

THE AUSTRALIAN COLLABORATION

A Collaboration of National Community Organisations

The United Nations – An introduction

In 1945, the representatives of 50 nations met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter. The idea that a new global political, economic and social organization should be established emerged from the ashes of the Second World War. As the US Secretary of State, Cordell Hull put it:

“From the moment when Hitler’s invasion of Poland revealed the bankruptcy of all existing methods to preserve international peace and security, it became evident that we must begin to plan the creation of a new system”.

So, the United Nations Charter was adopted in June 1945 and the United Nations itself came into existence on 24th October 1945 when the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and a majority of other signatories.

The UN Charter was founded upon three core ideas. First, the international community should co-operate to ensure that war is avoided and that international peace and security is maintained. Second, economic and social collaboration should be encouraged so as to tackle global poverty and inequality. Third, arising from the atrocities of the Nazi regime, people’s fundamental human rights must be protected. To achieve such protection, a new treaty would be developed and it would apply universally. That instrument, the Universal Declaration of Human Rights, was drafted and came into effect in 1948.

The United Nations Charter

The UN Charter sets down the organization’s core objectives. These are to maintain international peace and security; to develop friendly relations among nations based on respect for the principle of equal rights of all nations and the self-determination of peoples; to co-operate in solving international economic, social, cultural and humanitarian problems; and to promote respect for human rights and fundamental freedoms.

Membership of the UN is open to all nations that accept the obligations of the Charter and are willing, and able to carry out those obligations.

The UN is composed of five principal organs. These are the General Assembly, the Security Council, the Economic and Social Council, the Human Rights Council and the International Court of Justice.

The General Assembly is the main deliberative body. It is composed of representatives of all member states, each of which has one vote. Decisions on important matters, such as peace and security, the admission of new members and budget questions require a two-thirds majority. All other questions are resolved by simple majority vote.

The Security Council has primary responsibility for the maintenance of international peace and security.

The Council has 15 members. Five are permanent members: China, France, Russia, the United Kingdom and the United States. The other ten members are elected by the General Assembly for two years. Each member has one vote. However, the five permanent members also have the power of veto. That is, no decision of the Council can be implemented unless all five permanent members agree or abstain from voting.

The Economic and Social Council is the principal body that co-ordinates the economic, social and cultural work of the UN. It has 54 members each of whom has one vote. Through its discussion of international economic and social issues, the Council assumes a key role in fostering international co-operation to redress global poverty and inequality.

The Human Rights Council is the institution with primary responsibility for ensuring that human rights and fundamental freedoms are protected and promoted globally. It is composed of 47 members. The Council has the power to address violations of human rights by states, including gross and systematic violations, and to make

recommendations to end them. It reviews the human rights records of every member state regularly and may convene special sessions to address pressing human rights problems wherever they arise.

The International Court of Justice is the principal judicial organ of the UN. It settles disputes between states and gives advisory legal opinions to the United Nations and its specialized agencies. Only states can be parties to legal disputes before the Court. It does not deal with disputes between private individuals.

The collective security system

The UN's rules for the avoidance of war and the maintenance of international peace and security are set down in Chapters VI and VII of the UN Charter. These rules are based on the premise that states should resolve their disputes peacefully without resorting to the use of force, unless acting in self-defence.

The Charter provides that:

- Nations in conflict must first seek a solution through negotiation.
- The Security Council may investigate any conflict and make recommendations about how it should be ended.
- If the Security Council determines that the conflict poses a threat to international peace and security, it may decide whether to take action.
- This action may comprise measures short of armed force, for example, the imposition of economic sanctions.
- Where such measures are unsuccessful, the Security Council may authorize military action to restore the peace.
- Nothing in the Charter impairs the right of any nation to take action in self-defence in response to an armed attack.

In recent years, the Security Council has authorized military action to maintain international security in a number of cases. It provided authorization to coalitions of member states to restore the sovereignty of Kuwait after its invasion by Iraq (1991); to establish a secure environment for humanitarian relief operations in Somalia (1992); to contribute to the protection of civilians in Rwanda (1994);

to restore peace and security in East Timor (1999); and most recently to protect the civilian population from attack by government forces in Libya (2011).

The economic and social development system

The Economic and Social Council of the UN oversees the organization's endeavours to tackle the twin problems of global poverty and inequality. Its focus is on policy. To assist with implementation, the UN has established several important and specialized agencies. The most significant of these are the United Nations Development Program, the Office of the High Commissioner for Refugees, the World Food Program and the World Health Organization.

In 2000, the UN General Assembly adopted the Millennium Development Goals as the primary targets towards which all nations and all related UN agencies should work. The aim was to halve global poverty within ten years. The goals sought to address extreme poverty in its many different dimensions – income poverty, hunger, disease, lack of adequate shelter and exclusion, while promoting gender equality, education and environmental sustainability. The goals have become the fulcrum for international and national development policy.

The goals are too numerous to mention in full here but some key ones follow; by 2015 to halve the proportion of people who live on less than \$1 a day; to halve the proportion of people who live in hunger; to ensure that all children should be able to complete a course of primary schooling; to reduce by two-thirds the rate of infant mortality and to deal comprehensively with the debt problems of developing countries through national and international measures to make debt sustainable in the long term. Should the goals be achieved by 2015, more than 500 million people would be lifted out of poverty. Unfortunately, at the time of writing, action to achieve these goals has fallen well behind that necessary to achieve the 2015 targets.

Education, science and culture

The United Nations Educational, Scientific and Cultural Organization (UNESCO) was founded in 1945 by thirty seven countries committed to creating an organization that would embody a genuine culture of peace. Today, UNESCO describes its mission as 'to work to create the

conditions for dialogue among civilizations, cultures and peoples, based upon respect for commonly shared values. It is through this dialogue that the world can achieve global visions of sustainable development encompassing observance of human rights, mutual respect and the alleviation of poverty, all of which are at the heart of UNESCO'S mission and activities.'

UNESCO currently has 193 Member States and seven Associate Member States. It is governed by the General Conference and the Executive Board.

The Environmental protection system

As one might expect given the global nature of contemporary environmental problems, the UN is also involved in co-ordinating international environmental activity. To this end it has established the United Nations Environmental Programme (UNEP). The Programme seeks to set the global environmental agenda, promote implementation of the UN's goal of achieving sustainable economic development and act as a primary advocate for effective environmental management.

Though only a relatively small part of the UN system, UNEP has made significant progress in a number of important international arenas. In particular, it has laid the groundwork for various multilateral and regional environmental treaties, including those relating to the ozone layer (1985), dangerous waste products (1989) and biological diversity (1992).

Presently the Programme focuses a significant part of its attention upon problems related to climate change. To this end, UNEP and the World Meteorological Organization have established the International Panel on Climate Change (IPCC). The IPCC exists to provide the most accurate scientific information available upon the nature of climate change and its potential environmental and socio-economic effects. The IPCC is an intergovernmental body and, presently, 194 countries take part in its deliberations. It has produced four major reports on climate change and its effects. Its work has provided the foundation for international diplomatic negotiations designed to bring into effect a new, international treaty regime committing the nations of the world to significant carbon pollution reduction targets. Again, regrettably, political progress towards this end lags substantially behind the

scientific and environmental evidence and the imperatives that the IPCC has identified.

The human rights system

The Human Rights Council sits at the apex of the UN's human rights system. It is responsible for: the negotiation of international human rights treaties; the consideration of, and action upon, human rights abuses occurring internationally and nationally; the periodic review of the human rights records of all member states; and the conduct of human rights investigations by its appointed 'special rapporteurs'. It has recently discussed and conducted investigations into several country situations. These have included inquiries into Israel's invasion of Gaza, Burma's refusal to permit foreign humanitarian aid following the devastation of Cyclone Nargis, and the Libyan Government's attacks on civilians following the rebellions of early 2011.

The work of the Council is complemented by the United Nations Human Rights Treaty System. This system exists to monitor member states' observance of their obligations under all seven international human rights conventions. Each convention is monitored by an international committee comprised of human rights experts. So, for example, countries' performance of their obligations under the International Covenant on Civil and Political Rights is monitored by the UN's Human Rights Committee. The Committee makes recommendations to member states as to how their human rights performance should be improved and develops international law governing the Covenant's operation.

To underpin all this work, the UN has created the Office of the High Commissioner for Human Rights. It prepares reports and undertakes research at the request of the General Assembly and the Human Rights Council and acts as the secretariat for the meetings of UN human rights bodies. It also assists the special human rights rapporteurs in their policy and investigatory activity.

The United Nations' strengths

The great strength of the United Nations is that it is and remains the only international organization in which matters crucial to global politics, policy, security, development, and human rights may be considered by all the world's nations. Other important international organiza-

tions and networks exist. These include the World Trade Organization, the World Bank, the International Monetary Fund, the International Labor Organization, the G20 and the G8 among others. None of these replicate the work of the UN, however, either because they do not have universal membership or because they focus on special rather than general global affairs. Therefore, as globalization has advanced, so too has the importance of the UN as the world's most significant deliberative forum.

There is no doubt that its principal organs have played an enormously important role in the collaborative regulation of international affairs. The Security Council plays the central role in the resolution of international conflicts. The General Assembly is the primary body through which international treaties and agreements are formulated. The Economic and Social Council and its associated agencies, such as the United Nations Development Program and the United Nations High Commissioner for Refugees, have made a recognizable contribution to the economic and social development of many of the world's poorest nations. The Human Rights Council advances the protection of human rights in particular through its monitoring and investigatory functions. The United Nations Environmental Programme co-ordinates international responses to pressing environmental problems.

The UN's collective security system, by creating and enforcing rules governing the use of force in international affairs, has made a substantial contribution to the preservation of international peace and security. Recent intensive discussion about the legality of the war in Iraq and the intervention in Libya are just two examples of the way in which law now tempers politics in the conduct of international security affairs. The UN's human rights system has served to place considerations concerning people's fundamental rights and freedoms at the heart of international consciousness, discussion and action. The idea that nation states may abuse the human rights of their citizens without external interference so long as that abuse is contained entirely within their borders has now been comprehensively discredited.

Plainly, the UN does not succeed in all that it does. But without it, international regulation, collaboration and cooperation in the resolution of global issues and problems would have been significantly retarded.

The United Nations' Weaknesses

All too often it is said that the UN has failed to act in one way or another. 'The UN has not stopped this war'. 'The UN has failed to back humanitarian military intervention'. 'The UN has done little about poverty in Sub-Saharan Africa'. 'Crimes against humanity continue despite the UN'. What needs to be understood about all these claims is that the UN is not a single, unified entity. Instead, it is a forum in which all nation states come together to consider and attempt to resolve global problems. So, when the UN is criticized for weakness or laxity in intervening in security matters for example, it is not the organization but its member states that are responsible. And in an organization with 193 member states, it is hardly surprising that complete agreement amongst nations is difficult to reach.

Having said this, there are certainly institutional weaknesses in the UN system which have, at times, jeopardised its work. The Security Council's composition has been a continuing source of concern. The privileged position accorded to its 5 permanent members and the exclusion from that membership of large and rapidly developing countries, such as India and Brazil, reflects the world as it existed in the immediate post-war period and not as it exists today. Also, the General Assembly does not operate effectively as a deliberative body. Principally as a result of persistent policy disagreements between developed and developing countries, it has failed consistently to grapple with the world's most significant problems. The Human Rights Council is frequently paralysed or derailed by divisions amongst its members as to the definition of human rights and the best means to advance and protect them. All too often the Council fails to agree because countries with bad human rights records still manage to be elected to it.

Conclusion

The UN is an immensely important international body. Without it, the international community would lack the organizational capacity to attack and defeat the globe's major political, economic, social and environmental problems. This would be to the great detriment of humanity. Nevertheless, it is clear that it is an international institution still possessing significant defects. These need to be actively addressed if the UN is to preserve and maintain its position as the globe's principal peace-making, developmental, rights and environmental protecting organization.

Useful Resources

The United Nations <http://www.un.org/en/>

The United Nations Charter <http://www.un.org/en/documents/charter/index.shtml>

Thomas Weiss and Sam Daws, Eds., 2008, *The Oxford Handbook on the United Nations*.

Paul Kennedy, 2006, *The Parliament of Man: the Past, Present and Future of the United Nations*.

Thomas Weiss, 2009, *What's Wrong with the United Nations and How to Fix It*.

Spencer Zifcak, 2009, *United Nations Reform: Heading North or South?*

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