官不能出席時，應讓與各當事國特別選派之法官。
- 五. 如數當事國具有同樣利害關係時，

四

在上列各規定適用範圍內，祇應作為一當事國。關於此點，如有疑義，由法院裁決之。

六. 依本條第二第三及第四項規定所選派之法官，應適合本規約第二條，第十七條第二項，第二十條及第二十四條規定之條件。各該法官參與案件之裁判時，與其同事立於完全平等地位。

第三十二條

- 一. 法院法官應領年俸。
- 二. 院長每年應領特別津貼。
- 三. 副院長於代行院長職務時，應按日領特別津貼。
- 四. 依第三十一條規定所選派之法官而非法院之法官者，於執行職務時，應按日領酬金。
- 五. 上列俸給津貼及酬金由聯合國大會定之，在任期內，不得減少。
- 六. 書記官長之俸給，經法院之提議由大會定之。
- 七. 法官及書記官長支給退休金及補領旅費之條件，由大會訂立章程規定之。
- 八. 上列俸給津貼及酬金，應免除一切稅捐。

第三十三條

法院經費由聯合國擔負，其擔負方法由大會定之。

第二章

法院之管轄

第三十四條

- 一. 在法院得為訴訟當事國者，限於國家。

二. 法院得依其規則, 請求公共國際團體供給關於正在審理案件之情報。該項團體自動供給之情報, 法院應接受之。

三. 法院於某一案件遇有公共國際團體之組織約章, 或依該項約章所締結之國際協約, 發生解釋問題時, 書記官長應通知有關公共國際團體並向其遞送所有書面程序之文件副本。

第三十五條

一. 法院受理本規約各當事國之訴訟。

二. 法院受理其他各國訴訟之條件, 除現行條約另有特別規定外, 由安全理事會定之, 但無論如何, 此項條件不得使當事國在法院處於不平等地位。

三. 非聯合國會員國為案件之當事國時, 其應擔負法院費用之數目由法院定之。如該國業已分擔法院經費之一部, 本項規定不適用之。

第三十六條

一. 法院之管轄包括各當事國提交之一切案件, 及聯合國憲章或現行條約及協約中所特定之一切事件。

二. 本規約各當事國得隨時聲明關於具有下列性質之一切法律爭端, 對於接受同樣義務之任何其他國家, 承認法院之管轄為當然而具有強制性, 不須另訂特別協定:

(子) 條約之解釋。

(丑) 國際法之任何問題。

(寅) 任何事實之存在, 如經確定即屬國際義務者。

(卯) 因違反國際義務而應予賠償之性質及其範圍。

三. 上述聲明, 得無條件為之, 或以數個或特定之國家間彼此拘束為條件, 或以一定之期間為條件。

四. 此項聲明應交存聯合國秘書長並由其將副本分送本規約各當事國及法院書記官長。

五. 曾依常設國際法院規約第三十六條所為之聲明而現仍有效者, 就本規約當事國間而言, 在該項聲明期間尚未屆滿前並依其條款, 應認為對於國際法院強制管轄之接受。

六. 關於法院有無管轄權之爭端, 由法院裁決之。

第三十七條

現行條約或協約或規定某項事件應提交國際聯合會所設之任何裁判機關或常設國際法院者, 在本規約當事國間, 該項事件應提交國際法院。

第三十八條

一. 法院對於陳訴各項爭端, 應依國際法裁判之, 裁判時應適用:

(子) 不論普通或特別國際協約, 確立訴訟當事國明白承認之規條者。

(丑) 國際習慣, 作為通例之證明而經接受為法律者。

(寅) 一般法律原則為文明各國所承認者。

(卯) 在第五十九條規定之下, 司法判例及各國權威最高之公法學家學說, 作為確定法律原則之補助資料者。

二. 前項規定不妨礙法院經當事國同意本“公允及善良”原則裁判案件之權。

第三章 程序

第三十九條

一. 法院正式文字爲英法兩文。如各當事國同意用法文辦理案件,其判決應以法文爲之。如各當事國同意用英文辦理案件,其判決應以英文爲之。

二. 如未經同意應用何種文字,每一當事國於陳述中得擇用英法兩文之一,而法院之判詞應用英法兩文。法院並應同時確定以何者爲準。

三. 法院經任何當事國之請求,應准該當事國用英法文以外之文字。

第四十條

一. 向法院提出訴訟案件,應按其情形將所訂特別協定通告書記官長或以請求書送達書記官長。不論用何項方法,均應叙明爭端事由及各當事國。

二. 書記官長應立將請求書通知有關各方。

三. 書記官長並應經由秘書長通知聯合國會員國及有權在法院出庭其他之國家。

第四十一條

一. 法院如認情形有必要時,有權指示當事國應行遵守以保全彼此權利之臨時辦法。

二. 在終局判決前,應將此項指示辦法立即通知各當事國及安全理事會。

第四十二條

一. 各當事國應由代理人代表之。

六

二. 各當事國得派律師或輔佐人在法院予以協助。

三. 各當事國之代理人、律師、及輔助人應享受關於獨立行使其職務所必要之特權及豁免。

第四十三條

一. 訴訟程序應分書面與口述兩部份。

二. 書面程序係指以訴狀、辯訴狀、及必要時之答辯狀連同可資佐證之各種文件及公文書,送達法院及各當事國。

三. 此項送達應由書記官長依法院所定次序及期限爲之。

四. 當事國一造所提出之一切文件應將證明無訛之抄本一份送達他造。

五. 口述程序係指法院審訊證人、鑑定人、代理人、律師及輔佐人。

第四十四條

一. 法院遇有對於代理人、律師、及輔佐人以外之人送達通知書,而須在某國領土內行之者,應逕向該國政府接洽。

二. 爲就地搜集證據而須採取步驟時,適用前項規定。

第四十五條

法院之審訊應由院長指揮,院長不克出席時,由副院長指揮;院長副院長均不克出席時,由出席法官中之資深者主持。

第四十六條

法院之審訊應公開行之,但法院另有決定或各當事國要求拒絕公衆旁聽時,不在此限。

第四十七條

一. 每次審訊應作成記錄,由書記官長及院長簽名。

二. 前項記錄爲唯一可據之記錄。

第四十八條

法院為進行辦理案件應頒發命令；對於當事國每造，應決定其必須終結辯論之方式及時間；對於證據之搜集，應為一切之措施。

第四十九條

法院在開始審訊前，亦得令代理人提出任何文件，或提供任何解釋。如經拒絕應予正式記載。

第五十條

法院得隨時選擇任何個人、團體、局所、委員會、或其他組織，委以調查或鑑定之責。

第五十一條

審訊時得依第三十條所指法院在其程序規則中所定之條件，向證人及鑑定人提出任何切要有關之詰問。

第五十二條

法院於所定期限內收到各項證明及證據後，得拒絕接受當事國一造欲提出之其他口頭或書面證據，但經他造同意者，不在此限。

第五十三條

一、當事國一造不到法院或不辯護其主張時，他造得請求法院對自己主張為有利之裁判。

二、法院於允准前項請求前，應查明不特依第三十六條及第三十七條法院對本案有管轄權，且請求人之主張在事實及法律上均有根據。

第五十四條

一、代理人律師及輔佐人在法院指揮下陳述其主張已完畢時，院長應宣告辯論終結。

二、法官應退席討論判決。

三、法官之評議應秘密為之，並永守秘密。

第五十五條

一、一切問題應由出席法官之過半數決定之。

二、如投票數相等時，院長或代理院長職務之法官應投決定票。

第五十六條

一、判詞應叙明理由。

二、判詞應載明參與裁判之法官姓名。

第五十七條

判詞如全部或一部份不能代表法官一致之意見時，任何法官得另行宣告其個別意見。

第五十八條

判詞應由院長及書記官長簽名，在法庭內公開宣讀，並應先期通知各代理人。

第五十九條

法院之裁判除對於當事國及本案外，無拘束力。

第六十條

法院之判決係屬確定，不得上訴。判詞之意義或範圍發生爭端時，經任何當事國之請求後，法院應予解釋。

第六十一條

一、聲請法院覆核判決，應根據發現具有決定性之事實，而此項事實在判決宣告時為法院及聲請覆核之當事國所不知者，但以非因過失而不知者為限。

二、覆核程序之開始應由法院下以裁判，載明新事實之存在，承認此項新事實

具有使本案應予覆核之性質，並宣告覆核之聲請因此可予接受。

三. 法院於接受覆核訴訟前得令先行履行判決之內容。

四. 聲請覆核至遲應於新事實發現後六個月內爲之。

五. 聲請覆核自判決日起逾十年後不得爲之。

第六十二條

一. 某一國家如認爲某案件之判決可影響屬於該國具有法律性質之利益時，得向法院聲請參加。

二. 此項聲請應由法院裁決之。

第六十三條

一. 凡協約發生解釋問題，而訴訟當事國以外尚有其他國家爲該協約之簽字國者，應立由書記官長通知各該國家。

二. 受前項通知之國家有參加程序之權；但如該國行使此項權利時，判決中之解釋對該國具有同樣拘束力。

第六十四條

除法院另有裁定外，訴訟費用由各造當事國自行擔負。

第四章

諮詢意見

第六十五條

一. 法院對於任何法律問題如經任何團體由聯合國憲章授權而請求或依照聯合國憲章而請求時，得發表諮詢意見。

二. 凡向法院請求諮詢意見之問題，應

以聲請書送交法院。此項聲請書對於諮詢意見之問題，應有確切之敘述，並應附送足以釋明該問題之一切文件。

第六十六條

一. 書記官長應立將諮詢意見之聲請，通知凡有權在法院出庭之國家。

二. 書記官長並應以特別且直接之方法通知法院（或在法院不開庭時，院長）認所爲對於諮詢問題能供給情報之有權在法院出庭之任何國家，或國際團體，聲明法院於院長所定之期限內準備接受關於該問題之書面陳述，或準備於本案公開審訊時聽取口頭陳述。

三. 有權在法院出庭之任何國家如未接到本條第二項所指之特別通知時，該國家得表示願以書面或口頭陳述之意思，而由法院裁決之。

四. 凡已經提出書面或口頭陳述或兩項陳述之國家及團體，對於其他國家或團體所提之陳述，准其依法院（或在法院不開庭時，院長）所定關於每案之方式，範圍及期限，予以評論。書記官長應於適當時間內將此項書面陳述通知已經提出此類陳述之國家及團體。

第六十七條

法院應將其諮詢意見當庭公開宣告並先期通知秘書長，聯合國會員國，及有直接關係之其他國家及國際團體之代表。

第六十八條

法院執行關於諮詢意見之職務時，並應參照本規約關於訴訟案件各條款之規定，但以法院認爲該項條款可以適用之範圍爲限。

第五章 修正

第六十九條

本規約之修正準用聯合國憲章所規定關於修正憲章之程序，但大會經安全理事會

之建議得制定關於本規約當事國而非聯合國會員國參加該項程序之任何規定。

第七十條

法院認為必要時得以書面向秘書長提出對於本規約之修正案，由聯合國依照第六十九條之規定，加以討論。

CHARTER OF THE UNITED NATIONS

AND

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE



*Virginia Angel
6/25/45
9:10 am*

FINAL FORM OF CHARTER
AND STATUTE OF THE COURT AS
APPROVED BY THE STEERING
COMMITTEE AND REVISED BY THE
COORDINATION COMMITTEE.

Charles F. Darlington

Charles Darlington
Executive Officer
Coordination Committee

June 25, 1945

SAN FRANCISCO · 1945

CHARTER OF THE UNITED NATIONS

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.

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 fulfil 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 for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of 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 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international 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 57 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 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 Se-

curity 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 inter-

national friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be

employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not

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

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 Mem-

ber 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 inter-

national 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 re-election.

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 the 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 arrange-

ments 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 the 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,

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 Se-

curity 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 inter-

national friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be

employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not

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

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 Mem-

ber 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 inter-

national 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 re-election.

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 the 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 arrange-

ments 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 the 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 Secre-

tary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

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

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI MISCELLANEOUS PROVISIONS

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

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.

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 1

THE INTERNATIONAL COURT OF JUSTICE established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as

those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

1. The Secretary-General shall prepare a list