

United Nations Charter

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Description The Charter was negotiated at the United Nations Conference on International Organization at San Francisco, and adopted on 26 June 1945. It provides for the composition and mandate of the UN System. The fundamental purposes are as follows: (1) maintain international peace and security; (2) develop friendly relations among nations; (3) cooperate in solving international economic, social, cultural, and humanitarian problems; (4) promote respect for human rights and fundamental freedoms; and (5) provide a centre for harmonizing the actions of nations in attaining these ends.

Whereas the UN's predecessor organization, the League of Nations, failed to secure the membership of several powerful states, the Charter was signed by all of the major powers emerging from World War II. Membership is open to "all peace-loving states" provided they are willing and able to comply with Charter obligations. Membership determinations are made by the General Assembly upon recommendation of the Security Council. Between 1945 and 2004, membership has almost quadrupled from fifty-one to 191. This highlights the globalization of the sovereign territorial state as the principal organizing unit of peoples. Taiwan is presently excluded from membership, not being fully recognized as a sovereign state by the global community as a whole. Stateless peoples such as the Kurds and the Palestinians are also excluded from membership, though the latter have official observer status at the UN and maintain a permanent office at its headquarters. Members may be expelled for persistently violating Charter principles, though such action has never been taken.

Arguably, the Charter too rigidly reflects the circumstances of the immediate post-WWII era, particularly in the composition of the Security Council. Each of the five permanent members — Britain, China, France, Russia, and the United States — possess a veto power over Council decisions and Charter amendments. This arrangement is increasingly viewed to be unrepresentative of the world as a whole, and to politicize the Council's operations. More positively, the Charter has proven adaptable to contemporary transnational policy areas, such as environmental protection, which are not expressly cited within it.

The Charter contains a tension between collective autonomy (state sovereignty) and individual autonomy (human rights). Though state sovereignty has traditionally been prioritized, UN-sponsored initiatives, such as the establishment of the International Criminal Court in 1998 and more recent discussions of a framework for humanitarian intervention,

signal a movement toward a more balanced reconciliation of these principles. Finally, given the expanding global governance role of the UN within a range of policy areas that affect peoples' daily lives, the Charter raises fundamental issues of democracy. Since formal UN membership is restricted to states, individuals are only indirectly represented. Some reform proposals contemplate a directly-elected second assembly. However, as with structural reform of the Security Council, this would require a formal amendment to the Charter, with the approval of a two-thirds majority of the General Assembly, including all five members of the Security Council.

Suggested
Reading:

Krasno, Jean E., ed. 2004. Founding the United Nations: An evolutionary process. In *The United Nations: Confronting the challenges of a global society*. 19-46. Boulder, CO: Lynne Rienner.

United Nations website. *Charter of the United Nations*, www.un.org/aboutun/charter (accessed 26 May 2005).

White, Nigel D. 2004. The UN's values. In *The United Nations System: Towards international justice*. 47-76. Boulder, CO: Lynne Rienner.