

International Organizations and Global Security

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Subjects of International Law

- Subjects and Objects of Law
- Persons or entities to whom law attributes rights and duties are the subjects of law
- The term subject of I.L. refers to entities endowed with legal personality, capable of exercising certain rights & duties under Int. legal system.
- Legal Personality & Recognition of Legal Personality-
- The possession of International personality means - an entity is a subject of I.L., and is “capable of possessing international rights and duties, and has the capacity to maintain its rights by bringing International claims”

Which Entities have Legal Personality ? Or Theories

- Definitions of International Law: Traditional Vs. Modern:
- Traditional Definition - States alone are the subjects of I.L.
- Modern definitions – International Law not only regulates the relations between states but also International organizations, individuals non – state entities to certain extent.
- Realist Theory – States alone are the subjects of I.L.- Traditional definitions
- Fiction Theory- Individuals alone are the subjects of I.L. or Supports of Monism
- Functional Theory – jurists like J.G.Starke, oppenheim , Brownlie

Int. Orgs. as Subject of I.L

- International organization is an organization with an International membership, scope, or presence.
- An International organization is “a body that promotes voluntary cooperation and coordination between or among its members.
- L. Tunkin “ Int. org. as an association of states established on the basis of treaty in accordance with I.L. in order to achieve specific objectives”- (1)Association of states-IGOs and INGOs (2)setup by treaty, (3) established for specific purposes,(4) possess int. personality and (5) created in accordance with I.L.
- Kinds of Int. Orgs- Intended duration-Ad hoc, Provisional and permanent
- Nature of their powers-Legislative, Administrative, Judicial etc.,
- Character of their objectives-single or multipurpose
- Geographical- Global, Regional & sub regional

Supporting Cases

- Reparation for injuries suffered in the service of UN of 1949-
- (1) the court was asked to determine the capacity of UN, as an organ, to bring an international claim for compensation against a state
- (2) the Court said "UN is Int. person & it is subject of I.L. and capable of possessing rights and duties and can bring int. claims.
- The above was reaffirmed by the ICJ in 1980 Interpretation of Agreement of 25th March 1951 between WHO and Egypt, the court said "Int. orgns. Are subject of I.L. and they are bound by any obligation incumbent upon them under general rules of I.L, under their constitutions or under int. agreements to which they are parties.
- 1. UN (immunities & privileges) Act 1947 to give effect to the Convention on the Privileges & Immunities of UN 1946
- UK made legislation to implement the 1994 convention on the safety of UN & Associated Personnel . In 1997 UK made legislation making crime under the above treaty is a crime under England.
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History of Int. Organizations

- The first and oldest intergovernmental organization is the Central Commission for Navigation on the Rhine, created in 1815 by the Congress of Vienna.
- The Congress of Vienna was convened in 1815 by the four European powers which had defeated Napoleon. The first goal was to establish a new balance of power in Europe which would prevent imperialism within Europe, such as the Napoleonic empire, and maintain the peace between the great powers. The second goal was to prevent political revolutions, such as the French Revolution, and maintain the status quo
- No fewer than 30 intergovernmental organizations were founded between 1864 and 1914. International institutions such as the International Telegraph Union (1865), the Universal Postal Union (1874), and the International Office of Public Health (1907) developed common technological standards and fostered economic globalization.

History Cont..

- The Permanent Court of Arbitration (1899) promised to resolve international conflicts based on law rather than coercive power, and the first international peace conference took place in The Hague in the same year. In this era of liberal triumph, international institutions represented the dawn of a new age: free trade, international peace, and liberal internationalism.
- Paris Peace Conference, (1919–20), the meeting that inaugurated the international settlement after World War I.
- The Paris Peace Conference was an international meeting convened in January 1919 at Versailles just outside Paris. The purpose of the meeting was to establish the terms of the peace after World War. Though nearly thirty nations participated, the representatives of Great Britain, France, the United States, and Italy became known as the "Big Four." The "Big Four" would dominate the proceedings that led to the formulation of the Treaty of Versailles, a treaty that articulated the compromises reached at the conference.

League of Nations

- The Treaty of Versailles included a plan to form a League of Nations that would serve as an international forum and an international collective security arrangement. U.S. President Woodrow Wilson was a strong advocate of the League as he believed it would prevent future wars
- The League of Nations was established in 1920
- The League of Nations was an international organization, headquartered in Geneva, Switzerland, created after the First World War to provide a forum for resolving international disputes.
- Though first proposed by President Woodrow Wilson as part of his Fourteen Points plan for an equitable peace in Europe, the United States never became a member.
- Wilson's Idea was countries could never start a World War again and solving problems through negotiations It would be an organisation which would try to promote peace in the world and hoped that stop countries from making secret treaties or agreements. The League also wanted to help to solve some of the World's problems: e.g. Poverty, Drugs etc.

League of Nations

- The League's goals included disarmament, preventing war through collective security, settling disputes between countries through negotiation, diplomacy and improving global welfare.
- The diplomatic philosophy behind the League represented a fundamental shift in thought from the preceding hundred years.
- The League lacked an armed force of its own and so depended on the Great Powers to enforce its resolutions, keep to economic sanctions which the League ordered, or provide an army, when needed, for the League to use. However, they were often very reluctant to do so.
- Benito Mussolini stated that "The League is very well when sparrows shout, but no good at all when eagles fall out."

Structure

- The League had three principal organs: a secretariat (headed by the General Secretary and based in Geneva), a Council, and an Assembly. The League also had numerous Agencies and Commissions. Authorization for any action required both a unanimous vote by the Council and a majority vote in the Assembly.
- Other bodies: The League oversaw the Permanent Court of International Justice and several other agencies and commissions created to deal with pressing international problems. These were the Disarmament Commission, the Health Organization, the International Labor Organization, the Mandates Commission, the Permanent Central Opium Board, the Commission for Refugees, and the Slavery Commission. While the League itself is generally branded a failure, several of its Agencies and Commissions had successes within their respective mandates.
- The League of Nations had 42 founding members excluding United States of America, 16 of them left or withdrew from the international organization.

League of Nations and Mandates

- League of Nations Mandates were established under Article 22 of the Covenant of the League of Nations. These territories were former colonies of the German Empire and the Ottoman Empire that were placed under the supervision of the League following World War I. There were three Mandate classifications:
- "A" Mandate : This was a territory which "had reached a stage of development where their existence as independent nations can be provisionally recognized.
- "B" Mandate : This was a territory which "was at such a stage that the Mandatory must be responsible for the administration of the territory and maintenance of public order and morals, Prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic
- "C" Mandate: This was a territory "which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory."

Failures of the League

- The League is generally considered to have failed in its mission to achieve disarmament, prevent war, settle disputes through diplomacy, and improve global welfare.
- The League did not include the USA or Russia, Two of the World's major powers. In 1923 France occupied the Ruhr (German land), but the League failed to condemn this act. In 1931 Japan invaded Manchuria (part of China). The League failed to persuade Japan to withdraw its troops and Japan then left the League in 1933. In 1935 Italy invaded Abyssinia (now Ethiopia) in defiance of the League's economic sanctions but the League failed to act
- These failures were often the result of the League being a large institution of competing interests. It often took far too long to come to decisions, and many countries, especially during the Depression, focused on their own problems and were unwilling to become involved in the problems of other countries. In addition, the more powerful countries were indifferent to the institution and did not feel threatened by it.

Failures of the League Cont..

- The League did not succeed in the long term. The outbreak of World War II was the immediate cause of the League's demise, but there outbreak of the war exposed a variety of other, more fundamental, flaws.
- The League, like the modern United Nations, lacked an armed force of its own and depended on the Great Powers to enforce its resolutions, which they were very reluctant to do. Economic sanctions, which were the most severe measure the League could implement short of military action, were difficult to enforce and had no great impact on the target country, because they could simply trade with those outside the League
- On June 23, 1936, in the wake of the collapse of League efforts to restrain Italy's war of conquest against Abyssinia, British Prime Minister Stanley Baldwin told the House of Commons that collective security "failed ultimately because of the reluctance of nearly all the nations in Europe to proceed to what I might call military sanctions

World Disarmament Conference

- The **Conference** for the Reduction and Limitation of Armaments of 1932–1934 (also known as the World **Disarmament Conference** or the Geneva **Disarmament Conference**) was a failed effort by member states of the League of Nations, together with the United States, to accomplish **disarmament**.
- To aid the process of **disarmament** the League of Nations held a **disarmament conference** in Geneva, Switzerland. The **Disarmament Conference** sought to reduce a nations stockpiles of offensive weapons and ensure the independence of many countries.
- On October 23, 1933, **Germany** announced its withdrawal from both the **Disarmament Conference** and the League of Nations, ostensibly in response to the Western powers' refusal to meet its demand for equality.

Success of the League

- The Aaland Islands (1921) – Dispute between Sweden and Finland.
- Upper Silesia (1921) – Dispute over being part of Germany or Poland.
- Memel (1923) – Dispute over area called Memel that was mostly made up of Lithuanians.
- Turkey (1923) - The League failed to stop a bloody war in Turkey (see League failures) but it did respond to the humanitarian crisis caused by this war.
- Greece and Bulgaria (1925) – dispute over the death of a Greek Soldier and Greece invaded Bulgaria.
- **Other successes:** The League also worked to combat the international trade in opium and sexual slavery and helped alleviate the plight of refugees, particularly in Turkey in the period to 1926. One of its innovations in this area was its 1922 introduction of the Nansen passport, which was the first internationally recognized identity card for stateless refugees. Many of the League's successes were accomplished by its various Agencies and Commissions.

History and Establishment the of UN

- The UN was founded as a successor to the League of Nations, which was widely considered to have been ineffective in its role as an international governing body, as it had been unable to prevent World War II.
- The term "United Nations" was first used by Winston Churchill and Franklin D. Roosevelt, in the 1942 Declaration by United Nations, which united the Allied countries of WWII under the Atlantic Charter, and soon became a term widely used to refer to them. Declarations signed at wartime Allied conferences in 1943 espoused the idea of the UN, and in 1944, representatives of the major Allied powers met to elaborate on the plans at the Dumbarton Oaks Conference. Those and later talks outlined the organization's proposed purposes, membership, organs, and ideals in regards to peace, security, and cooperation.
- On 25 April 1945, the UN Conference on International Organization began in San Francisco, attended by 50 governments and a number of non-governmental organizations involved in drafting the Charter of the United Nations. The UN officially came into existence on 24 October 1945 upon ratification of the Charter by the five permanent members of the Security Council — France, the Republic of China, the Soviet Union, the United Kingdom and the United States — and by a majority of the other 46 signatories.

History Cont...

- ATLANTIC CHARTER (August 14, 1941)

President Roosevelt and Prime Minister Churchill were in conference “somewhere at sea”—the same seas on which the desperate Battle of the Atlantic was being fought—and on August 14 the two leaders issued a joint declaration destined to be known in history as the Atlantic Charter.

In this charter, they undertook to make joint efforts to end Nazism and expressed their faith in the principles of equality of nations, and prohibition of acquiring territories through conquest.

- **The United Nations Declaration: (January 1, 1942)**
- On New Year’s Day 1942, President Roosevelt, Prime Minister Churchill, Maxim Litvinov, of the USSR, and T. V. Soong, of China, signed a short document which later came to be known as the United Nations Declaration and the next day the representatives of twenty-two other nations added their signatures.
- In this declaration states pledged to render cooperation to each other and they would not enter in to any agreement separately with enemy.

History Cont...

- Moscow Declaration (October 30, 1943)
- On October 30, 1943, the representatives of Britain, American, Russia and China assembled at Moscow and signed a Declaration Known as “Moscow Declaration”. They undertook to take joint action against enemy. They emphasized the urgent need of the establishment of World Organization based on principle of equality of nations and to maintain international peace and security.
- Tehran Conference (December 1, 1943): The next important event was holding of Tehran Conference wherein Churchill, Roosevelt and Stalin signed a declaration which further emphasized the urgent need of establishment of an International Organization which should be capable of maintaining international peace and security.
- Dumbarton Oaks and Yalta: This conference took place in two phases.
- In first phase the representatives of Russia, Britain and America took part in this conference. In the second phase, China, Britain and America took part in this conference. In this conference all the matters relating to the composition, functions, principals, organs of the proposed.

History Cont...

- After prolonged discussions, there was agreement on a number of points and these were refereed as “Dumbarton Oaks Proposals”. It was agreed that the primary function of the organization would be to maintain international peace and security. The organization was to be based on sovereign equality of all peace loving states.
- YALTA CONFERENCE (FEBRUARY 11, 1945)
- In this conference besides the foreign Ministers and military heads of Britain, America and Russia, Churchill and Roosevelt also participated. This conference gave final shape to the proposed world organization. Certain matters which were left unsettled in Dumbarton Oaks conference were resolved in this conference.
- San Francisco Conference (June 25, 1945): In this conference, the U.N Charter was voted and was ultimately unanimously adopted. It was provided that the charter would come in to force only when it is signed and ratified by majority of states. This requirement was completed on October 24, 1945 and charter of U.N came in to force from that date. This conference was attended by 51 states who became the original members of U.N

Structure of UN

- The United Nations (UN) is an international organization whose stated aims are to facilitate cooperation in international law, international security, economic development, social progress, human rights, and achieving world peace. The UN was founded in 1945 after World War II to replace the League of Nations, to stop wars between countries and to provide a platform for dialogue.
- There are currently 193 member states, including nearly every recognized independent state in the world. The organization is divided into administrative bodies, primarily:
 - The General Assembly (the main deliberative assembly);
 - The Security Council (decides certain resolutions for peace and security);
 - The Economic and Social Council (assists in promoting international economic and social cooperation and development);
 - Trusteeship Council
 - The Secretariat (provides studies, information, and facilities needed by the UN);
 - The International Court of Justice (the primary judicial organ).

U.N CHARTER:PREAMBLE:

The Charter is the constituting instrument of the United Nations, setting out the rights and obligations of Member States, and establishing the Organization's organs and procedures.

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war,
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

AND FOR THESE ENDS

- to practice tolerance and live together in peace with one another as good neighbours, and
- to unite our strength to maintain international peace and security, and
- to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
- to employ international machinery for the promotion of the economic and social advancement of all peoples,

It consists of 19 Chapters and 111 articles

LEGAL CHARACTER & PURPOSES OF UNITED NATIONS

- Article 104 of the Charter, the organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its function and the fulfillment of its purpose.
- Article 105 provides that the organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfillment of its purposes.

Article 1 of the Charter:

- to maintain international peace and security;
- to develop friendly relations among nations;
- to cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms;
- to be a centre for harmonizing the actions of nations in attaining these ends. “the purpose of United Nation is world peace”.

Principles of UN

Article 2 of the Charter:

1. The principle of Sovereign Equality of all members.
2. All members, in order to ensure to all of them, the rights and benefits resulting from the membership, shall fulfill in good faith the obligations assumed by them in accordance with the present charter.
3. Peaceful Settlement of International Disputes.
4. Principle of non-intervention.
5. The next principle is that all members shall give the United Nations every assistance in common 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.
6. The organization shall ensure that states which are not members of U.N act in accordance with these principles so far as may be necessary, for the maintenance of international peace and security.
7. Non- Intervention in domestic matters of state.

MEMBERSHIP

Article 4 of U.N Charter provides for the membership:

{In 1945 - 51 Members and present 193}.

Two types of Members:

- (i) Original Members and (ii) States which may be admitted to the U.N in accordance with provisions of article 4 of the charter.

As regards to the admission of the members to United Nations, states may be and by the election of General Assembly by admitted to U.N on the affirmative recommendations of Security Council and by the election of General Assembly by 2/3 rd majority.

- Article 4 provides 5 requirements to become member of United Nations:

- (i) It must be a state
- (ii) it must be peace loving
- (iii) It must accept the obligations of the charter
- (iv) It must be willing to carry out these obligations
- (v) It must be able to carry out these obligations.

As regards membership, I.C.J declared on March 5, 1950 that “it was necessary to have affirmative recommendation of S.C and G.A both before a member could be admitted in the organisation”.

Suspension and Expulsion of Member from U.N

- Article 5 of the charter provides for Suspension where a member can be suspended from the exercise of the rights and privileges of membership by G.A upon recommendation of S.C.
- Article 6 provides for Expulsion of a member which had persistently violated the principles contained in the charter by G.A on recommendation of S.C.
- A decision on it will require nine affirmative votes of S.C including those of the permanent members and a decision by G.A to two-thirds majority.

Organs of UN

Structure

- Six but now five principal organs of the United Nations, are the: General Assembly, Security Council, Economic and Social Council, International Court of Justice and Secretariat. The United Nations family, however, is much larger, encompassing 15 agencies and several programmes and bodies.

General Assembly :

- the General Assembly occupies a central position as the chief deliberative, policy-making and representative organ of the United Nations. Comprising all 193 Members of the United Nations, it provides a forum for multilateral discussion of the full spectrum of international issues covered by the Charter.
- It also plays a significant role in the process of standard-setting and the codification of international law. The Assembly meets in regular session intensively from September to December each year, and thereafter as required.

GA Cont..

- According to the Charter of the United Nations, the General Assembly may:
- Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament;
- Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it;
- Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations;
- Initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms and international collaboration in the economic, social, humanitarian, cultural, educational and health fields.

VOTING: Each Member State in the Assembly has one vote. Votes taken on designated important issues, such as recommendations on peace and security and the election of Security Council members, require a two-thirds majority of Member States, but other questions are decided by simple majority.

Security Council

- The Security Council is the primary instrument for establishing and maintaining international peace. Its main purpose is to prevent war by settling disputes between nations. Under the charter, the council is permitted to dispatch a UN force to stop aggression. All member nations undertake to make available armed forces, assistance, and facilities to maintain international peace and security.
- The Security Council has 15 members. There are five permanent members: the United States, the Russian Federation, Britain, France, and China; and ten temporary members elected by the General Assembly for two-year terms, from five different regions of the world.
- Voting on procedural matters requires a nine-vote majority to carry. However, on questions of substance, the vote of each of the five permanent members is required. As of Jan. 2007, the ten elected nonpermanent members were Belgium, Republic of the Congo, Ghana, Indonesia, Italy, Panama, Peru, Qatar, Slovakia, and South Africa. In Jan. 2008 the terms of Republic of the Congo, Ghana, Peru, Qatar, and Slovakia will expire.

Security Council Cont..

- Under the Charter, the functions and powers of the Security Council are:
- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction;
- to recommend methods of adjusting such disputes or the terms of settlement;
- to formulate plans for the establishment of a system to regulate armaments;
- to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- to take military action against an aggressor;
- to recommend the admission of new Members;
- to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice

Veto Power

- Under Article 27 of the UN Charter, Security Council decisions on all substantive matters require the affirmative votes of nine members including concurring votes of 5 permanent members.
- A negative vote, or veto, by a permanent member prevents adoption of a proposal, even if it has received the required number of affirmative votes. Abstention is not regarded as a veto despite the wording of the Charter.
- Since the Security Council's inception, China has used its veto 6 times; France 18 times; Russia/USSR 122 times; the United Kingdom 32 times; and the United States 81 times. The majority of Russian/Soviet vetoes were in the first ten years of the Council's existence. Since 1984, China has vetoed three resolutions; France three; Russia/USSR four; the United Kingdom ten; and the United States 43.
- Procedural matters are not subject to a veto, so the veto cannot be used to avoid discussion of an issue. Veto and its Effect on the Efficiency of Security Council: Impaired the efficiency of Security council. In important matters, it is not able to perform its functions because of exercise of veto power. The responsibility of U.N as a whole does not come to an end and G.A can then take necessary action in the matter.
- The “right to veto” must be exercised reasonably, honestly in conformity with spirit of law with due regards to the interests of others

Economic and Social Council

- **It** was established under the United Nations Charter as the principal organ to coordinate economic, social, and related work of the 14 UN specialized agencies, functional commissions and five regional commissions.
- ECOSOC consists of 54 members which are elected by G.A, one-third of its members are elected each year by the G.A for a term of 3 years. Each member of ECOSOC is entitled to have only one representative in the council. At present India is one of the members of the council.
- The current president of ECOSOC is Leo Merore, of Haiti. The president is elected for a one-year term and chosen amongst the small or middle powers represented on ECOSOC.
- ECOSOC serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to Member States and the United Nations system. It is responsible for:

Cont..

- promoting higher standards of living, full employment, and economic and social progress;
- identifying solutions to international economic, social and health problems;
- facilitating international cultural and educational cooperation; and
- encouraging universal respect for human rights and fundamental freedoms.
- It is the duty of the U.N to encourage the achievement of International cooperation in solution of social, economical, educational, cultural and problems relating to health.

A new function of the Economic and Social Council is the Annual Ministerial Review (AMR). This was the result of the 2005 World Summit attended by Heads of State and Government.

Through this review, the ECOSOC will assess progress made towards the Millennium Development Goals, and also the implementation of the other goals and targets agreed at the major UN conferences and summits over the past 15 years.

International Court of Justice

- The International Court of Justice is the UN's principal judicial organ. Based in The Hague, Netherlands, the Court pursues two primary objectives: (1) settling legal disputes submitted by states in accordance with international law, and (2) advising on legal questions brought by authorized international organs and agencies.

The Court consists of 15 judges elected to 9-year terms by the United Nations General Assembly and the Security Council during independent sittings.

- No more than one judge of any nationality may serve simultaneously, and judges are in all respects required to act as independent magistrates. The Court's jurisdiction and competency in settling disputes is dependent upon a state's acceptance of its jurisdiction thereof.
- The Court rules in accordance with international treaties, conventions, international custom, general principles of law, and, when relevant, judicial decision or teachings of the “most highly qualified publicists.”
- Article 59 of Statute of ICJ the decisions of the court shall not have a binding force except upon the parties to a dispute, and only in respect of a particular dispute between them.

The Secretariat

- The Secretariat is headed by the Secretary-General and such other staff as organisation may require., who acts as leader of the UN. The current Secretary-General is Ban Ki-moon, who took over from Kofi Annan in 2007 and will be eligible for reappointment when his first term expires in 2011.
- Envisioned by Franklin D. Roosevelt as a "world moderator", the position is defined in the UN Charter as the organization's "chief administrative officer" in all meetings of the G.A, ECOSOC and performs such other functions as are entrusted to it.

The Charter also states that the Secretary-General can bring to the Security Council's attention "any matter which in his opinion may threaten the maintenance of international peace and security", giving the position greater scope for action on the world stage.

- The position has evolved into a dual role of an administrator of the UN organization, and a diplomat and mediator addressing disputes between member states and finding consensus to global issues.
- Secretary general makes annual report to the General Assembly on the work of the organisation.in fact, the annual session of the General Assembly begins with the discussion of the report of the Secretary General on the work of the organisation as a whole.

Major Achievements of U.N

- *"The UN was not created to take humanity to heaven but to save it from hell."* Former United Nations Secretary-General Dag Hammarskjöld.
- **UNITED NATIONS ACCOMPLISHMENTS:**
- Deploying more than 35 peace-keeping missions. There are presently 16 active peace-keeping forces in operation.
- Credited with negotiating 172 peaceful settlements that have ended regional conflicts
- The UN has enabled people in over 45 countries to participate in free and fair elections.
- Development - The system's annual disbursements, including loans and grants, amount to more than \$10 billion.
- UNICEF spends more than \$800 million a year, primarily on immunization, health care, nutrition and basic education in 138 countries.
- UN Human Rights Commission has focused world attention on cases of torture, disappearance, and arbitrary detention and has generated international pressure.
- UN Conference on Environment and Development held in Rio de Janeiro in 1992, resulted in treaties on bio-diversity and climate change.

Development of Collective Security

- **Collective Security**• Modern idea of Collective Security was born in 1914, but it has roots in the distant past Eg: Leagues of ancient Greek States, Holy League in Renaissance Italy(1495), 17th and 18th century in Europe there existed some type of collective security mechanism
- **Philosophical:** Kant, Saint –Simon and Bentham Later romantic utopians- explained collective security as universal alliance- league of peace State egoism-balance of power-collective security
- **The Woodrow Wilson** regarded as the enunciator of concept in modern time• The shock of first world war forced total reconsideration of the old ways of diplomacy, rival alliances and balances of power• James Bryce proposed the League shall under take to defend any one of its members who may be attacked by any other State who has refused to accept arbitration or conciliation• Under League of nation: Articles 10-16• UN Charter Chapter VII- Article 39-51

Development of Collective Security

- Collective security is regarded as most effective device of maintaining peace and deterring aggression. •
- It is a device by which the security of all nations is assured •
- It provides assurance that any attempt to use force in international relations will be frustrated. • Under this system of collective security, aggression or war would no longer be the concern of any individual nation, but would be the concern of all nations
- Meaning • Aggression is a crime against humanity • Security represents the goal and the word collective indicates the nature of the means employed. • The basic principle is that an attack on one nations will be regarded as an attack on all states(one for all, all for one) • It is the machinery for joint action in order to prevent or counter any attack against the establishment of international order • The security becomes the concern of all nations and they take care collectively • It is a mutual insurance plan. The collective action will be sufficient to deter the potential aggressor

Collective Security Cont..

- **Basic Assumptions:** The system of collective security can only operate if the following assumptions are realised• Able to muster at all times or adequate to meet any situation• The universal agreement of nations• Peace should be given priority and must be willing to subordinate political difference• The combined strength to meet the threat of aggression• All nations should be equally interested in stopping aggression and protecting the interest of affected nations• It is not directed against any particular state but against aggression in general• A basic condition for the success of collective security system is procedure for peaceful change and widest acceptance of the pacific means of settlement of international dispute
- **Evaluation/Criticism**• The theoretical aspect of collective security system appears to be logical and flawless, but in its actual operation it reveals number of short comings and drawbacks(unrealistic and unworkable)• The machinery of collective security system has never been satisfactory developed under League of Nations or United Nations• Most of the assumptions are hypothetical• It is an ideal assumption- not work in the contemporary world• In the age of nuclear age it became more irrelevant

Collective Security Cont..

- Collective Security- Overview• Japanese extension of military control over Manchuria in 1931, followed by Italian campaign in Ethiopia in 1935.• In 1933 Japan received a verbal rebuke from the league for its behaviour, they simply resigned from the league. Britain tried to organise economic sanctions against Italy, but that led to the closer association of Mussolini and Hitler•
- The compromise pattern for collective security adopted by the European nations did much to diminish the enthusiasm•
- The numerous direct negotiations between the major European powers during the tense crises of 1930's and 40's bypassed the machinery of the league• Selfish interest of nations• The league had no military power of its own

UN and Collective Security

- The United Nations (UN) is an intergovernmental organization that has been bringing together 193 member states under one umbrella for over seven decades. One of the main objectives outlined in Chapter VII of the Charter of the United Nations is to “maintain or restore international peace and security.” Since 1948, UN peacekeeping has helped to resolve many inter-state conflicts and civil wars and has also helped to prevent disputes from escalating into wars
- United Nation’s regime and collective security• Power struggle between two blocks ensured the failure of collective security and rendered united nations increasingly irrelevant• The failure of Congo Mission 1961• The Collective Security mechanism developed by power blocks or regional arrangements affected Eg: NATO, Central Treaty Organisation(CENTO) and Southeast Asia Treaty Organisation etc..

Cont...

- The Collective Security system of the Charter is based on two elements. Firstly, there is the prohibition against inter-state threat or use of force under Article 2(4). The primary organ of the United Nations for the maintenance of international peace is the Security Council. It propounds the sovereignty-centred approach to Collective Security.
- Secondly, the Council's "primary responsibility for the maintenance of international peace and security, that in carrying out its duties under this responsibility the Security Council acts on their behalf" and in those Charter provisions which establish a legal obligation on member states to carry out the Council's decisions.
- The decisions of the Security Council intend to fulfil a dynamic executive function and are by virtue of Article 25 binding upon all member states.

Collective Security & Collective Self-Defence

- The evolution of the concept of Collective Security has seen 4 distinctive periods.
- First, the Post WW-I scenario, with the inception of the League of Nations;
- Second, Post the signing of the U.N. Charter;
- Third, during the Cold War and
- Lastly, Post 9-11 attacks in New York.
- All the four periods bring about a particular threat that the world had never been seen before. Be it, the proliferation of the Axis Powers and the failure of the League to check it in the first period; or the conflict between the 5 permanent members of the U.N. and their rise as nuclear powers during the Cold War in the second and the third periods.
- The world also saw the rise of non-state actors (read terrorists) as a threat to global peace in the fourth era.

Conclusion

- Collective Security can be understood as a security arrangement where a group of countries pledge co-operative joint action in the eyes of threat to their economic or territorial sovereignty.
- With shrinking global boundaries and the concept of a global village, the states have become subjects of one global body. This global body is to act as a superior force to govern relations between the individual units.
- It is this idea that led to the formation of international bodies such as the League of Nations and the U.N. were formed. Inter alia other concepts, Collective Security has formed the foundation of international bodies of these bodies.

Conclusion

- The member states of accepted certain limitations on self-defence which are the reciprocal of its promise of collective security.
- Collective Security as a concept contrasts with retaliatory strategies of engaging in war for immediate national interest.
- However, in both the cases of the League and the U.N. the most important thing that has lacked is the fact that member states have not co-operated with each other. It was this lack of co-operation that replaced the League in the first place.