



UNIT 7. THE UNITED NATIONS

- 1.- Background and creation of the UN: The United Nations Charter
- 2.- Purposes and principles of the Organization.
- 3.- Membership in the UN.
- 4.- The organs of the United Nations.
- 5.- Reform and revision of the United Nations Charter.
- 6.- The specialized agencies of the United Nations.

A. BACKGROUND AND CREATION OF THE UNITED NATIONS ORGANIZATION

- "European Concert of Powers" (19th and early 20th centuries) broke down definitively with the outbreak of WWI.
- Peace Treaty (Versailles, June 28, 1919): League of Nations (closest antecedent to the UN).
 - Not strong enough to achieve its essential objectives, particularly in the field of peacekeeping.
 - the invasion of Manchuria by Japan in 1931;
 - the war between Italy and Abyssinia between 1934 and 1935;
 - the annexation of the Czech Sudetenland by Germany in 1939;
 - and the Soviet invasion of Finland in the same year.
 - Never had a truly universal membership.
- Allied Powers WWII: consider the need for a new international organization with a universal vocation and general aims which, when the war ended, would structure the international community.
 - Declaration of the Allies, signed in London on June 12, 1941, by 14 Allied States;
 - the Atlantic Charter signed on August 14, 1941 (President Roosevelt and Prime Minister Churchill).

- Declaration of the United Nations, signed in Washington on January 1, 1942 by 26 States;
- Declaration of Moscow, signed on October 30, 1943 by the representatives of the four Allied Powers (the United States, the United Kingdom, the Soviet Union and China), which expressly provided for the creation of a new international organization at the end of WWII.
- San Francisco Conference (April 25 to June 16, 1945):
 - 50 States participating.
 - Preparatory work carried out by the four great Powers at the Dumbarton Oaks (1944) and Yalta (1945) Conferences.
 - The outcome: Adoption of the [Charter of the United Nations and the Statute of the International Court of Justice](#) (ICJ), on June 26, 1945 and entered into force on October 24 of the same year.
- Charter of the UN:
 - founding treaty of the UN, but it is not “another treaty”:
 - It creates the only existing international organization with a universal vocation and general purposes.
 - Article 103 Charter introduces a principle of hierarchy of norms in international law.

PURPOSES AND PRINCIPLES OF THE UNITED NATIONS

- A) Purposes of the United Nations
- B) UN Principles.

PURPOSES AND PRINCIPLES OF THE UNITED NATIONS

- Chapter I "Purposes and Principles":
 - **"Purposes"**: aims or objectives to be achieved by the UN. They are the ultimate reason for its creation.
 - **"Principles"**: rules of conduct to be observed by both the UN and its Members in the pursuit of those "Purposes".

A. PURPOSES OF THE UNITED NATIONS

- Article 1: *“The Purposes of the United Nations are:*
- *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;*
 - *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;*
 - *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*
 - *To be a center for **harmonizing the actions of nations** in the attainment of these common ends”.*

➤ **“Maintenance of international peace and security”.**

- Preamble: "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind".
- Primary responsibility of the organization.
- In pursuit of this main purpose--- two types of measures:
 - adoption of "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" (Chapter VII "Action in Cases of Threats to the Peace, Breaches of the Peace or Acts of Aggression").
 - Adoption of measures which, "by peaceful means and in conformity with the principles of justice and international law, bring about the adjustment or settlement of international disputes or situations which might lead to a breach of the peace" (Chapter VI "Peaceful Settlement of Disputes").

➤ **“Strengthen universal peace“:**

- In its pursuit:
 - adopt all measures it deems appropriate, including especially those aimed at "promoting friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" (developed in Art. 55).

- Promotion of international cooperation in the political field among the Members of and the encouragement of the codification and progressive development of international law (Art. 13.1.a).

➤ **“Carry out international cooperation”**

■ Two broad areas

- in the solution of international problems of an economic, social, cultural or humanitarian nature (global objective of "development and the eradication of poverty").
- in the "development and encouragement of respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion" (overall objective of "human rights, democracy and good governance").

➤ **“Serve "as a center for harmonizing the efforts of nations" to achieve the other common purposes: particular importance.**

B. UN PRINCIPLES

- For the realization of the Purposes, both the UN itself and its Members must conduct themselves in accordance with the seven Principles enumerated in Article 2:
 - Principle of the sovereign equality of all its Members.
 - Principle of good faith.
 - Peaceful settlement of international disputes.
 - Refrain 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.
 - 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.
 - Ensure that State not Members act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
 - Not intervention on 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.

➤ **Development of the principles:**

- [GA Resolution 2625 \(XXV\), "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations"](#): Material content to the principles.
 - Basic Principles of International Law.
 - Principles of Resolution 2625 (XXV) which already appeared in Article 2:
 - ❖ The Principle of the prohibition of 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 UN.
 - ❖ The Principle of the settlement of international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.
 - ❖ The Principle of non-intervention in matters within the domestic jurisdiction of States.
 - ❖ The Principle of the sovereign equality of states.
 - ❖ The Principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter.
 - New Principles included in this Resolution:
 - ❖ the obligation of the States to cooperate among themselves, in accordance with the Charter;

- ❖ the Principle of equal rights and self-determination of peoples.
- Principles exclusively on the Charter: the Principle that Members shall render the UN all kinds of assistance in any action it takes in accordance with the Charter; and the Principle of the authority of UN over non-member States, to the extent necessary for the maintenance of international peace and security.
- Legal value of such Declaration of Principles:
 - [ICJ Judgment on the merits of June 27, 1986, in the case of military and paramilitary activities in and against Nicaragua \(Nicaragua v. United States of America\)](#): contents of the Principle of the prohibition of the threat or use of force and the Principle of non-intervention in matters within the domestic jurisdiction of States, contained in Resolution 2625 (XXV), reflect customary international law.
 - [ICJ Advisory Opinion of 22 July 2010, on the conformity with international law of Kosovo's unilateral declaration of independence](#): GA Resolution 2625 (XXV) reflects customary international law." .

MEMBERSHIP AT THE UNITED NATIONS

- A) Acquisition of membership
- B) Suspension of the exercise of the rights and privileges inherent to the condition of Member.
- C) Loss of membership

A. ACQUISITION OF MEMBERSHIP

- Articles 3 and 4: original Members and Members admitted to the UN: same rights and obligations (≠ admission procedure).
 - Article 3: original Members are those States that fulfilled a double condition: 1) having participated in the San Francisco Conference or having previously signed the Declaration of the United Nations of January 1, 1942; and 2) having subscribed and ratified the Charter, in accordance with Article 110 of the Charter.
 - Article 4: admission of new members
 - **Conditions:**
 - To be a State, i.e. to meet the constituent elements of a State;
 - to be a "peace-loving" State (presumed for all States nowadays);
 - to accept the obligations contained in the Charter (need for an express declaration to this effect);
 - To be capable of fulfilling these obligations; and
 - To be willing to comply with them.
 - Evaluation of the conditions by GA and SC.
 - Others?
 - [ICJ first Advisory Opinion on the conditions for admission of a State as a Member of the United Nations \(1948\)](#):

- ❖ Are the conditions laid down in Article 4 exhaustive? "The natural meaning of the terms used in Art. 4 leads to the conclusion that these conditions constitute an exhaustive enumeration (...)" not merely as necessary conditions, but also as sufficient conditions.
- ❖ The provisions of Article 4 necessarily imply that each application for admission should be examined and voted upon separately and on its own merits;
 - Problem: the veto available to Soviet Union at the SC.
 - ❖ political agreement joint admission of 16 new Members on December 14, 1955, among them Spain, in addition to several states of the communist bloc and several "enemy states.
- **The procedure:** decision of GA upon the recommendation of the SC".
 - Problem: Veto of the Soviet Union in the SC .
 - [ICJ Advisory Opinion of 3 March 1950 on the competence of the GA for the admission of a State to the United Nations](#): Can the GA do it by itself? NO. The Charter requires two things for admission to take place: a "recommendation" of the SC (preceding in time) and a "decision" of the GA.
- **Effects of Membership** in the UN: the date on which the GA approves its decision on admission.
- Nowadays: Since the admission of the Republic of South Sudan on July 14, 2011, 193 Members.

B. SUSPENSION ON THE EXERCISE OF THE RIGHTS AND PRIVILEGES INHERENT TO THE CONDITION OF MEMBER

- 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.*
- Possibility of suspension of the exercise of the rights and privileges inherent to membership, but not of the obligations:
 - Procedure:
 - The decision corresponds to the GA, "upon recommendation" of the SC.
 - Reinstatement corresponds exclusively to the SC.
- Attempts examples: South Africa (for its apartheid policy), Portugal (for its colonial policy) or Israel.

C. LOSS OF MEMBERSHIP

- *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.*
 - no case in which a Member State has been expelled.
- The possibility of voluntarily withdraw is not contemplated in the Charter but neither contains a specific prohibition in this respect.
 - UN Practice: January 20, 1965, Indonesia announced its decision to withdraw from the UN after Malaysia (which Indonesia did not recognize despite having been a member of the UN for eight years) was elected as a member of the SC.
 - Indonesia ceased to contribute to the UN budget and did not participate in the activities of its organs.
 - September 19, 1966, Indonesia communicated its decision to "resume full cooperation with the UN and participation in the activities of the Organization", but it was not required to submit again to the procedure for admission.

THE ORGANS OF THE UNITED NATIONS

- A) The General Assembly (GA)
- B) The Security Council (SC)
- C) The Economic and Social Council (ECOSOC)
- D) The Trusteeship Council
- E) The International Court of Justice (ICJ)
- F) The Secretariat
- E) Reform and revision of the Charter of the United Nations

A. THE GENERAL ASSEMBLY (GA)

- Plenary organ of the composed of all its Members (represented by a maximum of five persons), and each Member has only one vote (arts. 9 and 18.1). It is the most egalitarian and democratic principal organ.
- It does not operate on a permanent basis.
 - In plenary session: once a year during the regular session (generally coinciding with the third Tuesday of September).
 - After plenary debate: agenda distributed among the 6 main committees to work on them and to prepare draft resolutions to be submitted to the GA plenary for adoption.
 - Special sessions "whenever circumstances require" or even in emergency special sessions at the request of the SC or a majority of the members. Once the plenary debate is concluded, the broad agenda of each session is distributed among the six main committees of the GA.
- The **competences (powers)**:
 - General competence clause: discuss any matters or questions within the scope of the Charter or relating to the powers and functions of any organs provided for in the Charter, and make recommendations on any such matters or questions to the Members of the United Nations or to the Council or to both" (Art. 10).

- Exception Article 12: unless so requested by the SC, GA shall not make any recommendation on disputes or situations in respect of which the SC is performing the functions assigned to it.
- Specific competences:
 - Admission of new members/suspension of rights
 - To consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments;
 - To promote international cooperation in the political field and to encourage the codification and progressive development of international law
 - To promote international cooperation in economic, social, cultural, educational and health matters and to assist in the realization of human rights and fundamental freedoms
 - To recommend measures for the pacific settlement of disputes
 - in the field of decolonization
 - To approve the budget of the UN and determine the contributions to be paid by each Member
 - elect non-members;
 - elect the non-permanent members of the SC, the members of ECOSOC and the CAF, the judges of the ICJ and the Secretary-General (SG); and

- To establish subsidiary organs as it deems necessary for the performance of its functions .

➤ **Adoption of resolutions:**

- Charter: procedure of a majority vote UN Members.
 - “Important questions”: a two-thirds majority vote of the Members present and voting”. They are considered to be:
 - recommendations relating to the maintenance of international peace and security;
 - the election of non-permanent members of the SC, members of ECOSOC, members of the CAF;
 - the admission of new Members to the United Nations, the suspension of the rights and privileges of Members, as well as the expulsion of Members;
 - questions relating to the functioning of the trusteeship system; and
 - budgetary questions.
 - "other matters”: majority of the Members present and voting.
- UN Practice: Adoption by consensus after due deliberation, the President of the GA may propose that a resolution be adopted without a vote. If no Member objects, the draft resolution is finally adopted.

➤ **Effects of Resolutions:** most of the resolutions adopted by the GA contain recommendations that are not binding, per se, on the Member States.

- **Only binding** in matters relating to:
 - membership of the UN;
 - approval of the regular and, if necessary, special budget;
 - the determination of the contributions to be borne by each Member;
 - the approval of its Rules of Procedure;
 - the election of its President and of the members of the other principal organs.

B. THE SECURITY COUNCIL (SC)

- Principal organ with restricted membership.
- **Composition:** fifteen members, each with one representative, who may be a member of their government or a specially designated representative.
 - Five are permanent members of the SC: China, France, the Russian Federation (as successor to the Soviet Union), the United Kingdom and the United States.
 - The remaining ten: non-permanent members, elected by the GA for a two-year non-renewable term, with special attention to:
 - their contribution to the maintenance of international peace and security and to the other Purposes of UN,
 - as well as to "equitable geographical distribution" (GA Resolution 1991 (XVIII) of 17 December 1963), with 5 States to be elected from Africa and Asia; 1 from Eastern Europe; 2 from Latin America; and 2 from Western Europe and other State.
- **Functioning:** "to be able to function continuously" by appointing a representative at UN.
 - Regular meetings (Headquarters, but may meet elsewhere
 - may be convened for emergency meetings by its Chairman
- **Competences of the SC:**
 - Primary responsibility: maintenance of international peace and security.

- [ICJ Advisory Opinion of 20 July 1962 on certain expenses of the United Nations:](#)
 - “Primary”, not exclusive, but it is only the SC that can require its enforcement by means of coercive action against an aggressor.
 - When the SC performs the functions imposed on it by this "primary responsibility", all UN Members recognize that the SC "acts on their behalf".

- Other concurrent competences with GA:

- the admission, suspension and expulsion of Members.
- the election of ICJ Judges and of the SG;
- in the convening of the General Conference for the Revision of the Charter.

- Exclusive powers of the SC:

- to make recommendations or issue measures to ensure the execution of an ICJ judgment;
- to establish subsidiary organs as it deems necessary for the performance of its functions.

➤ **Adoption of resolutions:**

- Charter: procedure of majority voting among the members of the SC, with each member having only one vote. The voting rules vary according to whether the matter is one of "procedure" or one of substance ("all other matters").
 - Decisions on "procedural matters": the affirmative vote of any nine SC members.

- For "all other matters": affirmative vote of nine SC members is required, including "the affirmative votes of all permanent members" (veto right of permanent member of the SC).
 - Practice: flexibility rule understanding that abstention or absence from voting by a permanent member is not equivalent to the exercise of the veto.
 - A member of the SC who is a party to a dispute shall abstain from voting, but this provision has hardly been applied in practice.
 - Practice: consensus method. After discussion of an issue within the SC, its Chairman (acting in this capacity and not as a representative of a Member State in the SC) summarizes the discussion and draws the conclusions, stating that they reflect the will of the SC as a whole. If no member of the SC raises objections to them, they are deemed to be definitively adopted without the need for a vote.
- **Effects of SC resolutions:** they may contain recommendations (not binding) or decisions binding on all UN Members, even if they are not members of the SC or even if they have not voted in favor of them.

C. THE ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

- Principal organ of UN with restricted membership.
 - **Composition:** 54 members elected by the GA, renewed annually by thirds. Each member of ECOSOC has only one representative. But it is possible to participate in its deliberations, without the right to vote: (1) any UN member having a particular interest in any matter; (2) representatives of the specialized agencies; and (3) representatives of NGOs dealing with matters within the competence of ECOSOC.
- **Functioning:**
 - Meetings, when necessary, in accordance with its Rules of Procedure. In practice, it meets twice a year.
 - “High-level sessions” of ECOSOC, of two kinds:
 - “Annual Ministerial Reviews” to assess progress and accelerate action towards the achievement of the “Millennium Development Goals” and the other goals that make up the United Nations Development Agenda.
 - The last Annual Ministerial Review was held on July 9-10, 2015 to manage the transition from the “Millennium Development Goals” to the “Sustainable Development Goals (SDGs)”. Since then, the “Annual Ministerial Reviews” have been integrated into the “High-Level Political Forum” (review of the progress made in the implementation of commitments related to the implementation of the SDG)

- Annual Meetings (8 days), which includes a three-day inter-ministerial segment.
- Every four years at the level of Heads of State and Government, under the auspices of the GA (2 days).
- high-level biannual "Development Cooperation Forum".
 - to review trends in international development cooperation, including strategies, policies and financing;
 - to promote greater coherence among the development activities of the different development partners;
 - To strengthen the linkages between the normative and operational work.
- Decentralized exercise of competences, distributing the work items between the plenary and its various "commissions" (functional commissions, regional commissions, standing committees, etc.) .

➤ **Competencies**

- advisory body to the SC (Art. 65) and the GA (Art. 66), to which it must provide all information requested.
 - reports on international economic, social, cultural, educational and health matters
 - formulate recommendations on such matters;
 - formulate recommendations to promote respect for human rights and fundamental freedoms for all, and on the realization of such rights and freedoms;
 - formulate draft conventions on matters within its competence for submission to the GA;

- convene international conferences on matters within its competence.
- Responsible for concluding liaison agreements with the specialized agencies and for coordinating their activities with those of the UN.
- Establish "commissions" as it deems necessary for the performance of its functions.
- **Adoption of resolutions and decisions:** majority of the votes of the members present.

D. THE TRUSTEESHIP COUNCIL (CAF)

- Chapter XII an "international trusteeship system" applicable to:
 - territories under mandate (LoN mandate system);
 - territories which, as a result WWII, were segregated from "enemy States";
 - territories voluntarily placed under this system by the States responsible for their administration.
- Main objective of this regime: promote the advancement of the inhabitants of the trust territories and their progressive development towards self-government or independence.
 - Success: CAF decided to formally suspend its work on November 1, 1994, after the Palau Islands achieved independence.
 - agreed to meet only when necessary, by its decision or the decision of its Chairman or at the request of a majority of its members of the GA or the SC.

E. THE INTERNATIONAL COURT OF JUSTICE

- The "principal judicial organ" of UN.
- Statute annexed to the Charter and forms an integral part thereof, but it is not, however, a court having compulsory jurisdiction over disputes arising between States.
 - Obligation of peaceful resolution but freedom for choice.
- **Membership:**
 - All members of UN are ipso facto parties to the ICJ.
 - Other State: may become parties "in accordance with the conditions to be determined in each case the AG on recommendation of the SC" (Art. 93).

The **conditions** have always been the same: instrument of ratification containing: 1) acceptance of the provisions of the ICJ Statute; 2) acceptance of all the obligations assumed by UN members under Article 94 of the Charter; and c) an undertaking to contribute to the expenses of the ICJ equitable sum to be determined from time to time by the GA, after consultation with the Government of that State
- **Jurisdiction**
 - Contentious competence: to settle all disputes of a legal nature submitted to it by States.
 - Advisory competence: to render advisory opinions on legal questions submitted to it by UN organs and international organizations authorized to do so.

F. THE SECRETARIAT

- **Composition:** composed of the SG and such staff as the UN requires.
 - SG: chief administrative officer appointed by the GA on the recommendation of the SC. Term not provided in the Charter (practice: renewable term of years)
 - Competencies: varied and increasing.
 - ❖ set of technical-administrative competencies, such as: 1) preparing the draft the UN budget and the control of expenditures and income; 2) organizing the work Secretariat and recruiting staff; 3) acting as Secretary at all sessions of the GA, SC, ECOSOC and CAF and performing by delegation the functions entrusted to him by these principal organs; 4) prepare studies and reports and provide documents, data and information to the other principal organs; 5) act as the depositary of international treaties, being responsible for their registration and publication; 6) translate all documents into the various official languages of the UN; 7) coordinate the activity of the various la UN organs; 8) organize international conferences on matters of world interest; etc.
 - ❖ beyond mere technical-administrative functions, as it also exercises powers of a political and diplomatic nature: administration of peacekeeping operations (PKOs) and mediation or good offices in international disputes, to the review of economic and social trends and problems and the preparation of studies on human rights and sustainable development...

- Secretariat staff: appointed by the SG in accordance with the rules established by the GA. The determining criteria in their appointment are the need to ensure the highest degree of efficiency, competence and integrity, as well as to guarantee the broadest possible geographical representation among its staff. International servants accountable only to UN.

➤ **Functioning:** permanent.

THE REFORM AND REVISION OF THE CHARTER OF THE UNITED NATIONS

- Chapter XVIII Charter refers to “Reform” and “revision”: two formal procedures. In addition: informal procedures not provided for in the Charter.
- **Reform** (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 two-thirds vote of the members of the GA and ratified, in accordance with their respective constitutional procedures, by two-thirds of the Members of the United Nations, including all permanent members of the SC."*
 - Procedure: 1) UN Members must express their consent in favor of the reform text at two different times: when the adoption of the proposed reform is voted in the GA and, subsequently, when ratifying it in accordance with their respective constitutional procedures; 2) the adoption of the reform is based on the democratic principle of the two-thirds majority rule of UN members, applicable both to its adoption within the GA and to the computation of Member States' ratifications necessary for its entry into force. (present: of 128 States in favor of the reform) it is an essential requirement that, among the States ratifying the reform, are the five permanent members of the SC. (right to veto any reform proposal adopted by the GA
 - Effects: the reform will enter into force for all UN members, including those that abstained or voted against it.

- Following this procedure, it has been amended three times.
- **General Review Conference:** Revision second formal procedure for the modification of the provisions of the Charter (Article 109).
 - Procedure: General Review Conference in which all UN Members may participate with one vote per Member State.
 - Convocation: agreed by the vote of two thirds of the members of the GA and by the vote of any nine members of the SC, indicating the date and place of its celebration.
 - ❖ Special rule art. 109,3: "If such a Conference has not been held before the tenth annual meeting of the GA after the entry into force of this Charter, the proposal to convene such a Conference shall be placed on the agenda of that meeting of the GA, and the Conference shall be held if so decided by a majority of the members of the GA and any seven members of the SC."
 - 10th Anniversary: Discussion of review on the GA but no Conference.
 - GA Resolution 992 (X) 1955 "Preparatory committee" to study the review. Failure.
 - GA Resolution 3499 (XXX) 1975 "Special Committee on the Charter and on Strengthening of the Role of the Organization": to study proposal of review for more effective functioning without reform the Charter.

- Vote: vote of two-thirds of the Member States participating in the Conference, may recommend the adoption of amendments to the Charter. In force when ratified, in accordance with their respective constitutional procedures, by two-thirds of the Members of the UN, including all permanent members of the SC (veto right in this matter).
- **Informal procedures for modifying the Charter:** UN practice of exceptionally modifying the Charter by other procedures.
 - Provisions contained in Articles 53, 77 and 107, referring to "enemy States" should be considered obsolete.
 - The possibility:
 - ICJ Advisory Opinion of 21 June 1971 concerning the legal consequences for States of the continued presence of South Africa in Namibia (South West Africa), notwithstanding SC Resolution 276 (1970). PRACTICE OF VOLUNTARY ABSENTION as an internal custom, that as international customary law modified the Charter.
 - ❖ The South African Government objected, on various grounds, to SC Resolution 284 (1970) considering it invalid (1) in voting on the latter resolution, two permanent members of the SC abstained, so it was argued by South Africa that the resolution was therefore not adopted by the affirmative vote of nine members, including "the affirmative votes of all permanent members" of the SC, as literally required by Article 27.3).

- Jurisprudential requirements must be met in all informal amendments:
 - Possibility of the GA and the SC adopting resolutions by consensus, rather than by majority vote.
 - On the contrary, case of armed attack on the Republic of Korea by South Korea and the blocked of the SC. The GA reacted by adopting, on November 3, 1950, Resolution 377 (V), entitled "Union for Peace". In this Resolution, in contradiction with the provisions of Articles 11 and 12 of the Charter, the GA granted itself, in cases where the lack of unanimity of the permanent members of the SC prevented the SC itself from fulfilling its responsibilities, the power to recommend to the Members of the UN Collective measures not involving the use of armed force in cases of threats to the peace; and, if necessary, collective measures involving the use of armed force in cases of breaches of the peace or acts of aggression. The repeated protest of the states aligned in the communist bloc, alleging the illegality of Resolution 377 (V), together with the fact that, although this Resolution has been invoked in various crises after the Korean crisis, the GA has never adopted measures based on it, confirm that Resolution 377 (V) cannot be considered, according to the aforementioned jurisprudential requirements, as an informal procedure that has modified the text of la Carta.

**SPECIALIZED
AGENCIES OF
THE UNITED
NATIONS**

- Article 57: *"The various specialized agencies established by intergovernmental agreement, having broad international responsibilities as defined in their statutes, and relating to economic, social, cultural, educational, health, and related matters, shall be brought into relationship with the Organization in accordance with the provisions of Article 63. Such Specialized Agencies thus brought into relationship with the Organization shall hereinafter be referred to as 'the Specialized Agencies'".*
- The "specialized agencies" are genuine international organizations, with their own legal personality, acting autonomously and independently of UN.
 - Some of them predate the creation of the UN itself.
 - They are international organizations with a universal vocation which, unlike the UN, do not have general but specific purposes.
 - They are responsible for carrying out international cooperation of a sectoral nature in "economic, social, cultural, educational, health and related fields".
 - It is an indispensable condition that it be brought into relationship with the UN by the procedure provided for in Article 63: ECOSOC may conclude with these organizations international agreements establishing the terms and conditions under which they are bound as "specialized agencies". These relationship agreements must subsequently be approved by the GA.
 - The relationship established is not one of hierarchical dependence on the UN, but of functional decentralization.

- At present, 19 binding agreements:
 - The [Food and Agriculture Organization](#) (FAO)-Rome.
 - The [International Civil Aviation Organization](#) (ICAO)-Montreal.
 - The [International Fund for Agricultural Development](#) (IFAD)-Rome.
 - The [Internacional Labour Organization](#) (ILO)-Geneva.
 - The [International Maritime Organization](#) (IMO)-London;
 - The [International Monetary Fund](#) (IMF)-Washington D.C.
 - The [International Telecommunication Union](#) (ITU)-Geneva.
 - The [United Nations Education, Science and Culture Organization](#) (UNESCO)-Paris;
 - The [United Nations Industrial Development Organization](#) (UNIDO)-Viena.
 - The [Universal Postal Union](#) (UPU)-Berna.
 - The [World Bank Group](#) (includes the International Bank for Reconstruction and Development (IBRD); the International Centre for Settlement of Investment Disputes (ICSID); the International Development Association (IDA); the International Finance Corporation (IFC); and the Multilateral Investment Guarantee Agency (MIGA));
 - The [World Health Organization](#) (WHO)-Geneva.
 - The [World Intellectual Property Organization](#) (WIPO)-Geneva.
 - The [World Meteorological Organization](#) (WMO)-Geneva.
 - The [United Nations World Tourism Organization](#) (UNWTO)-Madrid.

- There are other IO with a universal vocation and specific purposes that have concluded cooperation agreements but are have not become "specialized agencies" and collaborative relations with a good number of regional organizations.
- UN the "specialized agencies" and the other international organizations, universal or regional, which collaborate with UN constitute the so-called "**United Nations system**".



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