





**Miguel d'Escoto Brockmann**

# **Reinventing the UN**

**A PROPOSAL**

**Foreword by RAMSEY CLARK**

22 April, 2011  
International Mother Earth Day

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Back cover: The multi color flag is the Whipala, consisting of forty-nine small squares in a seven by seven grid, in the colors of the rainbow. An ancient symbol of the Aymara people it has also become a symbol of pro indigenous movements in Ecuador, Peru, Bolivia, Chile and beyond.

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1. TRIBUNAL INTERNACIONAL DE JUSTICIA  
CLIMÁTICA Y PROTECCIÓN AMBIENTAL 2. MEDIO  
AMBIENTE 3. PROTECCIÓN DEL MEDIO AMBIENTE.

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To  
Mother Earth  
and to all  
the Peoples of the world  
who are hungry and thirsty  
for Justice,  
for Peace,  
for healthy food,  
for uncontaminated water and air,  
for love and universal solidarity.

## Presentation

The United Nations was created on June 26, 1945 as the best way to deal with the fear that, unless serious steps were taken, wars, such as the two world wars in the first half of the century, would continue to plague us. As we all know, that was a very good idea that did not work simply because, right from the very beginning, there were those who believed in wars of aggression, such as the ones we are witnessing today against Iraq, Afghanistan, and Libya, as a means of imposing their “full spectrum dominance” over the world, to use the phrase coined by the Pentagon itself.

Today the situation is quite different and much more serious than that back in 1945. Instead of *fear*, what the world now has is *certainty* that the human species will disappear unless drastic and courageous steps are taken to stop human aggression against Mother Earth and the poor. The current aggression against Libya, with its’ massive bombing of the country under the hypocritical and absurd pretext of saving innocent civilians, makes this all the more urgent.

Conscious of the fact that the Earth is our common home and that we are all responsible for it’s care, it is extremely urgent that we make democracy and independence meaningful in the United Nations where

the voices of all will be heard and really count in the decision-making processes from which no one can be excluded. To give up on the United Nations merely because of its dysfunctionality, as it exists today, would be a grave mistake. The world desperately needs a functional United Nations that can effectively address the multiple converging crises that now constitute its main challenge, though, as we all know, these crises are all man-made.

But, obviously, the United Nations must not allow any of its Member States to abusively deal with the Organization as if it were its own private property. From now on, it is imperative that all members abstain from notions of wanting to control the world or any of its sovereign nations. This is an achievable objective but, most definitely, one that will require great courage to dare to take the necessary measures to oblige all UN Member States, including even the most powerful, to respect the sovereignty, independence and territorial integrity of other States and to liberate themselves from their suicidal addiction to war as a means of imposing their will and taking the natural resources of other States.

Imperialism is one of the main evils this Organization must seriously endeavor to do away with, never allowing any of its manifestations to bask in impunity. One should not take lightly the preparations for full spectrum dominance, quite advanced by those who already possess the military power to destroy the life of Mother Earth and exterminate humankind many times over, particularly when they have already amply demonstrated the moral callousness to employ their power. Those of us who do not want to see the human species disappear, and along with it most of life on Earth, should spare no

effort to force a change in the behavior of those who would want to rule our world. Their quest for ever greater power is nothing short of a lethal diabolical obsession, to use the appropriate biblical terminology, which should be relentlessly and effectively fought against.

The double standard, hypocrisy and perversity of those intent on subjugating the world through force, has reached such levels that now they even pretend for the world to regard their greed and criminality as evidence of their alleged magnanimity and compassionate spirit. Thus they commit the gravest aggressions that result in the death of hundreds, thousands or millions of innocent people invoking an alleged “Responsibility to Protect” which is nothing less than a perverse manipulation of the values and principles of the Charter and *raison d’être* of the United Nations. It is no more than a new name for an inexistent and criminal “right” to commit aggression and intervene in the internal affairs of a sovereign State, as has been well expressed by Mohammed Bedjaoui, the brilliant former President of the International Court of Justice. All of this double-talk and jargon used at the United Nations today, invoking an alleged “Responsibility to Protect”, is no more than a cosmetic facelift and name change for the crimes that imperialism has always committed. All of this was made abundantly clear during the interactive panel held on this subject in the UN General Assembly on 23 July 2009 and that I, as President of that body, presided and in which Noam Chomsky, Ngugi wa Thiong’o, Jean Bricmont and Gareth Evans took part as panelists.

However —and we cannot emphasize this enough— the updated or reinvented United Nations which we are proposing will only be empowered to employ nonviolent

means, in the true spirit of Gandhian Satyagraha or “soul power”, in the enforcement of its resolutions and sanctions. Only love can defeat hatred, which is the trademark of all aggression. We are convinced that the means we use today in the struggle for justice, peace, life and in the fostering and defense of the common good of the Earth and humanity, will be the seeds from which tomorrow will spring. We have no other option. We either stop killing one another now or we shall all perish soon.

Having said this, it is important to acknowledge that there is a very powerful minority of governments committed to promoting hate, wars, selfishness and insatiable greed. But we are also witnessing a very significant growth in the number of statesmen committed to saving the faith-related values of love, justice, tolerance and peace and to putting these into practice by an all-inclusive solidarity which includes, naturally, Mother Earth. For we must never forget that, although she can live without us, humanity cannot live without Mother Earth. If respect for life is the most important of human rights obligations, then that must begin with respect, love and care for Mother Earth.

Already more than 30 years ago we heard great prophetic voices calling for the independence and democratization of the United Nations, to make it a truly functional Organization. In 1979, Fidel Castro, world hero of solidarity, took the podium as President of the Non-Aligned Movement to address the General Assembly. I cannot remember a more relevant or important speech having ever been delivered at the UN, but others were to follow soon. In other latitudes great statesmen like Julius Nyerere, President of Tanzania and world hero of social

justice and, further north, Olof Palme, as Prime Minister of Sweden, also delivered many memorable speeches at the United Nations.

The number of secular prophets calling for peace, justice, tolerance, international solidarity and an independent and democratized UN has grown steadily, in direct proportion to the world's growing frustration over the great harm that those who have usurped the leadership of the world and of the United Nations have done and continue doing to Mother Earth and to the human species. At this point in time, I believe my own region, Latin America and the Caribbean, has proportionally, perhaps, the largest number of such prophetic voices. Although, in truth, we must acknowledge that these prophetic voices are joined impressively by many others from all over the world. In drafting this Proposal, I have constantly kept in mind these brothers and sisters from around the world, and most especially the original peoples and the dispossessed of the Earth who were the ones for whom I willingly accepted the position, in 2008, as president of the United Nations General Assembly.

If during the sixties Fidel Castro was the precursor, a sort of voice crying in the wilderness, in time the whole world would witness the awakening of Nicaragua through the revolutionary voice of Daniel Ortega Saavedra and his love and hope-filled message to Nicaragua, the Americas and the whole world. Comandante Ortega's message was clearly inspired in the teachings of Jesus, Sandino and Marx's timely ethical critique of capitalism's intrinsically perverse view of life.

It wasn't too long before the world would witness the emergence of a series of new and inspiring revolutionary leaders: the courageous, clear minded and great

Comandante Hugo Rafael Chavez Frias from Venezuela; the charismatic young labor leader from Brazil, soon to become the most widely respected and loved president in the history of his country, Luiz Inácio Lula da Silva; and the great visionary statesman, World Hero of Mother Earth, who faithfully transmitted the ancestral values of the Aymara people, especially its holistic concept of well-living, that have so much to contribute in our efforts to save Mother Earth and the human species, President Evo Morales Ayma from the Plurinational State of Bolivia.

These great leaders were soon to be joined by Néstor Carlos and Cristina Kirchner whose inspired leadership has done so much to help put Argentina on track after its serious political and economic derailment.

The brilliant economist and statesman from Ecuador, President Rafael Correa Delgado, together with the courageous, constitutional lawyer and development specialist from St. Vincent and the Grenadines, Prime Minister and Minister of Finance Ralph Everard Gonsalves, both went the extra mile and proved crucial in bolstering the support of the Global South at the High Level UN Conference on the world financial crisis. Their bold leadership helped secure the adoption by consensus, on 26 June 2009, by all 192 Member States of the UN General Assembly of the landmark Outcome of the United Nations Conference on the World Financial and Economic Crisis and Its Impact on Development. That decision also confirmed that the G-192 constitutes the world's legitimate forum for reforming the world economic architecture. Today, the June 2009 Outcome remains the most comprehensive statement issued by any intergovernmental process on the causes and necessary remedies for our world economic crisis. The

consensus expressed in the Conference held at United Nations headquarters in New York stands as a powerful testament to the potential of the UN General Assembly as a forum not only for deliberation, but for decision-making of the highest order. Sadly, at the same time Vice-President Arístides Mejía Carranza attended the High Level UN Conference on the world financial crisis, the President of Honduras, José Manuel Zelaya, was ousted in a cowardly U.S.-sponsored military coup for the crime of advancing progressive policies in a part of the world that Washington remains bent on bringing back into its fold.

Besides Ralph Gonsalves, my region has also been blessed with visionary Prime Ministers from the English-speaking Caribbean who, with courage and clear mindedness, have contributed greatly to the progressive thought of our extended Motherland. Among these, Ralph Gonsalves from Saint Vincent and the Grenadines, Winston Baldwin Spencer from Antigua and Barbuda and Roosevelt Skerit from Dominica certainly stand out but are not alone; other courageous and visionary Caribbean leaders will soon follow. Lastly, but not least, we are inspired by the brave defender of the poor and dispossessed of his multicultural and multilingual country of Paraguay, as well as a firm promoter of Latin American and Caribbean unity, President Fernando Lugo Méndez; and the recently elected President of Uruguay, José Mujica Cordano, from whom there is ample reason to expect much, taking into account his background of profound commitment to the causes of social justice, Latin American unity and solidarity.

Yet today, however, there is a whole new dimension to what the world is demanding of its leaders. It goes

beyond just a greater level of regional coordination and cooperation or the independence and democratization of the United Nations. It is Mother Earth that today is taking center stage as the world becomes conscious of the fact that love and respect for nature are essential if the human species is to survive. While many statesmen and scientists are calling for this, there has been no clearer prophetic voice than that of President Evo Morales Ayma, who certainly will go down in world history as one of the foremost statesmen of all time.

Although I myself feel that I will scarcely be a footnote in the history of our times, if that much, I was extremely flattered, but also quite embarrassed, to be so closely associated to President Evo Morales, whom I so greatly respect and admire, in Ramsey Clark's brilliant prologue to this Proposal. I felt honored that he wrote almost as if President Evo Morales had coauthored this work.

I say this because all I have tried to do is to present a proposal to update the United Nations to fit the calls that President Morales, and all of the ALBA and other progressive Latin American and Caribbean leaders, and many leaders from other countries of the world, keep so eloquently demanding. This was my objective. This is what President Daniel Ortega Saavedra, my president, had asked me to do.

In a letter to President Evo Morales, written on 12 January 2010 President Ortega wrote: "I am delegating as my personal representative, our dear and respected brother, Father Miguel d'Escoto Brockmann, who is at the disposal of ALBA and, in particular, at the service of the initiatives which you have been promoting within ALBA in the struggle to defend Mother Earth."

This was, indeed, a formidable, complex and difficult task. It inevitably implied the updating, the transformation and, in one word, reinvention of the United Nations into an independent and democratic Organization. Being a follower of Jesus of Nazareth, and having a profound respect for all of God's prophets in all religions, including those of our original peoples, and lay prophets such as Simón Bolívar, José Martí, Benito Juárez, Francisco Morazán and Augusto C. Sandino, has been a great asset in helping me fulfill this task.

But other experiences were also very helpful. Among these I can include the fact that I served as foreign minister for revolutionary Nicaragua for over a decade, confronting the Contra War which was invented, organized, equipped and directed by the United States; to have brought a case to the International Court of Justice (ICJ) at The Hague against the United States for its terrorist activities and obtained the strongest condemnation in the history of world justice against any imperialist aggressor. I also served as president of the UN General Assembly from September 2008 to September 2009 and currently I am serving as a member of the Human Rights Council Advisory Committee (HRCAC) in Geneva. Nonetheless, reinventing the United Nations is not a task that I could tackle alone. I needed to tap into the wisdom and expertise of others, well acquainted with the United Nations Organization and the current state of world affairs.

Without the permanent selfless assistance of the Executive Coordinator of this project, Sofia M. Clark, and the generous availability for constant consultation of David Andrews, SSC, Maude Barlow, Mohammed Bedjaoui, Byron Blake, Leonardo Boff, Kevin Cahill,

Noam Chomsky, Michael Clark, Ramsey Clark, Aldo Díaz Lacayo, Curtis Doebbler, María Fernanda Espinoza, Peter Hansen, Michael Kennedy, Francisco Lacayo Parajón, Eduardo Mangas, Norman Miranda, Joseph Mulligan, S.J., Paul Oquist, Pedro Páez, Francisco Plancarte, Gerardo Rodríguez, Danilo Rosales, Danilo Saravia, Olivier De Schutter, Nirupam Sen, Joseph Stiglitz, Ngugi wa Thiong'o, Jorge Valero, and many more individuals of wisdom and prestige, we would not be presenting today this final and enriched version of the Proposal for the Reinvention of the United Nations. The first version was introduced at the Peoples' World Summit on Climate Change and the Rights of Mother Earth convened by President Evo Morales, and held in Cochabamba, Plurinational State of Bolivia, from the 19-22 April 2010.

All the above recognitions notwithstanding, I feel it is most important to point out that without the substantive contributions from Leonardo Boff, and the inspiration he has provided to me over the years, the Universal Declaration on the Common Good of Mother Earth and Humanity would never have reached fruition. In fact, if anyone were to be named coauthor of this whole Proposal it would have to be Leonardo, whom I regard as the contemporary reincarnation of Saint Francis of Assisi and a "soul brother" of our great Evo Morales.

Finally, and in a very special way, I want to thank President Daniel Ortega for his enthusiastic support during the preparation of this Proposal and, in particular, for his support for the Universal Declaration on the Common Good of Mother Earth and Humanity. I am also very grateful to President Ortega for having convened such a large meeting in the *Casa de los Pueblos* in Managua on 27 February 2010 to hear Leonardo Boff's presentation and

thus to launch a national process to make the Universal Declaration known in all schools and homes throughout Nicaragua. In so doing, President Ortega became the first Head of State and Government to officially endorse the Universal Declaration on the Common Good of Mother Earth and Humanity, making Nicaragua the first country fully acquainted with the Declaration and the first to give it his unanimous support.

With all the love and respect due to the 192 Heads of State and Governments of our World Organization, but also motivated by the desire to contribute to the salvation of our sorely afflicted Mother Earth and of our own human species, I will allow myself to offer the following counsel. If this initiative is to succeed and be effective, the negotiation process to enrich and endorse this Proposal for the Reinvention of the United Nations, must not allow itself to fall into the well-known trap of UN procedures, designed intentionally to prevent change.

It is, therefore, the Heads of State and Government personally, with the full weight of their investiture, the ones who should be in charge of the whole process of gathering the endorsements of this Proposal for the Reinvention of the United Nations, not their Permanent Representatives at the UN, who are trapped in layers procedural cobwebs. This is not the kind of responsibility that can be delegated.

The personal involvement, or lack of involvement, of the Heads of State and Government in the crucial matter of reinventing the United Nations is in itself a statement, one that reflects the degree of importance that Presidents and Prime Ministers attribute to this matter.

The cause of peace and security requires a radical change in the United Nations and its organs in order to

cease serving as a lethal instrument for the benefit of a murderous and genocidal empire addicted to committing “humanitarian” aggression. And, as such, it is not a responsibility that one can delegate to others. Either the presidents and heads of government assume this responsibility themselves and ensure its success, or humanity itself will simply perish.

Today, more than ever the world needs nations that are truly united. In the first place, as an indispensable means to fend off the apocalyptic seven-headed beast that runs around desperately preaching and practicing its incomprehensible evil doctrine of “humanitarian” bombing and genocide, and subverting, moreover, the entire international legal order and the principles of the UN Charter under the pretext of some hypocritical sense of Responsibility to Protect. Secondly, to love and serve all and to protect our Mother Earth, making love and solidarity reign among us and, finally, to eradicate war, hunger and poverty from our world. If we really want to achieve these ends, God will supply us the strength and courage to do so.

Victory is possible, but the battle must be waged at the level demanded by its importance. The Group of 77 + China, at the highest level and by geographical regions, could be the best body to deal with the issue of this Proposal and to gather the necessary votes for its presentation and approval by the General Assembly.

In the hope that this Proposal for the Reinvention of the United Nations Organization is found satisfactory, I remain at the service of the Heads of State and Government to work, among other things, on a strategy proposal, or road map to follow, for the purpose of obtaining the necessary number of endorsements prior

to submitting the Proposal to the General Assembly for its approval.

From cosmic stardust we were created to shine brilliantly in the darkness which envelops us and to abolish for ever hate, greed, warmongering and all violence against Mother Earth and humanity. We are called to be beacons of love, justice and peace heralding the definitive arrival of the golden dawn of Universal Solidarity. A reinvented United Nations is the means to achieve this noble goal.

**Miguel d'Escoto Brockmann, M.M.**

22 April, 2011

International Mother Earth Day



## Foreword

Before you is a work of extraordinary importance to life on planet Earth. It is largely the inspiration and commitment of two unique world leaders.

One is a priest, liberation theologian, foreign minister at the birth of the revolutionary Nicaragua, and once President of the 192 Member Nation General Assembly of the United Nations (which ought to be and soon may be the acknowledged legislator of this world), Miguel d'Escoto.

The other, most improbable, is a true indigenous, a full blooded Native American, who has lived his still young life, as a leader among, of, by and for the first peoples of Bolivia and is now President of all its great people, Evo Morales. Not since Benito Juarez, the full blooded Zapotec twice elected President of Mexico, has there been anyone like him. Juarez gave us the defining statement against human self-destruction: "A respect for the rights of others is peace."

Evo Morales and Miguel d'Escoto offer herein a faith imperative to survival of life as we have known it here on Earth. It is premised on the understanding that nature knows no human border. In the words of the old folk song "We're in the same boat brother" and when you poison one end you gonna pollute the other. It sees the obvious,

that unbridled economic acquisitiveness ravages the environment and will not voluntarily pay the costs of healthy restraint and environmental protection, resorting even to war and its preparation, themselves great global polluters, physical and moral, to have its way.

The only chance to achieve essential environmental protection is through the enforcement of environmental standards established by international law. The Proposal you have in your hands is the way to accomplish this.

There are three parts:

1. "The Universal Declaration on the Common Good of Mother Earth and Humanity," is the proposed proclamation for the United Nations General Assembly in the nature of a Universal Declaration of Environmental Rights, in harmony with the Universal Declaration of Human Rights.
2. "The International Tribunal of Climate Justice and Environmental Protection," is the proposed creation of a new UN Tribunal with jurisdiction and power to protect the international environment. This is accomplished by the addition of a new chapter, XIII, to be added to the Charter of the United Nations immediately after the chapter creating "The International Court of Justice" and before the chapter on "The Secretariat". This new chapter will establish the Tribunal as a United Nations court empowered to enforce international law relating to the environment and enlarge the purposes and principles of the United Nations to include the preservation of Mother Earth.
3. The Statute of the International Tribunal for Climate Justice and Environmental Protection. The Statute

for the Tribunal established by amendment of the Charter of the United Nations sets forth in detail the structure and organization of the Tribunal, its jurisdiction, functions, the sources of the rights and duties it enforces and administrative details.

The challenge addressed by these three documents is enormous. Survival is essential. A few observations may encourage commitment to the cause.

In the year of the establishment of the UN, 1945, in San Francisco, in the wake of World War II, the deadliest human violence, so far, which ravaged much of three great continents wreaking death on tens of millions of children, women and men, fifty-one Nations came together to end the scourge of war, protect human rights on which peace depends and promote higher standards of life in larger freedom for all.

The means was to be a new United Nations intended to pursue principles of justice and international law in accordance with its Charter to achieve those essential human goals.

With those asserted goals largely unfulfilled, three score and six years later in 2011, the now 192 Members of the United Nations recognizing the urgent need to reform their own Charter, are challenged to immediately address the clear and present danger of the death of life on earth from massive human assaults around the world on earth's life sustaining environment.

Uncontrolled human population growth will double to triple present numbers within the lifetime of today's children absent controlling human action. The acceleration of exploitative human assaults and more devastating technological methods of exploitation

of Earth's natural resources and their unforeseeable consequences are threatening earth's essential life supporting gifts – air, water, food, earth's bounty and life itself, flora and fauna rendering bountiful Mother Earth lifeless as the moon.

Global warming, an advanced threat, is largely the result of the still increasing exploration, extraction and consumption of fossil fuels. These fuels are the product of vast growths of forest and plants which took carbon dioxide out of the atmosphere millions of years ago and dying, converted their carbon into coal, oil and gas under layers of earth's growing changing surface.

Consumed today, those fossil fuels release carbon dioxide into the atmosphere which retain heat from the sun increasing air temperature, the so-called greenhouse effect.

The ozone layer in the atmosphere has absorbed the ultra-violet rays radiated from the sun shielding Earth's surface from their harmful force. But now holes have appeared in the ozone layer near earth's poles exposing earth to deadly rays from the life-giving sun.

Construction, destruction, production, plastics, synthetics, the extraction, transportation, spillage, escalating consumption, chemical and hazardous waste and trash scar whole landscapes and spread life threatening pollutions on land, sea and air.

With global warming rising seas threaten the habitat of hundreds of millions of humans within decades from Bangladesh to Florida. Angry winds may attack coastal populations with hurricane force and flooding at any time and topsy turvy climate change is bringing unprecedented

and unpredictable drought and flooding, heat and cold in both hemispheres.

Polar bears move south from the north and Penguins move north from the south, both faced with extinction along with hundreds of other species from the mighty Tiger to the tiny Titmouse.

Mankind's avaricious exploitation of Earth's rich treasures at an ever accelerating pace threatens life on the planet.

The insatiable lust of capital for profits has dumped raw sewage in rivers, lakes and coastal waters, spreading across vast oceans, while garbage, trash, the metal carcasses of cars, trucks, junk yards and industrial waste litter the landscape. Radioactive and other hazardous waste are found near human populations. Vast forests are mowed like grass and left bare to erosion and wasteland leaving the atmosphere laden with increasing levels of carbon dioxide which vanishing forests once absorbed from the air.

Developing economies contain more than half the world's rapidly growing population where the vast majority of the long deprived poor live: China, India, Pakistan, Bangladesh, Indonesia, Nigeria, Congo, Egypt, Brazil, Colombia. They deserve good food, clean water, health care, education, housing, employment. And the endless, expensive, unnecessary necessities of modern life, the shopping mania of the rich and reckless, multiplying the assault on earth's resources and resulting pollutions.

War with its omnicidal threat scars our lives and earth's landscape at still increasing levels. In the richest country for now, my own United States government, spends more on war and its threat than all its other

expenditures and more on the military than the rest of the world combined, inspiring others to direct resources from human needs and planetary survival to destructive military budgets. The war industry and the exploitative industries it supports, protects and serves are earth's greatest polluters, both physically and morally.

The U.S. nuclear submarine fleet patrols the great oceans of earth carrying sufficient numbers of missiles and nuclear warheads to destroy every major city on earth. The W-88 nuclear warhead mounted on a missile with a range of 6,000 miles has an explosive force of 475 kt and will destroy everything within a radius of 50 miles with its blast, heat, gamma and neutron rays setting off firestorms and destructive winds far beyond – a bomb with more than 37 times the destructive force of the bomb, a mere 12.5 kilotons, that incinerated Hiroshima un bel di. These are bombs that in all sanity and humanity could never be used.

“We could have saved the earth, but we were too damned cheap” wrote Kurt Vonnegut, who in 1945 as a German Prisoner of War witnessed the fire-bombing of Dresden, famous for its fine porcelain and other arts.

Twenty years ago Nobel Peace Laureate, President of the U.S.S.R and General Secretary of the governing political party, Mikhail Gorbachev, pledged to work equally for peace and environmental quality. The urgent global need has been no secret. Had he succeeded in providing global leadership, global protection of the environment might have by now turned the tide.

We can still save the earth if we care, and act with an urgency as great as that which sought to end the scourge of war and created the United Nations in 1945, and persevere. But the powers that be, those who always

oppose change for the benefit of the majority, have purposefully managed to turn the UN into a dysfunctional organization, incapable of fulfilling its *raison d'être*. It has now become indispensable to update it, reinvent the United Nations, to make it correspond to the needs and knowledge of the XXI century, in order to turn it into a functional organization capable of saving the world which is facing its worst crisis in history.

The proposal that you have in your hands presents us with a way to achieve this urgent unpostponable objective. For now we must succeed in both ending war against humanity and humanity's war against this planet earth on which we live or die. We must understand Thoreau's admonition "In wildness is the preservation of the world." Which is to say, attention must be paid to the wisdom and power and purposes of Nature.

No people have ever known, or loved Mother Earth like the first people, the aborigines, the indigenous people, who still number several hundred million and can be found in virtually every country. For them, they were a part of earth and cared for it as such. They are the poorest, most segregated and most maligned of all peoples, wherever they are found, save only the Romani who have no home perhaps. For the aboriginal, they were a part of the environment. What disturbed the environment, disturbed them.

Tatanka Yatanka, a Native American known in the language of his oppressors as Chief Sitting Bull, believed "Healthy feet could feel the very heart of Holy Earth". At a Council in 1877 at Powder River, shortly before he led his tribe to exile in Canada, he said "Behold, My Brothers, the Spring has come, the earth has received the embraces of the sun, we shall soon

see the results of that love. Every seed is awakened and so have all animal life. It is through this mysterious power that we too have our being and we therefore yield to our neighbors, even our animal neighbors, the same rights as ourselves, to inhabit this land.” Of the U.S. expansionists and military which he had repeatedly and famously defeated, he said, “They claim this Mother of ours, the earth for their own ... the love of possession is a disease with them ... they deface her with their building and their refuse ... like a spring freshet that overruns its banks and destroys all who are in its path.” And soon the Spring may be silent.

A wise and loving observer of the Native Americans reverence for Mother Earth, Willa Cather, wrote “When they left the rock or tree or sand dune that had sheltered them for the night, the Navajo was careful to obliterate every trace of their temporary occupation. He buried the embers of the fire and remnants of food, unpiled any stones he had piled together, filled up the holes he had scooped in the sand ... just as it was the white man’s way to assert himself in any landscape, to change it, make it over ... it was the Indian’s way to pass through a country without disturbing anything; to pass and leave no trace, like fish through water or birds through the air.

“It was the Indian manner to vanish into the landscape not to stand out against it ... They seemed to have none of the European’s desire to “master” nature, to rearrange and recreate ... When they hunted it was with the same discretion; an Indian hunt was never a slaughter. They killed only what they needed and used hides and feathers and fish bones. They ravaged neither the rivers nor the forest, and if they irrigated, they took as little water as would serve their needs.”

It is from the first people that we can learn a reverence for life on earth which can save us from being the last people. For countless generations on this Good Earth nature countenanced no choice but harmony with her generous offering.

Hafez, the great Persian Poet who outfaced Tamurlane wrote

“Sweet bird, as long as there is spring,  
“once more upon the meadows throne you shall sing  
“winter shall pass and you shall find your tune,  
“the rose shall nod and cense you with her bloom.

**Ramsey Clark**  
New York, 2 February 2011





# **CHARTER OF THE UNITED NATIONS ORGANIZATION**

**A PROPOSAL**

April 2011



## Solemn Declaration

WE THE peoples,  
of the United Nations,

Are determined:

To prevent the extinction of the human species, promote the universal enjoyment of all human rights and preserve the life-giving and life-sustaining capability of Mother Earth, today gravely threatened by our social and environmental irresponsibility.

And for this purpose we solemnly pledge:

To take whatever actions are necessary to effectively defend and promote the common good of Mother Earth and humanity, as expressed in the Universal Declaration on the Common Good of Mother Earth and Humanity, which complements the Universal Declaration of Human Rights, and to do so always in the nonviolent spirit of Gandhian Satyagraha.

Accordingly, we undertake the responsibility:

- i. To make all possible efforts, nationally and internationally, to preserve the human species and Mother Earth;
- ii. To cooperate to ensure that humanity's common resources, including the atmosphere, are used in a sustainable manner and shared equitably

- among all nations, and to correct the historic over-exploitation of these resources;
- iii. To cooperate to ensure the protection and promotion of the common good of Mother Earth and humanity in accordance with the annexed Universal Declaration on the Common Good of Mother Earth and Humanity and other provisions of international law;
  - iv. To cooperate to ensure that human rights are respected in practice everywhere, in accordance with the Universal Declaration of Human Rights and other provisions of international law;
  - v. To work towards total nuclear disarmament and a world free of all weapons of mass destruction, including chemical, bacteriological, and those made with depleted uranium and to demilitarize outer space, as soon as possible;
  - vi. To take the strongest possible measures to prevent all tinkering with climate from outer space using environmental modification techniques, now quite advanced, for the military purpose of coercing an adversary by triggering floods, hurricanes, droughts, earthquakes or tsunamis. This kind of climate warfare, which may soon become one of the worst kinds of weapons of mass destruction, crimes against humanity and genocide, has the potential of destabilizing agricultural and ecological systems globally. No effort should be spared in preventing such climate warfare from ever taking place.
  - vii. To prevent military aggression, understood as the threat or use of unilateral military force or the threat or use of unilateral economic coercion for the purpose of breaking the sovereign will of a State or to deny

- any State the benefit of its natural resources or to annex or occupy the territory of any State;
- viii. To protect and promote the sacred right of all peoples to peace and security;
  - ix. To outlaw war and to do our utmost to prevent wars as a means of resolving situations of conflict between nations;
  - x. To ensure compliance with the resolutions of the United Nations and with the judgments of its judicial organs;
  - xi. To ban the construction of foreign military bases in any of the Member States and to pass a binding resolution ordering the dismantlement of all existing ones;
  - xii. To eradicate hunger and poverty and promote food sovereignty for all peoples, and to ensure that laws and institutions, nationally and internationally, are consistent with this objective;

*And for these ends,*

To place love and solidarity at the center of all human activity, without exceptions or exclusions, and to live as brothers and sisters in peace and harmony;

To cooperate with one another to make our world a place of unwavering solidarity with Mother Earth and all living creatures;

*We have thus resolved to combine our efforts to accomplish these aims.*

Accordingly, our respective Governments agree to subscribe the present Charter of the United Nations as follows:

# Chapter I

## Purposes and principles

### Article 1

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 that may lead to a breach of the peace;
2. To achieve the eradication of imperialism, the imposition by one State of its superior economic or military power over the sovereign will of another, and to that end: to take effective collective measures to promote strict adherence to the rule of law in international relations and to the present Charter, and not to allow any Member State or non-member State guilty of imperial practices to bask in impunity.

3. To achieve the absolute abolition of war in all its forms constitutes a fundamental purpose of the United Nations and an essential component of the right of all peoples to peace. It follows that wars of aggression, as stated in the Nuremberg Charter and Judgment, constitute the “supreme international crime” and, therefore, Member States and the United Nations shall make the prosecution of crimes of aggression a priority of the Organization.
4. To unite the moral and spiritual strength, determination and sense of social and environmental responsibility of all its Member States, in the spirit of tolerance for our religious, philosophical, and cultural differences, without exclusion, for the purpose of promoting the common good of Mother Earth and humanity, the abolition of war, the eradication of hunger and poverty from the face of the Earth and the protection and promotion of biodiversity and cultural diversity;
5. To ensure that the rich and powerful do not impose their will and preferences on any of the Member States;
6. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate nonviolent measures to strengthen universal peace in accordance with Articles 3 and 4;
7. To achieve international co-operation in solving international problems of an economic, social, cultural, environmental or humanitarian character, and in promoting and encouraging respect for the common good of Mother Earth and humanity,

including human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and,

8. To be a centre for harmonizing the actions of Nations in the attainment of these common ends.

## **Article 2**

The Organization and its Member States, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principles of the sovereign equality of all States and the solidarity of its Member States with all other human beings.
2. Imperialism, by imposing the law of the jungle, where might makes right, and by fragrantly dismissing the rule of law in international relations violates the fundamental principle on which this Organization is based, namely, the sovereign equality of all States and constitutes a very grave threat to international peace and security. Therefore, all Members States, without exception, shall do their utmost to ensure that no Member State or non-member State guilty of imperial practices be allowed to bask in impunity.
3. All Member States, without exception, in order to ensure to all of them the rights and benefits resulting from Membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
4. All Member States, without exception, shall settle their international disputes by peaceful means

in such a manner that international peace and security, and justice, are not endangered.

5. All Member States, without exception, 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.
6. The United Nations and all Member States shall, in all circumstances and without exception, respect the sovereignty and territorial integrity of all States and, therefore, refrain from intervening in another State, militarily or otherwise, or through supplying arms or military intelligence, wherever or whenever issues of autonomy or separation arise.
7. No Member State shall supply arms to or enter into any kind of military agreement with any part of a Member State thereby bypassing the legitimate government.
8. No Member State shall usurp or attempt to usurp the functions of the United Nations or its judicial organs to itself.
9. All Member States, without exception, shall refrain from giving any type of assistance to a State that promotes, threatens, plans or undertakes illegal actions against another State, including where such plans or actions are based on the alleged disrespect for the letter and the spirit of the Charter, or alleged violation of human rights, by a State.
10. No Member State shall label another Member State as 'terrorist' or use other defamatory language against a Member State for defending their territory, independence and national sovereignty.

11. All Member States, without exception, have a sacred duty to present and future generations to take care of Mother Earth and to care about the welfare of all its peoples. Member States shall promote responsible stewardship of Mother Earth, including unwavering respect for the rights of all peoples to peace, sustainable development and peaceful co-existence.
12. All Member States, without exception, shall promote respect for the rights of Mother Earth and humanity, and undertake individual and collective actions to prevent dangerous interference with the natural cycles of Mother Earth while promoting the right to sustainable development of all nations, large and small, taking into account the basic principles of environmental justice, common but differentiated responsibilities and equity.
13. All Member States, without exception, shall work towards universal or common goals to ensure broad and unrestricted access to environmentally sound technologies, especially for Member States that need such technologies to achieve their sustainable development objectives.
14. Member States shall cooperate to enable the progressive development of endogenous environmentally sound technologies, and the building of related capacity, in Member States that need such technologies to achieve their sustainable development objectives.
15. All Member States, without exception, shall undertake to achieve the permanent elimination of nuclear weapons and weapons of mass

destruction, including all war instruments made with depleted uranium.

16. All Member States, without exception, shall give the United Nations every form of 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.
17. The Organization shall ensure that States or Territories that are not Member States of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
18. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially, as interpreted by the official organs of the Organization, within the domestic jurisdiction of any State or shall require Member States to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures taken in accordance with Chapter VII.
19. The illegal occupation of a State or part of State by another is contrary to and incompatible with an international order conducive to the maintenance of international peace and security. Therefore:
  - a) Any State or part of a State under foreign occupation shall be freed of such occupation no later than the present Charter's entrance into force. This includes the Israeli withdrawal of all occupied territories since 1967, as clearly mandated in numerous UN General Assembly

and Security Council resolutions, in the State of Palestine; and the Israeli withdrawal from the Syrian Golan. Such action shall include the total withdrawal of all occupation forces from the Islamic Republic of Afghanistan and from the Republic of Iraq, as well as the return of Guantanamo to the Republic of Cuba, its rightful owner.

- b) All Member States shall expedite the unfinished processes of decolonization, in particular the reintegration of the Malvinas Islands to the Republic of Argentina, and take steps to guarantee the satisfaction of the sovereign will of the peoples of Puerto Rico and the Arab Saharawi Democratic Republic to determine their future status.
- c) The obligatory withdrawal from any illegally occupied territory carries with it the obligation of the occupying State to make reparations for damages caused by its illegal total or partial occupation.
- d) The UN General Assembly shall request the good offices of the International Court of Justice (ICJ) to determine what those reparations, mentioned in the preceding paragraph c) should consist of and, for this purpose, the ICJ shall request, from the State subjected to foreign occupation, a written Memorial quantifying the damages caused by the aggression and/or occupation. In the event that the ICJ declare its lack of jurisdiction or, for whatever reasons, is unable to deal with the matter, the General Assembly shall assume that responsibility with

the assistance of a Special Commission created for that purpose. In addition to the Memorial on Damages, the ICJ or the General Assembly may avail itself of the relevant expertise of the specialized agencies of the United Nations.

20. a) All Member States shall consider any attempt by a Member State or non-member State to dismember or in any other way act against the territorial integrity of another State, to promote or take advantage of local disturbances or separatist upheavals in any State, a crime of aggression with the corresponding legal consequences to the aggressor State, to be determined by the International Court of Justice (ICJ). In the event that the ICJ declare its lack of jurisdiction in the matter, the UN General Assembly, aided by a Special Commission created for that purpose, shall assume that responsibility.

b) All Member States and the United Nations Organization, for the sake of safeguarding international peace and security, during these times in which threats to the territorial integrity of sovereign States by foreign interests is becoming more and more common place, shall pay special attention to ensuring full and unconditional respect to the principle of One China and the indivisible nature of the Russian Federation.

21. All Member States, without exception, and the United Nations itself shall pursue with utmost urgency the outlawry of war in all its forms and seek prosecution of crimes of aggression. The outlawry of war in all its forms proscribes the privatization or outsourcing of war by Member States to private

military and security companies (PMSCs); military intervention for any purpose, including so-called humanitarian; and the application of economic and political pressure to coerce the sovereignty and political independence of another State or in any way compromise its' territorial integrity.

22. While a total eradication of wars and the attainment of a demilitarized world is an essential objective of the United Nations Organization, until that objective is fully achieved, every State is entitled to exercise its inherent right to individual or collective self-defense, as clearly noted in Chapter VII, articles 57, 58 and 59. However, military treaties or organizations committed to war for the purpose of extending the area under the control of one or more States and its allies over the planet, do not fall within the category of legitimate international agreements for collective self-defense and, in fact, gravely endanger international peace and security.
23. Those instruments, which are diametrically opposed to the peaceful purposes of the United Nations, also constitute a serious threat to the United Nations Organization, and, therefore, all Member States shall endeavor to bring these instruments in line with international law and the present Charter. Military treaties and organizations that persist in systematically operating outside the rule of law and the present Charter shall be declared "outlawed organizations" by the United Nations General Assembly, with all the legal consequences that that implies for Member States that refuse to separate themselves from such illegal organizations or alliances which attempt against international peace and security.

24. While recognizing, and not intending to change, the intergovernmental nature of the United Nations Organization, Member States wish to acknowledge the growing positive role played by certain international non-governmental organizations (INGOs) in the vital task of awakening consciousness concerning the gravity of some of the most serious crises threatening life on Earth and in the search for viable solutions.
25. In this spirit, recognizing that almost half of the people in the world are peasants and that, in large measure, the future of world's food supply will depend on small-scale agriculture, the Member States grant the INGO *La Via Campesina*, an organization that enjoys broad international recognition as being truly representative of the worldwide problem facing small farmers and peasants, the special status of "permanent observer" in the General Assembly, as well as in all other relevant organs of the United Nations system. This recognition gives *La Via Campesina* the right to address the UN General Assembly when other permanent observers are allowed to do so, and also whenever the General Assembly deems it appropriate.
26. Responsibility to Protect is no more than a new name given to the perverse alleged right of intervention, aggression and or occupation which certain powerful Member States have been promoting. In so doing, they are trying to subvert all the principles and values of the Charter and, in particular, those regarding non-aggression, the abolition of war, and the peaceful settlement of all

breaches or threats of breaches of international peace and security.

### **Article 3**

1. No State shall deny any people their right to self-determination.
2. Member States of the United Nations commit themselves to ensure the full exercise of self-determination of all peoples in accordance with the principle of equality among all peoples and accept as a sacred trust the obligation to promote the equality, well-being, and socio-economic development of all peoples, and, towards this end:
  - a) to ensure all due respect for the culture and values of all peoples with whom they come in contact, their political, economic, ecological, social, and educational development and a just treatment to all.
  - b) to assist people seeking self-determination by fighting foreign and oppressive occupation;
  - c) to promote international peace and security;
  - d) to promote constructive measures of development, promoting research and cooperation among all and, when and where appropriate, with specialized agencies of the United Nations and other international bodies in order to attain the highest possible level of social, economic, scientific and technological development, and respect for human rights.

## **Article 4**

Member States of the United Nations shall respect the right to self-determination of all peoples in sovereign States and cooperate with them, to this end, based on the general principle of good-neighborliness, and to take due account of the interests and well-being of all peoples in all States in socio-economic and environmental matters.

## Chapter II Membership

### Article 5

1. The original Member States of the United Nations shall be the States which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration of the United Nations of 1 January 1942, signed the 1945 Charter and ratified it in accordance with its Article 110.
2. Upon the approval of the present Charter by a two-thirds majority of the General Assembly, in accordance with Article 120, it will be understood that all current 192 Member States continue being Member States unless they formally express their desire to discontinue their Membership.
3. The entry into force of this Charter shall be in accordance with the provisions contained in Chapter XVII, Article 120.

## **Article 6**

1. Membership in the United Nations is open to all other peace-loving States which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such State to Membership in the United Nations will be effected by a decision of the General Assembly, in accordance with the provisions in Article 21.

## **Article 7**

1. A Member State of the United Nations against which preventive or enforcement action has been taken by the Security Council or the General Assembly may be suspended from the exercise of the rights and privileges of Membership by a decision of the General Assembly in accordance with Article 21.
2. The exercise of these rights and privileges may be restored by the General Assembly in accordance with Article 21.

## **Article 8**

1. A Member State of the United Nations which has systematically violated the Purposes and Principles contained in the present Charter, which has been found guilty of a war of aggression or has failed to comply with a judgment of the International Court of Justice or the International Tribunal of Climate Justice and Environmental Protection, may be

expelled from the Organization by a decision of the General Assembly in accordance with Article 21.

2. A Member State found guilty under the above terms, regardless of whether its Membership has been suspended, revoked or remains in effect, shall not serve as a member on the Security Council; and any nationals of that Member State shall be ineligible to run for the office of magistrate of any judicial organ of the Organization until it has fully complied with the pertinent resolutions of the Security Council or the judgements of the International Court of Justice and or the International Tribunal on Climate Justice and Environmental Protection.

## Chapter III Organs

### **Article 9**

1. There is established as the principal organ of the United Nations, a General Assembly. There are established as organs of the Organization: a Security Council, an Economic and Social Council, a Mother Earth and Human Rights Council, a Secretariat; and as judicial organs of the United Nations, an International Court of Justice, and an International Tribunal of Climate Justice and Environmental Protection.
2. There is established as a subsidiary organ of the General Assembly the High Commission to Safeguard the Integrity of the Charter.
3. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

### **Article 10**

The United Nations shall promote the equal participation of men and women in its principal and subsidiary organs.

## Chapter IV The General Assembly

### **Composition**

#### **Article 11**

1. The General Assembly is the principal organ of the United Nations, its President is the highest officer of the Organization, and its Membership shall consist of all the Member States of the United Nations.
2. Each Member State shall have not more than five representatives in the General Assembly.

### **Functions and powers**

#### **Article 12**

1. The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs created by the present Charter.
2. The General Assembly may approve binding resolutions or make recommendations to the Member States of the United Nations or to the Security Council or to both on any such questions or matters.

## **Article 13**

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments. It may also approve binding resolutions or make recommendations with regard to such purposes and principles to the Member States or to the Security Council or to both.
2. The General Assembly may discuss any questions relating to the maintenance of international peace and security or crimes against Mother Earth or Humanity brought before it by any Member State of the United Nations, or by the Security Council, or by a State which is not a Member State of the United Nations in accordance with Article 43, paragraph 2. It may also approve binding resolutions or make recommendations with regard to any such questions to the State or States concerned, or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.
3. Any Member State of the United Nations whose interests are affected by a decision of the Security Council may appeal to the High Commission to Safeguard the Integrity of the Charter to determine the legality of the decision.
4. The High Commission to Safeguard the Integrity of the Charter shall determine whether the decision under review is or is not consistent with the present Charter.

## **Article 14**

1. The Security Council shall inform the President of the General Assembly and the Secretary-General, at the beginning of each session, on any matters relating to the maintenance of international peace and security that are on the agenda of the Security Council. The Security Council shall inform the President of the General Assembly and the Secretary-General when it ceases to deal with such matters.
2. When the Secretary-General is notified by the Security Council in accordance with paragraph 1 of this Article, he or she shall notify the entire Membership of the General Assembly.
3. The good offices of the President of the General Assembly shall be available to the Member States that wish to avail themselves of it, as a means to facilitate a peaceful settlement of a dispute.
4. In cases where one-third of the Membership of the General Assembly should express dissatisfaction with the response or lack of response of the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, the General Assembly shall take prompt action to address or resolve the situation.
5. In instances of non-compliance with judgments of the international courts of the United Nations judicial system, as determined by their respective statutes, and where a Party has sought enforcement measures from the Security Council but failed to get satisfaction, the General Assembly

shall decide promptly on effective enforcement action or actions at the request of the Party.

### **Article 15**

The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. Promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;
- b. Promoting international cooperation in the social, economic, ecological, cultural, educational, and health fields, and assisting in the realization of the rights of Mother Earth, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- c. Promoting the common good of Mother Earth and humanity.

### **Article 16**

1. The General Assembly may approve binding resolutions or recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter set forth in the Purposes and Principles of the United Nations.
2. An allegation that an organ of the United Nations has violated the Charter, if such allegation is

supported by one-third of the Member States of the General Assembly, shall be referred to the High Commission to Safeguard the Integrity of the Charter. Should the High Commission determine that the decision or action under review is inconsistent with the Charter and international law, the General Assembly shall take immediate action to modify the decision and bring it into conformity with the present Charter or shall annul the decision with retroactive effect.

### **Article 17**

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security. The General Assembly may request special reports from the Security Council whenever it deems it necessary.
2. The General Assembly shall receive and consider annual and special reports from the Mother Earth and Human Rights Council. The General Assembly may request special reports from the Mother Earth and Human Rights Council whenever it deems it necessary.
3. The General Assembly shall receive and consider reports from the Economic and Social Council and the other organs or specialized agencies of the United Nations.
4. The General Assembly shall receive and consider reports from “permanent observers”, in particular,

from the INGO *La Via Campesina* and may request special reports on matters related to their areas of expertise whenever it deems it necessary.

### **Article 18**

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Member States as apportioned by the General Assembly.

### **Article 19**

1. For the purpose of creating independent sources of funding for the Organization, the Member States agree that the General Assembly shall be authorized to establish a tax system on all economic activity undertaken in venues of common heritage. These activities shall include:
  - a. international air transport, including the sale of passenger tickets and merchandise;
  - b. international maritime transport, including the sale of passenger tickets and merchandise;
  - c. fishing and other forms of exploitation of the high seas or the underlying depths and marine subsoil, which in addition to other existing international obligations may be subjected to taxation by the General Assembly;
  - d. the economic exploration and exploitation of outer space or of celestial bodies; and

- e. all international postage or international courier services, each piece of which shall be taxed according to recommendations of technical experts and ratified by the General Assembly.
2. Taxes established in accordance with this Article shall be levied by each Member State, under supervision of a Special Tax Commission established for this purpose by the General Assembly in conjunction with the Secretary-General, and taxes collected during the Session of the General Assembly shall be submitted to the Organization within sixty days of the opening of each new General Assembly Session.

## **Article 20**

1. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 67 and shall examine the administrative and operational budgets of such specialized agencies with a view to making general policy recommendations to the agencies concerned.
2. The General Assembly shall have general oversight responsibility to ensure that the operations and policies of specialized agencies are in keeping with relevant Charter obligations and that their institutional priorities promote the greatest common good of Mother Earth and humanity.

## **Voting**

### **Article 21**

1. Each Member State of the General Assembly shall have one vote.
2. The General Assembly is authorized to adopt binding decisions or resolutions.
3. Decisions of the General Assembly on questions enumerated below shall be binding and shall be made by consensus or, when consensus is not possible, by a two-thirds majority of the Member States present and voting:
  - a. All matters relating to Mother Earth and the environment;
  - b. All matters relating to social and economic development;
  - c. All matters relating to international peace and security in general;
  - d. The election of the Member States of the Security Council;
  - e. The election of Member States of the High Commission to Safeguard the Integrity of the Charter; subsequent action by the General Assembly to modify or revoke an illegal decision by the Security Council;
  - f. The election of the Member States of the Economic and Social Council;
  - g. The election of the Member States of the Mother Earth and Human Rights Council;

- h. The election of the magistrates to the International Court of Justice;
  - i. The election of the magistrates to the International Tribunal on Climate Justice and Environmental Protection;
  - j. The election of the Secretary-General;
  - k. The admission of new Member States to the United Nations;
  - l. The suspension of the rights and privileges of Membership or the expulsion of Member States;
  - m. The restoration of the rights and privileges of Membership;
  - n. All questions concerning budgetary matters;
  - o. All amendments to the present Charter.
4. Decisions on other questions, including the determination of additional categories of questions that shall be decided by consensus or, when consensus is not possible, by a two-thirds majority, shall be taken by a majority of the Member States present and voting and shall also be binding.

## **Article 22**

A Member State of the United Nations that is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member State to vote if it is satisfied that the

failure to pay is due to conditions beyond the control of the Member State.

## **Procedure**

### **Article 23**

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convened by the President of the General Assembly, at his own initiative or at the request of the Security Council, Economic and Social Council, the Mother Earth and Human Rights Council, the International Court of Justice, the International Tribunal of Climate Justice and Environmental Protection, the Secretary-General, or a majority of the Member States of the United Nations.

### **Article 24**

1. The General Assembly shall adopt its own rules of procedure.
2. The General Assembly shall elect its President by a two-thirds majority for a term of six years. Upon completion of the first two years and later the fourth year in office, the continuation of the President's tenure may be subject, if so requested by one-third of the Member States, to a "lack of confidence vote" by the General Assembly. A decision to revoke the remainder of a President's tenure shall require a two-thirds majority vote. If the President is removed, the General Assembly shall immediately proceed to elect a new President.

3. The Secretary-General of the Organization shall be elected for a term of five years by the General Assembly, upon the recommendation of its President, by consensus or, when consensus is not possible, by a two-thirds majority of the Member States present and voting.
4. Remuneration, staff, facilities and office space afforded to the President of the General Assembly shall be commensurate to his or her status as the highest-ranking officer and representative of the United Nations Organization.
5. Remuneration, staff, facilities and office space afforded to the Secretary-General shall be commensurate to his or her status as the senior administrative officer of the United Nations Organization.
6. a) In keeping with Article 2, paragraph 23, the International Non-Governmental Organization *La Via Campesina* is granted the status of "permanent observer" of the UN General Assembly and shall enjoy the right to address the General Assembly when other permanent observers are allowed to do so and also whenever the General Assembly deems it appropriate.  
  
b) Other international non-governmental organizations, having a broad membership that spans across countries and continents and regarded as truly representative of popular voices that have historically been excluded or discriminated against, may seek the status of "permanent observer" through a request made by one-third of the Member States and the subsequent approval of said request by a simple majority of those present and voting.

## **Article 25**

1. The General Assembly shall establish a High Commission to Safeguard the Integrity of the Charter. The modalities for electing the Member States of the High Commission to Safeguard the Integrity of the Charter, as well as the organization and functioning of the High Commission, will be determined through a General Assembly resolution adopted by a two-thirds majority of the Member States present and voting.
2. The General Assembly may establish such additional subsidiary organs as it deems necessary for the performance of its functions.

## Chapter V The Security Council

### **Composition**

#### **Article 26**

1. The Security Council shall consist of a body of twenty-four Member States elected by the General Assembly.
2. The Security Council shall have a proportional representation of Member States based on the five regional groups as follows:
  - a. the African Group is entitled to six members;
  - b. the Asian Group is entitled to six members;
  - c. the Latin American and Caribbean Group is entitled to four members;
  - d. the Western Europe and Others Group is entitled to four members; and
  - e. the Eastern European Group is entitled to four members.

3. All Member States of the Security Council shall be elected for a term of two years with half of the Member States of the Security Council being elected every year.

## **Functions and powers**

### **Article 27**

The Security Council is the a principal body of the United Nations in the field of the maintenance of international peace and security. Its authority is based on the delegation of authority by the General Assembly in matters concerning the maintenance of international peace and security. The General Assembly reserves the right at any time to exercise these powers itself. The delegation of authority is for the purpose of expediting the decisions and resolutions in matters involving serious breaches or threats of a breach affecting international peace and security.

### **Article 28**

1. The international activity of the Security Council is regulated by the provisions of the present Charter as well as by the principles and rules of international law.
2. In discharging its duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, and VIII.
3. The Security Council shall be responsible for formulating plans to be submitted to the General

Assembly for the establishment of a system for the regulation of armaments and the elimination of all weapons of mass destruction, including chemical, bacteriological and those manufactured with depleted uranium, and total nuclear disarmament by no later than the year 2020.

4. The Security Council shall submit annually, as well as whenever it deems it necessary, or is requested to do so by the General Assembly, special reports to the General Assembly for its consideration.

### **Article 29**

1. Each decision by the Security Council shall be subject to review by the High Commission to Safeguard the Integrity of the Charter at the request of one-third of the Member States of the General Assembly or a request by any Member State of the United Nations whose interests are affected by a decision of the Security Council.
2. The High Commission to Safeguard the Integrity of the Charter shall examine whether the decision under review is consistent with the provisions of the present Charter and the principles and rules of international law, and shall determine its legality or illegality. Should the High Commission conclude that a decision is contrary to the Charter, the General Assembly shall take immediate action to modify the decision and bring it into conformity with the present Charter or shall annul the decision with retroactive effect.

### **Article 30**

The Member States of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

### **Article 31**

In cases of non-compliance with judgments of the international courts created under the auspices of the United Nations and included in this Charter, any party benefited by a judgment may seek enforcement measures from the Security Council and, in instances where it fails to get satisfaction, the party shall have the right to seek enforcement measures from the General Assembly, which will be obliged to decide promptly on effective enforcement action.

### **Voting**

### **Article 32**

1. Each Member State of the Security Council shall have one vote.
2. Decisions of the Security Council shall be made by an affirmative vote of at least sixteen Member States.
3. In cases where a party to a dispute under consideration by the Security Council is a member of the Council, this Member State may not vote on any measures, resolutions, or recommendations being considered in relation to the dispute to which it is a party.

## **Procedure**

### **Article 33**

1. The Security Council may meet at any time. For this purpose each Member State of the Security Council shall be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its member may elect to be represented by a specifically designated representative.
3. The Security Council may hold meetings at places other than the seat of the Organization if this will best facilitate its work.

### **Article 34**

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

### **Article 35**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

### **Article 36**

Any Member State of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter, by its

own initiative or after having heard the reasons given by the requesting State, considers that the interests of that Member State are specially affected.

### **Article 37**

Any Member State of the United Nations that is not a member of the Security Council or any State which is not a Member State of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall have the right to participate, without vote, in the discussion relating to the dispute. The Security Council may establish conditions it deems just for the participation of a State that is not a Member State of the United Nations.

## Chapter VI

### Pacific settlement of disputes

#### **Article 38 (Absolute abolition of war)**

1. The threat or use of armed force by one State against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, violates a pre-emptory, *jus cogens*, norm of international law.
2. Armed force can only be used in the exercise of the inherent right of self-defense.
3. The outlawry of war in all its forms proscribes the privatization and the outsourcing of war by Member States to private military and security companies (PMSCs); military intervention for any purpose, including so-called humanitarian; and the application of economic and political pressure to coerce the sovereignty or political independence of another State or to compromise in any way its territorial integrity.

### **Article 39**

The use of armed force under any other circumstance than that provided in Article 38, paragraph 2 constitutes the international crime of aggression and a serious violation of international law.

### **Article 40**

1. States have an obligation to settle their disputes peacefully using all the means enumerated in the present Charter.
2. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
3. The General Assembly or the Security Council shall, when it deems necessary, call upon the parties to settle their dispute by specific peaceful means.
4. As stipulated in Article 14, paragraph 3, the good offices of the President of the General Assembly shall be available to Member States that wish to avail themselves of it, as a means to facilitate a peaceful settlement of the dispute.

### **Article 41**

1. Member States shall provide mutual guarantees of political independence and territorial integrity.

2. Member States shall conclude without delay a global treaty to give force to the non-use of armed force in international relations.

### **Article 42**

The Security Council may investigate any dispute or situation of conflict in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

### **Article 43**

1. Any Member State of the United Nations may bring any dispute, or any situation of the nature referred to in Article 42, to the attention of the Security Council or of the General Assembly.
2. A State which is not a Member State 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, all 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 13 and 14.

### **Article 44**

1. The Security Council or the General Assembly may, at any stage of a dispute or situation, recommend appropriate procedures or methods of peaceful resolution.

2. The Security Council or the General Assembly shall take into consideration any procedures for the settlement of disputes that have already been adopted by the parties.
3. In making recommendations under this Article, the Security Council or the General Assembly shall also take into consideration that legal disputes should, as a general rule, be referred by the parties to the pertinent judicial bodies of the United Nations.

### **Article 45**

1. Should the parties to a dispute of the nature referred to in Article 40 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council or the General Assembly.
2. If the Security Council or the General Assembly decides that the continuance of the dispute is likely to endanger the maintenance of international peace and security, the Council or the Assembly may decide to take action under Article 44 or to recommend such terms of settlement as it may consider appropriate.

### **Article 46**

Without prejudice to the provisions of Articles 40 to 45, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to the pacific settlement of the dispute.

## Chapter VII

### Action with respect to threats to the peace, breaches of the peace, and acts of aggression

#### **Article 47**

The Security Council shall respond immediately to any act of aggression against a State. The Council's response is not subject to the filing of a complaint by the State victim of aggression.

#### **Article 48**

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 50 and 51, to maintain or restore international peace and security.

#### **Article 49**

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 48, 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 the failure to comply with such provisional measures.

### **Article 50**

The Security Council may decide to employ measures not involving the use of armed force to give effect to its decisions, and it may call upon the Member States of the United Nations to apply such measures provided that they do not adversely impact upon the life and health of the general population. These measures may include complete or partial interruption of economic relations, the interruption of road, rail, sea, air, postal, telegraphic, radio, or other means of communications, or the severance of diplomatic relations.

### **Article 51**

Should the Security Council consider that measures provided for in Article 50 would be inadequate or have proved to be inadequate, it may decide to employ additional actions that it deems necessary for maintaining or restoring international peace and security. Any additional measures must not adversely impact the life or health of the general population.

## **Article 52**

All Member States of the United Nations, in order to contribute to the maintenance of international peace and security, hereby assume the obligation to make available to the Organization whatever assistance is required by the United Nations to ensure peace and security and the delivery of humanitarian assistance wherever it is needed.

## **Article 53**

The Organization of the United Nations may not use or authorize the use of military force.

## **Article 54**

Actions to implement the decisions of the Security Council concerning the maintenance of international peace and security shall be carried out by all Member States of the United Nations or by some Member States as circumstances dictate. The Member States may implement these actions directly or through their action in the appropriate international agencies of which they are Member States.

## **Article 55**

The Member States of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

## **Article 56**

If preventive or enforcement measures against any State are taken by the Security Council, any other State, whether a Member State of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures, shall have the right to consult the Security Council with a view to finding a solution of those problems.

## **Article 57**

1. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense (by means of international military agreements exclusively entered into for the purpose of collective self-defense), if an armed attack occurs against a Member State of the United Nations, until the Security Council and/or the General Assembly has taken measures necessary to maintain international peace and security.
2. Measures taken by Member States in the exercise of this right of self-defense shall be immediately reported to the Security Council by a communication to its President and shall not in any way affect the authority and responsibility of either the Security Council or the General Assembly to take action, as may be necessary, to maintain or restore international peace and security.

## **Article 58**

Except when a Member State is threatened by a certain and imminent attack involving the use of force,

pre-emptive use of force is incompatible with the inherent right of self-defense.

### **Article 59**

The inherent right of self-defense is only justified if the State exercising this right limits its response to measures that are strictly proportionate to the use of force against it, or proportionate to the force that is reasonably understood to be used against it and, in addition, is strictly necessary to repel the use of force or strictly necessary to prevent the threat of the use of force from being realized.

### **Article 60**

1. The United Nations shall not recognize as legitimate a situation created by a crime of aggression.
2. No State shall instigate, be an accomplice, or assist any State or other entity in the commission of a crime of aggression.
3. All Member States have a responsibility to cooperate in the effective application of any measures decided upon by the United Nations that are aimed at removing the consequences or effects of an act of aggression.

### **Article 61**

1. A State which uses force against another State in violation of this Charter shall incur the responsibility to provide full, adequate, and timely reparations to

any State or individuals adversely affected by the use of force.

2. Such compensation shall include reparations for the crime of aggression.

## Chapter VIII Regional Arrangements

### **Article 62**

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 United Nations shall encourage the creation of strong regional organizations that strive to secure the common interest of the region, as determined by the consensus of all States in the region and always in the framework of promoting the greatest common good.
3. The Member States of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve the pacific settlement of local disputes through such regional arrangements or by such regional agencies

before referring them to the Security Council or to the General Assembly.

4. The Security Council shall encourage the pacific settlement of local disputes through regional arrangements, including regional agencies, on the initiative of the States concerned. The Security Council may also refer local disputes to regional arrangements.
5. Regional organizations for purposes other than the maintenance of international peace and security, in particular for the development of regional cooperation in the economic and social spheres, shall be encouraged. Such regional organizations shall not include military alliances or defense mechanisms.
6. This Article shall not affect the application of Articles 42 and 43 of this Charter.

### **Article 63**

1. The establishment of military alliances shall be limited exclusively to collective self-defense against armed aggression.
2. Foreign military bases are completely forbidden in any Member State.
3. The establishment, maintenance and expansion of foreign military bases and the establishment of nuclear missile launch systems violate the provisions of the Charter relating to the non-use of force or threat of force in international relations.
4. The intermingling of economic and social cooperation with security and military defense functions

is expressly forbidden as thinly veiled attempts to project and impose one economic and political model upon another State and violates fundamental norms of peaceful co-existence and respect for the sovereignty, territorial integrity and political independence of other States.

5. Any international treaty, organization or alliance that systematically violates the obligations described in the four preceding paragraphs, does not meet the requirements of a legitimate international agreement for collective self-defense and, in fact, gravely endangers international peace and security.
6. Those instruments, which are diametrically opposed to the peaceful purposes of the United Nations, also constitute serious threats to the United Nations Organization, and, therefore, Member States shall endeavor to bring these instruments in line with international law and the present Charter.
7. Military treaties and organizations that persist in systematically operating outside the rule of law and the present Charter shall be declared "outlawed organizations" by the United Nations General Assembly with all the legal consequences that that implies for Member States that refuse to separate themselves from such illegal organizations or alliances, the existence of which attempt against the international peace and security, as has already been established in Article 2 paragraph 23 of this Charter.

## **Article 64**

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## Chapter IX

### International economic and social cooperation

#### **Article 65**

With a view to the creation of conditions of stability and well-being that are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights for all people and the right to self-determination of peoples, the United Nations shall promote:

- a. a good standard of living and permanent employment for all in conditions of security, as well as economic and social stability, keeping in mind that the goal shall not be to live better but to live well with sustainable development and in harmony with the common good of Mother Earth and humanity;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation;
- c. universal respect for, and observance of, the rights of Mother Earth, human rights and fundamental

freedoms for all without distinction as to race, sex, language, or religion; and

- d. the proper administration of our Common Heritage (world goods) and the preservation of the environment in order to save the Planet for future generations.

### **Article 66**

All Member States pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 65.

### **Article 67**

1. Specialized agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, environmental, ecological and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Articles 74 and 86.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as “specialized agencies.”
3. The General Assembly may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations.
4. The General Assembly shall make arrangements for its representatives to participate in the deliberations of the specialized agencies.

### **Article 68**

1. The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.
2. The General Assembly may enter into agreements with any of the agencies referred to in Article 67.
3. The General Assembly shall define the terms on which the agency concerned shall be brought into relationship with the United Nations.

### **Article 69**

The Organization shall make recommendations to the specialized agencies, including for the coordination of their policies and activities.

### **Article 70**

The Organization shall, where appropriate, initiate negotiations among interested Member States for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 65.

### **Article 71**

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council.

## Chapter X

### The Economic and Social Council

#### **Composition**

##### **Article 72**

1. The Economic and Social Council (ECOSOC) shall consist of fifty-four Member States of the United Nations.
2. The fifty-four Member States shall be elected by the General Assembly.
3. Eighteen Member States of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
4. Each Member State of the Economic and Social Council shall have one representative.

#### **Functions and powers**

##### **Article 73**

1. The Economic and Social Council is the principal body of the United Nations in the field of social and

economic development. Its authority derives from a delegation of power from the General Assembly and may be exercised by the General Assembly at any time.

2. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, ecological, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Member States of the United Nations, and to the specialized agencies concerned.
3. The Economic and Social Council may make recommendations in the field of social and economic development for the purpose of promoting respect for the rights of Mother Earth, human rights and the fundamental liberties of all.
4. The Economic and Social Council may prepare draft conventions for submission to the General Assembly with respect to matters falling within its competence.
5. The Economic and Social Council may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

#### **Article 74**

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 67, defining the terms on which the agency concerned shall be brought into relationship with

the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. The Economic and Social Council may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Member States of the United Nations.

### **Article 75**

1. The Economic and Social Council shall take appropriate steps to obtain regular reports from the specialized agencies.
2. The Economic and Social Council may make arrangements with the Member States of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and those of the General Assembly concerning matters which have been delegated to the Economic and Social Council.
3. The Economic and Social Council shall communicate its observations on these reports to the General Assembly.

### **Article 76**

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council when requested to do so by that body.

### **Article 77**

1. The Economic and Social Council shall perform such functions as are necessary for carrying out the recommendations of the General Assembly.
2. The Economic and Social Council may, with the approval of the General Assembly, perform services at the request of Member States of the United Nations and at the request of specialized agencies.
3. The Economic and Social Council shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

### **Voting**

#### **Article 78**

1. Each Member State of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

### **Procedure**

#### **Article 79**

1. The Economic and Social Council shall set up commissions as may be required for the performance of its functions.
2. The Economic and Social Council may make arrangements to form various Committees of

High-Level Experts to provide specialized counsel and offer recommendations on matters within its competence.

3. The Council shall determine the number of working committees and issues it deems appropriate, but must include at least one Committee of High-Level Experts to provide expertise on a regular and extraordinary basis in each of the following areas:
  - a. financial and economic matters;
  - b. tax matters;
  - c. development policies;
  - d. public administration; and
  - e. indigenous issues.
4. Members of the Committees of Experts will serve in their individual capacity and will be selected using geographical and other criteria, in accordance with the procedures approved by the Economic and Social Council for that purpose.
5. The Committees of Experts may establish regional mechanisms for regional consultation and validation to ensure systematic communication with the UN regional Economic Commissions and the economic authorities of all Member States.

### **Article 80**

The Economic and Social Council shall invite any Member State of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member State.

### **Article 81**

1. The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it.
2. The Council shall make arrangements for its own representatives to participate in the deliberations of the specialized agencies which are concerned with matters within its competence.

### **Article 82**

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the concerned Member States of the United Nations.

### **Article 83**

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its Member States.

## Chapter XI

# The Mother Earth and Human Rights Council

### **Article 84**

1. The Mother Earth and Human Rights Council shall consist of forty-eight Member States of the United Nations elected by the General Assembly.
2. Each year twelve Member States of the Mother Earth and Human Rights Council shall be elected for a term of four years. A retiring Member State shall be eligible for immediate re-election.
3. Each Member State of the Mother Earth and Human Rights Council shall have one representative.

### **Functions and powers**

### **Article 85**

1. The Mother Earth and Human Rights Council is the principal body of the United Nations in the field of the rights of Mother Earth and human rights. Its authority derives from a delegation of power from

the General Assembly and may be exercised by the General Assembly at any time.

2. The Mother Earth and Human Rights Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, providing this be in harmony with the common good of Mother Earth and humanity.
3. The Council shall be responsible for promoting universal respect for the rights of Mother Earth, human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.
4. The Council may make recommendations for the purpose of promoting respect for and the fulfillment of the rights of Mother Earth and of all human rights.
5. The Council may make or initiate studies and reports with respect to internationally recognized Mother Earth and human rights, and may make recommendations with respect to any such matters to the General Assembly, to the Member States of the United Nations, and to the specialized agencies concerned.
6. The Council shall undertake a universal periodic review, based on objective and reliable information, of the fulfillment, both in its domestic and foreign policy, by each Member State of its Mother Earth and human rights obligations and commitments in

a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of institutions created by international treaties.

7. The Council may prepare draft conventions for submission to the General Assembly with respect to matters falling within its competence.
8. The Council may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

### **Article 86**

1. The Mother Earth and Human Rights Council may enter into agreements with any of the agencies referred to in Article 67, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.
2. The Council may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies, and through recommendations to the General Assembly and to the Member States of the United Nations.

### **Article 87**

1. The Mother Earth and Human Rights Council shall take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Member States of the United Nations and with the specialized agencies to obtain reports on the steps taken to render effective its own recommendations, and the recommendations on matters falling within its competence made by the General Assembly.
2. It shall communicate its observations on these reports to the General Assembly.

### **Article 88**

The Mother Earth and Human Rights Council may furnish information to the Security Council and shall assist the Security Council upon its request.

### **Article 89**

1. The Mother Earth and Human Rights Council shall perform such functions that fall within its competence in connection with the carrying out of the recommendations of the General Assembly.
2. The Mother Earth and Human Rights Council may make arrangements with the Member States of the United Nations and with the specialized agencies to obtain reports on the steps taken to put into effect its own recommendations, and those of the General Assembly, concerning matters which have been delegated to the Council.

3. The Council may, with the approval of the General Assembly, perform services at the request of Member States of the United Nations and at the request of specialized agencies.
4. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

## **Voting**

### **Article 90**

1. Each Member State of the Mother Earth and Human Rights Council shall have one vote.
2. Decisions of the Mother Earth and Human Rights Council shall be by consensus, or when consensus is not possible, by a simple majority of the Member States present and voting.

## **Procedure**

### **Article 91**

The Mother Earth and Human Rights Council may establish subsidiary bodies for the promotion of the rights of Mother Earth and of human rights, and such other commissions as may be required for the performance of its functions.

### **Article 92**

The Mother Earth and Human Rights Council shall invite any Member State of the United Nations to

participate, without vote, in its deliberations on any matter of particular concern to that Member State.

### **Article 93**

The Mother Earth and Human Rights Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

### **Article 94**

The Mother Earth and Human Rights Council shall ensure arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultations with the concerned Member State of the United Nations.

### **Article 95**

1. The Mother Earth and Human Rights Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Mother Earth and Human Rights Council shall meet as required in accordance with its rules, which shall include provision for the convening of Special Sessions on the request of a majority of its Member States.

## Chapter XII

# The International Court of Justice

### Composition

#### Article 96

1. The International Court of Justice is established as one of the two principal judicial organs of the United Nations.
2. The International Court of Justice shall consist of fifteen Judges elected by the General Assembly from the five major geographical regions of the United Nations and who rank among the most senior and respected jurists in their country and are recognized experts in international law. No two magistrates may be nationals of the same Member State.
3. Further qualifications for Judges of the International Court of Justice shall be decided upon by the General Assembly.
4. There shall be neither *de jure* nor *de facto* permanent members of the International Court of Justice. However, nothing prevents the General Assembly from re-electing, as often as it wishes,

a judge that has clearly demonstrated his or her commitment to the principles of the Charter and the cause of international peace and security.

## **Functions and powers**

### **Article 97**

1. The International Court of Justice shall be one of the two principal judicial organs of the United Nations. It shall function in accordance with the annexed Statute, which forms an integral part of the present Charter.
2. The judgments of the International Court of Justice are final.
3. No national of any Member State that has failed to comply with the obligations imposed upon it by a judgment rendered by the International Court of Justice or the International Tribunal of Climate Justice and Environmental Protection (ITCJEP) shall be eligible to run for election as Magistrate of the Court until the said Member State fulfills the judgments of both Courts.

### **Article 98**

1. All Member States 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 State 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.

3. The International Court of Justice may know all acts of aggression or crimes against humanity, war crimes or genocide, etc. submitted to it by any Member State, whether or not a State is a party to the Treaty of compulsory jurisdiction or a Member State of the United Nations.
4. It should be clear to every State that withdrawal from the United Nations does not grant impunity. The International Court of Justice may prosecute even non-members of the United Nations that commit such crimes and try them *in absentia* should they refuse to appear in Court.

### **Article 99**

1. Each Member State of the United Nations shall 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 shall make the recommendations which it deems necessary or immediately decide upon the action or actions to be taken to oblige compliance with the judgment. Should the party affected still not obtain satisfaction, it shall have the right to apply to the General Assembly, which shall then be obliged to resolve the matter promptly with effective enforcement action. The parties affected by the judgment shall

not have voting rights in those sessions of the Security Council or, should it be the case, of the General Assembly held to deal with the coercive measures which should be taken in view of their lack of compliance.

3. The judgments of the International Court of Justice (ICJ) are of immediate and obligatory compliance, not subject to appeal and imprescriptible. Therefore, any State that does not comply with a judgment of this judicial organ of the United Nations that carries with it the obligation of financial reparations for damages caused by its aggression and/or other violations of international law, runs the risk of incurring an increase in the amount of their financial obligation as a result of loss-of-profit and compound interests throughout the entire period of their lack of compliance.

### **Article 100**

Nothing in the present Charter shall prevent Member States 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.

### **Article 101**

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized

by the General Assembly, may request advisory opinions of the Court on legal questions arising within the scope of their activities.

3. When authorized by the General Assembly, non-governmental organizations may request advisory opinions of the Court on legal questions of international importance arising within the scope of this Charter and the non-governmental organization's activities.

## Chapter XIII

# International Tribunal of Climate Justice and Environmental Protection

### **Article 102**

1. The International Tribunal of Climate Justice and Environmental Protection is the judicial organ of the United Nations with jurisdiction to consider and resolve cases involving acts committed against Mother Earth and Humanity. It functions in accordance with the annexed Statute of the International Tribunal of Climate Justice and Environmental Protection which is adopted by the Member States and forms an integral part of the present Charter.
2. The International Tribunal of Climate Justice and Environmental Protection shall be composed of eleven judges elected by the General Assembly, coming from the five geographical regions of the United Nations and ranking among the most respected and renown climatologists and environmentalists in their respective countries, as well as recognized jurists in international law.

3. The judgments of the International Tribunal of Climate Justice and Environmental Protection are final.
4. Any member State that has not complied with the obligations imposed on it by a ruling of the International Court of Justice or of the Tribunal, may not present a candidate to become a judge in the Tribunal, until such Member State has complied with said ruling.

### **Article 103**

1. All Member States of the United Nations are *ipso facto* parties to the Statute of the International Tribunal of Climate Justice and Environmental Protection.
2. A State which is not a Member State of the Organization of the United Nations may become a Party to the Statute of the International Tribunal of Climate Justice and Environmental Protection on conditions to be determined, in each case, by the General Assembly.
3. States that are not Member States of the present Charter may not elude their obligations to protect Mother Earth and humanity and, if they violate these obligations, shall incur international responsibility, in accordance with the rules of International Law.

### **Article 104**

1. Each Member State of the United Nations shall comply with the decisions and resolutions of the International Tribunal of Climate Justice and

Environmental Protection in any case to which it is a party.

2. Any party to a case that fails to perform the obligations emanating from the commitment prescribed in the preceding paragraph may become, upon application by the party benefited by the decision or ruling of the Tribunal, the object of recommendations or sanctions, as appropriate.
3. The judgments of the International Tribunal on Climate Justice and Environmental Protection (ITCJEP) are of immediate and obligatory compliance, not subject to appeal and imprescriptible. Therefore, any State that does not comply with a judgment of this judicial organ of the United Nations that carries with it the obligation of financial reparations for damages caused by its aggression and/or other violations of international law, runs the risk of incurring an increase in the amount of their financial obligation as a result of loss-of-profit and compound interests throughout the entire period of their lack of compliance.

### **Article 105**

1. When a State fails to comply with a judgment of the International Tribunal of Climate Justice and Environmental Protection, the party benefited by the judgment may seek enforcement measures from the Security Council. If the Security Council does not provide satisfaction of the judgment, the benefited party has the right to apply to the General Assembly, which shall then be obliged to resolve the matter promptly with effective enforcement action.

2. During the implementation phase, any State party to a case that has been found guilty by the Tribunal shall not, for reason of being implicated in the matter, deliberate, decide or vote on enforcement measures under consideration by the Security Council or the General Assembly.

### **Article 106**

1. The International Tribunal of Climate Justice and Environmental Protection shall endeavor to cooperate with other existing judicial bodies in so far as this achieves the ends for which the Tribunal was created.
2. While the Tribunal may consider the decisions and opinions of any other judicial body, it shall not be bound by them in matters that fall under its specialized jurisdiction.
3. No case shall be decided by the Tribunal if it has already been submitted to the International Court of Justice and is still under consideration by the Court.

### **Article 107**

1. The General Assembly may request the International Tribunal of Climate Justice and Environmental Protection to give an advisory opinion on pertinent legal questions within its competence that affect, directly or indirectly, matters that arise within the scope of their activities.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized

by the General Assembly, may request advisory opinions of the International Tribunal on legal questions arising within the scope of their activities.

3. When authorized by the General Assembly, non-governmental organizations may request advisory opinions of the International Tribunal on legal questions of international importance arising within its jurisdiction and within the scope of the non-governmental organization's activities.

## Chapter XIV

### The Secretariat

#### **Article 108**

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be elected by the Member States of the General Assembly in conformity with provisions established in Article 21 of the present Charter.

#### **Article 109**

1. The Secretary-General shall be the chief administrative officer of the Organization and shall act as the chief executive assistant of the President of the General Assembly and act under his guidance in all matters.
2. The Secretary-General of the Organization shall be elected for a five-year tenure by the General Assembly, by consensus, or when consensus is not possible, by a two-thirds majority of the Member States present and voting, upon the recommendation of its President.

### **Article 110**

1. The Secretary-General shall act as chief administrative officer in all meetings of the General Assembly, the Security Council, the Economic and Social Council, and the Mother Earth and Human Rights Council and shall perform such other functions as are entrusted to him by these organs.
2. The Secretary-General shall make annual and, when necessary, special reports to the General Assembly on the work of the Organization.

### **Article 111**

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect negatively on their position as international officials responsible only to the Organization. Breach of this rule by the Secretary-General, in addition to constituting treason against the United Nations and all the peoples represented therein, may lead, should the General Assembly so decide, to the impeachment and immediate dismissal of the Secretary-General without any of the normal considerations and benefits afforded to those who have correctly fulfilled their obligations.
2. In those instances when the Secretary-General has been fired, the General Assembly shall decide the manner in which the person to fill the remainder of his or her term will be elected.

3. Each Member State of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and UN staff and not to seek influence over them in the discharge of their responsibilities. Breach of this rule shall be considered a serious violation by the Member State and shall carry the consequences that the General Assembly so decides at a special meeting to discuss the issue.

### **Article 112**

1. The staff shall be appointed by the Secretary-General with the approval of the President of the General Assembly and under regulations established by the General Assembly.
2. Appropriate staff shall be permanently assigned to the Office of the President and the General Assembly, Economic and Social Council, to the Mother Earth and Human Rights Council, to the International Court of Justice, International Tribunal on Climate Justice and Environmental Protection, to the Security Council, and, as required, to other bodies of the United Nations. These staff shall form part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

4. Any armed attack against personnel of the United Nations in the exercise of their official duties shall be considered an international crime.

## Chapter XV

### Miscellaneous provisions

#### **Article 113**

1. Every treaty and every international agreement entered into by any Member State 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.
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 114**

In the event of a conflict between the obligations of the Member States 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 115**

The Organization shall enjoy in the territory of each of its Member States such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

### **Article 116**

1. The Organization shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the fulfillment of its purposes.
2. Representatives of the Member States of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Member States of the United Nations for this purpose.

## Chapter XVI

### Review of the Charter

#### **Article 117**

1. Two years after the entry into force of this Charter, the President of the United Nations General Assembly shall convene a Review Conference to consider any amendments that might be considered necessary or convenient to the present Charter of the United Nations Organization. The Review Conference shall be open to all Member States of the General Assembly participating in the same conditions.
2. At any time thereafter, at the request of a two-thirds majority of Member States, the President shall convene an Extraordinary Review Conference.
3. Ordinary UN Charter Review Conferences shall be convened every twenty years after the entry into force of this Charter.
4. The provisions of Article 21, paragraphs 2 to 3, shall apply to the voting and adoption of any

amendment to the Charter considered at a UN Review Conference.

5. The President of the General Assembly shall request the Secretary-General of the United Nations to circulate to all States Parties any amendment adopted by the General Assembly or at a UN Charter Review Conference.

### **Article 118**

Amendments to the present Charter shall come into force for all Member States of the United Nations when they have been adopted by consensus, or in absence of consensus, by a two-thirds majority vote of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Member States of the United Nations.

## Chapter XVII

### Ratification and signature

#### **Article 119**

**No reservations may be made to this Charter.**

#### **Article 120**

1. Once approved by two-thirds of the General Assembly, the present Charter and its transitory Chapter XVIII shall be ratified by the Member States in accordance with their respective constitutional processes.
2. The ratifications shall be deposited with the President of the General Assembly who shall instruct the Secretary-General to notify all the Member States.
3. The present Charter shall come into force upon the deposit of ratifications of the majority of the Member States.
4. The States signatory to the present Charter that ratify it after it has come into force will become

original Member States of the United Nations on the date of the deposit of their respective ratifications.

### **Article 121**

The present Charter, of which the Arab, Chinese, English, French, Hindi, Russian, Spanish and Swahili texts are equally authentic, shall remain deposited in the archives of the Presidency of the United Nations' General Assembly. Duly certified copies thereof shall be transmitted by the President of the General Assembly to the Governments of the Member States.

## Chapter XVIII (Transitory provisions)

1. The Headquarters of the United Nations shall be relocated no later than 10 years from the entry into force of the present Charter.
2. Member States shall consult with the Government of the United Republic of Tanzania on the possibility of relocating the Headquarters of the Organization to Dar es Salaam. This option is recommended as a practical way to give recognition to Africa and to Julius Nyerere, World Hero of Social Justice, and one of the most committed statesmen ever to the ideals and principles of the United Nations.
3. The location of the new Headquarters shall ultimately be decided on by a simple majority in the General Assembly.

In faith whereof the Representatives of the Governments of the United Nations have signed the present Charter.

Done at the city of \_\_\_\_\_ on the

\_\_\_\_\_



Annex # 1 to the Charter



# **STATUTE OF THE INTERNATIONAL COURT OF JUSTICE**

**A PROPOSAL**

APRIL 2011



# Statute of the International Court of Justice

## **Article 1**

The International Court of Justice established by the Charter of the United Nations as a principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.



# Chapter I

## Organization of the Court

### **Article 2**

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

### **Article 3**

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same State.
2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

#### **Article 4**

1. The members of the Court shall be elected by the General Assembly from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.
2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.
3. The conditions, under which a State which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly.

#### **Article 5**

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in

a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

### **Article 6**

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

### **Article 7**

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. These shall be the only persons eligible.
2. The Secretary-General shall submit this list to the General Assembly.

### **Article 8**

The General Assembly shall proceed to elect the members of the Court.

### **Article 9**

At every election, the electors shall bear in mind not only that the persons to be elected should individually

possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

### **Article 10**

1. Those candidates who obtain an absolute majority of votes in the General Assembly shall be considered as elected.
2. In the event of more than one national of the same State obtaining an absolute majority of the votes of the General Assembly, the eldest of these only shall be considered as elected.

### **Article 11**

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

### **Article 12**

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

### **Article 13**

1. The members of the Court shall be elected for nine years and may be re-elected.
2. In the case of the resignation of a member of the Court, the resignation shall be addressed to

the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

#### **Article 14**

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the General Assembly.

#### **Article 15**

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

#### **Article 16**

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.
2. Any doubt on this point shall be settled by the decision of the Court.

#### **Article 17**

1. No member of the Court may act as agent, counsel, or advocate in any case.
2. No member may participate in the decision of any case in which he has previously taken part as agent,

counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

### **Article 18**

1. No member of the Court can be dismissed unless, a two-thirds majority of the other members opine that he or she has ceased to fulfill the required conditions.
2. Formal notification thereof shall be made to the Secretary-General by the Registrar.
3. This notification makes the place vacant.

### **Article 19**

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

### **Article 20**

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

### **Article 21**

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

## **Article 22**

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.
2. The President and the Registrar shall reside at the seat of the Court.

## **Article 23**

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.
2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.
3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

## **Article 24**

1. If, for some special reason, a member of the Court considers that he should not take part in the

decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.
3. If in any such case the member Court and the President disagree, the matter shall be settled by the decision of the Court.

### **Article 25**

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.
2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.
3. A quorum of nine judges shall suffice to constitute the Court.

### **Article 26**

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.
2. The Court may at any time form a chamber for dealing with a particular case. The number of judges

to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this article if the parties so request.

### **Article 27**

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

### **Article 28**

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

### **Article 29**

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges who, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

### **Article 30**

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

### **Article 31**

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.
2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.
3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.
4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.
5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfill the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

### **Article 32**

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-Presidents shall receive a special allowance for every day on which he acts as President.
4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.
5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

### **Article 33**

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

## 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.
3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted there under is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

### **Article 35**

1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, as stipulated by the General Assembly, but in no case shall such conditions place the parties in a position of inequality before the Court.
3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court

### **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 and subject to the terms stipulated in Article 98 of the United Nations Charter.
2. The States parties to the present Statute declare that they recognize the compulsory jurisdiction of the Court in all legal disputes concerning:
  - a) the application or 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 International Court of Justice may know all acts of aggression or crimes against humanity, war crimes or genocide, etc. submitted to it by any Member or non-Member State of the United Nations. A maximum period of ten years from the entry into force of this Charter is established for the possibility of presenting accusations before the Court for crimes of aggression or genocide committed from the year 1990 onwards, without prejudice to the obligation of giving full compliance to the judgments dictated prior to 1990.
4. No State, whether or not it is a Member State of the United Nations Organization, shall be granted impunity in the commission of crimes against humanity, crimes of aggression or genocide. The International Court of Justice shall be open to cases to prosecute such crimes even when committed by non-Member States of the United Nations and may try States *in absentia* that refuse to appear in Court.
5. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

### **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 function is 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 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.

## Chapter III Procedure

### **Article 39**

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.
2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.
3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

### **Article 40**

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.
2. The Registrar shall forthwith communicate the application to all concerned.
3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

### **Article 41**

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.
2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

### **Article 42**

1. The parties shall be represented by agents.
2. They may have the assistance of counsel or advocates before the Court.
3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

### **Article 43**

1. The procedure shall consist of two parts: written and oral.
2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.
3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.
4. A certified copy of every document produced by one party shall be communicated to the other party.
5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

### **Article 44**

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.
2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

### **Article 45**

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

### **Article 46**

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

### **Article 47**

1. Minutes shall be made at each hearing and signed by the Registrar and the President.
2. These minutes alone shall be authentic.

### **Article 48**

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

### **Article 49**

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

### **Article 50**

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

## **Article 51**

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

## **Article 52**

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## **Article 53**

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.
2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

## **Article 54**

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.
2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

### **Article 55**

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

### **Article 56**

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

### **Article 57**

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

### **Article 58**

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

## **Article 59**

The decision of the Court has no binding force except between the parties and in respect of that particular case.

## **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 61**

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.
2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.
4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

### **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.
2. It shall be for the Court to decide upon this request.

### **Article 63**

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.
2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

### **Article 64**

Unless otherwise decided by the Court, each party shall bear its own costs.

## Chapter IV

### Advisory opinions

#### **Article 65**

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

#### **Article 66**

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international

organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time-limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

### **Article 67**

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

## **Article 68**

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

## Chapter V Amendment

### **Article 69**

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

### **Article 70**

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

## **Article 71**

### **Transitory Provisions**

The judges that, upon the entry into force of this Statute, are fulfilling their duties will continue in the exercise of the same in accordance with the established time periods for their term.



Annex # II to the Charter



**STATUTE OF THE  
INTERNATIONAL  
TRIBUNAL FOR CLIMATE  
JUSTICE AND  
ENVIRONMENTAL  
PROTECTION  
(ITCJEP)**

A PROPOSAL

April 2011



# Statute of the International Tribunal for Climate Justice and Environmental Protection (ITCJEP)

## **Preamble**

The High Contracting Parties,

- i. Considering* that the Earth is alive in a delicate balance of all the ecological elements and conditions that make it ideal for the production and reproduction of human life, and that, for that reason, the Earth is our great Mother and common home;
- ii. Accepting* scientific evidence that large-scale habitat destruction, massive soil depletion, excessive emission of anthropogenic greenhouse gases and extensive deforestation lead to worldwide disruption of natural cycles, inflicting damage to Mother Earth that may be irreversible;
- iii. Concerned* that today instances of mass extinction of species occur with greater frequency, greater rapidity and greater impact than at any other time;
- iv. Recognizing* that many more species, including the human species, may become extinct if no action is

- taken to prevent and correct acts of humans that harm Mother Earth;
- v. *Recognizing* that such acts may constitute international crimes;
  - vi. *Affirming* the existence of the crime of ecocide as an international crime against peace, Mother Earth and humanity;
  - vii. *Bearing in mind* that Mother Earth, as the supreme and universal common good and a condition for all other goods, should not be considered as an object but instead as a subject of rights;
  - viii. *Convinced* that we must exert, as far as possible, all the nonviolent resources at our disposal for the realization of peace and justice and the safeguarding of the common good of Mother Earth and humanity;
  - ix. *Recognizing* that for lasting peace and security, for the universal realization of all human rights and ultimately for the survival of humanity, human beings must act, nationally and internationally, to protect Mother Earth and prevent the commission of crimes against Mother Earth and humanity;
  - x. *Affirming* that crimes committed against the Earth and humanity, including the crime of Ecocide, must not go unpunished and that, to this end, actions should be taken at the national and international level to ensure their effective prosecution;
  - xi. *Determined* to end impunity for the perpetrators of such crimes;
  - xii. *Recalling* that it is the duty of every State to exercise its criminal jurisdiction over perpetrators of crimes

that harm the natural environment, including the crime of ecocide;

*xiii. Reaffirming* the Purposes and Principles of the Charter of the United Nations, and in particular that all States have a duty to undertake individual and collective actions to promote sustainable development of all nations large and small;

*xiv. Taking note* that the Charter of the Organization has created an independent International Tribunal of Climate Justice and Environmental Protection within the United Nations system, with jurisdiction over international crimes and illegal acts committed against Mother Earth and Humanity;

*xv. Imbued* with the commitment to safeguard and promote the supreme good of the life of present and future generations and all living beings on our planet;

*the Member States of the United Nations have agreed as follows:*

## Chapter 1

# Establishment and functioning of the Tribunal

### Article 1

#### The Tribunal

1. The International Tribunal of Climate Justice and Environmental Protection (the Tribunal), established by the Charter of the United Nations Organization, is constituted and shall function in accordance with the dispositions of the present Statute.
2. The Tribunal shall be a principal judicial organ of the United Nations with power to exercise jurisdiction over Member States that have ratified the Charter and over all natural and legal persons wherever found and of any nationality.
3. In accordance with article 103, number 3 of the Charter: The States that are not Member States of the present Charter may not elude their obligations to protect Mother Earth and humanity and, if they violate these obligations, shall incur international

responsibility, in accordance with the rules of international law.

4. The Tribunal shall consist of
  - a. eleven Judges,
  - b. the Secretariat to assist the Judges and the Attorney, and
  - c. the Office of the Attorney.
5. The Tribunal shall be located in the city of Cochabamba, Plurinational Republic of Bolivia. This, however, shall not prevent the Tribunal from sitting and exercising its functions elsewhere whenever the Tribunal considers it desirable. The General Assembly of the United Nations shall ensure the provision of adequate resources for the functioning of the Tribunal.
6. The Tribunal shall draft its own Rules of Procedures which shall provide for the organizational aspects of the Tribunal, including its composition.
7. The proceedings of the Tribunal shall be public and transparent, except when the demands of the protection of the identity of children under 18 years of age or other special circumstances determined by the Tribunal so require. The deliberations of the judges are always private and shall not be recorded except in the judgment of the Tribunal or when permitted in a separate or dissenting opinion.
8. The judgments and opinions of the Tribunal shall include both a decision on the matter before the Tribunal as well as the reasons for the decision.
9. Any judge may emit a dissenting vote or manifest a different opinion in the judgment of the Tribunal.

10. Decisions concerning natural or legal persons shall:
  - a. be made in writing;
  - b. conform with the international standards necessary for a fair trial;
  - c. include explicit findings of *mens rea* (state of mind or intention of a person while committing a criminal act) and *actus reus*; and,
  - d. should also include a description, evaluation, establishment or quantification of the damages recognized in the judgment of the Tribunal.
5. Decisions concerning natural persons may not include the death penalty.

## **Article 2**

### **Jurisdiction**

1. The criminal jurisdiction of the Tribunal shall be complementary to national criminal jurisdictions and shall be exercised when a national court of jurisdiction is unwilling or unable to exercise jurisdiction over a person in a timely manner or when the affected party is not satisfied by the resolution of the national tribunal and has well-founded reasons to believe that the said ruling would be equally unsatisfactory to the Tribunal.
2. The jurisdiction and functioning of the Tribunal shall be governed exclusively by the provisions of this Statute and by any special arrangements made with any State not party to this Statute.

3. The Tribunal shall determine any question regarding its jurisdiction in accordance with this Statute and its Rules of Procedure.
4. The Tribunal shall have the authority to impose precautionary measures prior to deciding the merits of any case in order to prevent damage to the environment.
5. The jurisdiction of the Tribunal shall be restricted to matters relating to the international legal obligations described in article 4 and include:
  - a. the authority to determine the responsibility of States, and
  - b. the authority to determine the responsibility of legal and natural persons, including the imposition within the condemnatory sentence, of pecuniary penalty or fines to such persons who could also be put under custodial sentences where appropriate and
  - c. in each of the above cases, the Tribunal shall have the authority to order repair of damage caused by the illegal activity.

### **Article 3**

#### **Advisory opinions**

1. The Tribunal shall have the power to issue an Advisory Opinion on any question put to it by a simple majority of the Member States of the United Nations General Assembly present and voting.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized

by the General Assembly, may request advisory opinions of the International Tribunal on legal questions arising within the scope of their activities.

3. When authorized by the General Assembly, non-governmental organizations may request advisory opinions of the International Tribunal on legal questions of international importance arising within its jurisdiction and within the scope of the non-governmental organization's activities.
4. In responding to a request for an Advisory Opinion, the Tribunal shall consider principles emanating from the Universal Declaration on the Common Good of Mother Earth and Humanity as well as any other relevant principles of law. It shall give particular importance to the principles listed in Article 4(2).
5. The Tribunal shall determine its jurisdiction to receive and respond to any request for an Advisory Opinion in accordance with this Statute.

#### **Article 4**

##### **Sources of international legal obligations**

1. The Tribunal shall apply principles emanating from the Universal Declaration on the Common Good of Mother Earth and Humanity and any other relevant principles of law in deciding cases before it.
2. The Tribunal shall give particular importance to the following principles of law:
  - a. the crime of *ecocide*, defined as any act, by a State or a natural or legal person, either

- intentional or due to negligent behavior that causes significant permanent damage to the natural environment;
- b. the 'precautionary principle' requiring that a State or natural or legal person that has the probable capacity to prevent environmental damage must take action in a timely manner to prevent such damage;
  - c. the principle of 'sustainable development' requiring a State or natural or legal person to ensure that their actions promote sustainable economic and social development while respecting and protecting the rights of Mother Earth;
  - d. the principle of 'sustainable development' requiring a State or natural or legal person to ensure that a State that has not obtained a 'high level' of development as determined by the United Nation's Human Development Index is able to access and develop technology as necessary for its development in an ecologically sustainable manner, including through the removal of legal or financial obstacles such as intellectual property rights;
  - e. the 'polluter pays' principle requiring a State or natural or legal person to pay full reparations for any action that causes significant damage to the natural environment or climate system, including compensation to all individuals, communities or States affected by the damage;
  - f. the principle of 'common but differentiated responsibilities and respective capabilities' requiring a State that has a higher level of deve-

lopment as determined by the United Nation's Human Development Index and that has been responsible for a more significant proportion of damage to our common ecosystems since 1850 to take a greater degree of responsibility for the prevention and correction of this damage.

3. The justifications found in the general law of State responsibility shall be applicable, taking into account that lack of full scientific certainty shall never be a justification.
4. In interpreting and applying the international legal obligations in paragraph 1 the Tribunal shall be guided by:
  - a. the best available scientific findings, with the understanding that the reports produced by the Intergovernmental Panel on Climate Change shall be considered to be the best available scientific findings, unless proven otherwise;
  - b. the views of indigenous peoples that have been brought to its attention; and
  - c. the general rules of interpretation of treaties in articles 31 and 32 of the Vienna Convention on the Law of Treaties.

## **Article 5**

### **Judges**

1. The Tribunal shall be composed of eleven judges.
2. The General Assembly shall elect the eleven judges of the Tribunal with a two-thirds majority of the member States present and voting, ensuring that

the five major geographical regions of the United Nations be equally represented and choosing persons who are recognized as among the most senior and respected jurists in their country and recognized experts in international law, especially international environmental law, international human-rights law, international criminal law, or international humanitarian law.

3. No judge or *ad hoc* judge may exercise any government function or hold any other employment during his or her term in office.
4. Each judge shall serve a term of office of nine years and be eligible for renewal one time. In the first election, three judges shall be elected for a term of three years, four judges shall be elected for a term of six years, and four judges shall be elected for a term of nine years.
5. A judge may be removed before the end of his or her term only for a serious offense that calls into question the ability of the judge to continue to sit on the Tribunal as determined by a vote requiring a two-thirds majority of the United Nations General Assembly Member States.

## **Article 6**

### **Ad Hoc Judges**

*Ad hoc* judges may be appointed in disputes between States or when the State of a national who is subject to proceedings before the Court so requests. In such circumstances, at the request of the State concerned, the General Assembly shall appoint *ad hoc* judges that

satisfy the requirements and qualifications prescribed in article 5-2 above.

## **Article 7**

### **Secretariat of the Tribunal**

1. The Secretariat of the Tribunal shall be established to provide all necessary administrative support to the Tribunal, including, but not limited to, ensuring the timely production and translation of documents, ensuring the acquisition of books or other resources necessary for the functioning of the Tribunal, and any other task as shall be assigned to it by the judges of the Tribunal.
2. The Secretariat shall be headed by an Executive Secretary to the Tribunal who is elected by a simple majority vote of Members present and voting of the United Nations General Assembly for a term of ten years at the level of Assistant Secretary-General.
3. The employees of the Secretariat shall be international civil servants, recruited from among the most qualified persons and with attention to maintaining gender and geographical balance.
4. The Secretariat may, with the consent of the judges and with equal consideration for all, make arrangements for interns or other assistance to the judges. Similar arrangements may be made for the office of the Attorney, with the Attorney's and the Secretariat's consent.
5. The Executive Secretary may be removed before the end of his or her term only for a serious offense that calls into question the ability of the judge to

continue to fulfill his or her functions for the Tribunal as determined by a vote requiring a two-thirds majority of the United Nations General Assembly Member States.

## **Article 8**

### **Office of the attorney**

1. The Office of the Attorney of the Tribunal shall be established as an essential part of the Tribunal.
2. The Office of the Attorney of the Tribunal shall be headed by the Attorney who is elected by a majority vote of the United Nations General Assembly for a term of ten years at the level of Assistant Secretary-General.
3. The Attorney shall operate in close cooperation with the judges of the Tribunal, but not under their instruction and shall be independent but subject to the jurisdiction of the Tribunal for purposes of any disciplinary proceedings.
4. The Attorney shall exercise his or her function with the highest degree of integrity and objectivity, ensuring that his or her independence is evident in the exercise of his or her duties.
5. The Attorney may initiate a prosecution against any natural or legal persons over whom the Tribunal has jurisdiction for violations of the law, the principles and the rules as stated in article 4 of this Statute.
6. The Attorney may provide a written legal opinion on any case before the Tribunal concerning a State alleged to be responsible for an internationally

wrongful act based on a failure to abide by principles emanating from the Universal Declaration on the Common Good of Mother Earth and Humanity or any other relevant principles of law mentioned in article 4 of this Statute.

7. The Attorney may make necessary provisions for the appearance and, where necessary, protection of any witness whose testimony is considered relevant or useful by the Tribunal.
8. The Attorney may be removed before the end of his or her term for a serious offense that calls into question the ability of the Attorney to continue to fulfill his or her functions at the Tribunal as determined by a vote requiring a two-thirds majority of the United Nations General Assembly Member States.

### **Article 9**

The Tribunal shall frame its own rules for carrying out its functions. In particular, it shall lay down rules of procedure.

### **Article 10**

#### **Relations with other international judicial bodies**

1. The Tribunal should cooperate with other existing judicial bodies in so far as this achieves the ends for which the Tribunal was created.
2. While the Tribunal may consider the decisions and opinions of any other judicial body, it shall not be bound by them in matters that fall under its specialized jurisdiction.

3. No case shall be decided by the Tribunal if it has already been submitted to the International Court of Justice and is still under consideration by that Court.

## **Article 11**

### **Languages of the Tribunal**

1. The official languages of the Tribunal are English and French, but all public documents of the Tribunal shall be translated into all the official languages of the United Nations as quickly as possible.
2. Any litigant before the Tribunal may use his or her language. The Secretariat shall ensure that provision is made for a reliable interpretation when the litigant has shown that he or she cannot reasonably afford to provide the cost of such interpretation.

## **Article 12**

### **Entry into force of Statute**

1. This Statute shall enter into force for all Member States of the United Nations thirty days after it has been ratified by half of the Member States plus one.
2. Any State not a member of the United Nations may become Party to this Statute and will be bound by it from the date of its entry into force.
3. Jurisdiction over crimes committed by natural or legal persons is limited to those crimes committed after the entry into force of this Statute.

### **Article 13**

#### **Amendment of Statute**

1. This Statute may be amended by the agreement of two-thirds of the State parties to the Statute.
2. An amendment shall enter into force thirty days after it has been adopted.

### **Article 14**

#### **Termination of Statute**

This Statute may not be terminated by any State once it has become a Party to it, except by the agreement of two-thirds of the State parties.



# **UNIVERSAL DECLARATION ON THE COMMON GOOD OF MOTHER EARTH AND HUMANITY**

**A PROPOSAL**

April 2011



# Universal Declaration on the Common Good of Mother Earth and Humanity

## **Preamble**

1. *Considering* that Mother Earth and humanity are part of a vast evolving universe, sharing a common destiny, threatened by destruction as a result of the irresponsibility and recklessness of human beings, and that the Earth forms together with humanity a single entity, complex and sacred, as is evident when viewed from outer space, and that, moreover, the Earth is alive and functions as a single self-regulating system made up of physical, chemical, biological and human components that make it ideal for the production and reproduction of life, and that, for that reason, it is our great Mother and our common home;
2. *Taking into account* that Mother Earth is composed of all the ecosystems in which she has generated a magnificent multiplicity of life forms, all of them interdependent and complementary, making up the great community of life, and that there is a tie of kinship among all living things because they all

carry the same basic genetic code that underlies the sacred unity of life in its multiple forms, and that, therefore, humanity is part of the community of life and represents the birth of awareness and knowledge of the Earth itself, and thus in human beings, men and women, it is the Earth itself that talks, thinks, feels, loves, takes care and venerates;

3. *Considering* that all human beings, with their cultures, languages, traditions, religions, arts and visions of the world, make up one sole family of brothers and sisters with equal dignity and equal rights, and that Mother Earth has provided us with everything necessary for life, and that natural and human life depend on a healthy biosphere and sustainable ecosystems, in which waters, forests, animals and countless microorganisms are preserved, and that growing global warming threatens the vitality and integrity of the Earth system, and that serious devastation may occur affecting the well-being of millions of poor people who could die of hunger, thirst and different diseases before their time, and, moreover, that this global warming constitutes dangers which could place the survival of the entire human species at risk and cause massive violations of internationally protected human rights;
4. *Remembering* that our contract with nature—forgotten and marginalized—must be renewed and urgently linked to the social contract, which has evolved almost exclusively through anthropocentrism in our time and through strategies to appropriate and dominate nature and Mother Earth, where the prevailing means of production

in the last centuries, now globalized, have not met the basic needs of the world's peoples and have generated instead a profound gap between the rich and the poor;

5. *Considering* that awareness of the gravity of the situation of the Earth and humanity makes it imperative that there be changes of minds and hearts, as forcefully emphasized by the Earth Charter, and that a coalition of forces around common values and guiding principles be created soon to form and strengthen the ethical foundation and incentives for practices aimed at ensuring that all individuals, organizations, schools, businesses, transnational institutions and governments adopt a sustainable way of life.
6. *Noting that* the persons, institutions, the Earth Charter initiative, political leaders, non-governmental organizations, religions and churches that subscribe to this Declaration feel an urgency to proclaim the present Universal Declaration on the Common Good of Mother Earth and Humanity, whose ideals and criteria should guide peoples, nations and all citizens in their collective, community and personal practices and in their educational processes, in order to ensure that the Common Good is progressively recognized, respected, observed, assumed and universally promoted with a view to ensuring that each and every one of the inhabitants of this tiny blue-white planet, our common Home, lives well and responsibly;

The General Assembly, therefore, now proclaims this Universal Declaration on the Common Good of Mother Earth and Humanity as a common standard to guide the sacred relationship between all peoples and

nations and their natural environment, to the end that every individual and organ of society, keeping in mind this Declaration as well as other relevant provisions of international law, including international human rights law, shall strive by teaching and education to promote respect for the principles laid down in this Declaration and by progressive measures, national and international, to secure their universal and effective recognition and observance.

### **Article 1**

The supreme and universal common good, a condition for all other good, is the Earth itself. The Earth, as our Great Mother, shall be loved, cared for, regenerated and revered as we do our human mothers.

1. The common good of Mother Earth and humanity demands that we understand the Earth as alive and subject of dignity. No one shall try to appropriate it, turn it into a commodity or damage it systematically by any form of production. The Earth is the communal possession of all those who inhabit it, including future generations, and of all ecosystems.
2. The common good of Mother Earth and humanity demands the protection and restoration of the integrity of ecosystems. Special attention shall be devoted to biological diversity and all natural life-sustaining processes.
3. The common good of Mother Earth and humanity is strengthened when all beings are regarded and treated as interconnected and as having intrinsic value, regardless of their instrumental value to human beings.

## **Article 2**

To ensure the common good of Mother Earth and humanity, materials used in production and consumption shall be reduced, reused and recycled, while measures shall be taken to ensure that residual waste can be assimilated by ecological systems

1. The common good of Mother Earth and humanity is obtained by the sustainable use of renewable resources such as water, soil, forest products and marine life; by such use they will be replenished and guaranteed for current and future generations.
2. Non-renewable resources such as minerals and fossil fuels shall be managed in ways that minimize their depletion and cause no serious damage to the common good of Mother Earth and humanity.

## **Article 3**

Production and consumption patterns shall ensure the vitality and integrity of Mother Earth, social equity, solidarity with others and humanity's right and duty to live well and responsibly.

1. The common good of Mother Earth and humanity requires the sustainable utilization of available energies prioritizing renewable matrices and other alternative energy sources such as solar, wind, tides and agroenergy.
2. The common good of Mother Earth and humanity is increased when pollution of any part of the environment is reduced to the minimum thus preventing the adverse effects of global warming, and when there is effective reduction in the use of

radioactive, toxic and of other dangerous chemical substances.

3. Since the common good of Mother Earth and humanity is not compatible with the existence of nuclear, biological, and chemical weapons, or those made with depleted uranium or other radioactive materials, as well as other weapons of mass destruction, these shall be completely eliminated.

#### **Article 4**

The biosphere is part of the common good of Mother Earth and humanity and is a shared heritage of all forms of life, of which human beings are the custodians.

#### **Article 5**

Natural resources, such as air, soil, fertility, flora, fauna, genes, micro-organisms and representative samples of natural ecosystems and outer space are part of the common good of Mother Earth and humanity.

1. Water is part of the common good of the Earth and humanity because it is a natural, common, essential and irreplaceable resource for all living things, especially for humans. All humans are entitled to have access to it, regardless of the costs of its collection, reserve, purification and distribution, which shall be assumed by governments and society.
2. Oceans are part of the common good of Mother Earth and humanity. They constitute the great repositories of life, act as climate regulators and are the physical and chemical foundation of the Earth.

3. Forests are part of the common good of Mother Earth and humanity. They are home to the largest biodiversity on the planet and provide the moisture needed for the rainfall system, and they are the major absorbers of carbon dioxide.
4. The Earth's atmosphere and climate system are part of the common good of Mother Earth and humanity because they create the essential condition for the maintenance of life and should be treated globally and with shared responsibility.

### **Article 6**

Anthropogenic interference with the climate system shall be stopped and corrected through international cooperation. This cooperation shall be based on the principles of climate justice, equity, common but differentiated responsibilities and respective capabilities and other established principles of international law, including the provisions of this Declaration.

### **Article 7**

The diversity of foods, including the necessary genetics and biogenetics for its production, is part of the common good of Mother Earth and humanity. Speculation of any kind on the diversity of foods shall be prohibited.

### **Article 8**

The energies necessary for life, as well as health and education, the media, the Internet, postal services and public transport, are public goods of all humanity.

The medicines produced by private laboratories form part of the common good of humanity five years after their registration, and in emergency situations they shall become public goods immediately.

### **Article 9**

Oil and mining activities and agrofuels shall be subjected to governmental controls and social monitoring in view of their potentially harmful effects on the common good of Mother Earth and humanity.

### **Article 10**

Together with the Earth and the biosphere, humanity is itself the highest expression of the common good of Mother Earth and humanity. She constitutes more than the mere sum of individual human beings. As a species that is essentially social in nature, humanity comprises the sum of all types of relationships combined, including those established between persons, institutions, ethnic groups and cultures. It constitutes an error and illusion to separate humanity into different entities or heterogeneous categories due to their birthplace because, as human beings, we all share a common origin. By virtue of that we are all Africans, co-proprietors of the Earth, and assume a shared responsibility for her care and management.

1. Due to the fact that we are conscious of and share responsibility, history shows that human beings can be wise and demented, selfish and altruistic. Humanity can use technical and scientific knowledge to benefit the lives of all and the Earth, just as it can use it to build factories of death capable of threatening all humanity and the Earth to the

point of annihilation. Humanity is capable of love to the point of giving one's life, just as it is capable of hate to the point of taking life away. To nourish our potential to be wise and loving and to live in harmony with Mother Earth, we shall promote an awareness of a humanitarian ethic that loves and protects all forms of life above power and personal or collective advantage.

2. It is characteristic of Humanity to have a common objective and to imagine for itself a future of hope and to create conditions for achieving it in the short, medium and long term. By so doing humanity creates a common destiny, copiloting the biosphere for the continued life of all.
3. Humanity shall take responsibility for its demographic growth within the physical and geographical confines of a finite planet, knowing how to harmonize, with ethics and wisdom, the rights of persons and families with the collective interest of humanity.

### **Article 11**

Human beings, men and women, bearers of dignity, conscience, intelligence, love, solidarity and responsibility, constitute the great common good of Mother Earth and humanity.

1. The inherent dignity of all human beings and their intellectual, artistic, ethical and spiritual potential shall be affirmed.
2. The mission of human beings is to care for and protect Mother Earth and humanity as inheritances received from the universe.

3. Communities at all levels have an obligation to guarantee respect for human rights and fundamental freedoms, generating the conditions for each individual to realize his or her full potential and to contribute to the common good of Mother Earth and humanity.

## **Article 12**

All the knowledge, arts and techniques accumulated throughout history are part of the common good of Mother Earth and humanity.

1. The common good of Mother Earth and humanity requires the recognition and preservation of traditional knowledge and spiritual wisdom of all cultures that help to care for the Earth, developing humanity's potential and promoting the common good.
2. The common good of Mother Earth and humanity demands that we increase the transfer of financial, technical, social and intellectual resources to poor and vulnerable peoples so that they may attain a sustainable way of life and contribute to the common good.
3. The eradication of poverty is a humanitarian, ethical, social, environmental and spiritual imperative of Mother Earth and humanity.
4. Social and ecological justice shall be promoted simultaneously, as both serve the common good of Mother Earth and humanity.
5. Gender equity, the elimination of all forms of discrimination, the protection of boys and girls

against all violence, and social security for those who are unable to support themselves are part of the common good of Mother Earth and humanity.

### **Article 13**

All forms of government that support the inclusive participation of citizens in decision-making and promote unrestricted access to the justice system and care for the environment are exemplary parts of the common good of Mother Earth and humanity.

### **Article 14**

The common good of Mother Earth and humanity calls on us to safeguard nature and biosphere reserves, including wildlands and marine areas, to protect the Earth's life-support systems, to maintain seeds and biodiversity, to preserve our natural heritage, and to promote the recovery of endangered species and devastated ecosystems.

1. The introduction of non-native species shall be controlled rigorously, especially with respect to all genetically modified organisms, to ensure that they do not harm native species or the health of Mother Earth and humanity.
2. All measures shall be taken to ensure that the knowledge from various disciplines that are of vital importance to the common good of Mother Earth and humanity, including genetics and nanotechnology, are and remain available in the public domain.

3. The patenting of fundamental genetic resources for agriculture and food production is prohibited. Patented technical discoveries shall always preserve their social purpose.

### **Article 15**

The multiplicity of cultures, languages, peoples, monuments, arts, music, sciences, technical know-how, philosophies, popular wisdom, ethical traditions, spiritual pathways and religions is part of the common good of humanity and Mother Earth.

### **Article 16**

The virtue of hospitality by which we welcome and are welcomed by one another as inhabitants of the same common home, the Earth, is part of the common good of the living Earth and humanity.

### **Article 17**

The sociability and the peaceful coexistence of all human beings and natural beings are part of the common good of Mother Earth and humanity. As sons and daughters of Mother Earth, we share responsibility for our common destiny.

### **Article 18**

Tolerance, which welcomes differences as expressions of the richness of our common human nature and which does not allow such differences to be viewed as inequalities, is part of the common good of humanity.

## **Article 19**

The capacity for reconciliation by persons and peoples in the wake of violence and damages endured, which does not allow vengeance or hate to have the final say, forms the backdrop for the reconstruction of truth and justice and is part of the common good of humanity.

## **Article 20**

Commensality, the ancestral dream of all peoples of sitting down together around the table as brothers and sisters in the same family, eating and drinking happily of the bounty and generosity of Mother Earth, is part of the common good of humanity.

## **Article 21**

Compassion for all who suffer, in nature and in society, along with action to lighten their suffering, is part of the common good of humanity, as is a firm commitment to prevent any type of cruelty to animals.

## **Article 22**

The ethical principles of respect for all living beings, of caring for nature, and of universal responsibility for the preservation of biodiversity and for the continuity of the human planetary project, along with the principles of cooperation and solidarity of all with all, starting with those who are most in need, in order that all may partake of and be included in the same common house constitute part of the common good of Mother Earth and humanity.

### **Article 23**

The constant search for peace that flows from right relationships with one's self, of all beings with all other beings, and with nature, with life, with the national and international community, and with the larger Whole of which we all are a part, is part of the common good of Mother Earth and humanity.

### **Article 24**

The conviction that a loving energy underlies the entire universe, sustains all beings, and can be invoked, welcomed and revered is part of the common good of Mother Earth and humanity.

### **Article 25**

All these ideals and criteria of the common good of Mother Earth and humanity expand and reinforce the principles and values of the Earth Charter and of the human rights contained in the Universal Declaration of Human Rights proclaimed on 10 December 1948 by the United Nations General Assembly and of other instruments of international law which, directly or indirectly, serve to protect human rights and the natural environment. These instruments are now amplified and enriched by this Universal Declaration on the Common Good of Mother Earth and Humanity, which also engenders hope of achieving a bio-civilization in harmony with itself, filled with concern and care for Mother Earth, founded in the spirit of cooperation, of universal brotherhood and sisterhood and of unconditional love.



