

LEAGUE OF NATIONS, UNITED NATIONS AND GLOBAL SECURITY

Prof. (Dr). V. Balakista Reddy
Professor of Law, Registrar and
Head, Center for Aerospace and Defence Laws (CADL)
NALSAR University of Law, Hyderabad
www.nalsar.ac.in
E-mail: balakista@gmail.com

History of Int. Organizations

- Although nascent international organizations were formed by Greek city-states and were envisioned by European writers such as Pierre Dubois (c. 1250–c. 1320) and Émeric Crucé (c. 1590–1648).
- Dubois understood that the undertaking of a crusade would require the securing of peace, justice, and stability in Europe. He saw a political union as a necessary pre-requisite for the successful recovery and defense of the Holy Land. Dubois proposed the establishment of a permanent council,
- Following the French Revolution and the Napoleonic Wars of the late 18th and early 19th centuries, leaders of the major European powers met periodically, in a system of **consultation known as the Concert of Europe**, to attempt to preserve the status quo and to protect their governments from internal rebellion.

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 objective of the Congress was to provide a long-term peace plan for Europe by settling critical issues arising from the French Revolutionary Wars and the Napoleonic Wars
- The objective of Congress 1815 was to provide a long-term peace plan for Europe by settling critical issues arising from the French Revolutionary Wars and the Napoleonic.
- Further, 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.

History of Int. Organizations

- The Paris conference of 1856 and the Berlin Conference of 1871 dealt very resolving disputes by mediation, conciliation or arbitration and emphasized the need for creation of some permanent machinery.
- The private International unions or associations sprang from the realization by non-governmental bodies, whether private individuals or corporate associations, that their interests had an international character which demanded the furtherance of those interests via a permanent international association with like bodies in other countries.
- Nineteenth century also saw the creation of such intuitions as the Rhine Commission, in order to deal with issues of navigation, or issues of pollution, on a regular basis.

History of Int. Organizations

- Following the establishment of the Rhine Commission in 1915, a number of other river commissions were established - managing the Elbe (1821), the Douro (1835) the Po (1849) - and, after the end of the Crimean War, the European Commission for the Danube in 1856.
- At the same time, organizations started to be established by private citizens, in order to deal with international issues.
- Thus, in 1840, the world Anti-Slavery Convention was established, and in 1863 a Swiss philanthropist, Henry Dunant, Created the Red Cross.
- Later in the 19th century, various international organizations, such as the International Telegraph Union (1865; now the International Telecommunication Union), were established to provide specialized services and to perform specific tasks.

History of Int. Organizations

- In 1899 and 1907 European and non-European states met to develop rules to regulate armaments and the conduct of war..
- These conferences produced the Hague Conventions, which included agreements on the peaceful settlement of war, the treatment of prisoners of war, and the rights of neutral states.
- These various meetings and agreements served as precursors to the international organizations of the 20th century, such as the League of Nations and the United Nations (UN).
- Around 30 intergovernmental organizations were founded between 1864 and 1914.
- Since the 1860s, in a process of institutionalization, the series of multilateral conferences were replaced with permanent institutions, referred to at the time as Public International Unions. Among them were the International Telegraph Union (1865), the Universal Postal Union (1874), the International Association of Railway Congresses (1884) and the International Office of Public Health (1907).

History Cont..

- Those unions had regular (annual) general assembly meetings, rather than ad hoc conferences, and permanent secretariats, with secretaries, and later secretaries-general, mindful of path dependency.
- 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.
- Public international law gradually transformed from a law of co-existence to a law of co-operation.

History of Int. Organizations

- The major breakthrough for international organization, however, would be the Versailles Peace Settlement which followed the First World War (1919), which would ultimately lead to the formation of the League of Nations and the International Labour Organization (ILO).
- 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.

League of Nations

- The League also wanted to help to solve some of the World's problems: e.g. Poverty, Drugs etc.
- 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 of the League

- 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, 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. However, it achieved significant successes in a number of areas.
- 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.

IOs and international relations theories

- Realism and neo-realism: starts from the proposition that the world is a jungle, an anarchy, where it is a fight of man against man and state against state. In order to ensure survival, the state must guarantee that its competitors do not become more powerful. **States will pursue their own interests.**
- Functionalism or neo-functionalism: social actors may also strive to co-operate in order to combat problems that would typically require a joint effort, and co-operation may even take place out of altruism or some similar incentive.
- Liberalism: advocates far-reaching co-operation in various forms between like-minded states. Liberal states become embedded in a society that comprises trans-boundary relationships between private actors.
- Regime theory: states can and do co-operate on the basis of the realist premise of enlightened self-interest. In most situations states would actually have an interest in co-operation, since it was generally thought to result in a greater common good.
- Republican liberalism: co-operation takes place neither for the self-interest of states nor out of altruism, but rather because domestic forces wish to 'lock' their positions.

CONCEPT OF GLOBAL SECURITY

- Security is a central human concern that includes numerous sub-listings. We often think of economic security, national security, energy security, nuclear security, cyber security, democratic and civil rights security, personal security and health care security as some examples.
- However, what is becoming very clear is that we should all be concerned with global security of our common, shared biosphere.
- Global security encompasses all of the above, but even more importantly, it depends on our environmental/ecological security. It also requires the establishment of universal human rights and civil liberties.
- The achievement of global security will require a complex, interconnected network of humans and their activities in a rapidly changing world
- The threat of nuclear weapons is still with us, but its relative importance may decline as global climate change and human population growth continue to degrade our biosphere.

CONCEPT OF GLOBAL SECURITY

- Worldwide terrorism is another threat to global security. Caused in part by greed and incompetent leadership, terrorism can be a direct consequence of overpopulation, limited resource availability and the resultant poverty and personal frustration.
- Terrorists often flourish where conditions cause the young to outnumber the older, more staid members of society, and where opportunity is restricted.
- Environmental/ecological security can be improved by using scientific knowledge and experimentation to shape public policy. This is pressing because of the increasing rate of global climate change.
- Current droughts, extreme weather fluctuations, floods and elevated temperatures all indicate that the time period to prevent disaster may have already passed.
- Imbalances in public health and economic provisions must be corrected. Reduced energy usage coupled to increased energy efficiency and the development of alternative energy sources will help alleviate the current imbalance.

Early Thoughts and Ideas towards Global Peace, Security and IOs

- The thought about global security and peace is rooted in early religious traditions; the development of Just War Theory and Christian Pacifism can be understood as instances of the early objections to war and the consideration of the morality and justification of violence.
- However, secular rationalism in the 18th century Europe may be seen as the basis for modern idea of global peace, with theorists such as Jack Rousseau and Immanuel Kant producing significant reflections on the question of the international organization of states to secure a permanent state of global peace and security.
- Hugo Grotius (1583-1645) was a Dutch jurist who laid the background for international law, based on natural law. It is thought that Hugo Grotius was not the first to promulgate the international society doctrine, but he was one of the first to explain. As Hedley Bull declared in 1990:
- *“The idea of international society which Grotius propounded was given concrete expression in the Peace of Westphalia, and Grotius may be considered the intellectual father of this first general peace settlement of modern time.”*

The Westphalia Treaty of 1648

- The modern pattern of international organization has been evolving ever since the nation-states system arose, and especially since the Congress of Westphalia of October 1648.
- The Westphalia Treaty of 1648 after the thirty years war of 1618 to 1648 was the next project. The thirty years war began when the Archbishop of Prague destroyed a number of protestant churches (Gerald, 1953).
- The combined power of the French and Swedes was enough to overcome the Holy Roman Empire. Meanwhile, negotiations to settle the conflict began in 1644.
- Eventually, on 24th October 1648, the treaty of Westphalia was signed in Munster and Osnabruck. According to Martin Griffiths in the book, International relations:

The Westphalia Treaty of 1648

- The Westphalian congress came to be seen as the first European international relations. The result of the war and the negotiations was the establishment of the first international Balance of Power system. It was a significant event in the development of international organization as well as in the evolution of modern state system.
- The significance of Westphalia congress has been well described by Gerard Mangone: *No international organization was established by the Peace of Westphalia in 1648...But the joining of practically every European state in a diplomatic conference signaled the opening of a new era in international relations, however, was the gathering of hundreds of envoys in a diplomatic conference which represented practically every politically interest in Europe (Gerald , 1953).*

Early Thoughts on Global Peace, Security and IOs

- Thomas Hobbes (1588-1679). a book titled “The Leviathan” was written in 1651 argues that civil peace and social unity are best achieved by the establishment of **commonwealth through Social Contract**.
- More so, in 1651, as England recovered from her civil wars, In arguing for the restoration of the Monarchy, Hobbes suggested that **people were selfish and that life without government would be “solitary, poor, nasty, brutish and short”**.
- He said that if people were to protect themselves from the unrestrained state of nature and the evil of others, they had to submit themselves to **government with absolute power, or a “Leviathan”**. No one had the right to resist or revolt against their power, unless the ruler tried to take the life of a citizen, in which case the contract between ruler and citizen is broken.

Early Thoughts on Global Peace, Security and IOs

- John Locke (1632- 1704), who took the **opposite view by arguing that humans were rational and self-interested rather than selfish.**
- His political theory was founded on **Social Contract**; he argued that people had **natural rights to life, liberty, and property and that they entered into social contract** with government to protect these rights (Robert, 1983).
- Like Hobbes, Locke maintained that the sole right to defend in the state of nature was not enough, so people developed civil society to settle conflicts in a civil way.
- He stated that the only basis for governmental power was the consent of the governed and that it is the **responsibility of government to protect these rights of citizens.**
- He also disputed the divine right of monarchs and argued that **men were born equal with rights that no monarch could remove.**

Early Thoughts on Global Peace, Security and IOs

- **Jean Jacques Rousseau** in the book “**The Social Contract**” published in 1762 argued against the idea that the Monarchs were divinely empowered to legislate, he asserts that only the **people who are sovereign have that all powerful right**.
- Nevertheless, Rousseau promulgated his own “Federation of Europe”-a perpetual irrevocable alliance with a permanent diet of congress to settle disputes by arbitration or judicial pronouncement.
- Immanuel Kant’s political ideas are contained principally in his four essays: “The Principles of Progress”, “The Principles of Political Right”, “Natural Principle of the Political Order”, ands “Perpetual Peace”(Robert, 1983).

Early Thoughts towards Global Peace, Security and IOs

- The most famous advocate for maintenance of world peace and security was U.S president Woodrow Wilson with his 14th point agenda which he presented to US congress.
- The principles of the 14th point agenda was outlined in a January 8, 1918 speech on war aims and peace terms.
- The 14th point of the point agenda enunciated for ‘a general association of nation’ which must be formed under specific covenant.
- Wilson did not only used the 14th point as the basis for negotiating the treaty of Versailles that ended the first world war but used it as a basis for the creation of international organization; the league of nations in January 1920.
- Lastly, it is worthy to mention that Lord Robert Cecil (a British diplomat) and Jan Christian Smuts (a South African statement) were the two major drafters and architects of the covenant of the League of Nations.

Early Attempts for Global Peace, Security and IOs

- The modern pattern of international organization has been evolving ever since the nation-states system arose, and especially since the Congress of Westphalia of October 1648.
- The Westphalia Treaty of 1648 after the thirty years war of 1618 to 1648 was the next project. The thirty years war began when the Archbishop of Prague destroyed a number of protestant churches (Gerald, 1953).
- The combined power of the French and Swedes was enough to overcome the Holy Roman Empire. Meanwhile, negotiations to settle the conflict began in 1644.
- Eventually, on 24th October 1648, the treaty of Westphalia was signed in Munster and Osnabruck. According to Martin Griffiths in the book, International relations:

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 UN

- 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 charter.
3. Peaceful Settlement of International Disputes.
4. Principle of non-intervention.
5. All members shall give the UN 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 UN, 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 UN, 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 and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the UN;
- Initiate studies and make recommendations to promote int. political cooperation, the development and codification of IL, the realization of human rights and fundamental freedoms and int. 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.
- 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.

Security Council Cont..

- **Under the Charter, the functions and powers of the SC 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.
- 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 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.
- 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 ICJ 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.
- 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.
- 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. 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 and 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 and League

- 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..

UN and Collective Security 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.