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SPECIAL MEASURES  
TO WHICH NATIONS MAY RESORT  
IN DIPLOMATIC CRISES

Special measures to which nations may resort in diplomatic crises, by Lt Col W. C. George. Command & General Staff College. 31 May 1949.

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WILLIAM C. GEORGE

Lieutenant Colonel, O-21913

31 May 1949



BRIEF -- SPECIAL MEASURES TO WHICH NATIONS MAY RESORT IN DIPLO-  
MATIC CRISES

PROBLEM.--to determine the special measures to which nations may resort in the resolution of diplomatic crises.

ASSUMPTIONS.--That a diplomatic crisis is a state of strained relations between nations resulting from the development of conflicts in national aims, interests or objectives.

That the United Nations can prescribe, insofar as its members are concerned, those measures which may be employed for the resolution of diplomatic crises.

That the United States, as a member of the United Nations, will adhere to the principles established by the United Nations for the settlement of disputes, and will assist in enforcing those principles as required by the United Nations.

FACTS BEARING ON THE PROBLEM.--The Charter of the United Nations prescribes that:

Members shall settle their international disputes by peaceful means.

Peaceful means include negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or agreements, or any other peaceful measures selected by the disputants.

The Security Council will determine what measures are to be employed in the event peaceful settlement by disputant nations fail, and it may call upon the members of the United Nations to apply such measures. These may include peaceful means previously indicated, partial or complete interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

The Security Council may take such action by air, sea, or land forces as may be necessary to maintain or restore international security. Such action may include demonstrations, blockade and other

operations by air, sea, or land forces of members of the United Nations.

And, that individual nations may employ armed force only in self-defense against armed attack, and then only until the Security Council has taken such measures as are necessary for the maintenance of international peace and security.

DISCUSSION.--The measures as prescribed by the Charter of the United Nations fall into three general types; peaceful measures, positive measures not involving the use of armed force, and the measures involving the employment of armed force. They may be employed successively in four phases: 1. Peaceful measures applied by disputant nations. 2. Peaceful measures applied by the United Nations or an agency designated by the United Nations. 3. The imposition of positive measures, not involving the use of armed force, by the United Nations or an agency designated by the United Nations. 4. The employment of armed force by the United Nations collectively or by designated member nations.

An example of the application of peaceful measures by disputant nations to resolve a crisis was the recent dispute between the United States and Panama regarding our defense sites in that country. The United States desired to continue the occupation of our World War II bases in Panama for an extended period of time for the protection of the Panama Canal. The Republic of Panama contended that the continued occupation of the bases violated the terms of an earlier agreement and requested the evacuation by our troops. After a period of friendly negotiation it was determined that the two nations could not reach an agreement. After a formal rejection of our final proposal, the United States vacated the bases restoring Panamanian sovereignty over the areas in question.

The failure of nations to resolve their disputes by their own peaceful processes, whether voluntarily or directed by the United Nations, requires the United Nations to intervene if the continuance

of the dispute threatens international peace and security. The crisis between the Arabs and Jews in Palestine is an example of such a situation. Through the appointment of a mediation commission by the United Nations, and the simultaneous application of the "cease fire" order, a provisional measure, the crisis was resolved peaceably.

Since the United Nations has not as yet applied other than peaceful measures for the resolution of crises, it is necessary to draw on the experience of the League of Nations to illustrate positive measures not involving armed force. The Italo-Abyssinian crisis of 1935 serves as an example. The massing of Italian troops in Eritrea on the Abyssinian border with the obvious intent of attacking Abyssinia prompted the latter to appeal to the League for assistance. No action was taken by the League until Italy actually committed an act of aggression, at which time economic sanctions in the form of embargoes were applied to deny Italy certain critical items and important commodities. The enforcement of the embargoes did not depend upon armed force but on the moral responsibility of the League nations to refrain from supplying Italy with those items restricted by the League. Although the application of the economic sanctions to Italy were unsuccessful, the example serves to illustrate measures that may be employed by the United Nations in the future.

The decision of the United Nations to employ armed force in addition to the less severe measures may arise as a result of an aggressor's armed resistance to the imposition of embargoes or blockade measures. It may arise for the defense of a victim of aggression or of any state subsequently attacked by an aggressor. Also it may arise as a result of the advisability of direct military action against an aggressor's territory or of naval action to isolate his armed forces operating overseas. In the employment of armed force, like the League of Nations, the United Nations is without precedent.

CONCLUSIONS.--The Charter of the United Nations neither creates new measures for the resolution of diplomatic crises, nor does it eliminate measures that have been employed in the past. Rather, it modifies the authority for the execution of such measures to ensure the maximum opportunity for peaceful settlement.

The resort to war in the settlement of disputes is the ultimate measure after all other means have failed or have been determined impracticable by the United Nations.

The use of force or threat of force will be directed by the United Nations collectively or through agencies or member nations designated by the United Nations unless such action is required by individual nations for self-defense and in such time as would render the normal operations through the United Nations unfeasible.

SPECIAL MEASURES  
TO WHICH NATIONS MAY RESORT  
IN DIPLOMATIC CRISES

WILLIAM C. GEORGE  
Lieutenant Colonel O-21913



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PROBLEM.--To determine the special measures to which nations may resort in the resolution of diplomatic crises.

ASSUMPTIONS.--That the United Nations, as the authority recognized by the United States for the maintenance of international peace and security, can prescribe, insofar as its members are concerned, those measures which may be employed for the resolution of diplomatic crises which threaten international peace and security.

That the strength of the United Nations is, or will become, such as to enable it to enforce as necessary its principles upon the nations of the world whether or not they are members of the organization.

That the United States, as a charter member of the United Nations and one of the proponents of the organization, will adhere to the principles laid down by the Charter of the United Nations and will contribute men, money and materials for the enforcement of the Charter.

That for the purpose of this study, a diplomatic crisis is defined as a state of strained relations between nations or groups of nations resulting from the development of conflicts in national aims, interests or objectives without regard to the cause or origin of such conflicts.

FACTS BEARING ON THE PROBLEM.--The Charter of the United Nations prescribes that:\*<sup>1</sup> (see Annex 2)

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

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.

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, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

\* Reference figures from 1 to 9 inclusive refer to paragraphs in the Bibliography, Annex 4.

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

Any Member of the United Nations may bring any dispute or any situation . . . (which is likely to endanger the maintenance of international peace and security) . . . to the attention of the . . . (United Nations).

In order to prevent an aggravation of a situation, the Security Council may, before . . . deciding upon the measures . . . (required for the settlement of the situation) . . . , call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable.

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.

Should the Security Council consider the measures . . . (not involving the use of armed force) . . . 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.

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.

Judgments rendered by the International Court of Justice are final and without appeal. They may be enforced by whatever measures the Security Council deems necessary. (Annexes 3, 4)

The Security Council shall, where appropriate, utilize . . . regional arrangements or agencies for enforcement action under its authority.

DISCUSSION.--Prior to the invention of gunpowder, war was the most common means of settlement of disputes between nations. The small numbers of troops involved and casualties incurred did not impose serious manpower or economic problems upon the States. However, the evolution of war with its demand for larger forces, its increasing casualty rate, and its rising cost for munitions has led to a more frequent use of less drastic means for the resolution of diplomatic crises and disputes.

The development of International Law has followed the same pattern. As late as the 18th and 19th centuries, International Law recognized the nation as the sole judge of its actions in peace and in war.<sup>2</sup> The right to impose its will and sovereignty over any other nation was limited only by its power to carry out its intent. Today, war is not legalized in any direct terms by law. It justifies war only through recognition of the right of a nation to self-preservation.<sup>3</sup>

The last two great wars have brought about increasingly stronger movements to provide for the peaceful settlement of international disputes. Following World War I, the League of Nations was formed in the interest of the maintenance of International peace. Yet the United States, whose President had been one of the proponents of the League, declined to participate in the organization. The rumblings of World War II, however, impressed much of the world, including the United States, with the need for a world-wide peace organization. Therefore, the United Nations, the present international body for the maintenance of peace and security, represents our farthest advance toward the elimination of war; yet war as a measure for the settlement of disputes has not been abandoned.

The Charter of the United Nations emphasizes the utilization of peaceful measures, first by nations involved in diplomatic crises; these failing, then by the United Nations organization or designated agencies. Only after peaceful means have been exhausted without success, or when it is apparent that peaceful means would be useless, will force in any degree be applied. In the use of armed force the United Nations reserves the right to direct such operations either collectively, or through designated members, restricting the right of individual nations to resort to armed conflict or threat of force only in self-preservation and the defense of violated legal rights vital to the existence of the nations.<sup>1</sup>

The recent dispute between the United States and the Republic

of Panama regarding United States defense sites in Panama is an example of the resolution of a diplomatic crisis by peaceful means by the nations involved. During World War II the United States leased bases in Panama for the defense of the Panama Canal. One year after the cessation of hostilities in Japan, the Republic of Panama, believing the canal no longer in danger of attack, requested the evacuation of the bases within the Republic. The United States, realizing the canal to be a potential target for any aggressor, made a counter-request for the continued occupation of certain vital bases for an extended period of time. Both nations were firm in their stands and, although the affair involved a powerful nation and a lesser one, a diplomatic crisis developed.

After a period of peaceful negotiation the Republic of Panama formally rejected the request of the United States and our troops immediately evacuated the bases.

In the cited case the United States was engaged in an action which was intended to protect our national interests, and such action was in contradiction to the national interests of Panama. The conflict was resolved through peaceful negotiation and conciliation resulting in the maintenance of the integrity of the Republic of Panama. The United States was forced to look elsewhere for bases for the protection of the canal.

Had the United States and Panama failed to reach a peaceful agreement through their own efforts, or by a third nation or agent appointed by mutual consent, either nation or both could have appealed to the United Nations for settlement. Since the dispute involved the interpretation of an agreement between the two countries, the International Court of Justice would have been the appropriate agency of the United Nations to settle the dispute. The decision of the court would have been final, and upheld by the United Nations with authority to employ any amount of force necessary to enforce the decision of the court.<sup>1</sup> (see Annex 2)

The Charter of the United Nations permits disputant nations to employ any peaceful means in resolving their differences. Specifically it indicates conciliation, negotiation, inquiry, arbitration, mediation, judicial settlement, or resort to regional agencies or arrangements. The United States-Panama crisis was resolved by negotiation and conciliation.<sup>2,3</sup> By negotiation the two nations attempted to reach a settlement suitable to both; however, the United States was not willing to pay Panama's minimum price for permission to occupy the bases, therefore negotiations came to an end. Through conciliation the United States vacated the bases relieving the crisis.

Mediation could have been utilized by permitting the intercession of another nation, on the invitation or consent of both the United States and Panama, to arrange an amicable settlement. Inquiry or arbitration might have been utilized to determine the true cause of the controversy; however, since the controversy involved interpretation of a previous agreement, it is doubtful whether either measure would have been successful unless it resulted in a judicial settlement based on a decision by the International Court of Justice which would have been enforced by the United Nations.<sup>2,3</sup>

Included in the peaceful measures available to nations is the resort to regional agencies or arrangements. For example, a crisis between nations who are signatories of the North Atlantic Pact might be settled collectively by the other signatories. This is conceivable in cases in which the dispute is of particular concern to the Atlantic Pact nations as a whole. The means available to such nations in the settlement would be the same as would be used by the two disputant nations if they were to resolve the crisis jointly.

The failure of nations to resolve their disputes by their own peaceful processes, whether voluntary or directed by the United Nations, requires the action of the United Nations to intervene

in the dispute for its settlement if its continuance presents a threat to international peace and security. The crisis between the Arabs and Jews in Palestine is an example of a situation in which the disputants were unable to resolve their problem peaceably. As a result the United Nations appointed a mediator to conduct the peaceful settlement of the dispute. Meantime the United Nations invoked the "cease fire" order, a provisional measure applied to suspend hostilities immediately.<sup>1</sup>

Since there has as yet been no action by the United Nations more severe than the conduct of mediation, it is necessary to draw on the experience of the League of Nations for a discussion of the more drastic measures. The Italo-Abyssinian crisis of 1935 serves as an example.<sup>4</sup> It illustrates the type of crisis deliberately perpetrated by one nation to further its strength and national interests at the expense of another, and one which could not be resolved peaceably by the disputants.

In 1935 Italian troops were massed in Eritrea on the Abyssinian border with the obvious intent of attacking Abyssinia. The latter nation appealed to the League of Nations when she believed the invasion of her territory imminent. The League did not choose to act until Italy had actually committed an act of aggression. In a short time, Italy did invade Abyssinia, and had advanced half way to Addis Ababa before any collective action was initiated by the League. However, after the actual aggression by Italy was established, the League took steps to place economic sanctions into effect. These sanctions took the form of embargoes on the export of certain critical items and important commodities to Italy from nations of the League. These embargoes failed for a multitude of reasons -- Italy had a considerable stock pile of materials to support the small number of forces engaged in the operation, the embargo did not embrace all critical materials, many league nations disassociated themselves from the League insofar as the application of sanctions was concerned, many of the stronger nations of the world

were not members of the League, and probably most important was the fact that Italy had three months of combat before the effect of the embargo was noticed. However, the action does illustrate the measures visualized by the United Nations in providing for the partial or complete interruption of economic relations with aggressor nations.

Like the League of Nations, the United Nations will adhere to the principle of applying the less drastic measures first, while the more stringent measures are held in reserve for use if required. The sanctions brought to bear against Italy did not include the use of armed force by the League, nor did any instance occur during the life of the League in which the organization resorted to the application of armed force. Therefore, the United Nations is without precedent in this regard.

The League of Nations classified sanctions into four general types.<sup>4</sup> These were moral censure, diplomatic measures, economic sanctions and military sanctions. Moral censure involved the mobilization of international public opinion to express disapproval of a country's policy. Its outward manifestations, the cessation of tourist travel to the country and reduction of trade, would have a direct economic effect and also an adverse influence on the confidence of the people. Its full effect, however, will scarcely be realized unless it is reinforced by measures having a positive material effect. Moral censure was certainly brought to bear on Germany prior to World War II, but it had little effect because of the Nazi ability to organize public opinion within Germany to counteract the censure from without.

The application of diplomatic measures likewise has its limitations. These measures are carried on between states through normal diplomatic channels and convey either written or oral disapproval of actions, or protests to threats to the peace. The effect of these actions depend upon the importance of the protesting state and

the influence it has on the state to which the action is directed; the degree of confidence existing between the disputants; and the degree to which one is dependent upon the goodwill of the other. The value of a protest will be greatly enhanced if presented through or by the United Nations, for here it will draw the attention of the world to an illegal act by a state and the inherent danger to international peace and security. It mobilizes public opinion lessening the probability of the action going too far to be stopped before positive measures can be initiated.

In the application of economic sanctions to Italy, the League made no attempt to enforce them by a naval blockade of Italy. Enforcement was dependent on the moral responsibility of League nations to refrain from carrying on trade with Italy in those items restricted by the League. The application of sanctions beyond this point involves the use of armed force to enforce the provisions of earlier sanctions, reaching the international boycott as the ultimate limit. This subjects the aggressor to severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the enforcing states, and the prevention of all financial, commercial or personal intercourse between the nationals of the aggressor and all other states. For the enforcement of these measures, blockade by air, land and naval forces may be necessary. If the boycotted nation does not acquiesce peaceably in the operation of the blockade, the operation and war are one and the same.<sup>4,5</sup>

The decision to adopt offensive military measures by the United Nations may arise as a result of the advisability of direct military action against the aggressor's territory or of naval action to isolate his armed forces operating overseas. It may arise as a result of aggressor's armed resistance to the imposition of embargoes or blockade measures; or for the defense of a victim of aggression or of any state subsequently attacked by aggressor.<sup>2,4</sup> Here again,

the United Nations is without precedent in the conduct of operations involving the use of armed force by an international body in the enforcement of peace and security.

It has been pointed out that individual nations may employ armed forces in self-defense. In addition there are occasions for the employment of armed forces on foreign soil in the service of their home states, although not as a result of the existence of diplomatic crises. Reference is made here to clarify such actions in light of the rather restrictive limitations imposed by the Charter of the United Nations on the use of armed forces by individual nations.<sup>1</sup> Armed forces may be employed on, or pass through, foreign territory to man bases obtained through regional agreements. A nation victorious in war may occupy the territory of the defeated nation to insure the proper execution of the terms of the peace treaty. Armed forces of a nation may also be employed to protect its citizens, property, and sovereignty on foreign ground.<sup>3</sup>

An example of the latter was the American punitive expedition into Mexico during the Mexican civil war of 1916 - 1919.<sup>3</sup> The foray of Pancho Villa into New Mexico and the attacks on American citizens and property in Mexico prompted the United States to protest to the Mexican government. Because of the inability of the latter to cope with the situation, the United States was authorized to intervene with armed forces for the protection of United States citizens and property and to punish violators of American sovereignty.

In concluding the discussion, a review of two historical examples is presented for examination to illustrate wherein the method of resolution of crises as executed differs from the method anticipated by the United Nations.

At the opening of the twentieth century, Morocco was an important focal point in the commercial expansion of France, Germany, and Spain.<sup>6</sup> France, with the favor of England, became the leading European nation in the development of commercial interests in

Morocco and as a result, strengthened her control there at the expense of Germany and other interested countries. In 1911, Germany dispatched the gunboat "Panther" to the port of Agadir on the Atlantic coast of Morocco on the pretext of protecting German commercial interests there. In reality it was a direct threat against the growing strength of France in Morocco. There were few, if any, German commercial enterprises in Agadir. France, fearing the precipitation of war, protested the incident to Germany. England, who had supported France's penetration of Morocco over Spain and Germany, also protested to Germany. Further, David Lloyd George, not then a member of the British Government, was permitted by the government to indicate, during a scheduled speech, that if necessary England would fight in the support of France against Germany.

Here are illustrated two threats to international peace. One by Germany in the dispatch of a war vessel into an open port as a threat to France; and another by England in making a threat to join France in war with Germany. Although the Charter of the United Nations would recognize these measures for the resolution of the crisis, the execution of such measures would be a function of the United Nations either collectively or through designated representative nations, and not by the disputant nations unless specifically authorized.<sup>1</sup>

The French occupation of the Ruhr in 1923 serves as a further illustration of the difference in the application of measures as visualized by the United Nations.<sup>7</sup>

The treaty of peace following World War I guaranteed France a regular supply of Ruhr coal and coke for the Lorraine steel mills at a statutory price. However, Germany reduced the supply of coal and coke to France in order to operate her own steel mills using iron ore from Sweden and Spain. France threatened to extend her occupation forces to the Ruhr in order to force Germany to abide by the reparations agreement. The threat had no effect upon the German coal syndicate; therefore in 1923 France sent a technical mission

accompanied by troops into the Ruhr to effect delivery of coal to Lorraine. The coal syndicate moved to Hamburg, and ceased all shipment of coal and coke to France. As a counter measure France stopped import and export to and from unoccupied Germany resulting in the complete collapse of the German economy.

This illustration again points out measures visualized by the United Nations -- threats, the application of economic sanctions, and the use of armed force to enforce such sanctions. However, the application of these measures is reserved by the United Nations for employment at its direction, rather than by individual nations.

CONCLUSIONS.--The Charter of the United Nations neither creates new measures for the resolution of diplomatic crises, nor does it eliminate measures that have been employed in the past. Rather, it modifies the authority for the execution of such measures to ensure the maximum opportunity for peaceful settlement.

The resort to war in the settlement of disputes is the ultimate measure after all other means have failed or have been determined to be impracticable by the United Nations.<sup>1-9</sup>

Individual nations, or groups of nations, will resolve their differences through peaceful means.

The use of force or threat of force will be directed by the United Nations collectively or through agencies designated by the United Nations unless such action is required for the defense of a nation and in such time as would render the normal operations through the United Nations unfeasible.

Annex 1 - DIRECTIVE

COMMAND AND GENERAL STAFF COLLEGE  
DEPARTMENT OF OPERATIONS AND TRAINING

Fort Leavenworth, Kansas

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MONOGRAPH SUBJECT NUMBER 1-13

Regular Course, Phase V, 1948-49

STUDENT	William C. George	Lt. Colonel	0-21913
	(Name)	(Rank)	(ASN)
FACULTY ADVISOR	Lt. Col. G.A. Carver	105 Sheridan	8194
	(Name)	(Bldg & Rm No)	(Tel No)

SUBJECT: Special Measures to Which Nations May Resort in Diplomatic Crises.

REFERENCES: Clausewitz, On War; Maurice, British Strategy; Wavell, Generals and Generalship; Mahan, The Influence of Sea Power on History; Hobbes, Leviathan; Shotwell, War as an Instrument of National Policy; Nickerson, Can We Limit War?; Fuller, The Dragon's Teeth; Royal Institute of International Affairs, International Sanctions; Grenfell, The Art of the Admiral; Corbett, Some Principles of Maritime Strategy.

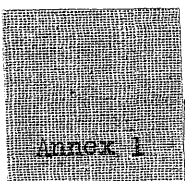
NOTE TO STUDENTS:

1. The references above are furnished to give the student enough material with which to begin his research. It is anticipated that the student will make use of all other available sources in order to give adequate scope to his subject and, when appropriate, to complete development of the subject to date.

2. The scope suggested below is intended as a guide only, and is not to be construed as a limitation on the student's perusal of the subject.

SCOPE:

1. Naval demonstrations: Dispatch of token forces (Samoa, 1899; Agadir, 1911) or substantial forces, sometimes combined with military concentrations (Great Britain in the Near Eastern crisis



Annex 1 - DIRECTIVE (continued)

of 1877-1878); preference for naval forces because of mobility and world-wide range.

2. Air demonstrations and concentrations.

3. Concentration of land forces on a prospective opponent's frontier; a less spectacular but far more common military threat.

4. Partial mobilization; e.g., British "flying squadron" mobilized as warning to continental powers during Boer War.

5. Total mobilization, usually leading to actual war.

6. Armament programs, usually undertaken after a crisis, to offset the diplomatic defeat: e.g., the German naval program after Agadir (1911); British emphasis on rearmament after Munich (1938).

7. Military actions short of war.

a. Distinction between (1) "threats of war" not involving hostile action, and (2) forms of pressure developed since the World War, constituting hostile action without being legally "acts of war".

b. Economic sanctions: the Ethiopian War.

c. Military sanctions: French occupation of the Ruhr (1923).

UNITED NATIONS CONFERENCE

Documents adopted at San Francisco, June 26, 1945

CHARTER OF THE UNITED NATIONS

\* \* \* \* \*

CHAPTER I

Purposes And Principles

Article I

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;

\* \* \* \* \*

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

\* \* \* \* \*

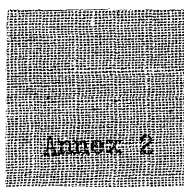
Article 2

The Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following principles:

\* \* \* \* \*

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.

\* \* \* \* \*

#### CHAPTER IV

#### THE GENERAL ASSEMBLY

#### FUNCTIONS AND POWERS

\* \* \* \* \*

#### 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 both.

\* \* \* \* \*

#### 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.

\* \* \* \* \*

CHAPTER V

THE SECURITY COUNCIL

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.

\* \* \* \* \*

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

\* \* \* \* \*

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including

the concurring votes of the permanent members; provided that, in decisions under Chapter VI and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

\* \* \* \* \*

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, inquiry, 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

Annex 2 - EXTRACTS, CHARTER OF THE UNITED NATIONS (continued)

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 the 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.

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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 the 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.

Annex 2 - EXTRACTS, CHARTER OF THE UNITED NATIONS (continued)

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

Annex 2 - EXTRACTS, CHARTER OF THE UNITED NATIONS (continued)

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.

\* \* \* \* \*

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

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

Principles of the United Nations.

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

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

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

Article 53

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

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

\* \* \* \* \*

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal

Annex 2 - EXTRACTS, CHARTER OF THE UNITED NATIONS (continued)

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.

\* \* \* \* \*

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.

Annex 2 - EXTRACTS, CHARTER OF THE UNITED NATIONS (continued)

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.

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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, October 30, 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.

UNITED NATIONS CONFERENCE

Documents adopted at San Francisco, June 26, 1945

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

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CHAPTER II

COMPETENCE OF THE COURT

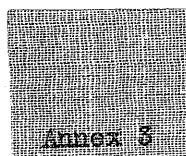
Article 34

1. Only states may be parties in cases before the Court.
2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

\* \* \* \* \*

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
  - (a) The interpretation of a treaty;
  - (b) Any question of international law;
  - (c) The existence of any fact which, if established, would constitute a breach of an international obligation;
  - (d) The nature or extent of the reparation to be made for the breach of an international obligation.
3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.



\* \* \* \* \*

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose functions are to decide in accordance with international law such disputes as are submitted to it, shall apply:

- (a) International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- (b) International custom, as evidence of a general practice accepted as law;
- (c) The general principles of law recognized by civilized nations;
- (d) Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of the rules of law.

2. This provision shall not prejudice the power of the Court to decide a case ex aequo et bono, if the parties agree thereto.

\* \* \* \* \*

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

\* \* \* \* \*

Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

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