



# **NO MORE WARS**

## **THE CHARTER OF THE UNITED NATIONS**

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This e-book was created to mark the 80th anniversary of the entry into force of the Charter of the United Nations. It consists of several independent articles on the subject of the UN Charter, three of which have been published previously.

## Why the UN Charter is so important to me

In 1987, during the height of the Iran-Iraq War, I found myself unexpectedly in a harrowing situation in Ahvaz: several lorries were unloading dozens of war-wounded soldiers on stretchers. Most were tightly wrapped in blankets and bandages, with only their faces visible. When I looked at the soldier closest to me, I saw into the face of a child—or at least a very young man. A grey veil seemed to hang over his strangely aged features, a look I would later recognise in many who were dying or gravely injured. He didn't seem to notice me. Very quietly—almost as if not to disturb the others—he kept calling for his mother. I spoke little Persian, but the words “maman, maman” were unmistakable and deeply moving.

The encounter lasted perhaps less than a minute. I know nothing about this young Iranian—not the nature of his injuries, whether he survived, or if his mother ever saw him again. I never learned his name, and we didn't exchange a single word; I was too overwhelmed, and the moment too brief. Yet I carry his image in my soul to this day. Sometimes, when I light a candle for my family, I light one for him too.

What remains is a profound sense of helplessness—and a deep conviction that we must do everything in our power to uphold the dignity of every human being and to prevent future wars.

*In 1980, Iraq under Saddam Hussein invaded Iran, sparking an eight-year war that claimed up to a million lives—both Iranian and Iraqi. Countless others were left physically and psychologically scarred. Precise numbers are unknown.*

*During the conflict, Iraq deployed mustard gas and even sarin against Iranian troops—and later against the Kurdish opposition within its own borders. These were horrific war crimes. A UN commission of inquiry suspected that the sarin gas, in particular, had been supplied by foreign powers. Yet the Iranian victims and their families never received compensation. In the West, these atrocities were never officially recognized as war crimes.*

**Michael von der Schulenburg**

# No more wars!

## The Charter of the United Nations

*"We the peoples of the United Nations [are] determined*

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

*to reaffirm our 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 ...*

These simple but deeply moving words, so infinitely important for the future of humanity, begin the preamble to the Charter of the United Nations, which was drafted 80 years ago. The signatories, who gathered in San Francisco in 1945, were unanimous: After two devastating world wars, human dignity, friendly relations between peoples and cooperation should now be at the heart of relations among its member states and its peoples. And above all, there should be no more wars from now on – neither preventive wars nor wars of aggression. For the Charter no longer makes the distinction between "just" and "unjust" wars that had been valid for centuries.

All member states are now equally obliged to resolve their disputes and conflicts exclusively through negotiation and to seek a peaceful settlement of their interests – without threatening or even using force. This also applies, of course, to wars that have already broken out. "Let us talk to each other and not shoot at each other" and "let us work together and not be hostile to each other" – these are the core messages of the Charter of the United Nations.

Today, 193 states have not only signed the UN Charter, but also ratified it. This means that the principles of the Charter – its commitment to peace and human dignity – should have universal validity, forming the foundation of international law to be equally applied by all states and all people on earth. But this is not the case – particularly not in Western countries. Instead of upholding the principles of the Charter and relying on diplomacy to resolve conflicts, we in the West are being prepared for an impending war. *Si vis pacem, para bellum* – "If you want peace, prepare for war," is the slogan.



The UN Charter is hardly ever mentioned anymore – and when it is, it is only to justify wars such as the one in Ukraine, which has been going on for over three and a half years. However, such a justification would be a perverted interpretation of a charter that has “never again war” and “the worth of the human person” written on its banners!

In view of the alarming development of increasingly destructive weapons systems in a world where security is confused with the possession of nuclear weapons, we should remember the UN Charter again. The Charter is even more important today than it was when it was written immediately after the world wars. While around 80 million people died in the three decades of the two world wars, a third world war could wipe out the entire human race and all life on Earth in just a few minutes.

This makes the guiding principles of the UN Charter – “Never again war,” and the preservation of “human dignity” – today indispensable for the survival of future generations. We will urgently need these guiding principles of the UN Charter when these wars are hopefully over and the responsible politicians come together to agree on a future global security order.

In today’s belligerent atmosphere, it is particularly challenging to advocate for peace, dialogue and understanding. Those who champion diplomatic solutions are often ridiculed as naive or even defamed – as “appeasers” or worse, as mouthpieces for foreign interests. It takes courage to stand up to the spirit of the times.

This brochure is aimed at people who believe in the power of international law and who defend the principles of the Charter of the United Nations (UN Charter) – even if this means being considered naive. Ultimately, it is those who see “war readiness” and armament as solutions who are out of touch with reality: sustainable security and lasting peaceful coexistence cannot be achieved through more and more weapons, but only through mutual understanding.

In this brochure, we have compiled six articles that highlight various aspects of the UN Charter. As Articles 3, 4 and 5 were written and published earlier, there are some repetitions in the arguments. However, this allows for the articles to be read independently of each other.

### **1. Peace as a matter of destiny for humanity**

Why international law has lost its significance – and which geopolitical developments make a return to the UN Charter urgently necessary.

### **2.. Negotiate, don't shoot**

An analysis of the wars in Ukraine and between Israel and Iran – and how the refusal to negotiate led to war and escalation.

### **3. A future world peace order**

Why a new peace order must be based on the UN Charter – and why there is no alternative.

### **4. Why the West needs the UN Charter**

A critical examination of the "rules-based order" and a plea for a return to international law – also in the interests of Western states.

### **5. The UN Charter and the war in Ukraine**

An examination of the causes of the war in Ukraine – and how strict adherence to the UN Charter might have prevented it.

### **6. Germany's renewed fixation with war**

An analysis of Germany's ambivalent relationship with the UN Charter – and the risks that arise from it.

It is strongly recommended to read the complete text of the UN Charter – which is just 18 pages. The preamble and the first seven chapters are particularly recommended. They show how, 80 years ago, the Charter created a framework for world peace that was both forward-looking and humane.

Because the survival of humankind is not just a matter of preventing wars – it is about **peace!**

**Michael von der Schulenburg**  
**Member of the European Parliament**  
**for the Sahra Wagenknecht Alliance**

## **Article 1**

### **War and peace – a question of destiny for humanity**

The question of war and peace – that is, whether peace can only be achieved through military strength and, if necessary, through war; or whether it can be secured through peaceful conflict resolution such as negotiation and diplomacy – has taken on crucial significance in light of the resurgence of “Feindbilder” (enemy stereotypes), massive rearmament efforts and, above all, the war in Ukraine and Israel’s wars.

So are those who answer this question with the old Roman saying, *“If you want peace, prepare for war,” right? Or should we all rather heed the call from the preamble to the Charter of the United Nations: “We, the peoples of the United Nations, [are] determined to save future generations from the scourge of war...”?*

Ultimately, the fundamental question is whether the development of weapons systems with ever greater destructive power, or instead, international law based on the Charter of the United Nations, can create and secure a lasting peace in the world. We are thus once again faced with one of the central ethical and political questions in human history: peace through deterrence and force – or through universal law and international cooperation. In view of the rapid development of weapons of mass destruction, the answer to this question is today of vital importance for the survival of humanity as a whole.

### **The dangerous proclivity for military force**

Today, this question seems to have been decided in Western countries. More than ever since the end of the Cold War – perhaps even more than since the end of the two world wars – the frightening conviction has taken hold in the West that peace can only be defended through the threat or even the use of weapons. On the other hand, the principles of the United Nations Charter, which are considered to be the basis for conflict resolution applicable equally to all states, have almost completely lost their significance. This, in turn, has led to the erosion of international law based on the UN Charter.



This worrying development – away from international law and towards reliance on military force – is particularly evident in the two currently dominant inter-state conflicts: Russia's war against Ukraine and Israel's war against Iran. Both are the first conflicts since the dropping of atomic bombs at the end of the Second World War in which nuclear weapons are once again playing a strategic role and significantly influencing the outcome of the fighting. In both wars, therefore, the unthinkable would be conceivable: the use of nuclear weapons. Today, there are over 12,000 nuclear weapons worldwide, some of which are up to 80 times more powerful than those dropped on Hiroshima. The wars in Ukraine and the Middle East therefore pose an unprecedented threat to the entire human race.

A crucial aspect in assessing the risks is that military defeats for the West's strategic partners, Ukraine and Israel, are looming in both wars. These defeats would also come at a time when a fundamental geopolitical shift is taking place – politically, economically and technologically – as exemplified by the increasingly confident demeanour of the BRICS+ states and the Shanghai Cooperation Organisation (SCO). These military defeats therefore represent the increasing crumbling of the West's former global political dominance and the so-called "rules-based international order" as propagated by the West.

The central question is therefore: Will the West – especially the NATO states – accept the geopolitical changes and the loss of their once dominant role, or will they try to stop them through military escalation? The latter would bring the world dangerously close to a nuclear-led Third World War. But in view of this threat, could we not return to the peace imperative of the UN Charter and try to resolve both conflicts through negotiations?

Despite repeated criticism of his decision-making, President Trump's diplomatic efforts – in particular his meeting with President Putin in Alaska – offer a glimmer of hope. However, given the immediate threat to Europe, it is difficult to understand why many European NATO countries continue to pursue a confrontational approach and attempt to undermine Trump's peace initiatives in the Ukraine war. Their destructive attitudes appear irrational, especially as in the case of a nuclear escalation, the European continent would become a battlefield. Arming up would not help in this situation. Would it not be safer to take the path of negotiation called for in the UN Charter?

## The breakdown of international law

The geopolitical developments of recent years raise the question of whether a universally recognised and effectively applied international law – based on the UN Charter's imperative of peace – still exists at all. The sobering answer: hardly.

While the UN Charter was largely blocked during the Cold War, it was not fundamentally questioned. It then contributed to the détente policy of the 1970s and 1980s, that resulted for example in the Helsinki Final Act (1975) and in many arms control treaties and the establishment of confidence-building measures. In 1990, the Charter of Paris for a New Europe was signed and in the same year the UN Security Council even authorised collective military action under Article VII of the UN Charter to liberate Kuwait. Such cooperation seems unthinkable today.

The disintegration of the UN Charter began with the disregard for the prohibition of the use of force and the circumvention of the UN Security Council's sole right to decide on military action. This effectively rendered the UN's collective security system obsolete. States increasingly intervened militarily – directly or indirectly – in other countries when it served their interests. This applies to Russia and Israel as well as many other states.

NATO countries in particular have repeatedly intervened militarily without a UN mandate: whether in Yugoslavia (1999), Iraq (2003), Libya (2011), Syria (2017/18) or through exerting influence in Ukraine since 2014. According to the US Congress, the US intervened militarily in third countries in 251 cases between 1992 and 2022. Sanctions against third countries, extrajudicial killings, or even a bounty on the president of another country without a UN mandate are also hardly compatible with the UN Charter. We are thus sliding into a world where only the law of the strongest applies – exactly what international law is supposed to prevent.

Particularly serious and deeply troubling are Israel's actions in Gaza and the West Bank, which flagrantly violate fundamental norms of the UN Charter and the Fourth Geneva Convention in a way that we have not seen in the Western world since the crimes of the Second World War. The fact that these violations are conducted with Western weapons and are largely tolerated in silence casts a deeply dark shadow over the Western world and exposes the

double standards of a “rules-based international order” supposedly based on liberal values and human rights.

In the 1980s and early 1990s, arms control agreements and confidence-building measures were crucial steps towards averting the threat of another world war and making the world a more peaceful place. These agreements were reached in accordance with the United Nations Charter through negotiations between adversaries – not through the threat of force. Today, with the exception of the Nuclear Non-Proliferation Treaty and the New START Treaty, all of these agreements have been unilaterally terminated, not extended or not ratified by the US – and this at a time of rapid development of increasingly destructive weapons systems. New START will also expire at the end of 2025. Will the only thing left then be the ineffective Nuclear Non-Proliferation Treaty, which can hardly deter any country from acquiring nuclear weapons?

Now, some European countries have even announced their intention to withdraw from the Ottawa Convention banning anti-personnel mines, which was only adopted in 1997. The Russian threat is cited as the reason for this. Many still remember Princess Diana, whose commitment to combating this weapon, which is particularly dangerous for civilians, was widely recognised around the world. This shows how far we have strayed from the path to a more peaceful world in just a few years.

In order to enable a peaceful future for the European continent, which was torn apart by the Cold War, several treaties based on the UN Charter were created, including the Helsinki Final Act (1975), the Charter of Paris for a New Europe (1990), the European Security Charter (1999) and the Two Plus Four Treaty (1990), which paved the way for German reunification. But who still talks about them today? Who remembers that all European states once agreed to build a common Europe and a common security system based on the principle of not seeking security at the expense of other states? These documents made no mention of NATO, which today claims to guarantee security in Europe.

The UN Charter emphasises in its preamble that “respect for the obligations arising from treaties and other sources of international law” is a fundamental prerequisite for peace. Peace is based on mutual trust – mutual distrust, on the other hand, paves the way

for conflict. When former German Chancellor Angela Merkel and former French President François Hollande now admit in retrospect that the Minsk II agreement served primarily to give Ukraine time to strengthen its defences, it raises questions about the trust in those negotiations.

There are many other examples of treaties not being honoured, thereby undermining trust. Once trust is lost, it becomes more difficult to resolve international conflicts – and not only in Ukraine.

## **Why do we need to return to the UN Charter?**

In a world characterised by ever newer and ever more destructive weapons systems, a seemingly naive question arises: what can words do against missiles? What can a charter do against hypersonic weapons, drone swarms and nuclear deterrence?

But this question is more relevant today than ever before. Because if we continue to rely on the principle of “Si vis pacem, para bellum” – “If you want peace, prepare for war” – in the 21st century, when the world is growing closer together through technology, trade and communication, we are not increasing our security, but risking our common future.

Here are five reasons why we urgently need to return to international law based on the message of peace in the UN Charter – and why the Charter should triumph over the notion that peace can only be achieved through preparations for war.

### **(1) Armament does not create security**

In the European Parliament, EU Defence Commissioner Andrius Kubilius justified the militarisation of the EU envisaged in the Commission’s White Paper with “Si vis pacem, para bellum.” But if this phrase were to become the guiding principle of all states, there would be a risk of an arms race: every time one state arms itself, it provokes the others to arm themselves even more.

The result would be a world in which more and more countries strive for nuclear armament – not out of aggression, but out of fear. North Korea serves as an example: “thanks” to its own nuclear weapons, the regime is now virtually unassailable. If Iran were to also arm itself with nuclear weapons after the Israeli attack,

countries such as Saudi Arabia, Egypt or Turkey could follow suit. Even in Germany, there is now talk of developing nuclear weapons. And what about Italy and Poland, or even Japan, South Korea and Australia? Yes, and what would happen if Ukraine or Taiwan also developed nuclear weapons? The consequences of such developments are unimaginable!

A world with 50 or more nuclear powers would not be a safe world. It would be a powder keg in which a single spark could be enough to trigger a global catastrophe.

Incidentally, the saying “Si vis pacem, para bellum” comes from the Roman military writer Vegetius, who lived towards the end of the 4th century AD – that is, in the late phase of the Western Roman Empire. However, his warning to arm oneself for peace did not save Rome from its downfall. Perhaps this should be a lesson for us, instead of endangering the EU through senseless militarisation and war rhetoric.

## **(2) The world is simply too small for modern warfare**

The development of modern weapons systems is making war increasingly impossible due to the potential for mutual destruction. Even during the Cold War, the prospect of nuclear war was deterred by “mutually assured destruction” – a deterrent that was manageable as it was limited at the time to only two superpowers, the US and the Soviet Union.

Today, nuclear weapons and the associated missile systems are accessible to significantly more countries. And not only that: there are now weapons systems whose destructive power exceeds anything that existed during the Cold War. These include “smart” nuclear weapons, hypersonic missiles and stealth technologies that can be used to strike enemy targets precisely and undetected in a very short time.

Added to this are new categories of warfare such as cyber warfare and space warfare, in which artificial intelligence is increasingly replacing human decision-making. Under these conditions, no state can expect to win. One could almost hope that such terrible weapons systems will one day abolish themselves due to their own threatening nature. The world is simply too small for any of them.

### **(3) War hysteria is mainly a Western phenomenon**

A veritable war hysteria has gripped the Western world – especially the European NATO countries. Those living in Germany, France, the UK or Sweden, etc. are constantly being reminded by politicians and the media of an allegedly imminent threat of war. It is claimed that only consistent rearmament and increased military readiness can save us from what we say are “dictatorships”, such as Russia, China, Iran or even North Korea, that the West as a self-assumed force for good in the world must hold against with overwhelming military force.

There is talk that war will break out in five years, perhaps even in three years, and that it is therefore imperative that the armed forces be substantially increased. NATO's defence spending already accounts for around 55% of global military spending – compared to an estimated 13% for China, 6% for Russia and 3.5% for India.

With NATO member countries now agreeing to increase their national defence budgets to 5% of gross domestic product, NATO countries' defence spending would double again. NATO, which accounts for about 10% of the world's population, could control over 70% (or more) of all global military spending by 2035. How can this be justified to the other 90% of the world's population?

These questions become especially pressing when viewed against the backdrop of emerging state systems such as BRICS+ and the SCO. These blocs, which surpass NATO countries in demographic size and are increasingly challenging the economic and technological dominance of the G7, have notably refrained from forming any military alliance comparable to NATO. This deliberate choice raises a critical contradiction in the Western position: how can we persistently speak of the threat of war while we simultaneously treat a significant portion of the global population as adversaries?

Shouldn't the military superiority of the West rather offer the flexibility to approach other groups of states and negotiate with them on a global security system? Wouldn't it be responsible now to talk again about arms control and confidence-building measures rather than engaging in an unprecedented military build-up?



#### **(4) A world in geopolitical transition**

One reason why it is so difficult to find a solution to the current wars is the enormous speed at which geopolitical changes are currently progressing. Our thinking and our attitude towards these conflicts continue to be shaped by the belief that the Western world is the dominant force on the globe – a force for good, as we believe, which in return for its claim to leadership maintains the illusion that it would bring the rest of the world democracy, the rule of law and a liberal and thus successful economic system.

And indeed, for the past 250 years – some would say even longer – the Western world has been the leading global power economically, technologically and militarily. After the collapse of the Warsaw Pact and the Soviet Union in the 1990s, this dominance seemed to be confirmed once again. And suddenly, all that should be over?

Just four years ago, we disparagingly described Russia, to quote McCain, as a “gas station masquerading as a country”. When war began in Ukraine, we were certain that Russia would suffer a crushing defeat against a Ukraine armed with Western weapons. And now?

Just a year ago, we assumed Israel, with its Iron Dome, unfailing secret service and invincible army, to be victorious in its wars with its neighbours, while our image of Iran was largely shaped by caricatures of grubby “mullahs”. But it was Israel that – hit by Iranian precision missiles – requested a ceasefire.

These defeats are signs that the world has changed fundamentally in just a few years, leading to fundamental geopolitical upheavals that have affected all areas of the international order – whether demographic, economic, technological or security-related. The West will no longer be able to change this.

A multilateral order is emerging in which the West must share its power with other centres of power. Western actors such as the US and the European Union will in future be just two among several centres of power – and the EU not even among the strongest ones. The West must now learn to acknowledge these new realities and adopt a more modest and cooperative stance than before. We all know from personal experience how difficult this is.

The BRICS countries and the SCO repeatedly emphasise the central role of the UN Charter in a future multipolar world and an international order based on its principles: peaceful coexistence and the avoidance of war, the right to social and economic development, equal sovereignty and non-interference in the internal affairs of other states. And isn't the Chinese President's proposal for a Global Governance Initiative something we all can support? And mustn't we support President Trump in one of the main objectives he has set out for his Presidency: to prevent a Third World War? These reflect the values of the UN Charter that once originated in Western societies. In fact, the UN Charter was a great present that the USA made to humankind in 1945. So why should we not rally around these values and turn great power rivalries into a joint great power leadership to bring about peace?

Does this not present a unique opportunity for the US and the EU to work with the BRICS countries, the SCO and other regional organisations to build a collective security structure of equal states based on the UN Charter? Would the West have another alternative? Hardly!

### **(5) What image do we have of ourselves as human beings?**

But perhaps it is the image we have of ourselves – and which we should continually renew and promote – that is the deeper reason why we should return to a world in which peaceful relations between states and their citizens are built on the United Nations Charter, universal human rights and the international law that has developed from them.

When an EU Commissioner describes European security policy with the words “*Si vis pacem, para bellum*,” without even considering the possibility of achieving security through dialogue and mutual compromise, he is assuming a decidedly negative view of humanity. In this view, everyone becomes an enemy to everyone else, and human societies emerge whose relationships – both internally and externally – are determined by violence and can in turn only be controlled by violence or the threat of violence.

While Hobbes merely describes the natural state of man with his “war of all against all”, the EU goes a frightening step further and applies this image to the whole of human civilisation and the community of states. How can an institution like the EU, which was

once founded as a peace project, sink to such depths of contempt for humanity and its civilisation?

In contrast, perhaps the most astonishing and touching aspect of the UN Charter is that – after the human abyss of millions of war victims and the murder of millions of unarmed people in the name of Nazi Germany's racial fanaticism and Japan's ideology of superiority – it is based on an extremely positive view of humanity.

By calling on all member states to resolve their conflicts peacefully, the Charter assumes that this is not only desirable but also possible. It is based on the image of a rational, empathetic and socially responsible human being – a human being who shares equal rights and duties with all other human beings, regardless of their ethnic or religious identities, as well as the pursuit of peace.

The principles of the UN Charter should therefore be the guiding principles for all people who are committed to peace. That is why the Charter begins with the words:

## We the people

### **Article 2**

#### **Negotiate, don't shoot**

#### **How Russia's war against Ukraine and Israel's war against Iran differ from the perspective of the UN Charter**

The Charter of the United Nations (UN Charter) combines the prohibition on using military force to achieve political goals with the requirement to resolve conflicts by peaceful means. A mere prohibition of military force to resolve conflicts would not make sense, because conflicts between states will always exist – and these must be resolved: if not by force, then by negotiations.

Therefore, in the UN Charter, all member states have committed themselves to resolving their conflicts exclusively through negotiation and to renouncing the use of force. In this article, we

will examine two wars in light of this core statement of the UN Charter - Russia's attack on Ukraine in 2022 and Israel's attack on Iran in the summer of 2025.

The key questions we must ask ourselves are: Did these two wars occur because diplomacy failed, and which of the warring parties failed to fulfil their obligations under the UN Charter to resolve conflicts peacefully? To answer these questions, we must look at the behaviour of all the actors involved - not only the warring parties Russia, Israel, Ukraine and Iran, but also NATO, the EU, the US, UK and a number of European states.

Resolving conflicts through negotiation is the actual task of diplomacy. However, looking at the war in Ukraine and Israel's war against Iran, we see a glaring failure of diplomacy. Anyone who has followed the speeches of many of the respective foreign ministers over the last three years will have gained the impression that they saw themselves more as advocates of military force than as mediators of diplomatic solutions. A change of course, at least in the war in Ukraine, only came about in the US when President Trump took office.

### **On the UN Charter's prohibition of the use of military force**

In both wars, Russia and Israel justify their military attacks on Ukraine and Iran respectively as preventive wars. Russia argues that its intervention in Ukraine is intended to prevent NATO from expanding to its borders. Israel justified its attack on Iran with the claim it aimed to prevent Iran from building a nuclear bomb. Both states cite existential threats to their national security. The attacked states – Ukraine and Iran – counter, however, that they pose no such threat.

Under international law, the situation is clear: the UN Charter does not allow preventive wars – unless the United Nations Security Council has authorised them. This has not happened in either of those two wars, and therefore both military attacks on another state are illegal under international law – as are the American bombings of Iranian nuclear facilities. The reasons put forward by Russia and Israel that these are existential threats are irrelevant. The decision as to whether there is a threat to international peace and whether this justifies military intervention is the responsibility of the UN Security Council. However, the UN Security Council was

prevented from discharging this responsibility as its decision-making was blocked by the respective veto powers of Russia and the US.

Article VI – Pacific Settlement of Disputes (conflicts) stipulates that the parties to the conflict should endeavour to resolve the conflicts that have led to war. The demand by the EU and the United Kingdom for an unconditional ceasefire in Ukraine without negotiating solutions for its root causes is not in keeping with the spirit of the Charter. Of course, the aim is to silence the guns. However, without a solution to the underlying conflict, it would remain unresolved – and with it the danger of another war. Only when negotiations fail can the Security Council authorise further measures under Article VII, such as sanctions or even military action. However, peaceful conflict resolution always takes precedence.

In Germany, people often mistakenly talk about the “prehistory” of the war instead of its causes. This creates a tendency to separate the war from the causes that led to it. This then leads to the war being viewed exclusively from a moral perspective. In doing so, it is forgotten – perhaps even deliberately – that wars are always immoral, but that they are not about morality, but about conflicting interests.

In this context, one must also understand the frequent references in the West to Article 51 of the UN Charter to justify military and financial support for Ukraine to continue the war. It is true that, according to Article 51 of the Charter, every country has the right to individual and collective self-defence in the event of an attack. However, a charter that stands for “never again war” cannot be used to justify a war that has now been going on for three and a half years and is being massively supported by NATO and its member states without authorisation from the UN.

Article 51 does not release either party to the conflict from its obligation to seek a peaceful solution as quickly as possible. The tragedy of this terrible war lies in the fact that Russia and Ukraine initially acted in accordance with the UN Charter and after five weeks had already established a framework for a peaceful solution. However, this process was torpedoed by NATO – led by the US Biden administration and the UK Johnson government.

## On the UN Charter's requirement for peaceful conflict resolution

The prohibition on using military force to resolve conflicts is only one aspect of the UN Charter. It also gives rise to a second, perhaps even more important imperative: the requirement to resolve conflicts peacefully. So when we ask whether Russia and Israel made efforts to find a diplomatic solution before launching their military attacks, as required by the Charter, and whether such efforts could have prevented these wars, the verdict is very different when it comes to Russia's war against Ukraine and Israel's war against Iran.

### (i) Russia's rejected negotiation efforts

Could the war in Ukraine have been prevented through negotiations, or at least ended immediately after it broke out? The answer to these questions is quite clearly yes.

As early as 1997 – under President Yeltsin – NATO knew that Ukraine's admission to NATO would cross one of Russia's brightest "red lines". Nevertheless, this goal was pursued and officially announced at the NATO summit in Bucharest in 2008. It was clear that the admission of a number of Eastern European states into NATO had already contradicted the assurances given to the former Soviet Union during the 2+4 negotiations on the unification of the two German states, and that Russia would not accept Ukraine's potential admission into the Western defence alliance.

While Germany had made it clear in 2008 that it was sceptical about Ukraine's rapid admission to NATO, and had therefore not agreed to the launch of the Membership Action Plan, there was no clear response even after NATO membership was included as a goal in the Ukrainian constitution in 2019. Following this, Russia repeatedly attempted to resolve the looming conflict through negotiations with NATO. In June 2021, a meeting took place between President Putin and President Biden in Geneva, but it failed to produce any results on the issue of NATO's eastward expansion. In December 2021, Russia sent the US President and NATO leadership a written offer to negotiate a halt to NATO's eastward expansion – this too was rejected.

Subsequent individual visits by Chancellor Scholz and President Macron also failed to produce any results. Neither of them was



willing or able to make any commitments on the issue of NATO expansion.

After the outbreak of war on 22 February 2022, a second opportunity to end the conflict through negotiation arose after just five weeks: on 29 March 2022, Ukrainian and Russian negotiators agreed on a peace plan with ten proposals in Istanbul. These proposals came from the Ukrainian side and did not envisage any territorial losses – only Crimea was to be subject to special arrangements.

However, on 24 March 2022, a special NATO summit was held, which even President Biden attended. Although all parties involved were aware of the progress made in the Ukrainian-Russian negotiations, they did not support them. On the contrary, they rejected any talks with Russia until Russian troops had completely withdrawn from Ukraine.

President Zelensky tried for a while to defend the results of the negotiations in Turkey, but the pressure – especially from the US and the UK – prevailed. Talks with Russia were suspended.

When the then-US Secretary of Defence Lloyd Austin and Secretary of State Antony Blinken visited Kyiv in April 2022, it became clear what was at stake: the aim was to inflict a heavy defeat on Russia, weaken it permanently, and the belief was already that the war had been won. A negotiated solution was not desired. A Russian defeat would have given NATO control over Ukraine and the Black Sea – a strategically important bargaining chip in a possible future conflict with China. Those in the US administration who wanted to weaken China by destroying Beijing's closest ally, Russia, had prevailed.

Ukraine was thus sacrificed to the geopolitical interests of the US and NATO. In the following three and a half years, it paid for this with a very high toll in blood.

The US government under President Biden and the British government under Prime Minister Johnson have thus incurred a heavy debt. While the Trump administration has now embarked on a course of negotiations to end the Ukraine war, the EU continues to stick to its maximalist demands on Russia and refuses any contact with Moscow. This constitutes a violation of the obligation to negotiate contained in the United Nations Charter.

## **(ii) Israel's sabotage of negotiations**

Iran was in negotiations with the US over its uranium enrichment programme when Israel launched an attack on Iran, attempting to destroy the Iranian nuclear programme and the country's military infrastructure, while trying through a "decapitation" strike to overthrow the government there. And worse: in the first wave of attacks, Israel specifically attempted to kill the head of the Iranian negotiating team.

Israel's attack on Iran constituted not only a stark breach of international law, but was also directed against the negotiations taking place in Oman. Israel obviously did not even want to wait for the results of these talks, but deliberately used the negotiations as a cover to launch a surprise attack and kill the Iranian negotiators. The same occurred when Israel tried to kill a Hamas team that had assembled in Qatar to discuss a ceasefire proposal made by President Trump.

In doing so, Israel not only waged a war of aggression in violation of international law, but also declared "war" on the obligation to negotiate resulting from its membership in the UN.

Iran cannot be blamed in this context. Not only had Tehran accepted the IAEA inspections, but it had also entered into direct negotiations with the US about its nuclear programme.

## **Winners and losers**

Looking at the course of both conflicts, one comes to a remarkable conclusion: in both cases, it is the parties to the conflict who rejected negotiations who are the losers. Whatever may still happen, one thing is already certain: NATO has lost the war in Ukraine. Its goal was to keep Russia down, but Russia is emerging from this war as the third major power alongside the US and China. In contrast, the EU will emerge from this conflict extremely weakened. Preparations for a military confrontation with Russia and discussions about sending ground troops from a "coalition of the willing" consisting of Germany, France and Great Britain will not change this.

In Israel's war against Iran, too, there is little doubt that Israel emerges as the loser. If Israel wanted to destabilise Iran and permanently destroy its ability to develop a nuclear bomb, Iran is now more united than ever before. In addition, Iran is now likely

to do everything in its power to develop or procure a nuclear bomb in order to strengthen its own security. In doing so, it would become a non-declared nuclear power, similar to Israel. The missile technology to deliver such a nuclear weapon with precision to a target in Israel already exists.

## **Conclusion**

Negotiations with the enemy about existing conflicts are worthwhile – and are by no means a sign of weakness, as is often claimed today. However, they must be conducted seriously and sincerely. Rejecting negotiations is not only a violation of the UN Charter, but also proves to be detrimental to the parties involved in the conflict who reject or torpedo the negotiations.

## **Article 3**

### **The UN Charter must be at the heart and soul of any new peace architecture**

*This article is a slightly revised version of a contribution I made to the German peace movement for the annual Anti-War Day on 1 September 2023.*

On 1 September 85 years ago, Adolf Hitler's German Reich invaded Poland, igniting the Second World War and unleashing indescribable misery and suffering across Europe and the world. In its aftermath, the UN Charter emerged, carrying the promise of a world order free from war.

Yet, almost simultaneously, humanity developed its most destructive weapon: the nuclear bomb—an invention fundamentally at odds with the ideals the UN Charter sought to uphold. From that moment on, the Charter's vision was overshadowed by the threat of nuclear annihilation.

Today, as the global order shifts toward multipolarity, the possibility of a world where relations among states are guided by the principles of the UN Charter is growing stronger. Let us not squander this moment in history again. Any new peace architecture should hence have the UN Charter at its heart and in its soul.

## The UN Charter versus a World Dominated by Nuclear Weapons

The Charter of the United Nations was an attempt to respond to the two most terrible, destructive, and murderous wars in human history since the Enlightenment. It aimed to develop a concept for a peaceful global order based not on wars, but on shared humanity. While the First and Second World Wars consumed trillions of dollars (in today's currency) to produce and deploy increasingly sophisticated weapons systems capable of killing millions, the UN Charter consisted of just eighteen pages of paper. Thus, the power of peaceful words stood in stark opposition to the arsenals of war—two profoundly unequal forces. And yet, it is the principles of the UN Charter, not the glorifications of war and military triumph, that represent the true epoch-making achievements of humanity.

When 50 representatives of the victorious Allied nations met in San Francisco in June 1945, they did something profoundly revolutionary. The new world order emerging after the Second World War was no longer to be shaped by a victor's peace (*Siegfrieden*), as it had been after the First World War. Instead, a collective security system based on shared principles was to preserve world peace. All nations—regardless of size, political structure, or economic system—would participate. The unifying idea was: *Never again war*. The UN Charter was not about revenge or retribution, and it made no distinction between just and unjust wars, victors or vanquished. Conflicts between states were to be resolved through negotiation, not military force. The Charter held both sides of a conflict equally responsible for maintaining peace and finding peaceful solutions.

Member states also committed themselves to the equality of all nations, non-interference in the internal affairs of others, adherence to international agreements, cooperation, and mutual tolerance. Traditional notions of preventing war through military balance were set aside. Instead, the Charter placed its emphasis on fundamental human rights, the inviolable dignity of every human being—regardless of origin, gender, or religion—equality between men and women, and the right of all people to social and economic progress.

Yet the UN Charter was challenged almost immediately. Just twenty days after its signing on 26 June 1945 in San Francisco, the first atomic bomb exploded in the desert of New Mexico on 16

July the same year. And before the Charter came into force on 24 October 1945, two atomic bombs dropped on Japanese cities on 6 and 9 August 1945 had killed as many as a quarter of a million people—most of them civilians. The ancient belief that military superiority guarantees security was resurrected with a weapon of unprecedented destructive power. Whereas previous wars had caused suffering on a global scale, it was now possible to annihilate the entire human race in a matter of minutes.

Hence, in the aftermath of the two world wars, two radically different approaches to world order had emerged: one based on the newly created UN Charter, and the other on the simultaneously developed most destructive weapon ever known to humankind. One emphasised international cooperation and dialogue; the other relied on the threat of annihilation. With the outbreak of the Cold War, it was nuclear weapons—not the UN Charter—that shaped international relations. The hope for peace through global cooperation was replaced by the doctrine of *mutually assured destruction*.

The world settled into a bipolar system of competing visions, with NATO facing the Warsaw Pact and the United States confronting the Soviet Union. Despite the constant fear of nuclear war, this bipolar system proved, in retrospect, relatively stable and predictable. Both sides understood the catastrophic potential of their nuclear arsenals and were unwilling to let political differences escalate into all-out war. While superpower competition led to numerous proxy conflicts, direct war between the two superpowers was never an option.

## **Brief Détente between Superpowers and the Resurgence of the UN Charter**

It may not be all that surprising that, even during the Cold War, the bipolar world began to reduce political tensions and ushered in a period of peaceful coexistence. The rapprochement between the two superpowers began when U.S. President Ronald Reagan met with Mikhail Gorbachev, then General Secretary of the Communist Party of the Soviet Union, in Reykjavík, Iceland, in October 1986. This meeting marked the beginning of a period of détente, during which numerous arms control and confidence-building measures were signed. These developments quickly led to the fall of the Berlin Wall, the lifting of the Iron Curtain, and the reunification of Germany.

One milestone, sadly forgotten today, is the *Charter of Paris for a New Europe* (1990), which articulated a shared vision of a Europe where security would be based on cooperation rather than the threat of military force. The spirit of the UN Charter—cooperation and dialogue—came to dominate international relations, replacing the looming threat of nuclear annihilation. For those who take the time to review UN Security Council meetings from that era, it is heartening to read the speeches and mutual reassurances exchanged by political leaders. But this spirit did not last.

It is crucial to remember that when the UN Charter began to shape international relations, the world was still bipolar, dominated by two superpowers. It was the collapse of this bipolar structure and the emergence of a unipolar world that shattered again all hopes for a global order based on the principles of the UN Charter. One of the great tragedies of our time is how short-lived that moment of promise was.

With the Warsaw Pact and the Soviet Union dissolved, Russia plunging into chaos, and China remaining largely absent from the global stage, the United States emerged as the sole global superpower, dominating global affairs militarily, economically, technologically, and politically. Almost overnight, the world shifted from bipolarity to unipolarity. No longer preoccupied with containing the Soviet Union, the U.S. became fixated on preserving its global dominance indefinitely.

In 1992, the then-U.S. Under Secretary of Defence for Policy Paul Wolfowitz formulated the new U.S. Defence Planning Guidelines, now known as the Wolfowitz Doctrine. Its purpose was to maintain U.S. global dominance, stating: "Our first goal is to prevent the re-emergence of a new rival on the territory of the former Soviet Union or elsewhere... and to enforce this militarily if necessary." With this the seeds for Ukraine were already planted. Ironically the Ukraine war might turn out to bring about an end to US efforts to perpetuate a unipolar world in which the US would continue to dominate world affairs.

The Wolfowitz Doctrine ushered in a time of a violent world order under a US supremacy in which the UN Charter no longer had a place. The United States now unilaterally decided what was right and wrong, using its military might to enforce its vision of global affairs. Unhindered by any rival power, the U.S. determined the course of peace and war, rendering the UN Security Council increasingly irrelevant.



According to a report by the U.S. Congressional Research Service, in the 30 years following the Wolfowitz Doctrine (1992–2022), the United States intervened militarily in other countries 251 times. This figure excludes proxy wars—such as the war in Ukraine—and covert regime change operations. These interventions did not lead to a better world, nor did they spread democracy, the rule of law, or economic prosperity. Instead, they resulted in chaos, anarchy, and human suffering. A troubling realisation.

Ironically, the unipolar era saw a greater collapse of international law than the bipolar one. The UN Charter appeared obsolete, and Western powers began to speak only of a “rules-based international order”—an order in which the United States would define the rules.

### **The UN Charter and the Emergence of a Multipolar World**

The unipolar world, in which a single country—the United States—dominates global affairs, was short-lived. We are now entering an era where multiple great powers, and increasingly regional powers, shape international relations. The outcome of this transition remains uncertain, and the contours of a truly multipolar world are still taking form.

The war in Ukraine may offer a glimpse into what lies ahead. It can be seen as a proxy conflict involving the United States, aimed at consolidating its global influence by extending control over Ukraine, Georgia, and the Black Sea region. The eventual outcome—whether a NATO or Russian victory—will likely have profound implications for future geopolitical alignments.

While NATO countries uniformly support Ukraine in its struggle against Russia, it is striking that most non-NATO nations appear to lean toward Russia. This is not necessarily an endorsement of Russia’s military intervention, but rather a reflection of their opposition to NATO’s expansion.

Thus, the emergence of a multipolar world begins with a major war on European soil and a breakdown of international law. This has ushered in a period of global disorder, compounded by the proliferation of increasingly dangerous and destructive weapons systems. In many ways, the risks today surpass those of the Cold War era.

Once the dust settles, world leaders must therefore come together to deliberate on a new global order. This may be the moment when the UN Charter—particularly its collective security framework—should finally be recognized as the foundation for a more peaceful and cooperative world.

## **Article 4**

### **Why the West will need the United Nations**

*This article was written in 2019, well before the outbreak of war in Ukraine in February 2022. But perhaps that is precisely what makes it interesting. The ongoing shift toward a multipolar world reinforces my belief that strengthening the United Nations should be in the West's best interest.*

*The article's emphasis on intra-state armed conflicts remains valid. I maintain that inter-state wars—such as the war in Ukraine or Israel's attack on Iran—will remain exceptions. Future armed conflicts over resources and political power are more likely to take the form of intra-state struggles, involving armed non-state actors and state authorities, both within countries and across national borders. It is therefore essential that member states adopt a coordinated approach through the United Nations.*

**The hope for a liberal world order has not materialised.**

**The most viable option now is to reinforce the UN's collective security system.**

Western politicians and political experts increasingly view the UN as an unsuitable instrument for resolving global political challenges. This attitude dates back to the end of the Cold War, when it was assumed that the triumph of liberal democracies rendered obsolete any organisation in which non-Western and allegedly illiberal states had a voice.

When the Berlin Wall fell in 1989, it was widely hoped that this would usher in an era of global peace. When the entire communist bloc collapsed two years later, it seemed clear that this peace would have to be a liberal order. Under the leadership of the

sole superpower, the United States, democratic values, liberal institutions, and a free-market economy were expected to prevail, bringing global stability and prosperity.

However, times are changing. A liberal world order—if it ever truly existed—will no longer persist in the form the West once sought to globalise. The West is now part of a multipolar and politically diverse world, where peace must be sustained through coexistence and cooperation based on norms and values shared equally by Western and non-Western nations. This can only be achieved through the UN. Its two foundational pillars—the Charter prohibiting the use of military force and the Universal Declaration of Human Rights mandating respect for every human being—are epoch-making achievements that remain just as relevant today as when they were shaped 80 years ago. Any future world order must be built upon them.

## **Farewell to an Unrealistic Hope**

The liberal vision did not come to pass. On the contrary, the West has repeatedly become entangled in costly military interventions—many of which were unwinnable and plunged entire regions into chaos. Most of these interventions were illegal under international law and based on questionable justifications. In doing so, the UN Charter was undermined. Worse still, these operations led to widespread human rights violations. The West betrayed the very values we claimed to uphold.

Meanwhile, the West has lost much of its economic dominance. According to a report by Standard Chartered Bank, within a decade, not only China but also India will surpass the United States in economic power measured by purchasing power parity. Seven of the ten largest economies will be non-Western. The technological edge that sustained Western supremacy for 400 years is eroding. China's advances in artificial intelligence, 5G technologies, and its historic landing on the far side of the moon are testament to this shift. India, too, has demonstrated its technological prowess—and its geopolitical ambitions—with the successful launch of a satellite into space.

Demographic trends are also weakening the West. NATO's share of the global population is projected to decline from 12 percent to 10 percent by 2030, and to just 8 percent by 2100. In contrast, the

Shanghai Cooperation Organisation already represents 40 percent of the world's population. Europe is particularly affected. While its share stood at 27 percent at the height of its power in 1914, it is expected to fall to just 5 percent within a decade. Africa, whose population was less than half that of Europe in 1945, is projected to be ten times larger by 2100.

Barely thirty years after the fall of the Berlin Wall, it is now the West that is building walls. With a mix of victor's arrogance, military short-sightedness, and a fixation on preventing the rise of other great powers by any means necessary, the West has squandered a unique opportunity for liberal peace. An era has come to an end.

### **Return of the Sleepwalkers?**

The West, though the victor of the Cold War, now feels threatened again. In a kind of retreat, the augurs of a new Cold War are once more having their say. Russia and, increasingly, China, are being accused of wanting to destroy the West and the liberal world order. With these claims being amplified in the media, we are once again focusing on rearmament, the modernisation of nuclear weapons, new weapons systems and, as if we were already on the brink of war, we are sending military units, tanks, and missile defence batteries to the Russian border and warships to the South China Sea.

But the parameters are not right for a Cold War. There are no irreconcilable ideologies, no rival power blocs vying for world domination. Neither Russia nor China has political networks planning revolutions and upheavals around the world. NATO is now the only military alliance left. The Warsaw Pact no longer exists, and Russia's military spending amounts to just 6 percent of NATO's. China's share of global military spending has increased to 14 percent, but remains low compared to the 68 percent spent by Western allies. Western military technologies remain superior not only quantitatively but also qualitatively.

Market economies prevail, and only young socialists talk about nationalisation. State capitalism and industrial espionage—accusations often levelled at China—are not foreign to the West. The political systems in Russia and China do not meet democratic criteria, but this also applies to many other countries with which we maintain close relations. There will continue to be differences

in political systems and diverging interests, but should this justify a new Cold War?

Today's tensions are much more comparable to those before the First World War. At that time, mutual demonisation of European great powers—who were not so different from one another—led to war. Like China today, it was the German Empire that threatened the supremacy of established states with its economic successes. And today, as then, Russia, with its vast territories between Asia and Europe, remains a misunderstood outsider. And today, as then, a local conflict could lead to a global catastrophe.

As in 1914, the West seems not to know what we actually want. Should Russia, as President Obama once hoped, be reduced to a small regional power? Should China's economic progress be halted? And how should we deal with other emerging economic powers? Are we still dreaming of liberal world domination? After a long period of peace, have we once again become sleepwalkers—self-righteously losing ourselves in military posturing?

## **Our Real Problems**

In doing so, we overlook the fact that it is not competing great powers, but weak states that pose our greatest security threat. The collapse of state authorities, the rise of armed non-state actors (NSAs), and the spread of internal wars and armed conflicts could trigger a spiral of violence that renders large parts of the world ungovernable.

The Fragile States Index classifies 119 of the 178 states examined as unstable—51 of them as alarmingly unstable. Around 80 percent of humanity lives in such states. This figure could rise even further. By 2100, the global population is expected to grow by 3.5 billion—equivalent to the current populations of China, India, the EU, and the USA combined. Almost all of this growth will occur in countries that are already unstable. The consequences could be devastating.

Power vacuums in unstable states are filled by a wide variety of NSA groups. These include not only well-known Islamic extremist organisations, but also many other ideologically, religiously, or ethnically motivated groups: independence movements, rebels, warlords, militias, private armies, transnational criminal organisations, drug lords, human traffickers, clans, and gangs—and often, a mixture of all of the above. To my knowledge, there are no

comprehensive studies on how many people's lives worldwide are partially or completely controlled by NSAs, but the reality could be frightening—even for Western countries.

As a result, armed conflicts between states and NSAs have increased dramatically. Since the end of the Cold War, nearly all war-related deaths, expulsions, refugee flows, and destruction have stemmed from such internal wars. Foreign interventions today almost exclusively involve interference in these conflicts. This may be just the tip of the iceberg. We must prepare for a future in which states fight NSAs, NSAs fight each other, and social groups clash with other social groups.

A similar situation unfolded in 1917–18, when hundreds of thousands of impoverished and disenfranchised people swept away the supposedly God-given state orders in Europe. In the future, hundreds of millions of people worldwide could overrun borders, challenge social cohesion, and dangerously stretch existing government systems. This will happen out of hopelessness, not malice. The West will not be spared. There are no military solutions; we need political ones. These can only be found within the United Nations.

In 2014, during a meeting with President Putin, then-President Obama articulated the Western position on the Ukraine crisis: "We have emphasised the need to adhere to important international principles, and one such principle is not to invade other countries or support and finance proxies to destabilise a country that has mechanisms for democratic elections." Who could disagree with that? But shouldn't the same principle apply to Western interventions in Kosovo, Iraq, Syria, Libya, Yemen, and indeed, Ukraine? There can be no international law that is not universally applied.

Obama's statement contains another flaw: for internal conflicts with foreign interference—such as in Ukraine—the international principles he refers to do not exist. The UN Charter addresses only inter-state conflicts; its application to internal conflicts is explicitly excluded. The application of international humanitarian law (IHL) to internal wars is also questionable. The reason is that while governments have signed up to IHLs, armed non-state actors never have. In fact, armed non-state actors are not legal entities and simply do not exist in international law.



If we want to prevent future tragedies like Syria, we must create a new framework of international norms and rights specifically for internal conflicts. This framework must define the rights and obligations of states and of NSAs, place civil and military interventions under collective security arrangements, and redefine the application of general human rights and IHL to state and non-state actors alike. This will require cooperation, including from the major powers.

Armed conflicts between major powers are increasingly a matter of the past. Our planet is far too small for these terrible weapons systems to make inter-state wars a sensible option. Today, most conflicts are internal. The annual global military expenditure of 2.7 trillion US dollars is useless for resolving them. No nuclear weapons, supersonic missiles, aircraft carriers, or B-2 bombers will save us.

Soon, 10 billion people will inhabit Earth. They are not our enemies—they are our shared responsibility. We do not need more tanks or fighter jets for this; what matters are functioning states and international cooperation to achieve goals such as those outlined in Agenda 2030 and the Paris Climate Agreement. For this, we will need the United Nations more than ever.

## **Article 5**

### **The war in Ukraine could have been prevented if the UN-Charter had been observed**

*First published on 13 July 2024*

With the war in Ukraine, we must once again confront what may be the most important question for humanity's peaceful future: Can there be a world in which peace and international order are guaranteed by mutual agreements between states, or will order always be enforced by the military, economic, and political power of a hegemon? This is a question of whether we will live in a world governed by the UN Charter, or one where military might makes right.

In relation to the war in Ukraine, here are a few thoughts on this.

In the Ukraine conflict, NATO countries present themselves as defenders of international law and of an ill-defined “rules-based international order,” accusing Russia of having blatantly violated the UN Charter with its invasion. But is it really that simple? Or is it not rather the case that all the warring parties—including the United States and its NATO allies—have repeatedly violated and even abused the UN Charter?

And not only that. Had all parties to the conflict adhered to the Charter, could this war have been prevented? Immeasurable human suffering—including the death and physical and psychological mutilation of hundreds of thousands of people on both sides of the front line—could have been avoided. Ukraine would not have been torn apart by destruction, internal division, impoverishment, mounting debt, and increasing depopulation. It would not be on the brink of collapse and would still exist within its 1991 borders. And humanity would not be facing what may be the greatest risk of nuclear conflict since the end of the Cold War.

When we examine six core principles of the Charter that were designed to prevent war, the conclusion about who bears responsibility begins to look very different.

## **1. Member States’ Obligation to Seek Peaceful Solutions to Conflicts**

This is arguably the most fundamental principle of the UN Charter. In fact, the Charter places the obligation to pursue peaceful resolutions above the prohibition on the threat or use of force for political gain. If one accepts this hierarchy, then the key question when evaluating wars is not who first violated the ban on force, but who obstructed a peaceful resolution.

Applied to the war in Ukraine, this perspective raises two critical questions:

- Could the Ukraine war have been prevented if all parties had engaged in negotiations to reach a peaceful solution?
- Could the Ukraine war have ended early if NATO countries had supported the Ukrainian-Russian peace talks in March 2022?

The answer to both questions is likely yes. NATO's refusal to negotiate with Russia represents therefore a serious breach of this core UN Charter principle.

NATO was fully aware that Russia viewed Ukraine's potential NATO membership as an existential security threat. With NATO already bordering Russia via the Baltic states, Moscow feared further encroachment and the loss of access to the Black Sea. These are precisely the kinds of national security disputes that diplomacy is meant to address. So why did NATO reject repeated Russian requests to negotiate a resolution to its security concerns?

Furthermore, NATO undermined the Ukrainian-Russian peace negotiations that culminated in the Istanbul Communiqué. These talks resulted in the acceptance of ten far-reaching peace proposals presented by Ukrainian diplomats to the Russian delegation. Under the proposed agreement, Ukraine would abandon its plans to join NATO while maintaining its territorial integrity.

Now, after nearly four years of war, Ukraine is no longer in a position to conclude peace with Russia on similarly favourable terms.

## **2. The ban on the threat or use of force**

NATO undertook regular joint military exercises on Ukrainian territory, well knowing that Russia would see this as a provocation, if not as a threat of force. The United States with some NATO partners also conducted regular marine manoeuvres in the Black Sea, well knowing that this was to be understood as a threat against the Russian Black Sea fleet, still anchored at Sevastopol, its main naval base on the Crimean Peninsula. Not only that. The US build an air and naval base near Constanta on the Romanian Black Sea coast less than 400 km away from the Russian naval base in Sevastopol.

In 2002, the US cancelled the Anti-Ballistic Missile treaty (ABM) and began building ballistic missile defence systems in Romania and Poland, ignoring the fact that Russia must have seen this as a hostile act, as it was designed to neutralise Russia's ability to respond to a nuclear attack.

What would be the US reaction if China and Russia signed a military alliance with Mexico, conducted regular military exercises on Mexican territory and regular naval manoeuvres in the Gulf of Mexico, or if China built a naval base on the Mexican coastline across from the United States. And how would the United States react if China and Russia installed anti-ballistic missile defence systems in Venezuela and Cuba aimed at neutralising its ability to react to a hostile nuclear attack? And all this while refusing to talk with the US about this? Wouldn't the US see this as a military threat and respond with overwhelming military force? And how would the US respond if Mexico, massively supported by China and Russia, would then invoke its right to self-defence?

### **3. The right to self-defence**

Much is made of Article 51 of the UN Charter that confirms "the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations". Of course, Ukraine has the right to defend itself against the Russian attack and it has the right to ask NATO states to assist it in repulsing the attack. But would this also justify an almost four-year long war? Probably not. Article 51 of the UN charter must be read with all the other 50 articles that come before it. Hence Article 51 does not cancel the obligation of all conflict parties to seek a peaceful solution to the now armed conflict. This is what the Ukrainians did, when they negotiated with Russia immediately after the Russian military invasion began. That resulted in the Istanbul communiqué only one month later. This was a stellar achievement of Ukrainian diplomacy.

So why did the US and UK put pressure on the Ukrainian government to abandon their peace process? On a visit to Kyiv on 26 April 2022, immediately after the collapse of the Istanbul peace process, the then-US Defence Secretary Lloyd Austin declared the US's goal in the Ukraine war to be the following: "We want to weaken Russia to such an extent that it will never again be able to do things like a military invasion of Ukraine." Such a goal has nothing to do with the right of self-defence. It reveals rather that Ukraine is misused in a US proxy war against Russia. Ukrainians are now paying with their blood, finding themselves on the losing side of the war with dwindling NATO support. In retrospect, many Ukrainians may now feel that they were betrayed by NATO at the time.

#### 4. The principle of non-interference

The UN Charter's principle of equal sovereignty—and with it, the prohibition on foreign interference in the internal affairs of other states—constitutes a major pillar for maintaining peace.

According to Victoria Nuland, then U.S. Assistant Secretary of State for European and Eurasian Affairs, the United States had invested five billion dollars in Ukraine's "Western orientation" prior to 2014. For one of the poorest countries in Europe, this was a substantial sum. It is highly likely that the actual amounts were even greater, including contributions from other Western states, their intelligence services, and private foundations. Western politicians—including then-German Foreign Minister Guido Westerwelle—joined demonstrators, some of whom were armed, on Kyiv's Maidan Square and pledged their support. This was a truly unprecedented event—one that no Western country would tolerate on its own soil.

In a wiretapped conversation between Nuland and the then-U.S. ambassador to Kyiv, they even discussed which U.S.-friendly politician should be appointed Ukrainian prime minister following a successful coup. And that is precisely what occurred. The fact that Viktor Yanukovych - a democratically elected president who had won national elections described by both the OSCE and the EU as free and fair - was deposed did not seem to concern Western governments. Without this interference in Ukraine's internal affairs—contrary to international law—it is likely that there would have been no illegal coup, no widespread unrest, no secession of Crimea and Donbas, and no war!

#### 5. Respect for treaty obligations

Peace depends largely on mutual trust. For peace to endure, it is absolutely essential that one country can rely on another to honour its treaty commitments. In Ukraine, NATO countries repeatedly disregarded their treaty obligations. This was evident both in the Minsk II agreement—intended to resolve tensions between Ukrainian- and Russian-speaking populations—and in the agreement negotiated by the German, French, and Polish foreign ministers to ensure a peaceful transition during the Maidan unrest in 2014. In both cases, NATO turned a blind eye when those agreements were violated.

But that was not all. When NATO pushed for Ukraine's membership, it also ignored the OSCE-sponsored Charter of Paris for a New Europe (1990). This is a binding international treaty signed by all European states, as well as the United States and Canada. Referring to European security, the Charter of Paris states: "Security [on the European continent] is indivisible, and the security of each participating State is inextricably linked with that of all other States." The 1999 OSCE Istanbul Document further clarified: "Each participating State will, in this regard [meaning security arrangements], respect the rights of all others. They will not strengthen their security at the expense of the security of other States."

NATO is not mentioned even once in either. Its expansion up to Russia's borders constitutes a clear breach of both agreements.

## 6. Universality of international law

Perhaps the most astonishing aspect of the Western accusation that Russia is waging a war of aggression in violation of international law is that the United States and its NATO allies have themselves repeatedly engaged in wars of aggression that violated international law since the end of the Cold War. We still remember the wars against the former Yugoslavia (1999), Iraq (2003), Libya (2011), and Syria (2014)—all of which contravened international legal norms. Less well known is the fact that between 1992 and 2022, the United States intervened militarily in other countries 251 times, according to data from the U.S. Congressional Research Service. This figure does not even include CIA operations or support for proxy wars. It is reasonable to assume that the vast majority of these interventions were in breach of international law.

The U.S. claim to global hegemony, rooted in military dominance, is fundamentally incompatible with the UN Charter, which is based on the sovereign equality of nations and the imperative of peace.

International law only holds meaning if it is universal—that is, if it applies equally to all states. NATO's repeated violations of international law long before Russia's attack on Ukraine have severely undermined its credibility. As a result, today's accusations against Russia appear dishonest and questionable. In the West, we have unfortunately grown accustomed to applying different standards to ourselves and to "the others." This double standard likely explains why NATO states increasingly refer to a vague "rules-

based international order” rather than to the UN Charter-based international legal framework.

## Conclusions

This article is not a comprehensive assessment—at best, it merely scratches the surface. However, it raises serious doubts about NATO’s claim to be the guardian of international law. If NATO countries now point the finger at Russia for violating the UN Charter, they must also ask themselves to what extent they have upheld its principles. Such self-reflection could be a first step toward ending the war in Ukraine and building a common European security system, as envisioned in the Charter of Paris.

There is another important takeaway: the enduring relevance of the UN Charter and its principles in preventing wars—and, where wars do break out, in ending them as swiftly as possible. Principles such as the obligation of member states to seek peaceful solutions to conflicts, the prohibition on the threat or use of force to achieve political objectives, the ban on interference in the internal affairs of other states, the need to build trust through adherence to treaty obligations, and the universal application of international law have been known to us since 1945. So why do we continue to ignore them?

Ultimately, the most sobering conclusion is this: the war in Ukraine would most likely not have occurred if all member states had adhered to the UN Charter.

## Article 6

### Is a reunified Germany back on the warpath?

When, in 1945 – immediately after the end of the Second World War on the European continent (in Asia, it lasted longer) – the delegates of the 50 Allied states met and agreed on the Charter of the United Nations outlining the foundations for a peaceful post-war order, Germany was still an enemy state. It was not until 1972 that the two German states were admitted to the United Nations community. And it took until 1994 for the Enemy State clauses in the Charter relating to Germany, among others, to be declared



“obsolete” by the UN General Assembly. However, they were not removed from the Charter. They are, hence, a lasting reminder that the Charter was created in response to Germany’s guilt for the Second World War and the horrific war crimes it committed during that time.

## **The UN-Charter should dominate German’s Foreign and Security Policies**

Germany should not forget this and its foreign and security policies should hence be led by the peace imperative of the UN Charter and the international law that is based on the Charter – and not, as it claims, by any dubious “rules-based international order” which mostly serves to cover double standards in world politics. And given the negative role Germany played in the two world wars, it should never consider preparing for war again and solely focus its considerable wealth and energies in preventing wars or in finding negotiated solutions to on-going wars. In the context of the Ukraine war and the wars in the Middle East, the German government and its Chancellor Merz appear to have thrown all this overboard and turned into the dominant warmongering actor in Europe once again, one that massively rearms and prepares for a war against Russia while refusing negotiations with Russia. Has a reunified Germany dropped all pretence of adhering to the principles set out in the UN Charter?

The preamble to the Charter refers to the two world wars, and speaks of saving future generations from the scourge of war, which has twice in our lifetime brought untold suffering to humankind. Germans should feel particularly addressed here, as many of their ancestors bore heavy responsibility for the unspeakable suffering caused during the thirty-one years of war between 1914 and 1945.

It was Germany’s declarations of war on Russia on 1 August 1914 and on France two days later that escalated a local conflict in the Balkans into the First World War. And it was the unconditional surrender of Nazi Germany on 8 May 1945 that ended the Second World War in Europe. Germany’s role at that time was characterised by its aspirations to become a great power and its conviction that it could win wars. The resulting overconfidence led to murderous racial fanaticism, which claimed the lives of millions of innocent civilians – Jews, Poles, Russians, Belarusians, Ukrainians, Roma and other groups of people considered inferior. The UN Charter was intended to prevent such an inferno from ever happening again.

German governments – including the current one – should therefore feel particularly committed to the UN Charter's imperative of peace. However, this does not seem to be the case. Listening to the statements of the current German government, one gets the impression that Germany is once again on the warpath. The climate is filled with veritable war hysteria and violent hatred towards Russia. Once again, the spectre of ancestral enmity is emerging. "Russia will always be our enemy," says the German Foreign Minister. The Chancellor calls Putin the "most serious war criminal of our time". He even justified Israel's illegal killings of Iranian scientists and military officers along with their families and many civilians by claiming that we should thank Israel for "doing the dirty work" for us all – a language, Germans should remember, that was used once before to justify war crimes.

This is by no means intended to draw a comparison with the Nazi regime – today's Germany is completely different. And yet there are so many parallels between the actions of the federal government and the two world wars that one has to wonder why German politicians have apparently learned so little from our history. Are they unaware of these parallels? And are they really convinced that there is no alternative but to head for war with Russia?

### **Is war once again a legitimate means of conflict resolution?**

In the German government's justifications, war now seems to be regarded once again as a legitimate means of resolving conflicts. In contrast, diplomacy is seen as nothing more than appeasement. The fact that Germany thus violates the peace mandate of the German Basic Law and the UN Charter is simply ignored in the German debate.

In almost daily appeals, the German government and the mainstream media are preparing us for war with Russia. And once again, this war would be about Ukraine – just as it was in the First and Second World Wars. Couldn't the conflict over Ukraine have been resolved through negotiations in accordance with the UN Charter, at least this third time around? Wouldn't that also be in the interests of the Ukrainians, who are paying for our policies with their blood? No, the slogan is that Putin can only be countered with strength – even if that could mean the war spreading to Germany. Is there once again a tendency towards violence and dangerous overconfidence among the German political elite?

We see a Chancellor who is now giving top priority to these preparations for war. He prides himself on his "peace diplomacy", but in reality he is pursuing a diplomacy of war by consulting with his colleagues from other EU states, the British Prime Minister, the Ukrainian President and the Secretary General of NATO exclusively on how this war can still be won. He has no proposal for peace negotiations – and he is certainly not talking to Russia, as genuine peace diplomacy would require.

The German Defence Minister has even given us a date: 2029, which is in four years' time, when the war is supposed to start. Until then, he repeatedly urges, Germany must be ready for war. These are not empty words. A huge rearmament programme has been decided upon, and measures have been taken to implement it as quickly as possible without major bureaucratic hurdles. The ongoing deindustrialisation of Germany is even seen as an opportunity - freed-up capacity should be used to produce armoured vehicles and other military equipment for the impending war.

The plan is to triple defence spending by 2029, i.e. by the targeted start of the war, to €153 billion. (Russia's defence spending this year is estimated at €121 billion.). Chancellor Merz wants Germany to have the strongest army in Europe again; we have had that twice before – and it did not end well.

Now, conscription of all men fit for military service is also being reintroduced. It is still voluntary, but according to the Defence Minister, conscription will be reactivated if necessary. In addition, bridges and roads are to be reinforced in a fast-track procedure to enable heavy tanks and military equipment to advance unhindered to the east. Hospitals are also to be converted to be prepared for a possible war. Military training should even be introduced in schools. And to create the right mood, the Chancellor and his Defence Minister are presenting themselves in full combat gear on tanks, warships and fighter planes.

To finance all this, the new federal government has once again taken out hundreds of millions of euros in new loans – one is tempted to call them war loans. To secure parliamentary majorities, the already-ousted parliament was convened once again. The CDU/CSU, SPD, Greens and FDP voted in favour, and the Left Party made it possible in the first place through its behaviour. Have we not seen such cross-party solidarity before in preparation for war?

Particularly disturbing are the repeated claims by the Chancellor that Russia is already waging war against us. This sounds suspiciously like a pretext to justify a counterstrike by Germany. Is the Chancellor planning a preventive war? Wasn't a similar argument used in June 1941, when the German Wehrmacht invaded the Soviet Union – despite an existing non-aggression pact? After all, Germany already seems to be participating in the creeping deployment of NATO volunteers in Ukraine.

The mention of 2029 as a possible start date for the war should also give us pause for thought, as Donald Trump's presidency would end in January of that year. Are they waiting for a new American president, in the hope that he will support the war plans of the European NATO countries?

What is being concealed is that a war with Russia would very likely lead to a nuclear conflict, in which case all armament measures and war preparations would be pointless – because everything could be over within a few hours. The fact that Merz is not afraid of a nuclear war suggests that the Chancellor has lost touch with reality.

Shouldn't a responsible German government do everything in its power to prevent war, rather than provoking it by preparing for war? Most especially because it is obliged to do so by the German Basic Law and the UN Charter.

### **Germany's questionable approach to international law**

How do all these preparations for war fit in with the UN Charter and international law? And what has become of Germany's former military restraint? Is the now reunified Germany once again striving for global greatness and military power?

It was probably no coincidence that Wolfgang Ischinger, probably Germany's best-known diplomat and then-head of the Munich Security Conference, made the following provocative statement immediately after Donald Trump's first election: "If we want to preserve the West as we know it, then we must realise *the West is now us!*" (Interview in *Die Welt*, 26 November 2016). In other words, Ischinger appears to claim that given the uncertainties triggered by Trump's election in the US, Europe – and Germany in particular – must take the lead in the so-called free world. From there, it was only a small step to Friedrich Merz's declaration that Germany should become the strongest military power in Europe.

The first victim on this path was the Two Plus Four Treaty of 1990 on the reunification of Germany. In this treaty, the two German states undertook, in a manner binding under international law, "never to use any of its weapons, except in accordance with its constitution and the Charter of the United Nations" (Article 2) in the event of reunification. It took only nine years before a reunited Germany participated in the NATO war against the former Yugoslavia in 1999, which was contrary to international law, thereby blatantly violating this treaty. This led to the militarily enforced cession of Kosovo – in other words, to territorial cessions that Chancellor Merz vehemently condemns today with regard to Ukraine.

The German government's White Paper on Germany's security strategy and the future role of the Bundeswehr, published in 2016, does not mention the Two Plus Four Treaty once – even though the document deals primarily with the future role of the Bundeswehr. This may be because Russia is already identified as the main adversary in this White Paper. However, this does not release Germany from its obligations under the treaty.

One of these obligations is the "renunciation of the manufacture, possession and control of nuclear, biological and chemical weapons" (Article 3). However, under the "nuclear sharing" programme – as NATO calls it – around 20 US nuclear bombs (each with 13 times the explosive power of the Hiroshima bomb) are stored at the German air base in Büchel. In the event of an emergency, German fighter jets are to drop these bombs on targets in Russia. How is a contractual ban on the control of nuclear weapons compatible with Germany's participation in such a nuclear programme?

The German Basic Law makes it clear that rules of international law, such as the prohibition on the use of force in the UN Charter, apply directly in German law (Article 25 GG). However, there is no reference to this in the 2016 White Paper. Although it mentions that the Bundeswehr should cooperate with the United Nations, among others, it does not mention that the prohibition on the use of force in the UN Charter also applies in principle to Bundeswehr missions.

Today, regardless of all concerns under international law, Germany is playing the role of arms supplier in the two most dangerous wars of the present day. For Ukraine, Germany is becoming the largest arms supplier following the withdrawal of the United States. In the

case of Israel, Germany is already the second largest. This can be interpreted not only as questionable business practice, but also as an expression of a Germany striving for global significance.

## Conclusion

With its war policy, Germany is on a dangerous path. It is a policy with which the country is gambling away its future. It is increasingly losing its international significance – economically, technologically and diplomatically. The destruction of Ukraine would cost Germany billions of euros, and it could not afford a war – even a Cold War – with Russia; it could spell the downfall of Germany.

The arrogance with which Germany treats China is an expression of ill-considered self-overestimation. We should not try to behave like a great power, because we are not one – and will never become one.

Nor should we invoke the fact that Macron in France and Starmer in the United Kingdom are doing similar things. It is quite another matter for Germany to try to emulate these former great powers – or even to claim a leading role. We could soon find ourselves alone with our policy of war, because France and Great Britain are on the brink of economic and political collapse, with unpredictable consequences for Germany as well.

Given our history, we Germans should know better than anyone else that a policy of war does not pay off. Especially in these times of geopolitical tension, a policy guided by the UN Charter and the international law based on it represents a real political alternative – and could help Germany find its way back to a policy of peace.

## **ANNEX**

### **“In the beginning was the Word”**

It all began with the Charter and only then were the institutions created that we now understand as the United Nations—such as the UN Secretariat, the Security Council, the General Assembly, and the International Court of Justice. This process is fundamentally different from that of national constitutions, where the state and its institutions already exist when a constitution is developed. If, for example, a national constitution were suspended, the state would continue to exist. However, if the UN Charter were declared to be obsolete, or if member states begin to ignore it, the entire structure of the United Nations would collapse. The UN would lose its *raison d'être*, and no institutional reform could “save” it.

This may sound like hair-splitting, but it is the central argument of this brochure: Continued commitment to the principles of the UN Charter by all (!) member states is the key to the very existence of the UN. That is why the arguments presented here focus almost exclusively on the Charter, with minimal reference to UN institutions. The UN is not a state, nor is it a global government—and we should never strive to turn it into one. For this reason, the UN must remain a “weak” organisation, held together solely by the Charter and by the shared desire of member states to maintain global peace and uphold the dignity of peoples around the globe.

The UN’s strength must therefore lie not in the use of force, but in the power of words—when negotiating with each and every one, with the rich and poor, with warlords and their victims alike—in the conviction that only peace and human dignity can safeguard the stellar uniqueness of life’s creation on Earth.

The UN can be best described as a global governance forum of sovereign states where they can decide on common normative, operational and legal issues concerning common global concern such as on maintaining global peace, assisting those in need – be it from human-made or natural tragedies - promoting global human rights standards, protecting the global environment and fighting worldwide poverty and social injustices.



Accordingly, I do not support a UN with financial resources independent of contributions from its member states, nor one with military forces (peacekeepers) at its disposal, except when explicitly mandated by member states. I also support a UN in which member states decide all political matters, and where the Secretary-General remains essentially a moral figure. We must avoid a development similar to that of the European Union, where technocracy increasingly dominates decision-making.

For this reason, I believe that the UN Charter is primarily a political document—political because it is not legally enforceable. What is hence required is a shared political will among all its members to uphold the principles of the Charter applicable to all equally. It is the power that member states entrust in the fifteen members, who are meeting in a relatively small Security Council chamber at the East River in New York, to stand up to huge military command structures in maintaining peace, and it is the few words of a Charter that must ultimately hold out against ever more powerful weapons systems. It is this modesty that gives the Security Council its credibility.

When Pope Leo XIV recently remarked in an interview that, *“... it seems to be generally recognized that the United Nations, at least at this moment in time, has lost its ability to bring people together on multilateral issues,”* he was sadly correct. But the reason lies not in the institutions of the UN themselves, but in the fact that too many member states have lost their commitment to the principles outlined in the Charter. Without the Charter, the entire framework of international law would collapse—and indeed, we are already witnessing worrying signs of that collapse.

Abandoning the words of the Charter could spell disaster for humankind. The only way forward is to reignite the shared desire among member states to uphold peace and the human dignity of each and every person. The financial, institutional and organisational problems of the UN would then be easy to solve.

**Michael von der Schulenburg**  
**Brussels, 19 September 2025**

**Michael von der Schulenburg**, born in 1948, a long-standing UN diplomat and currently a Member of the European Parliament on the BSW list, was active for the United Nations in numerous conflict and war zones from the 1980s to the 2010s – from Haiti to Iran, Iraq, Sierra Leone, and Afghanistan. He was also involved in the negotiations between Ukraine and Russia in Istanbul in March 2022. His mission: to establish peace. His maxim: the Charter of the United Nations as the basis for a global peace order without wars – formulated and adopted in 1945, immediately after the Second World War, and binding on all UN member states.

In this book, he explains how and why the United Nations Charter can be the guiding principle for a peaceful and more just world, especially today, in the face of warmongering and megalomania.

# United Nations Charter

## PREAMBLE

*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 neighbours, 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 co-operation 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 centre for harmonizing the actions of nations in the attainment of these common ends.

## Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

(1) The Organization is based on the principle of the sovereign equality of all its Members.

(2) All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

(3) All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

(4) All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

(5) All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

(6) The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

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

## CHAPTER II:

### Membership

## Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 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 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 co-operation 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 co-operation in the political field

and encouraging the progressive development of international law and its codification;

b) promoting international co-operation 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 fifteen 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 ten 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 after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

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

## **FUNCTIONS AND POWERS**

### **Article 24**

(1) In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

(2) In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United

Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

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

### **Article 25**

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

### **Article 26**

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

## **VOTING**

### **Article 27**

(1) Each member of the Security Council shall have one vote.

(2) Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

(3) Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

## **PROCEDURE**

### **Article 28**

(1) The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

(2) The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

(3) The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

### **Article 29**

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

### **Article 30**

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

### **Article 31**

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

### **Article 32**

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

## **CHAPTER VI:**

### **Pacific Settlement of Disputes**

### **Article 33**

(1) The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or

arrangements, or other peaceful means of their own choice.

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

#### **Article 34**

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

#### **Article 35**

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

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

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

#### **Article 36**

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

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

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

#### **Article 37**

(1) Should the parties to a dispute 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 fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### **Article 45**

In order to enable the United Nations to take urgent military

measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### **Article 46**

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

#### **Article 47**

(1) There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

(2) The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by

the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

(3) The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

(4) The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### **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-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.



**CHAPTER VIII:****Regional Arrangements****Article 52**

(1) Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

(2) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

(3) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

(4) This Article in no way impairs the application of Articles 34 and 35.

**Article 53**

(1) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

(2) The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

**Article 54**

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## CHAPTER IX:

### International Economic and Social Cooperation

#### Article 55

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

- a) higher standards of living, full employment, and conditions of economic and social progress and development;
- b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and 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 co-operation 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 co-ordination 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 fifty-four Members of the United Nations elected by the General Assembly.

(2) Subject to the provisions of paragraph 3, eighteen 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 after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine 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 co-ordinate 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 arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

## Article 72

(1) The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

(2) The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on 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 co-operate 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;

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-neighbourliness, 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 defence and the maintenance of law and order within the trust territory.

## Article 85

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

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

## CHAPTER XIII:

### The Trusteeship Council

## COMPOSITION

### Article 86

(1) The Trusteeship Council shall consist of the following Members of the United Nations:

- a) those Members administering trust territories;
- b) such of those Members mentioned by name in Article 23



as are not administering trust territories; and

c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

(2) Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

## **FUNCTIONS AND POWERS**

### **Article 87**

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

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

### **Article 88**

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory

within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

## **VOTING**

### **Article 89**

(1) Each member of the Trusteeship Council shall have one vote.

(2) Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

## **PROCEDURE**

### **Article 90**

(1) The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

(2) The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

### **Article 91**

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

## **CHAPTER XIV:**

### **The International Court of Justice**

#### **Article 92**

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

#### **Article 93**

(1) All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

(2) A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

#### **Article 94**

(1) Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

(2) If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council,

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

#### **Article 95**

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

#### **Article 96**

(1) The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

(2) Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## **CHAPTER XV:**

### **The Secretariat**

#### **Article 97**

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the

recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

### **Article 98**

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

### **Article 99**

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

### **Article 100**

(1) In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

(2) Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities

of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

### **Article 101**

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

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

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

## **CHAPTER XVI:**

### **Miscellaneous 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 this Article may invoke that treaty or agreement before any organ of the United Nations.

### **Article 103**

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

### **Article 104**

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

### **Article 105**

(1) The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

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

(3) The General Assembly may

make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## **CHAPTER XVII:**

### **Transitional Security Arrangements**

### **Article 106**

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

### **Article 107**

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

having responsibility for such action.

## **CHAPTER XVIII: Amendments**

### **Article 108**

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

### **Article 109**

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

(2) Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

(3) If such a conference has

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

## **CHAPTER XIX:**

### **Ratification and Signature**

### **Article 110**

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

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

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

States of America which shall communicate copies thereof to all the signatory states.

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

### Article 111

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

In Faith Whereof the representatives of the Governments of the United Nations have signed the present Charter. DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

Note on Amendments to Articles 23, 27, 61, 109

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971, and came

into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from eleven to fifteen. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from eighteen to twenty-seven. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from twenty-seven to fifty-four.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly

seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote, of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

