

What they had in mind – The Preamble to the Charter

Jean-Pierre Cot - Alain Pellet

Preamble to the Charter of the United Nations

**WE THE PEOPLES
OF THE UNITED NATIONS
DETERMINED**

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

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and
to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

**HAVE RESOLVED TO
COMBINE OUR EFFORTS TO
ACCOMPLISH THESE AIMS**

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

"We the peoples of the United Nations..." The tone is set from the start. This is a far cry from the "high contracting powers" which introduced the text of the Covenant of the League of Nations. Summarising the principles, the goals and the means of the United Nations, the preamble to the Charter also announces its style, and betrays its democratic, messianic and Roosevelt-like inspiration.

The preamble is marked as the rest of the Charter, by the immediate concerns of its writers. They are probably writing for the "succeeding generations", concerned in warding off the demons of a war which is not yet over.

There are two principal ideas which run through the preamble: on the one hand, at the end of a devastating conflict, the United Nations proclaim their primary concern to maintain peace and international security: on the other hand, because the second World War represented the battle of liberty and democracy against tyranny, racism and contempt for the human person, the founding fathers insist on the respect of human rights, inseparable partners of economic and social progress.

Furthermore, and this is quite an innovation, the preamble introduces the concept of peoples in the international order, through an unusual formula, which creates some rather difficult legal problems.

"To save from the scourge of war"

In his address at the San Francisco Conference on May 1, the elder Marshall Smuts pointed out that he was "one of the rare survivors of the previous peace conference held in Paris, twenty six years ago". One understands then, that he, more than others, had been marked by the occurrence "in our lifetime" of two world conflicts, and that the two

following preambles which he wrote, immediately put the accent on the curse hovering over his generation.

The first line, finally adopted for the preamble, is also based on this realisation, dropping however the expression "fratricidal warfare" which was probably considered unacceptable since the conflict was still going on, and replacing it with the more sober denunciation of "the scourge of war". This disposition, which finds its echo in the articles 106 and 107 of the Charter, is the only one which clearly admits its conjunctural inspiration.

But there are other dispositions which are also deeply imbedded in this spirit. As the writers of the Covenant of the League of Nations had wanted the First World War to be the "very last one", so the founders of the United Nations insisted from the start on their intent to prevent the occurrence of new armed conflicts.

"To ensure that armed force shall not be used"

In this sense the Charter does not distinguish itself from the Covenant of 1919. Drawing the lessons from the failure of the Genevese Organisation, there is no doubt that the writers of the 1945 text conceived mechanisms which they wanted more precise and realistic, but the basic idea is the same: promote collective security, which finds a terse and precise definition in the seventh paragraph of the preamble. One must ensure the full "acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest..."

The principle of an armed and vigilant peace is thus repropounded; the efficiency of the system depends in fact on the common response to an aggression. The States are not only free to maintain an army, but it is furthermore essential that they accumulate the necessary military means to intervene in case of an aggression or a breach of peace, either by a member State - which should not take place: these powers are by definition "peace-loving" - or by a non-member State. The parties which renounce the use of force in their international relations in order to satisfy their egotistic interests, are thus the "secular arm" of the Organisation, which is neither a State nor even less a "super-state", but the framework for their cooperation, as it is outlined in particular in chapters VII and VIII of the Charter.

It is not equivocal that the 6th and 7th paragraph of the preamble serve as introduction to these chapters; the delicate problem is to know whether they are "detachable", or if collective security, as a principle in the way they define it, is licit and conceivable only in conformity with the prescriptions of articles 39 to 54. It is not an abstract academic question: it was posed, very concretely at the adoption of resolution 377 (V) ("Union for the preservation of peace").

This resolution quotes *in extenso* the two first paragraphs of the 1st article of the Charter, but does not mention the preamble; however, during the preparatory meetings, the two relevant paragraphs represented one of the key elements of the American argumentation in support of the validity of the proposed text. In fact, to the Russian Andrei Vychinski, who considered that the principle of unanimity of the five Great Powers represented the foundation of the UN,

John Foster Dulles answered; "In reality, it is not the principle of unanimity of the five Great Powers which serves as foundation to the United Nations, it is the will of peoples to unite their forces to maintain peace and to make use of them only in the common interest, as is expressed in the preamble and in the first articles of the Charter".

The adoption of the "Dean Acheson" resolution, on November 3, 1950 could lead to think that the General Assembly had sanctified the merits of this reasoning. However, independently from the fact that the validity of this text has always been contested by certain member States, the resolution 377 (V) has never played the role of a foundation for a new system of collective security as it was conceived: the coercive action of the United Nations in Korea was recommended by the Security Council before its adoption and the constitution of UNEF I and other peace forces created later can not be linked to the notion of collective security, even if these operations, empirical creations of reality, are in fact in alignment with the objectives of the UN.

In reality, following the failure of the system imagined in 1950, the doctrine of collective security suffered a lengthy eclipse. The outburst of the cold war, and even more the nuclear shield which each of the two blocks has set up seemed to render unfeasible a mechanism based on the understanding of the victors.

Of course, the General Assembly has since then, in extensive resolutions insisted on the effective implementation of the dispositions found in Chapter VII. But it is only since Mr. Perez de Cuellar's appeal in his Report on the Activities of the Organisation, dated September 7, 1982, that one is witnessing a true revival of interest of the member States for collective security: "it is the absence of an efficient system of collective security in the framework of the League of Nations which, among other factors, brought about the Second World War. The current situation is of course completely different, however governments need more than ever a system of collective security in which they can have full confidence". It is in the preamble that the member States can anchor the effort of constructive imagination to which the Secretary General invites them.

"To live as good neighbours"

This return to the initial inspiration does not exclude other preoccupations and the search for other ways in which the goals of the UN can be served. After all, the implementation of a collective security, however necessary its eventuality, would be the recognition of a failure: it only works a posteriori, it has only curative virtues, whereas the fundamental philosophy of the Charter is preventive: one must, as it is defined in the first paragraph of the preamble, *prevent war, maintain peace*. Beyond collective security, the principle of which is outlined in paragraphs 6 and 7, the tolerance and the respect of a spirit of good neighborhood as called for by paragraph 5, carry this promise.

The General Assembly has often focussed on this disposition, even if the formulation which was retained and which stems directly from the project of Marshall Smuts, is not without ambiguity. Some resolutions give it a narrow interpretation focussing on neighborhood in the geographical

sense of the term. Others, on the contrary, give an extremely wide meaning to the terms used; it is very revealing in this optic that out of all the dispositions of the preamble only the text in paragraph 5 has been repeated *in extenso* in the Declaration on the principles of International Law regarding friendly relations and cooperation among states according to the Charter of the UN, as shown in the introduction to resolution 1815 (XVII) of December 18, 1962, in which the General Assembly decided to undertake an examination of these principles; and, during the preparatory meetings of that Assembly, several delegates pointed out that "the desire of the peoples, of the United Nations, as expressed in the preamble, to "live together in peace with one another as good neighbours" (...) can mean only peaceful coexistence".

This is probably stretching a bit the meaning of the expression. Nevertheless the paragraph 5 represents - along with the next one in a more limited sense - the only disposition of the preamble which, even if in periphrasis, touches on the notions of friendly relations, international cooperation and consultation, on which article 1, para 2-3-4, focusses, and even reaches to the peaceful settlement of disputes, a fundamental obligation imposed to the member States by the articles 1 (para 1) and 33. It is not excessive anymore to link to paragraph 5 the principle of equality of the rights of peoples and their right to self-determination, following which "all people have the right to determine their political status, in all liberty and without external interference, and to pursue their economic, social and cultural development".

It is rather strange, then, that tolerance and the will to live in peace and as good neighbours are found in the part of the preamble dedicated to the means which the peoples of the UN declare they will have recourse to, while the upholding of justice and the respect of international obligations appear among the objectives. It is true that it is a bit by "fluke" that the 3rd paragraph of the preamble mentions the "respect for the obligations arising from treaties and other sources of international law".

"Respect for the obligations arising from treaties"

In contrast to the preamble of the Covenant of the League of Nations, extensively focussed to "observe rigorously the prescriptions of international law" and to "respect strictly all the obligations of treaties", while article 19 oversaw the revision of outdated treaties, the propositions of Dumbarton Oaks were strangely silent on this point, which led certain delegations in San Francisco to worry.

This caution has an explanation: the powers considered that the Organisation could not, reasonably, guarantee the respect of the treaties, and furthermore, many States feared that an explicit reference to the possibility of adjusting the situations created by the treaties would open the doors to any kind of abuse. Many amendments were presented in both directions, which ended up in the extremely subtle formula of the 3rd paragraph of the preamble.

The compromise is threefold:

- The respect of international law is not mentioned in the Charter but in its preamble, to which - in exchange - the Rapporteur of Committee I/1 made an explicit declaration,

to indicate that all the dispositions, preamble included, have a juridical value.

- The treaties are the object of a special mention before the "other sources of international law", even though, as Kelsen remarked, this complicated periphrasis could have been easily replaced by two words: "international obligations" (there was a Bolivian proposal in this direction); this led to satisfaction in the Russian camp, who wished that the inviolability of the treaties be proclaimed, and also for the majority of Latin American States, who were eager that the untouchable character of border agreements be confirmed; at the same time the role and place of non-conventional law is preserved; but "justice" is put on the same level as international law;

- Finally, the maintenance of justice and the respect of international law seem to be subordinate to the creation of "necessary conditions" to these ends, a rather esoteric formulation which is partly explained in the declaration of the Rapporteur of Committee 1 to Commission 1: "It would be totally deceptive to want and think that international life can be compressed into the world of current conditions as they exist in the light of the treaties in force. The respect of the treaties must not preclude the possibility of legal revisions".

In these conditions, it is understandable that one must deal precautiously with paragraph 3, and that it is rarely invoked: swaying from order to change, justice to law - which articles 13 (para 1A) and 14 of the Charter try to give some balance to as well - it lends itself to very diverse interpretations.

This disposition remains remarkable in that it reveals the Roosevelt-like inspiration, (if not socialist), of the whole Charter, the concern of being concrete, and of cementing the proclaimed principles in reality. This concern is particularly marked in the second dominant theme of the preamble: the respect of human rights.

"To reaffirm faith in fundamental human rights"

More than any preceding conflict, the Second World War takes on the appearance of a crusade, mainly against the contempt for the human person erected in a system through nazism and fascism. Having been until then under "the exclusive competence" of the States, as stipulated in article 15 of the Covenant of the League of Nations, human rights can no longer be ignored in the international sphere, since their negation by the Axis powers is held to be one of the main causes of the conflict; to reach one of the first goals of the United Nations, i.e. the preservation of peace and international security, it requires the respect of the human person, instituted as an essential objective of the Organisation in paragraph 2 of the preamble, and in article 1 (para 3) of the Charter.

Strangely enough, neither one of these dispositions mentions directly the link between these two main aspirations, and one must go to article 55 to find it explicitly affirmed. Nevertheless, these considerations explain the inclusion in the preamble of the dispositions concerning the respect of human rights. As was proclaimed in the joint statement of mutual assistance and resistance to aggression on June 12,

1941: "The only solid basis for a lasting peace will be the spontaneous cooperation of free people in a world where, once the threat of aggression has been removed, all will be guaranteed a social and economic security", while on the other side, as the Atlantic Charter reveals, peace "will enable all nations to live in security inside their own borders, and will guarantee all men in all countries a life free of fear and need". In line with the design of Article 55 of the Charter, the UN resolutions are constantly proclaiming, following the Universal Declaration of Human Rights, that "the recognition of the dignity inherent in all members of the human family and of their inalienable and equal rights represent the foundations of freedom, justice and peace in the world", thus confirming the inseparable character of the preservation of peace and international security on one side, and the respect of human rights on the other. "The respect and promotion of human rights and fundamental liberties in their civil, political, economic, social and cultural qualities, on the one hand, and the consolidation of peace and international security on the other, are mutually reinforcing", to the point where recent texts evoke the concept of a "right to peace", thus attaining an intimate fusion between the two fundamental objectives of the United Nations.

The reference to fundamental rights and the freedom of man in the preamble, are really only a substitute for much higher ambitions. In a first stage, in fact, the US State Department had planned to have the future Constitution of the United Nations preceded by a Bill of Rights. But it was quickly clear that this idea, contested by the United Kingdom and the USSR, was overly ambitious and it was abandoned, to the extent that the propositions of Dumbarton Oaks were very discreet on human rights. Marshall Smuts did however come back to them in San Francisco: "The new Charter must not be just a simple legal document to prevent warfare. I would like to suggest that the Charter contains, at the beginning of its preamble, a declaration of human rights and of the common faith which supported the allied people in their long and relentless fight for the affirmation of these rights and that faith".

Of course, it is not possible to consider the brief references to human rights, in paragraph 2 and 4 of the preamble, as corresponding more or less to a Declaration of rights; but they open the way.

The only precise reference which these dispositions contain has to do with the equality between man and woman, of which article 8 - concerning the equal access of all to all positions inside the organisation - is an illustration. The notion is taken up again, in a different form, by articles 1 (para 3), 13 (para 1), 55 c, 68 and 76 c, which prohibit discrimination due to sex, and led to the creation in 1946, of a Commission on the condition of women, as a subsidiary organ of the Economic and Social Council, separate from the Commission on Human Rights, and led as well to the drafting of many texts some of which refer explicitly to paragraph 2 of the preamble.

Beyond that, this disposition, recalling one of the essential finalities of the fight of the Allies, represents a very general declaration of intent which, contrary to the articles of the Charter pertaining to human rights (1 (para 3), 13, 55 c., 62 and 76 c.), aims not to these rights in general but only to the "fundamental" ones - a distinction which does not need to attract too much importance: an organisation made up of 159 states representing such varied ideologies can hardly

hope to reach a consensus on the details of protected rights; however, it can and must require that its Members show a sincere respect of the eminent dignity of the human person and of his/her fundamental rights, those without which man is debased, those whose violation, flagrant or disguised, represents a threat to the community of free peoples.

As in the above-mentioned articles, the dispositions of the preamble have served as foundation for the considerable task accomplished in 40 years by the United Nations in relation to human rights, and in particular for the drafting of the Human Rights Charter: the preamble of the Universal Declaration of December 10, 1948 (Paragraph 5) reproduces word for word the 2nd and 4th paragraph, and those of each of the 1966 covenants refer to them.

"To promote social progress and better standards of life"

The achievements of the United Nations in this field have remained faithful to the spirit of San Francisco: not to limit one's self to abstract declarations of political or humanitarian principles, but to be concerned about the necessary conditions for their realisation, the economic, social and cultural context, without which they could not develop. The two covenants of 1966 recognize for example that: "In line with the Universal Declaration of Human Rights, the ideal of a free human being, enjoying civil and political liberties and free from the fear of misery can only be achieved if the conditions are created to allow all to enjoy their civil and political rights as well as their economic, social and cultural rights".

Paragraph 4 of the preamble, through which the peoples of the United Nations declare their resolve to "promote social progress and better standards of life in larger freedom", does not say anything else: the fundamental rights of man, his freedom, are inseparable from economic and social progress.

The search for prosperity and well-being has only one valid finality: man; and reciprocally, poverty, the fear of tomorrow, misery and hunger render the development of the human person illusory. As the right to peace represents the junction of the objectives of preserving peace and international security and the faith proclaimed by the peoples of the UN in the fundamental human rights, the right to development, recognized by the General Assembly as an "inalienable human right", determines the meeting point of this faith and the quest for material well-being.

It is noteworthy in this light that, all through the Charter, as in the preamble, any disposition dealing with human rights also addresses economic and social problems: in the 1st article (para 3), the encouragement to "respect human rights and fundamental freedoms for all" without discrimination appears as a way to "achieve international cooperation", and as a solution to "international problems of economic, social intellectual or humanitarian order"; article 13 (para 1) and article 62 give in comparable terms, to the General Assembly on one side, to the ECOSOC on the other, the competence in the economic, social and cultural fields as well as in the field of human rights; article 55 deals jointly with the ones and the others; etc...

Thus, in the melting-pot of the United Nations, the liberal

inspirations stemming from the bourgeois revolutions of the 18th and 19th Century and the Socialist contribution converge in a generous and at the same time realistic dialectic, to which paragraph 8 of the preamble which provides the recourse to "international machinery for the promotion of economic and social advancement of all peoples", represents the necessary follow-up.

"International machinery for the advancement of all peoples"

The post-war economic and social order has often been described as "liberal". This is too simplistic a view of things. Undoubtedly, the writers of the Bretton Woods agreement, of the Charter or of the GATT (General Agreement on Trade and Tariffs), wished to guarantee competition between economic operators and between the States. However, this concern was not devoid of social preoccupations: the ILO (International Labour Organisation) once renewed, was maintained; cooperation in the fields of health, education, science and culture was reinforced and organised; that relating to human rights was properly "invented". Furthermore, if liberalism carries a strong allergy to institutions, the economic order stemming from the reconstruction, of liberal inspiration, is definitely controlling in its methods. From the origin, it is heavily institutionalised, in compliance with the intentions spelled out in the preamble of the Charter and further put into facts at the time of its adoption: the conference of Hot Springs, which is at the origin of the FAO, took place in May 1943; Bretton Woods created the IMF and the IBRD in July 1944, the year in which the conferences of Philadelphia, which gave the ILO new goals and objectives, and Chicago, which had instituted the ICAO (International Civil Aviation Organization), took place. Even if much still needed to be done, the first features of what would become the United Nations system, in compliance with the dispositions of Chapter IX, were nevertheless outlined and the Charter itself established a new and central element, with the creation of the Economic and Social Council (ECOSOC).

After 1945, the United Nations did not part with the confidence shown by the writers of the Charter in the international institutions favoring economic and social progress. Numerous international organs and organizations were created and linked together in a complex and tentacular system, whose coordination remains a poorly solved problem. Furthermore, the advocates of a new international economic order (NIEO), even if they are driven to contest some of the principles established between 1944 and 1948, give these institutions the same credit which they enjoy in the preamble to the Charter. It is particularly significant to note that the programme for action concerning the implementation of a new international economic order includes a lengthy section (IX) dedicated to the "reinforcement of the role of the United Nations organs in the field of international economic cooperation", which, without mentioning explicitly paragraph 8 of the preamble, does nonetheless represent the reflection of the enduring attachment to the spirit of that disposition, on the same line as several articles of the Charter on economic rights and duties of States or the concept of an international development strategy under the auspices of the United Nations.

In their criticism of the current economic order, the Zealots of a "new order" show more faithfulness to the text of the preamble than their predecessors: it proclaims the will of the United Nations to favor the economic and social progress of *all* the peoples, a formula which must be brought in parallel with the equality of nations "large and small", which is evoked in paragraph 2. In direct line with traditional international law, the participants to the San Francisco Conference had a rather abstract vision of this equality, and one that reduced differences.

"Equal rights of nations large and small"

The equality proclaimed and reaffirmed elsewhere under two different forms - "equal rights of peoples" (articles 1 (para 2) and 55) and "the sovereign equality of all" the Members of the Organisation (article 2, para 1) - is not an equality of opportunities, it is an equality of rights. Still it is not taken to its extreme consequences, since the Charter itself devises a differentiated status for the five permanent members of the Security Council. This relative anomaly - article 4 of the Covenant of the League of Nations did not go as far in the particular advantages given to the "Representatives of the principal allied or associated Powers" - made it particularly necessary to recall this equalitarian principle, the more so, as the Colombian delegate to the San Francisco Conference underlined, since "in our desire to adapt our acts to reality we have spoken, more often than in any other conference, of international hierarchy. Today, none of us uses the word "nation", without specifying that there are large, medium and small ones".

The most fundamental evolution which international law has known since 1945, lies maybe in the deeper study of the concept of equality. Though acknowledging the existence of small and large nations, the preamble and the Charter itself did not draw any particular conclusion from it. On the contrary, relying on the principle (developed at length in the General Report of Raul Prebisch, at UNCTAD I), that the inequality of States' conditions called for differentiated policies and regulations, the constant tendency of the UN over the past twenty years has been to mold new principles, suited to the specific needs of underprivileged countries, which, given the real inequality between States, allows to promote an equality which is no longer just formulated, but actually put into practice. The renunciation of the principle of reciprocity in relations between industrialised and developing countries or the advent of the "preferential revolution" are the most striking demonstrations of this procedure.

"We the peoples of the United Nations..."

"Peoples" ..., the word is a problem. It appears twice in the preamble: in paragraph 8 mentioned above and in the opening formula, "We the peoples of the United Nations...", which replaces the "High Contracting Powers" of the Covenant of the League of Nations and of the projects of Marshall Smuts.

The paternity of this formula is to be given to the American delegation and, very probably to one of its members, rep-

representative Sol Bloom, and the expression is only the adaptation of the first words of the US constitution: "We, the peoples of the United States..."

Its adoption was not a matter of course, and all the perseverance of the US representative to the Committee I/1 was needed to impose it. She found herself running less against ideological objections of principle, than against reservations of a legal and constitutional nature. For example, the delegate from the Netherlands pointed out in the same instance that "in the Netherlands, the constitution does not devolve sovereignty to the people, but to the Crown, and it is the Crown not the people which makes treaties".

The compromise formula, presented in committee I/1, and finally accepted *in extremis* with a few modifications, consisted in adding a second sentence clearly more "legal", to the initial declaration of principle: in a first stage, the "peoples of the United Nations" proclaim their intentions, in the second stage, their "governments, through representatives, assembled in the city of San Francisco, who have exhibited their full powers, found to be in good and due form", adopt the Charter and establish the Organisation. As the rapporteur of Committee I to Commission I underlined: "We the peoples of the United Nations" must be read in conjunction with the last sentence".

This solution did not satisfy the pedantic legalism of Kelsen; it does not ruffle common sense: in a democratic State, the State organs conclude treaties in the name of the people, and this comes out explicitly in the formulation of certain international agreements and not the least, see the Briand-Kellog Pact (article 1) or the constitution act of UNESCO (preamble).

It is clearly in this spirit that the American delegation defended the proposed text, the words "We the peoples of the United Nations" seemed to "correspond to the democratic basis on which lies our new organisation, dedicated to peace and human well-being, and which we have reached after long suffering in this war of peoples".

A study of the preparatory works does not, however, permit to push too far in that direction: nine days before this enthusiastic declaration, committee I/1 had rejected by 9 votes to 17 a Colombian amendment aiming at "proclaiming that the principles of democracy and international cooperation, which are included in the Atlantic Charter, form a minimum body of rules of behavior which each civilised State must observe and respect". The reference to "democracy" most certainly was not the only motive for rejecting this motion, but it does betray the limits of a possible consensus between the participants to the Conference: they had - and still have - much too opposed conceptions of democracy, for such a mention to have any real significance.

Nevertheless, the inclusion of two references to the "peoples" in the preamble is not without importance. One

must probably take into account that the word is used very frequently in the political and diplomatic vocabulary during the war, which one wants to depict, in fact, as a "war of peoples": it is to be found in the text of the Joint Declaration of mutual assistance and resistance to aggression of June 12, 1941, in the Atlantic Charter, or in almost all the delegates, speeches at the plenary Conference in San Francisco (as well as in the welcoming address of President Truman). But it is impossible to consider that the usage of a term - admittedly unusual in the midst of a legal text - in the most solemn treaty in existence, be devoid of all legal significance.

Maybe, like the word "nations", which also appears in the preamble, "peoples" represented to certain authors of the Charter a literary synonym of "State". Nevertheless, in two occasions the equality of the "rights of peoples and their right to self-determination" is mentioned in the core of the Charter (article 1 (para 2) and article 55), and international law "must be interpreted in the light of the evolution it has subsequently known thanks to the UN Charter and to custom". But the direction of this evolution leaves no doubt; in a double direction: legal affirmation first, then confinement.

The Charter - its preamble and its disposition - promotes "peoples" to an international legal existence. Subsequent developments will sanctify this incursion, while at the same time linking the right of people to self-determination with the protection of human rights, be it article 1 of both international Covenants of 1966, or be it the declaration pertaining to the principles of international law concerning friendly relations and cooperation among States of Nov. 4, 1970.

However, simultaneously, the instruments adopted by the UN in one movement, develop a principle and limit its useful effects: proclaiming vigorously that the right of peoples to self-determination implies the right to decolonization, it reserves in fact its *exercice* to the colonial peoples, to those who are victims of foreign occupation or of a regime of racial discrimination, although its enjoyment is recognised for "all peoples".

Whatever the case, and this is a major change, thanks to the Charter, peoples stop being the "silent partners" of international law. Let us wager, that this legal novelty has not finished producing its effects, even if the movement of legal recognition of peoples seems today to stall somewhat because of the near completion of the process of political decolonization.

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DEVELOPMENT

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