

2.1.2 The United Nations

There are several ways in which world order may be achieved, each of which relies on the compliance of national governments in order to be successful. The United Nations (UN) is a global body/forum that seeks to work with national governments in order to achieve this end.

The United Nations (UN)

The United Nations (UN) was created at the conclusion of World War II, commencing operations from 24th October 1945. The UN is the single most important and powerful body in the world when it comes to the creation, development and maintenance of world order through international laws and agreements. It is very important to understand that the UN is a **forum** for discussion, dialogue and the creation of international agreements. However, without the active support of its member states, the UN is not an independent body. In late 2012 the UN has 193 member states. Timor Leste (2002), Montenegro (2006) and the Republic of South Sudan (2011) were the last three nations to join.

World In Order 6 The Role and Aims of the UN

The role and aims of the UN as articulated in Article 1 of its Charter include:

- Maintenance of international peace and security
- Development of friendly relations among nations
- Fostering of international cooperation in solving international problems relating to economic, social, cultural and humanitarian issues

It must do this whilst continually upholding the principles of:

- Sovereign equality of all States – Article 2(1)
- A prohibition on the use of force against the territorial integrity and political independence of another state – Article 2(4)
- The non-interference by the UN in matters essentially within the domestic jurisdiction of any state – Article 2(7)

The UN developed from what had been the League of Nations. All member states of the UN must abide by the UN Charter.

Adapted from: B. Clarke, International Relations, Lawbook Co, Australia, 2003, pp 48-49

Where the UN came from – The League of Nations

The League of Nations was formed in 1919 in order to avoid a recurrence of the possibility of another war like World War 1 (1914–18) which claimed millions of lives. In the first instance 42 nations signed as members. However the League was dominated by powerful, industrialised nations. The USA was a strong supporter of the idea of the League of Nations but never joined, thus contributing to the initial failure of the League.

When the Japanese and German governments undertook violent expansionism in the 1930s the League did not stop them. This was partly due to the self-interest of member States and also because the Covenant of the League had no explicit prohibition on war. It also had no collective means to prevent member States from engaging in war and, further, its provisions were not binding on member States. Thus the League took no firm steps that could have prevented the outbreak of World War II.

In March 1933 Japan pulled out of the League when the League refused to recognise Japanese rule in Manchuria (China) that it had taken by force. In October 1933 Germany left the League of Nations following a call for it to disarm. Italy pulled out in December 1937 following condemnation over its invasion of East Africa. By this time the League was effectively nullified.

The United Nations (UN) now

The United Nations may be considered as a very significant global forum with numerous organisations and activities. It takes a significant role in helping nations to manage international matters ranging from alleviating poverty, encouraging national development and protecting the environment, through to encouraging international agreements on global trade, maritime and shipping, labour standards, education, justice and a host of other areas.

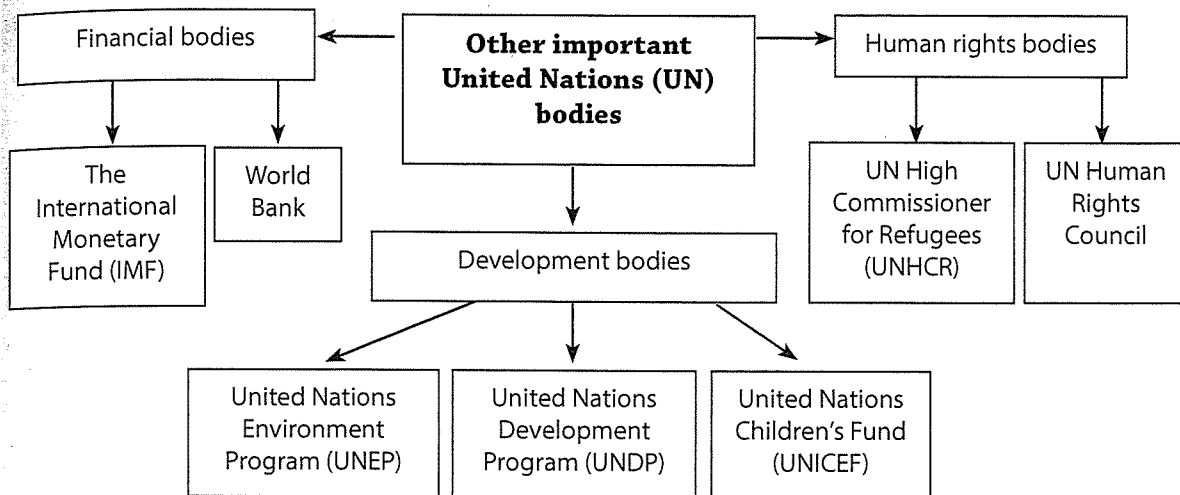
The UN has head offices in Geneva, Switzerland and in New York, USA. The significant treaty-making body is the General Assembly. The UN Security Council has a particular mandate to make resolution with respect to peace and security and authorising actions in regards to upholding peace and security. This includes having the authority to enter nations and to send in peacekeepers and also peace enforcers.

The International Court of Justice (ICJ) is the body that hears disputes between nations that have not been resolved between the nations themselves. The ICJ cannot hear matters between individuals against their nation state. Further, it is possible for countries to avoid the court by not recognising its jurisdiction to hear matters relating to conflicts in international law. In this way, State sovereignty prevails even though the dispute may not be resolved to the satisfaction of the nations involved.

The UN also has numerous administrative bodies, some of which are listed and briefly described in World In Order 7.

Decision-making and treaty-making bodies of the UN		
<p>General Assembly</p> <ul style="list-style-type: none"> ■ Established in 1945 under the Charter of the United Nations ■ The General Assembly is the main deliberative, policymaking and representative organ of the United Nations ■ It is a forum for multilateral discussion of international issues covered by the Charter. ■ Has 193 member States as of August 2012 ■ Each State has one vote, but note those on the UN Security Council have a second vote ■ Used for debate and discussion on UN Resolutions 	<p>Security Council</p> <ul style="list-style-type: none"> ■ Responsible for the maintenance of international peace and security. It can investigate disputes between nations and make recommendations as to how the dispute can be settled ■ It can determine the existence of a threat to the peace or act of aggression and can recommend what action should be taken ■ It can authorise the imposition of economic or other sanctions, or the use of military force, against an aggressor ■ 15 member states: 5 of these are permanent members (China, France, UK, Russia and USA). The permanent members can veto any resolution by the Council. 10 other member states on a 2-year rotation ■ Its decisions are binding on member States 	<p>International Court of Justice (ICJ)</p> <ul style="list-style-type: none"> ■ Located in The Hague, Netherlands ■ Replaced the Permanent Court of International Justice in 1946 ■ Determines the outcomes of international legal disputes ■ Provides legal advice on international legal matters (advisory opinions) ■ Does not follow a system of precedent ■ Has 15 judges on 9 year terms, with elections of one third every 3 years ■ Decisions made by the Court are not binding and cannot be enforced, as state sovereignty allows member states the right not to participate
United Nations		
Administrative bodies of the UN		
<p>Economic and Social Council (ECOSOC)</p> <ul style="list-style-type: none"> ■ Coordinates the work of the 14 UN Specialist agencies ■ Promotes higher living standards, full employment, economic and social progress ■ Identifies solutions to international economic, social and health problems ■ Encourages international cultural and educational cooperation 	<p>Secretariat</p> <ul style="list-style-type: none"> ■ Administers the programs and policies of the UN ■ The Secretary General of the UN is the head of the Secretariat ■ The duties carried out by the Secretariat include administering peacekeeping operations, mediating international disputes, surveying economic and social trends and problems and preparing studies on human rights and sustainable development. ■ It informs the media about the work of the United Nations. 	<p>Trusteeship Council</p> <ul style="list-style-type: none"> ■ No longer functional as its aims have been achieved, the Trusteeship Council was set up to supervise the administration of Trust Territories while they achieved self-governance or full independence. ■ It ran from 1948 until 1994

Figure 4 An overview of the UN and its various administrative and decision making bodies

World in Order 7 Other important UN bodies

The IMF and the World Bank are institutions in the UN system. They share the same goal of raising living standards in their member countries. Their approaches to this goal are complementary, with the IMF focusing on macroeconomic issues and the World Bank concentrating on long-term economic development and poverty reduction.

The International Monetary Fund (IMF)

The IMF promotes international monetary cooperation and provides policy advice and technical assistance to help countries build and maintain strong economies. The Fund also makes loans.

The World Bank

The World Bank promotes long-term economic development and poverty reduction by providing technical and financial support to help countries reform particular sectors or implement specific projects – for example, building schools and health centres, providing water and electricity, fighting disease and protecting the environment. World Bank assistance is generally long term.

United Nations Environment Program (UNEP)

To provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.

United Nations Development Program (UNDP)

Since 1966, the United Nations Development Programme (UNDP) has been partnering with people at all levels of society to help build nations. UNDP works in four main areas: poverty reduction and achieving the Millennium Development Goals (MDGs); democratic governance; crisis prevention and recovery; environment and sustainable development.

High Commissioner for Refugees (UNHCR)

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees.

Human Rights Council (UNHRC)

The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe.

Sources: <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=43>, <http://www.un.org/en/peace/index.shtml>, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx> and Factsheet - The IMF and the World Bank <http://www.imf.org/external/np/exr/facts/imfwb.htm>

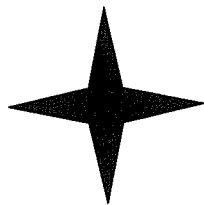
The United Nations (UN) and Individuals

Note that the United Nations (UN) represents the nation states. Thus, individuals do not have standing in UN legal processes. The International Court of Justice (ICJ) which hears matters pertaining to conflicts in international law, will address nation-to-nation concerns but has no capacity to hear individual-to-nation concerns. This means that if a person within a nation state believes that the state is breaching their rights then they cannot bring proceedings under ICJ processes. Individuals have no *locus standi*.

Aside from these concerns from an individual perspective, the resources available to an individual in taking on a nation State would be vastly disproportionate. This means that the state has a far greater access to resources to limit the expression of rights than an individual has to claim their entitlement to the expression of their individual rights. In this way there is very little that individuals can do under present international legal structures to be protected from the nation state that abuses its power.

The United Nations (UN), peace-enforcement and peacekeeping

The United Nations is the organisation with the greatest capacity to ensure world peace. In 1950, Chapter VII of the UN Charter was passed. It gave the UN the ability to deploy peace-enforcers. The Charter gives the UN Security Council the power to maintain global peace and security. Since 1948 there have been 66 peacekeeping operations (PKOs): the 63rd operation is in the Darfur region of Sudan, the 64th in Timor Leste, the 65th also in Darfur and the 66th in Central Africa (Chad).



Peace-enforcement means that force can be used without the consent of the State against whom it is being used. This is the term used in the UN Charter.

Peacekeeping means that force can only be used in self-defence and it must have the consent of the State within which it is being used.

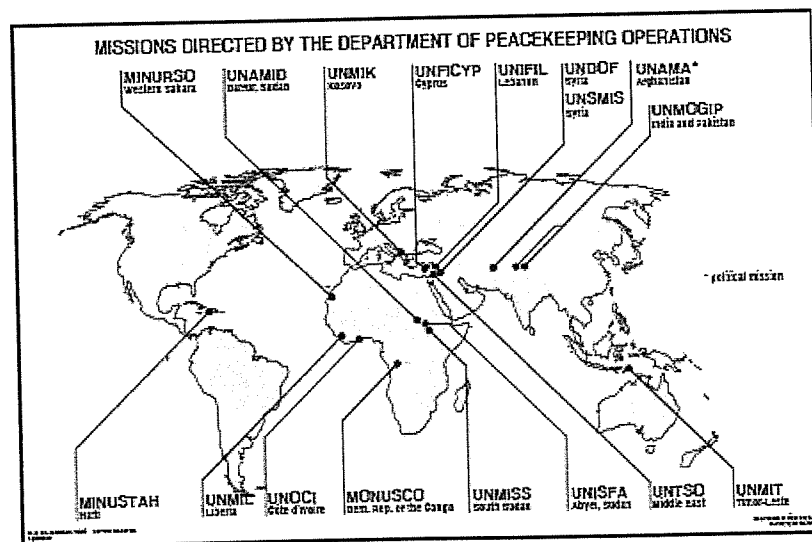


Figure 5 A world map showing UN peacekeeping operations as at August 2012 – from www.un.org

Figure 5 shows the regions where there are currently 16 UN operations taking place. There are about 118,100 peacekeepers from 120 nations conducting UN peacekeeping operations (August 2012). Their roles are to restore law and order, ensure security and maintain stability. Peacekeepers (called 'Blue Helmets') are identifiable by the colour of their helmets. They have a right to protect themselves from attack and those they are authorised to protect. Table 2 indicates the specific countries where peacekeepers are situated.

Continent	Specific Country or Countries
Africa	<ul style="list-style-type: none"> ■ Abeyi, Sudan (UNISFA – Est 2011) ■ South Sudan (UNMISS – Est 2011) ■ Cote d'Ivoire (UNOCI – Est 2004) ■ Liberia (UNMIL – Est 2003) ■ Democratic Republic of Congo (MONUSCO – Est 2010) ■ Western Sahara (MINURSO – Est 1991) ■ Darfur (UNAMID – Est 2007)
Middle East	<ul style="list-style-type: none"> ■ Middle East – Israel/Palestine (UNTSO) ■ Lebanon (UNIFIL – Est 1978) ■ Syria (UNSMIS – Est 2012) ■ Syria (UNDOF – Est 1974)
Asia	<ul style="list-style-type: none"> ■ Timor Leste (UNMIT – Est 2006) ■ India/Pakistan – Kashmir (UNMOGIP – Est 1949) ■ Afghanistan (UNAMA – Est 2006 – political mission only – no peacekeepers)
Europe	<ul style="list-style-type: none"> ■ Cyprus – Greece/Turkey (UNFICYP – Est 1964) ■ Kosovo (UNMIK – Est 1999)
Americas	<ul style="list-style-type: none"> ■ Haiti (MINUSTAH – Est 2004)

Table 2 A summary of the nations in which UN peacekeepers have operations

World in Order 8 – The UN and peace

The United Nations takes on several roles with respect to encouraging peace and helping to diffuse situations where there is conflict. The main focus is on prevention, but when prevention has failed to avoid a conflict from occurring then the UN can take on different roles. Thus, the range of activities includes:

Conflict prevention: preventative diplomacy and preventative disarmament.

Peacemaking: Use of diplomacy and negotiation of resolve conflict with peace.

Peacekeeping: deployment of troops to maintain and ensure peace between conflicting parties.

Peace enforcement*: Use of sanctions and military actions in order to restore peace and security in conflict situations where the parties are unwilling or unable to stop the conflict.

Peace building: Actions taken to prevent the resurgence of conflict.

* An example occurred in 2004 when the Security Council voted 11 in favour and 4 abstaining for sanctions against Sudan for the government support of the militia who displaced up to 1 million people. After 7 years of peace enforcement the South seceded from the North, turning Sudan into two nations: Sudan in the North and South Sudan, a brand new nation, to the South.

The UN Security Council and Chapter VII Resolutions

The decision-making arm of the United Nations when it comes to intervening in a situation of conflict is the UN Security Council. In order to send in either an armed force or an unarmed peacekeeping force the UN Security Council must agree on a resolution to do so. However, each of the permanent members of the UN Security Council has the power to veto any such resolution.

Veto powers: the capacity of any of the five permanent members of the UN Security Council to vote against a resolution by the Council. The 5 permanent members of the Security Council are USA, Britain, France, China and Russia. The exercise of the veto power means that a resolution cannot be passed by the Security Council. Thus the 5 permanent members have enormous power in the UN.

Chapter VII: Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (selected articles)

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 51

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

World in Wonder 6 – Did you know...?

The UN General Assembly can pass resolutions that are generally non-binding. However, if the UN Security Council fails to act then it is possible for the General Assembly to pass a binding resolution in a situation where international peace and security are under threat. The General Assembly has only ever once passed a binding resolution: UNGA Resolution 377A (V). The following was held in Section A of that Resolution: ***“where the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security, the General Assembly shall seize itself of the matter”*** (Tomuschat, 2009). Nevertheless, the issue of whether the General Assembly can pass binding resolutions is strongly debated in international law.

Review Questions – The United Nations (UN)

1. What is the United Nations (UN)?
2. Describe the purpose of the United Nations (UN).
3. Explain how the United Nations is best thought of a forum or series of fora.
4. How many member states does the UN have?
5. Explain the role and the aims of the UN.
6. Trace the development of the UN from 1919–1945.
7. With reference to Figure 4, list THREE (3) UN administrative bodies and THREE (3) UN decision-making bodies.
8. Distinguish between administrative and decision-making bodies of the UN.
9. Detail the importance of the UN General Assembly.
10. Examine the importance of the UN Security Council.
11. Define the role and the scope of the International Court of Justice (ICJ).
12. Identify from World In Order 6, SIX (6) other important UN bodies.
13. Do individuals have standing in the ICJ? Explain.
14. Discuss the role of the UN with respect to peacekeeping.
15. Distinguish between peace-enforcement and peacekeeping.
16. Summarise the present UN peacekeeping operations (PKOs).
17. Outline FIVE (5) different activities that the UN can undertake to encourage, maintain and build peace.
18. What is a Chapter VII Resolution?
19. Discuss the notion of 'veto' powers.
20. Examine the role of the UN Security Council in making Chapter VII Resolutions.
21. Can the UN General Assembly ever pass Resolutions?