

THE LAW AND PRACTICE OF THE UNITED NATIONS

LEGAL ASPECTS OF INTERNATIONAL ORGANIZATION

VOLUME 30

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The Law and Practice of the United Nations

by

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PREFACE

This volume is the up-to-date English version of the fifth Italian edition of a textbook on the United Nations which was first published in 1971 by CEDAM (Padua).

The book aims to provide a comprehensive legal analysis of problems concerning membership, the structure of U.N. organs, their functions and their acts taking into consideration the text of the Charter, its historical origins, and, particularly, the practice of the organs. Developments in United Nations practice subsequent to 1971 have obviously been taken into account. As a general working criterion, the more recent practice has been added to the pre-existing one, rather than substituting it, even when past practice may appear to be obsolete. Indeed, one of the aims of the book is to trace the "story" of the United Nations from its birth precisely through an analysis of the practice. Moreover, since the Charter has never undergone any substantive modifications, one cannot exclude that what may appear to be old and obsolete today could become of current interest in the future. For this reason the examination of former practice will sooner or later become useful to anyone seeking to interpret the Charter. For instance, in 1975 the United States proposed the admission of the two Vietnams, which were separate Countries at that time, and of the two Koreas, under the "package" technique. Thus the well-known 1948 advisory opinion of the International Court of Justice on the "package" proposed by the Soviet Union for collective admission in the 40s and 50s again became timely, despite its having appeared obsolete.

In my own view a legal analysis which is free of dogmatism and firmly linked to practice can describe the role played by the United Nations in the past

and at present better than many lengthy and inconclusive political or sociological studies.

The book is very much focused on the Charter as it stands while it only marginally deals with reforms that might be introduced, such as those concerning the structure of the Security Council and the General Assembly. Indeed, it is difficult to foresee radical reforms, giving the U.N. an entirely new shape. This is particularly true with regard to endowing the Organization with the force and efficacy that would be needed for the maintenance of peace and security, Recent events have clearly shown how unfeasible such an endowment would be.

* * *

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November 1995

B.C.

TABLE OF CONTENTS

PREFACE.....	V
ABBREVIATIONS	XIII
GENERAL BIBLIOGRAPHY	XV

INTRODUCTION

1. Origins of the United Nations Charter:	
A) From the Atlantic Charter to the San Francisco Conference	1
B) The San Francisco Conference, the entry into force of the Charter and the United Nations membership.....	4
C) Relationship between the League of Nations and the United Nations .	6
2. The purposes of the United Nations	7
3. The organs	8
4. The Charter as a treaty	10
5. Interpretation of the Charter	11
6. The Power to interpret the Charter	14
7. The “rigidity” of the Charter and amendment and review procedures	16
8. Present trends to revise the Charter	18

CHAPTER ONE THE MEMBERSHIP

Section I *Acquisition of Membership Status*

1. Admission.....	23
2. Admission requirements	23
3. Admission of mini-States	27
4. Admission of neutralized States	28
5. The so-called conditional admission and the non-existence of “positive” obligations of the UN organs	33
6. Readmission	37

Section II
Modifications in Membership Status

7. Suspension	38
8. Expulsion	41
9. Withdrawal	41
10. Effects of State succession on membership status	43
11. Governments created as a result of revolutions or foreign military inter- ventions	48
12. Governments in exile	54
13. State succession and rules on credentials	56

CHAPTER TWO
THE ORGANS

Section I
The Security Council

1. Composition of the Council. Election of non-permanent Members	61
2. Voting procedure in the Council: A) The nature of the four powers' State- ment at the San Francisco Conference	64
3. B) The so-called veto power and the significance of abstention by a per- manent Member	65
4. C) Absence of a permanent Member	68
5. D) The problem of the double veto	70
6. E) Abstention from voting by a Member party to a dispute	74
7. F) Approval by "consensus"	81
8. Participation in Security Council meetings of non-member States of the organ	83

Section II
The General Assembly

9. Composition of the Assembly subsidiary organs	87
10. Voting Procedure in the Assembly: A) The "present and voting" majority	90
11. B) Simple majority and qualified majority	92
12. C) Approval by "consensus"	99

Section III
The Secretariat

13. Appointment of the Secretary-General	100
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14. Secretariat staff and the legal nature of the employment relationship	101
15. Privileges and immunities of Secretariat staff	108
16. The protection of UN officials	111

Section IV

The Economic and Social Council and the Trusteeship Council

17. Composition and functioning of the economic and Social Council	118
18. The Trusteeship Council	120

Section V

The International Court of Justice

19. Organization of the Court	121
20. Election of judges	122

CHAPTER THREE THE FUNCTIONS

Section I

General limits to United Nations Functions

1. Limits <i>ratione personae</i> and <i>ratione materiae</i>	125
2. The United Nations and non-member States	126
3. The domestic jurisdiction clause (Article 2, para. 7)	133
4. A) The notion of domestic jurisdiction	135
I. The legal notion	135
II. The notion under Article 2, para. 7	137
III. Developments in the practice	143
5. B) The meaning of “intervene”	146
6. C) The significance of the exception in the last part of Article 2, para. 7.	148
7. D) Competence to interpret Article 2, para. 7	151

Section II

Maintenance of the Peace: Functions of the Security Council

8. Chapters VI and VII of the Charter	151
9. The power to seize the Council	154
10. Investigation	157
11. The peaceful settlement function under Chapter VI. A) Factual Conditions	162
12. B) Indication to the States of “procedures or methods” for settling differences that may endanger the peace	165
13. C) Indication of “terms of settlement”	169

14. Action with respect to maintenance of the peace under Chapter VII. A)	
Factual Conditions.....	172
15. B) Recommendations under Article 39.....	179
16. C) Provisional measures (Article 40).....	182
17. D) Measures not involving the use of force (Article 41).....	185
18. E) Measures involving the use of force (Articles 42 ff.).....	194
I. Peacekeeping operations.....	197
II. Authorization of use of force by the States.....	201
19. The so-called residual powers of the Council.....	205

Section III

Maintenance of the Peace: The Functions of the General Assembly

20. Discussions and recommendations on general questions.....	208
21. The peaceful settlement function.....	209
22. The problem of Assembly power regarding "action". A) The solutions given by the Charter.....	212
23. B) The alleged formation of customary rules.....	216

Section IV

Maintenance of the Peace: The Functions of the Secretary-General

24. Delegated functions and executive functions.....	219
25. Autonomous initiatives for peaceful settlement.....	221

Section V

Maintenance of the Peace and Regional Organizations

26. Regional actions "authorized" by the Security Council.....	222
27. Existing regional Organizations.....	224

Section VI

Economic Cooperation and Action for Development

28. Political decolonization and economic decolonization. Cooperation for "sustainable" development.....	229
29. The organs charged with economic cooperation.....	229
30. Normative functions.....	230
31. Operational functions.....	234
32. Relations with specialized agencies.....	237

Section VII

The Protection of Human Rights

33. General aspect of United Nations action	241
34. Action regarding individual Countries	242
35. Resolutions of a general nature	243
36. The Human Rights Covenants and the Human Rights Committee	244

Section VIII

Decolonization and Self-Determination of Peoples

37. UN Competence to decide on the independence of peoples under colonial domination	246
38. The self-determination of peoples	249
39. Trusteeship	251
40. The history of Namibia	253

Section IX

Registration of Treaties

41. Effects of registration	255
42. Effects of non-registration	256

Section X

The Judicial Functions

43. The judicial settlement of disputes between States	259
44. The advisory functions of the International Court of Justice	260

Section XI

Financing the Organization

45. Obligatory contribution of the member States	267
46. Voluntary contributions	273
47. Issuance of loans	274

CHAPTER FOUR

THE ACTS

1. Recommendations to the States	275
2. Decisions	278
3. Organizational resolutions	279
4. Operational resolutions	280
5. Proposal, authorizations, approvals, directives, recommendations between the organs	281
6. Declarations of principles of the General Assembly	282

7. The UN resolutions and the rule of law: The duty of the organs to comply with the Charter and with international law 285

8. The observance of rules of procedure 286

9. Illegality of the acts and the role of agreement in the United Nations system 289

ANALYTICAL INDEX 295