

Chapter 3

The United Nations

“I am convinced that the Great Framers of the World will so develop it that it becomes one nation, so that armies and navies are no longer necessary ... I believe that at some future day, the nations of the earth will agree upon some sort of congress which will take cognizance of international questions of difficulty and whose decisions will be as binding as the decisions of our Supreme Court are upon us.”

Ulysses S. Grant

Let us now take a look at the global security organization which currently exists, namely the United Nations. After briefly recalling its foundation, structure, functions and history, some of the shortcomings of the organization will be listed, and the attempts which have been made to reform it will be sketched.

Foundation, Structure and Functions

Even while World War II was still going on, plans were being made to set up a new security organization to succeed the League of Nations. Franklin Roosevelt was determined that the US would not be left out this time, and made sure that the State Department played a leading role. After preliminary discussions, mainly between Britain and the US, a detailed plan was prepared in Washington under Secretary of State Cordell Hull. The principal Allied powers, comprising the US, Britain, Russia and China, then met at conferences at Dumbarton Oaks in August 1944, and at Yalta in February 1945, to hammer out an agreed draft of a Charter for the new United Nations on the basis of the US plan.

The new organization was designed to be stronger than the old League of Nations, but was very similar in structure. It had a Council, an Assembly, a Court and a Secretariat, just like the old League. It was also supposed to be equipped with an armed force to keep the peace. The great powers were to be given special responsibility for maintaining peace and security, and were given permanent seats on the Security Council for this purpose. The arrangements between them reflected very clearly the conditions of the wartime Alliance. It was recognized that no effective action could be taken unless all the great powers were in agreement on the matter concerned. The old voting rule of unanimity which had applied in the League was dropped, but it was replaced by the infamous ‘veto’ provision, whereby no decision could be taken by the Security Council if any one of the great powers disagreed with it.

At the same time, new international organizations were being set up for other purposes. The Bretton Woods Conference in July 1944 created new financial institutions in the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (the World Bank), aiming to lay the foundations of a new world monetary system, and to provide finance for the reconstruction of post-war Europe and the development of emerging economies. Each body had an independent board, with a weighted voting system that gave the US a dominant voice in both institutions. Their headquarters were sited in Washington. In the same year the Food and Agriculture Organization was established, and a new International Civil Aviation Organization (ICAO) was set up.

The draft UN Charter was presented to a Conference of all the allied powers, great and small, at the San Francisco Conference in April 1945. President Roosevelt had just died, the war against Japan was still going on, and the first atomic bomb had not yet been dropped on Hiroshima. Some 282 delegates from 50 countries attended, including representatives of both American political parties.

Talks went on for two months, before the Charter was finally signed on June 26, 1945. The smaller powers were somewhat concerned at the dominant role which the great powers had given themselves, and tried to enhance the powers of the general forum, the Assembly. They did succeed in having some changes made. The General Assembly was given a wider scope of matters for discussion, and an Economic and Social Council (ECOSOC) was added as another principal organ of the UN, supervised by the Assembly. Some allowance was made for regional security arrangements; and a Trusteeship Council was also added, to supervise dependent territories such as the old mandated territories or new territories captured from the Axis powers.

The most controversial question concerned the veto. The smaller powers wanted the power of veto reduced, and it was decided that the veto could not be used to prevent a subject from even being discussed in the Security Council. A group led by H.V. ('Doc') Evatt of Australia and Peter Fraser from New Zealand argued that a permanent member should not be able to block resolutions proposing peaceful settlement of disputes, and also should not be able to veto amendments to the Charter. But on both these points the Big Five stood firm, and would not budge.

The Charter was quickly ratified by most signatories, and came into force on 24 October, 1945. It begins with the famous, solemn preamble:

*“ We the peoples of the United Nations, determined
to save succeeding generations from the scourge of war, which twice in our
lifetime has brought untold sorrow to mankind, and
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
to promote social progress and better standards of life in larger freedom,
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,
have resolved to combine our efforts to accomplish these aims.*

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.”¹

There follow 111 Articles of the Charter itself, and another 70 Articles of the Statute of the International Court of Justice.

The principal organs of the United Nations are as follows.

The Security Council

The Security Council is the most powerful body in the UN, and carries primary responsibility for the maintenance of peace and security. Its decisions on these matters are binding on the other members of the UN. It consists of five Permanent Members (the United States, Britain, Russia, France and China), and ten non-permanent members elected for two-year terms by the General Assembly. Each member has one vote, and decisions can only be made with the affirmative votes of nine members. For non-procedural matters, the affirmative votes must include all the permanent members. This means that any Permanent Member can block or veto a decision on non-procedural (i.e. substantive) questions.

The General Assembly

The Assembly is the main deliberative forum of the UN. It consists of representatives from all the Member states, each having one vote. It may consider and discuss any matter within the scope of the Charter. The Assembly oversees the regular work of the UN, carried on through its various committees and agencies and in the Secretariat. It also controls the budget. Decisions on important questions, such as recommendations on peace and security, admission of new Members and budgetary matters, require a two-thirds majority vote. Other decisions require only a simple majority. Unfortunately the resolutions of the Assembly have no legally binding force on members, although they do carry a certain amount of moral authority.

The original members of the UN numbered 51 states, but by 1993 the total number had risen to 185.²

The Economic and Social Council

ECOSOC co-ordinates the economic and social work of the UN, together with the specialized agencies and institutions. The Council has 54 members, elected for three-year terms. Each member has one vote, and decisions are reached by a simple majority. The Council also consults with more than 600 non-governmental organizations which are concerned with economic and social matters.

The Trusteeship Council

This Council was set up to supervise the administration of non-self-governing trust territories, with the aim of advancing them towards independence. All of the original 11 Trusteeships have now been terminated, and the task of the Council has thus been completed.

The International Court of Justice

The Court is open to any member of the UN, and can give advisory opinions when asked by other organs of the UN. It consists of 15 Judges, who serve terms of nine years, and are elected by the General Assembly and the Security Council. Like its predecessors, the Court sits at the Hague. In reaching its decisions, the Court takes into account treaties and conventions recognized by the contesting parties, and the general principles of international law and custom. The decisions of the Court have no binding force, unless the Members have voluntarily bound themselves in advance to accept the jurisdiction of the Court. Where a party fails to comply with a binding judgement of the Court, "the Security Council may ..

take such action as it may deem necessary to give effect to the judgement.”

By 1994, a total of some 72 cases had been submitted to the Court, and 22 advisory opinions had been requested.³

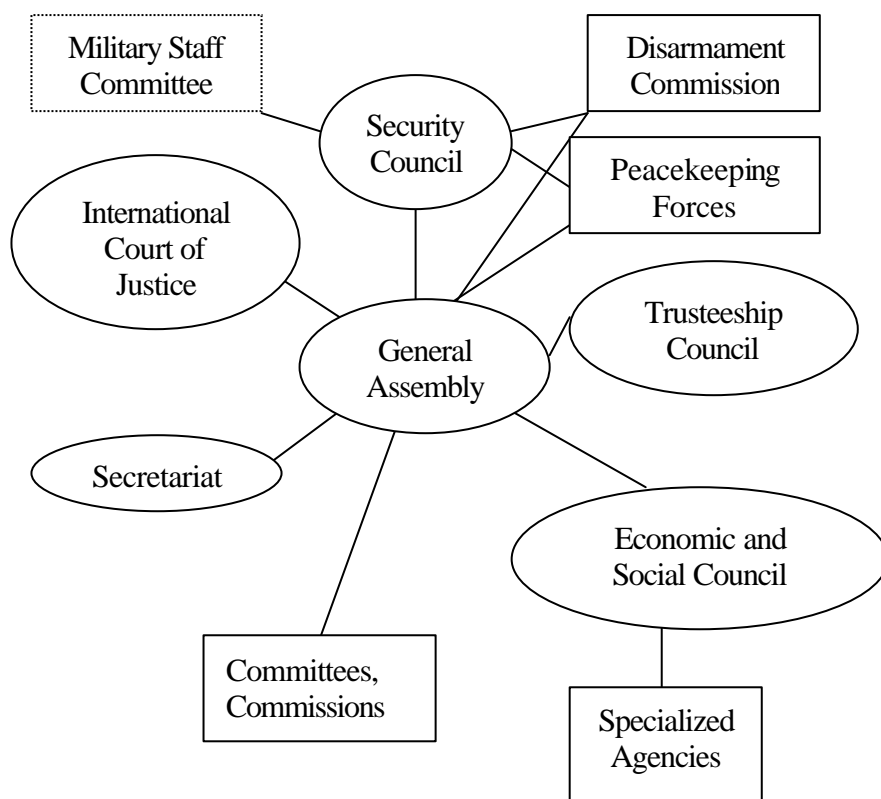


Figure 4. *The organizational structure of the United Nations (after “Toward World Order”, by Vandenbosch and Hogan).*

The Secretariat

The Secretariat is the civil service of the UN, and administers its programs and policies. Its head is the Secretary-General, who is appointed by the General Assembly on the recommendation of the Security Council. The Secretariat now consists of a staff of about 14,000 men and women from some 170 countries, with its headquarters in New York.⁴ The first Secretary-General was Trygve Lie of Norway.

The Secretary-General was seen as more than just an administrator: he was given the right to bring to the attention of the Security Council any matter ‘which in his opinion may threaten the maintenance of international peace and security.’ This was to be used later in attempts to expand his role.

Some other features of the UN merit a brief discussion:

a) Military Staff Committee

Article 47 of the Charter provides for a Military Staff Committee to be established,

consisting of the Chiefs of Staff of the five Permanent Members, which should assist the Security Council concerning military requirements for the maintenance of international peace and security. It was envisaged that a military force would be placed at the disposal of the Security Council.

b) Specialized Agencies

In addition to the many agencies operating directly under the UN, there are a number of separate and autonomous agencies related to the UN by special agreements. We have already mentioned the Telecommunications Union (ITU), founded in 1865; the Postal Union (1874); the ILO (1919); the IMF and World Bank, founded in 1944. Some other important agencies were established immediately after the war. The UN Educational, Scientific and Cultural Organization (UNESCO) was established in 1946 to advance human culture, especially in the Third World. The UN Children's Fund (UNICEF) was created by the General Assembly in the same year, with semi-autonomous status, and supported by voluntary financial contributions. The World Health Organization (WHO) was formally established in 1948, with its headquarters in Geneva.

c) Budget

The regular programme budget of the UN totalled \$2.6 billion in the 1994-95 biennium.⁵ Member states are assessed on a scale based on their capacity to pay. The maximum assessment per member is 25% of the budget, charged to the USA, while the minimum assessment per member is 0.01%. Extra assessments are made to cover peacekeeping commitments around the globe. Many other UN activities are financed by voluntary contributions outside the regular budget. These cover various specialist agencies for relief and development such as UNICEF, UNHCR, etc. Many member states are in arrears on their assessments. In December 1994, only 75 out of 184 Members had paid their assessments in full. Unpaid contributions totalled \$1.8 billion for the regular budget, and \$1.3 billion for peacekeeping operations.⁶

d) Amendments

The Charter can be amended by a vote of two-thirds of the Members of the General Assembly. The amendment must then be ratified by two-thirds of the Member States, including all five Permanent Members of the Security Council. The permanent members can thus veto any amendments. Only very minor amendments have ever been made to the Charter, in order to reflect the increasing membership of the UN. In 1965, membership of the Security Council was raised from 11 to 15, and the number of affirmative votes needed to reach a decision was raised from 7 to 9. The membership of ECOSOC was also raised from 18 to 27 in 1965, and in 1973 it was increased again to 54.

In essence, the new United Nations is very similar to the old League of Nations. It depends on an alliance of the five Big Powers to keep the peace, and requires that they must all be in agreement before any effective action can be taken on matters of peace and security. It is not a world government, and was never intended to be one. It has no elected parliament, and no power to make binding international law, except with the concurrence of its member states. Article 2 of the Charter states explicitly: "The Organization is based on the principle of the sovereign equality of all its Members."⁷ In other words, it is a league or "confederation" of sovereign states.

History and Development

Rather than attempt a chronological history of the United Nations, which would be little to the purpose anyway, we shall limit ourselves to some notes concerning particular aspects of the subsequent development and activities of the organization.

Peacekeeping

The first object of the UN, listed in Article 1 of the Charter, is “To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to breach of the peace.”⁸

The principal responsibility in this area lies with the Security Council. Chapter VI of the Charter provides that international disputes which are “likely to endanger the maintenance of international peace and security” can be brought to the attention of the Security Council or General Assembly. They may then *recommend* peaceful means of settling the dispute, and encourage the parties to seek a solution by “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”

If the dispute enters a more serious stage, and the Security Council determines that “a threat to the peace, breach of the peace or act of aggression” exists, then Chapter VII of the Charter empowers the Council to take any measures up to and including “such action by air, sea and land forces as may be necessary to maintain or restore international peace and security.” All Members of the UN undertake to make such forces available to the Security Council on its call.

Unfortunately, the veto provision was to hamstring the activities of the Security Council almost from the start. As soon as World War II ended, suspicion and distrust began to develop between West and East, giving rise eventually to the Cold War. The USA and the USSR found themselves at loggerheads on many issues, and whenever this occurred, the Security Council would be paralyzed and unable to take action.

The first instance of this occurred as soon as the question of a standing security force for the UN was considered. This was supposed to provide the ‘teeth’ for the UN, which were so conspicuously lacking in the League of Nations. At its second meeting in January 1946, the Security Council directed the Military Staff Committee to draw up plans for such a force. A Committee was appointed, consisting of representatives of the five Chiefs of Staff, but it proved impossible to reach any agreement. The United States wanted a substantial and effective military force of twenty divisions, 4000 aircraft, three battleships, six aircraft carriers, and supporting forces;⁹ but the Soviet Union, realizing that control of the force would remain in Western hands for the foreseeable future, favoured a much smaller force. The West wanted the ability to station these forces at UN bases around the globe, but the USSR wanted the component troops to be stationed exclusively in their home territories. The Soviets also wanted contributions of equal size from each permanent member, while the West argued that the forces need only be ‘comparable’ in size. Finally, the West wanted the forces to be kept in being permanently, while the USSR wanted them withdrawn to their own territories shortly after the ending of any emergency.

These differences would not seem to be insurmountable, but the Security Council was unable to resolve them, and so the security force never came into existence at all. The Military Staff Committee was left without any useful function. Its members have continued to hold a ceremonial meeting once each month for one minute, right up to the present day, but no business is ever transacted.

The veto provision has meant that the Security Council has been unable to take effective action in any military conflict involving one of the five great powers, or their proxies. Thus the UN played virtually no part in the Vietnam War, where the US was involved, or in the Afghanistan conflict, where the Soviet Union was involved. It also had little part in the early struggles for independence in the colonies of Britain and France, such as the Mau-Mau

rebellion in Kenya, or the fight for independence in Algeria. In the case of Indonesia, on the other hand, where only the Dutch were involved, the Security Council did play an important role in smoothing the path to independence in 1949.

The one great exception to the general rule given above was the Korean War. At the time when the war broke out in June 1950, the Soviet Union was boycotting the meetings of the Security Council, which had refused to admit Communist China to the Chinese seat on the Council in place of the Nationalists. As a result, the USSR was not present to apply its veto when the Security Council authorized the use of force against the North Koreans. A military force was quickly established under the UN flag, led by the United States under General Douglas MacArthur, with contingents from a total of 16 members of the Western alliance. They soon pushed the North Koreans back above the 38th parallel, which formed the boundary between the two Koreas, and then further back almost to the Chinese border. At this point, the Communist Chinese entered the fray, and drove the UN forces pell-mell back again into the South. At one point the US seriously considered the use of nuclear weapons against them, as declared in a press conference by President Truman.¹⁰ But eventually the UN forces managed to rally and repel the Chinese and the North Koreans, until a ceasefire was finally declared at the original line of demarcation, the 38th parallel.

After this episode, the Soviet Union made sure that it was present to veto any proposal of which it disapproved in the Security Council. The Security Council then remained virtually paralysed for the entire period of the Cold War, extending for some forty years. It did not authorize another major intervention by an armed force until the Gulf War in 1992, after the Soviet Union had collapsed.

Lacking any security force of its own, and with the Security Council often deadlocked by disagreement between the great powers, the United Nations has not been very successful in preventing or halting armed conflict in the post-war period. There have been more than 150 local wars around the globe since 1945, resulting in something like twenty million deaths.¹¹ In Cambodia alone, the gruesome Pol Pot régime was responsible for the massacre of about 1.5 million people, according to recent press reports. The UN has been forced to rely mostly on diplomatic means to halt conflicts, using the moral authority of the Security Council, or the 'good offices' of the Secretary-General as a mediator or conciliator. But it has also evolved an extremely valuable role as a peacekeeper, in a way which was not at all anticipated in the Charter.

The first major peacekeeping operation occurred in connection with the Arab-Israeli war. In 1947 the General Assembly proposed the partition of Palestine, which at that time was a British Mandated territory, into an Arab State and a Jewish State. On the 14th May 1948 the UK relinquished its Mandate, the Jewish Agency proclaimed the State of Israel, and Arab forces immediately opened hostilities against it. After a period of fighting, and intense diplomatic activity, the two sides agreed to a truce proposed by the Security Council. It was to be supervised by a Mediator, Count Folke Bernadotte of Sweden, with the assistance of military observers.

A special unit called the United Nations Truce Supervision Organization (UNTSO) was set up for this purpose, initially consisting of 21 observers from each member state of the Truce Commission (Belgium, France and the United States), together with five senior staff officers from Sweden. The observers were unarmed, and their purpose was not to enforce the truce by means of arms, but merely to report any violations, and to act where possible as impartial 'umpires' to investigate and settle any complaints.

The initial four-week truce was followed by further fighting, and a period of unrest ensued during which Count Bernadotte was assassinated by Jewish terrorists, to be replaced by Ralph Bunche. Eventually an Armistice Agreement was reached between Israel and the four neighbouring Arab states, Egypt, Jordan, Lebanon and Syria. To supervise the armistice, UNTSO was increased in size to a body of some 600 observers. It has continued in

existence to this day, and in 1992 consisted of about 300 personnel drawn from 19 different countries.

Peacekeeping operations have been mounted by the UN in many different quarters of the globe since then. The purpose of these operations is not to apply military force, but rather to prevent the occurrence of further conflict after some sort of truce or ceasefire has been reached between the warring parties. The UN mission may supervise a ceasefire, provide a buffer between the opposing forces, or assist in troop withdrawals. Alternatively, it may help to implement the final settlement of a conflict by supervising elections or helping to implement a disarmament agreement, perhaps.

The mission generally involves military personnel, but may include civilians as well. The operations are classified either as 'observer' missions, in which case the personnel go unarmed, or else 'peacekeeping' missions, where the forces are equipped with light defensive weapons, which they are only empowered to use in self-defence. This means that the operations can only be set up with the consent of all parties to the conflict. It is vital that the peacekeepers be seen as completely impartial, and they are usually drawn from the smaller members of the UN, such as the Scandinavian countries. During the Cold War, in fact, the great powers were mostly excluded from these operations, but that restriction has now been dropped. The military personnel are provided on a voluntary basis by the Member states, and over 60 countries have taken part in peacekeeping operations up to date. The UN interim force in Lebanon (UNIFIL), to take an example at random, included contingents from Canada, Fiji, Finland, France, Ghana, Iran, Ireland, Italy, Nepal, the Netherlands, Nigeria, Norway, Senegal and Sweden.

The missions are financed by obligatory contributions levied on the member states. Ideally, each mission should be only a temporary operation, while a permanent solution to the conflict is worked out. In several cases, however, no permanent solution has yet been found, and the peacekeepers have remained in place for many years. In the Middle East, there have been six wars connected with the Arab-Israeli conflict since 1948, and five UN peace-keeping operations have been established, three of which (UNTSO, the Golan Heights, and Lebanon) are still active. Other missions have been in place in Kashmir since 1949, and in Cyprus since 1964. The total expenditure on peace-keeping missions is comparable with the regular UN budget in size, and amounted to \$3.2 billion in 1994.¹²

There were thirteen peace-keeping operations set up by the United Nations in the forty years 1948-1988, and this work was recognized by the award of a Nobel Peace Prize to the peace-keeping forces in 1988. With the end of the Cold War, the pace has picked up, and another 21 such operations were authorized by the Security Council in the period 1988-1994. Some notable recent successes of the UN missions have included supervision of political reforms in El Salvador, monitoring of national elections in Nicaragua and Haiti, and the assistance of Namibia towards independence. In Cambodia, the UN succeeded in brokering a peace agreement, and set up the United Nations Transitional Authority (UNTAC) which organized elections, repatriated 350,000 refugees, and began the rehabilitation of the country, which is still slowly proceeding.

The value of these missions is enormous, in controlling and preventing conflict, and reconstructing war-torn countries. The benefits can hardly be measured in monetary terms, but they are surely many times more than the costs. Observer missions have generally cost no more than a few million dollars each, although the cost of UNTSO has mounted to more than \$300 million over forty years. The most expensive mission to date has been that to Cambodia (UNTAC), which at \$2 billion¹³ is only a small price to pay for the rescue of an entire country from war.

There are severe limitations, however, on those situations in which a UN mission can be useful. If any of the parties to the initial conflict is still determined on fighting, the UN peacekeepers are powerless to stop them. This was graphically illustrated in 1982, when

Israeli tanks rolled contemptuously straight through UN checkpoints on their way to the invasion of Lebanon. It has been demonstrated again recently in Bosnia, where numerous truces and ceasefires were violated by Serb or Muslim forces whenever they saw an advantage to be gained. Members of the UN peacekeeping force (UNPROFOR) were at various times shot at, wounded, killed, or taken hostage. Being unable to use force except in self-defence, they were powerless to stop the fighting, until the United States intervened in strength on its own account, and pressured the warring parties into a peace agreement at Dayton.

Some other recent UN operations which have been unsuccessful were the ill-conceived intervention in Somalia in 1992, and the civil war in Rwanda in 1993. The objective was good in both cases. In Somalia, the UN was having difficulty in getting assistance to 1.5 million starving drought victims, because of lawlessness and fighting between the rival factions of General Mohammed Farah Aideed and Ali Mahdi Mohammed. The United States, with Security Council authorization, mounted 'Operation Restore Hope', with the idea of using force if necessary to control the warring factions and protect food convoys on their way to the relief camps. This was not strictly a 'peacekeeping' mission, because the UN troops were authorized to use force under Chapter VII of the Charter, and the precondition of consent by the warring parties was not met. The UN troops became embroiled in fighting in Mogadishu and elsewhere. A number of servicemen from Pakistan, Italy and the US were killed, and hundreds of Somalis were also killed by fire from the UN troops. The operation failed to prevent further conflict between the rival warlords, and was generally a political and public relations disaster.

In Rwanda, the UN had set up refugee camps for victims of the tribal warfare between the Hutus and the Tutsis; but at one stage UN troops had to stand by helplessly while thousands of people were massacred in the refugee camps under their guard. A total of perhaps one million people were slaughtered in the country as a whole. Such incidents provide stark evidence of the weaknesses of the UN system.

Decolonization

A second major objective of the UN, stated in Section 2, Article 1 of the Charter, is: "To develop friendly relations among nations based on respect for the principle of equal rights and *self-determination* of peoples, and to take other appropriate measures to strengthen universal peace."¹⁴

In accordance with this principle of self-determination, the UN has consistently demanded that colonialism must be eliminated, and that colonial peoples must be helped and encouraged along the path to independence. Chapters XI, XII and XIII of the Charter deal with these questions. Chapters XII and XIII describe the Trusteeship System which was set up to administer the former colonial territories of the defeated powers in World Wars I and II. A total of 11 Territories were placed under the guardianship of the Trusteeship Council after the Second World War: all of them have since attained independence, or freely associated themselves with another country.

Chapter XI of the Charter consists of a Declaration regarding Non-Self-Governing Territories, i.e. the colonial possessions of all the other UN members, such as Britain and France. According to this declaration, the colonial powers "accept as a sacred trust the obligation to promote the well-being of the inhabitants of these territories, and to develop self-government". The UN had no power to impose a particular timetable for independence, but it continued to press the issue by means such as the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960, and the establishment of a Special Committee on Decolonization in 1961. It campaigned strongly against the white minority régime in Rhodesia, for example, and in favour of the independence movements in

many other colonies.

By now this battle has been largely won. The great European colonial empires of the past have disappeared, and a total of 80 nations formerly under colonial rule have joined the UN as independent States since 1945. They make up nearly half the current membership. Of 72 non-self-governing territories listed in 1946, only 17 remain, and these consist of small island territories, with a total population of only 2 million people. Some of them certainly represent contentious issues for the future: the list includes American Samoa, East Timor, New Caledonia, Bermuda, Gibraltar, and several more.

Human Rights

A third great objective of the UN is included in Section 3, Article 1 of the Charter: "To achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."¹⁵ No further provisions were made to pursue this objective in the Charter; but the UN has consistently acted to "promote and encourage" human rights ever since.

This issue had already arisen at the foundation of the League of Nations back in 1919. During the Versailles negotiations the Japanese delegate, Baron Makino, asked for a sentence to be inserted in the Preamble to the Covenant to state that the members of the League endorsed the principle of the equality of nations and the just treatment of their nationals. This seemingly inoffensive and reasonable proposal caused deep embarrassment to the United States, Australia and New Zealand, because it indirectly asserted the principle of racial equality, whereas those three countries had all enacted racially discriminatory laws which limited immigration from East Asia. The British and Americans therefore refused the Japanese proposal, much to the dismay of Baron Makino, and there was even a question for a while whether Japan might refuse to join the League. Let us note in passing that the Japanese position finally won the day a quarter of a century later, when the principle of equal rights was incorporated in the UN Charter.

After the Second World War, in which terrible acts of genocide, torture and other atrocities had been committed, there were demands from many quarters for a more effective system of protection for individual human rights. A prominent figure among these campaigners was Eleanor Roosevelt, wife of the former US President Franklin Roosevelt. In 1946 the Economic and Social Council set up a Commission on Human Rights, consisting of eighteen members. Its purpose was to draft an international bill of human rights, to become a benchmark, or "a common standard of achievement for all peoples and all nations." This work resulted in the Universal Declaration of Human Rights, which was adopted by the General Assembly without dissent on the 10th of December, 1948. That date has been observed as Human Rights Day ever since.

An important issue was raised by the Soviet Union in the debate over the Declaration: namely, whether the UN would be interfering in the domestic affairs of its Member states by attempting to guarantee the human rights of individual citizens. Article 7 of the Charter lays down expressly that: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." This argument did not deter the majority of UN members, who held that there were certain basic human rights that no state has the right to violate; but in the end the Soviet Union and other Communist countries abstained from voting on the Declaration.

The Declaration contains a comprehensive list of human rights drawn largely from Western democratic models. It begins with a simple proposition in Articles 1 and 2, echoing Rousseau, which says: "all human beings are born free and equal in dignity and rights", and are entitled to rights and freedoms "without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other

status.” It is thus asserted that there are certain natural human rights which are ‘inalienable’: no state has the right to violate them.

Articles 3 to 21 of the Declaration set out the civil and political rights to which all human beings are entitled. They include basic personal rights such as the right to life, liberty and security of person, the right to marry and found a family, and the right to own property. There are basic civil rights such as freedom from slavery and torture, freedom of thought, conscience and religion, and freedom of movement. Legal rights include freedom from arbitrary arrest or exile, the right to a fair trial, and the right to be presumed innocent until proven guilty. Political rights include freedom of opinion and expression, the right to peaceful assembly and association, the right to take part in government, and equal access to the public service.

Articles 22 to 27 of the Declaration deal with social and cultural rights. They include the right to work, and to form and join trade unions, the right to education, the right to an adequate standard of living, and to social security, and the right to rest and leisure.

The Declaration thus provides a broad and comprehensive package of human rights to which the people of the world may aspire. It is only a statement of principle, however, and its adoption was merely the start of a long process which then began, of drafting international covenants which should put these rights into binding legal form. Each covenant has the same status as an international treaty. It may be ratified or not by each UN member as it sees fit; but once ratified, the covenant forms a binding legal obligation.

There was a time lapse of almost twenty years before agreement could be reached on the precise terms, but at last two covenants were adopted unanimously by the General Assembly on 16 December, 1966. They were the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. Together with two extra Optional Protocols and the Declaration itself, they make up what is called the International Bill of Human Rights. It took another ten years, until 1976, until these Covenants entered into force. By 1994, some 130 States had ratified them, comprising somewhat over two-thirds of the UN members. Each party to a Covenant submits periodic reports on its compliance, which are considered by an 18-member Human Rights Committee. The First Optional Protocol to the Covenant on Civil Rights allows for complaints to be received by the Committee from individuals who consider that their rights have been violated. To date 80 Members, or only about one-half of UN members, have ratified the Protocol. Findings of the Committee are made public, and have led to several changes in national laws, as well as the release of a number of prisoners, and compensation paid for various human rights violations.

A Second Protocol, adopted by the General Assembly on 15 December 1989, aims at Abolition of the Death Penalty. To date, only 26 Members have agreed to be bound by it.

In addition to these general provisions on human rights, the UN has campaigned very strongly against racial discrimination. A Declaration on the Elimination of All Forms of Racial Discrimination was adopted in 1963, and an International Convention on the same topic came into force in 1969. By 1994 there were 142 States party to it. An 18-member Committee on the Elimination of Racial Discrimination was set up, which receives reports and may consider complaints by groups and individuals (by now the *modus operandi* of the UN should be clearly evident!).

The UN was particularly active in opposing the apartheid system of racial segregation practiced by South Africa from 1948 onwards. A Special Committee against Apartheid was established in 1962, and an arms embargo against South Africa was instituted in 1963. There were repeated condemnations of police killings of demonstrators such as occurred in the Sharpeville massacre of 1960, and South Africa was excluded from the UN in 1974. An International Convention declaring apartheid a crime against humanity came into force in 1976. World Conferences were held in 1978 and 1983, and a Programme of Action was

drawn up. The South Africans still remained obdurate, and the UN could not force them to change their policy.

The UN tried to increase the pressure. Calls for sanctions, including an oil embargo, were discussed in 1979. In 1988 an International Convention against Apartheid in Sports came into force, reinforcing an earlier Declaration of 1977. The South African rugby team, their beloved Springboks, were excluded from international competition together with the cricket team. This had more effect than perhaps anything else, as the pariah status of their country was brought home to ordinary white South Africans. Combined with a drying-up of international investment capital, this brought about an eventual change of heart in the government of President de Klerk. The major apartheid and security laws were finally lifted in 1991, and the first nationwide election under universal suffrage in 1994 saw Nelson Mandela take power as President, bringing an end to the apartheid era.

Other Conventions involving human rights include those on Elimination of Discrimination against Women (1979); against Torture (1987); on Rights of the Child (1989); and Rights of Migrant Workers (1990). A Centre for Human Rights has been established in Geneva.

It is clear that the UN has been engaged in a slow process of building up a body of conventions, which will provide a comprehensive structure of international law in the field of human rights. It is also clear that it will be a long time before the law's writ is recognized all over the world. Approximately a third of the members of the UN have not ratified any of the human rights conventions; and the UN can do nothing to enforce them in any case, except apply moral pressure. Horrible violations of human rights are still commonplace, such as the recent tortures, rapes, and mass executions of prisoners reported in Bosnia; and other examples can be seen on the news virtually every day.

International law

Article 13 of the Charter charges the General Assembly to "initiate studies and make recommendations" for "encouraging the progressive development of international law and its codification."¹⁶ To help carry out this task, the General Assembly set up the International Law Commission in 1947, which now has 34 members, and meets for one session of two or three months each year. Its purpose is to prepare draft conventions on topics of international law.

The General Assembly is not a legislative body, and has no power itself to make binding international law. The way in which it works is as follows. First, it may adopt a Declaration of principles on the topic at hand. Then, a concrete legal document, in the form of a Convention, will be hammered out during a long and tedious succession of committees and conferences, which are necessary in order to reach some sort of consensus on the detailed terms and provisions. The draft convention is then adopted by a vote of the General Assembly, and opened for ratification by the individual Member states. When the number of ratifications reaches a certain predefined level, the convention enters into force, and thereafter becomes a legally binding treaty between those states which have ratified it. The whole process may extend over many years. A Committee or Commission will often be set up to implement or administer the convention. We have already mentioned examples of some conventions which have been formulated on the topic of human rights.

The centrepiece of UN lawmaking up to date has been its work on the Law of the Sea, a topic which dates all the way back to Hugo Grotius. In 1958, the First UN Conference on the Law of the Sea was held, and approved four Conventions on the topic. Unfortunately the conference was unable to reach agreement on one basic question, namely the width of the territorial sea off the coast of each maritime nation. The old standard width was 3 miles, which was about as far as an old-fashioned cannon could carry; but many states wanted it extended to 6 or 12 miles. Thus the 1958 Conventions were never brought into force.

A Sea-Bed Committee was set up in 1967 to draft principles on the use of the seabed and its resources. The resulting Declaration of Principles was adopted in 1970, declaring that the seabed and its resources beyond the limits of national jurisdiction are “the common heritage of mankind”, to be reserved for peaceful purposes. It was decided that a single, new Convention was needed to encompass all the related aspects of the Law of the Sea. Conferences and negotiations continued for twelve years until the final text of the new Convention was approved at a conference on 30 April 1982, by a vote of 130 in favour to 4 against, with 17 abstentions.

The Convention covers all aspects of the ocean and its uses: navigation and overflight, resource exploration and exploitation, conservation and pollution, fishing and shipping. It defines territorial seas over which coastal states may exercise sovereignty as extending 12 nautical miles from the coastline. It also defines an “exclusive economic zone” (EEZ) extending 200 nautical miles from the coast, in which coastal states have rights over natural resources such as oil deposits, and may control marine research and environmental protection. All states enjoy traditional freedoms of navigation, overflight, scientific research and fishing on the high seas. Exploitation of the seabed is to be under the control of an International Seabed Authority, located in Jamaica. Disputes are to be referred to an International Tribunal for the Law of the Sea, located in Hamburg, Germany.

The Convention was to come into force when it had been ratified by 60 member states. It was another twelve years before the necessary ratifications were received, so that it was not until November 1994 that the Convention finally entered into force. By May 1995 it had received 75 ratifications. In the meanwhile, however, it has acted as a *de facto* guide to conduct for the member states: for instance, 128 states have proclaimed territorial seas out to 12 miles, and 112 states have proclaimed a 200-mile EEZ. A few states have been greedy, and claimed rights beyond those allowed by the Convention.

Another major part of the ‘global commons’, which has become steadily more important, is outer space. The UN has been very concerned that the arms race might extend into outer space, leading to a ‘Star Wars’ scenario with orbiting missiles, bombs and battle stations. The General Assembly set up a Committee on the Peaceful Uses of Outer Space in 1959. Five Treaties, Conventions and Agreements have entered into force, concerning the Exploration and Use of Outer Space (1966); Rescue of Astronauts, Return of Astronauts and Return of Objects Launched into Outer Space (1967); Liability for Damage Caused by Space Objects (1971); Registration of Objects Launched into Outer Space (1974); and Activities of States on the Moon and Other Celestial Bodies (1979). The titles sound like something from a science fiction novel, but their objects are perfectly serious. The placing of nuclear weapons, or other weapons of mass destruction, in orbit or on the Moon is forbidden by the 1966 Treaty. Principles governing the use of artificial earth satellites have also been adopted.

A third region which *ought* to be part of the global commons, but is not, consists of the continent of Antarctica. This area is for most practical purposes uninhabitable, but it is subject to territorial claims by a number of countries, and as such it is not subject to UN control. In 1959, however, an Antarctic Treaty was signed between all the interested parties, under which it was agreed that the continent will be reserved for peaceful purposes only, so that no military bases or nuclear weapons may be established there. This was actually the very first of the postwar arms control agreements. One may hope that the various parties will eventually agree to jointly resign their rather tenuous territorial claims, and transform Antarctica into another part of the global commons, free of nationalistic ambitions. It could then be turned over to UN administration for the benefit of all mankind, and for the protection of its fragile environment.

One final important area of international law concerns trade. The UN set up a Commission on International Trade Law (UNCITRAL) in 1966. It has concentrated on

matters to do with the international sale of goods, international payments including electronic fund transfers, and shipping. A number of conventions on these topics have been adopted over the years from 1974 to 1989. Other conventions adopted or under discussion have concerned subjects such as diplomatic relations, the law of treaties, the prevention and settling of disputes, mercenaries, and terrorism.

The *International Court of Justice* was set up to provide judicial settlement of international legal disputes, as mentioned previously. Only states can bring cases before it, not individuals. According to Article 38 of the Statute, it may make decisions on the basis of international conventions recognized by the contesting states, and also based on international custom, the international principles of law, and precedents in the form of previous judgements and teachings.

The Court has no power of compulsory jurisdiction, although several delegates at the San Francisco Conference in 1945 argued strongly that it should have. The Statute does contain an 'optional clause' in Article 36, however, which provides that states at any time may voluntarily declare that they recognize the compulsory jurisdiction of the Court on any question of international law. Fewer than half of the UN members have done so, and most of those have attached conditions or reservations, or set time limits to their agreement. The US accepted the Court's jurisdiction in 1946, subject to termination after 5 years, or on 6 months notice. Britain and France also accepted the compulsory jurisdiction of the Court, with reservations, but the Soviet Union did not. Under Article 36, the Court has the power to determine whether it has jurisdiction in a particular case, or not.

As it turns out, the Court has been little used. Some 72 cases have been submitted to it from 1945 to 1994, or a little over one per year, and 22 advisory opinions have been requested by other organizations. Eleven cases are still pending, which indicates that the pace is picking up a little. Most of the cases have concerned relatively minor matters. Some have been territorial: in 1953, for example, the Court found in favour of Britain in a dispute with France over the sovereignty of some small Channel islets. Others have concerned the law of the sea, as when in 1974 the Court found that Iceland was not entitled to exclude fishing vessels from Britain and Germany from certain waters off its coast. In 1989, Nauru filed a claim against Australia for the rehabilitation of areas on the island which had been devastated by phosphate mining. This claim was eventually settled out of court.

The most contentious case was probably that concerning Nicaragua. In 1979, the Somoza dictatorship in that country was overthrown, and replaced by a left-wing Sandinista government. The United States under President Reagan, via the CIA, supported a group of 'contra' rebels against the new régime, and at one time actually laid mines off Nicaraguan ports, despite the fact that the Sandinistas had won a democratic general election in 1984. Nicaragua complained to the Security Council, which reaffirmed her right to decide her own future without external interference. Nicaragua also filed suit against the US in the World Court in 1984. The US denied that the Court had jurisdiction, but the Court found that Nicaragua's application was admissible, and in June 1986 it ruled that the US was in violation of international law, and should pay reparations to Nicaragua. The United States refused to recognize this ruling, and has subsequently refused to recognize the jurisdiction of the Court under the 'optional clause'.

This whole episode forms a sorry blot on the international reputation of the USA. But it also illustrates again the weakness of the UN system. The Court could do nothing to enforce its judgement. Under Article 94 of the Charter, each member undertakes to comply with the decisions of the Court; but if any party to a case fails to comply with such a judgement, the other party "may have recourse to the Security Council", which may "make recommendations or decide upon measures to be taken to give effect to the judgement." Since the US is able to veto any decision of the Security Council, it is in a position to put itself above the law. By doing so in this case, it severely weakened the very structure of

international law which it had itself promoted in 1945.

The important issues leading to war have generally not appeared before the Court. When their 'vital interests' are concerned, states have usually been unwilling to trust the outcome to the judgement of the Court. In principle, for example, the Court could have decided whether Iraq had any title in law to sovereignty over Kuwaiti territory in 1990; but Saddam Hussein preferred to try the law of force rather than the force of law, and sent his armies marching in. On this occasion he miscalculated, and the UN system, led by the United States, eventually threw him out again. Other conflicts have had no legal character at all. In Vietnam, for instance, the struggle was between two political systems, with participants on both sides willing to give their lives in the cause. There was no possibility that the issue could be settled in a court of law.

Disarmament

Disarmament was not seen at first as a major objective for the United Nations. At the end of the Second World War, it was believed that disarmament and appeasement in Europe between the wars had opened the way for Hitler's schemes of conquest, and so the prevailing doctrine was to maintain a strong military deterrent against any threat. Thus the Charter commits the Security Council and General Assembly only to making plans for the "regulation of armaments".

We have seen how the advent of the atomic bomb changed all that, and how calls for nuclear disarmament were starting to become urgent by the late 1950s. In 1959 the UN proclaimed the goal of "general and complete disarmament under effective international control"¹⁷ as its ultimate aim. This was hardly a practical objective at the time: it was a catchphrase which was commonly used in documents of the period, particularly by the Russians, and was designed mainly for propaganda purposes. Nevertheless, it provided a signpost, and the UN has been working in that direction ever since.

The major forum for the negotiation of multilateral treaties on arms control and disarmament is the Conference on Disarmament, which was established in Geneva in 1962. It currently has 40 member states, including all five nuclear-weapon states. It is not formally part of the UN system, but it meets on UN premises, is supported by the UN Secretariat, reports annually to the General Assembly, and includes many of the UN delegates among its representatives, so that for all intents and purposes it might as well be considered as part of the UN. The multilateral treaties concluded at the Conference, and elsewhere, now form a substantial framework of restrictions against weapons of mass destruction. They can be grouped into four categories.

The first category consists of treaties banning weapons of mass destruction from the global commons. They include the Antarctic Treaty of 1959, the Outer Space Treaty of 1967, and the Seabed Treaty of 1971. They ban the placement or testing of nuclear bombs and other weapons of mass destruction in Antarctica, on the ocean floor, in orbit around the Earth, or on celestial bodies such as the Moon. These treaties were agreed quite early, because nobody really had any such nefarious intentions at that time.

A second, very important category consists of treaties banning whole classes of weapons of mass destruction. The Biological Weapons Convention of 1972 bans the development, production or stockpiling of all forms of microbiological agents or toxins such as anthrax. The ENMOD Convention of 1977 prohibits the use of "hostile environmental modification techniques" that might cause phenomena such as earthquakes, tidal waves, or changes in climate. The Inhumane Weapons Convention of 1981 places restrictions on the use of mines, booby traps and incendiary weapons. And finally, the Chemical Weapons Convention of 1993 bans the development, production, stockpiling and use of chemical weapons such as mustard gas, or nerve gases such as sarin. It provides for the progressive

destruction over a 10-year period of the huge stockpiles built up previously by the great powers. It represents another great step forward on the road to disarmament, and the reduction of international tensions.

A third category is made up of regional arms control or disarmament treaties. The first of these was the Treaty of Tlatelolco of 1967, which created a nuclear-weapons-free zone in Latin America and the Caribbean. Another is the Treaty of Rarotonga (1985), setting up a nuclear-free zone in the South Pacific. We may also mention here the very important Treaty on Conventional Armed Forces in Europe which was signed between members of NATO and the Warsaw Pact in 1990 at the Conference on Security and Cooperation in Europe (CSCE). By this treaty the Warsaw Pact was terminated, and upper limits were placed on conventional forces in Europe, which resulted in the demolition of thousands of tanks and other weapons of war on both sides of the old Iron Curtain. Regional treaties are currently under discussion in several other areas of the world.

Finally, there are the treaties which place restrictions on the nuclear weapons already in existence. The first of these was the Partial Test-Ban Treaty of 1963, already discussed in the previous chapter, which bans all nuclear explosions in the atmosphere, in outer space, or under water. It marked the first major breakthrough in nuclear arms control. Next came the Non-Proliferation Treaty of 1968, which we shall discuss below. And last but not least is the Comprehensive Test-Ban Treaty (CTBT), which was endorsed by the General Assembly in 1996, but has not yet been ratified. This will be the coping-stone of the nuclear arms-control régime, and will ban all physical tests of nuclear weapons whatever. Assuming that it is observed, this Treaty will make it almost impossible for any state to develop and test new systems of nuclear weapons.

The United Nations itself has worked very hard to assist these efforts at disarmament. It has held Special Sessions on Disarmament in 1978, 1982 and 1988. It reconstituted the Disarmament Commission in 1978, consisting of all the member states, which meets for a month each year to discuss principles of disarmament. It has also set up Regional Centres for Peace and Disarmament, which have been given somewhat remote locations, such as Lomé in Togo, Lima in Peru, and Kathmandu in Nepal. Finally, a Register of Conventional Arms was opened in 1992, to record data on international arms transfers.

Of all the arms control treaties, the most crucial is probably the Non-Proliferation Treaty (NPT). Its purpose is to prevent 'horizontal proliferation', or the spread of nuclear weapons technology beyond the original five 'nuclear-weapon states' which possessed the Bomb in 1968, namely the USA, USSR, Britain, France and China. The treaty amounts to a bargain between the nuclear and non-nuclear states. Under Article II of the Treaty, the non-nuclear-weapon states undertake not to "manufacture or otherwise acquire" nuclear weapons. In return, the nuclear-weapon states undertake to assist them in the peaceful uses of atomic energy (Article IV), and also guarantee to "pursue negotiations in good faith" to achieve nuclear disarmament (Article VI).

The NPT was ratified by three of the nuclear-weapon states, the USA, USSR and Britain, but not by France or China. The latter two powers regarded the treaty as discriminatory, and designed to preserve the 'nuclear hegemony' of the superpowers, as the Chinese like to put it. Nevertheless, France declared that she would act as if she were a party to the treaty, while China declared that she would not help other states to acquire nuclear weapons. Of the non-nuclear-weapon states, most ratified the treaty, so that total ratifications had reached 178 by 1995,¹⁸ making it the largest multilateral pact in existence. A group of seven so-called 'threshold' states, which harboured nuclear ambitions, did not initially sign the treaty. These were Argentina, Brazil, India, Pakistan, South Africa, Spain and Israel.

A common criticism of the NPT in the early days was that the superpowers had done nothing to implement their part of the bargain, under Article VI, to bring about nuclear

disarmament. This criticism has lost much of its force since the end of the Cold War, and the signing of the START Treaties. France and China finally joined the NPT in 1992; and when the treaty came up for renewal after 25 years in 1995, the parties agreed to extend the treaty indefinitely.

Overall, the treaty has been reasonably successful, in that horizontal proliferation has not occurred quite so rapidly as people once feared it might. In the years since the NPT was signed, only three or four more states are known to have acquired the Bomb. India exploded what it called a “peaceful nuclear device” in 1974. It was revealed by Mordechai Vanunu that Israel now possesses up to 100 nuclear warheads: Vanunu was imprisoned for life for his pains. President de Klerk disclosed that South Africa had built six nuclear bombs by the end of 1989, but they were later dismantled. All these states adopted a ‘bomb-in-the-basement’ policy. The weapons are built as a deterrent, or for use in times of need, but no public announcement of the fact is ever made. The idea is presumably to minimize the damage to world public opinion, and to avoid touching off a corresponding nuclear arms race in neighbouring countries.

A political ‘chain reaction’ has nevertheless been slowly occurring in the nuclear weapons game. China was the first Asian nation to acquire the Bomb, in 1964, in order to stake her claim to superpower status. But India feared and distrusted China, especially since the 1962 surprise attack when the Chinese seized a huge expanse of Indian territory in the Himalayan mountains. Thus India began its own nuclear weapons program, despite the earlier pacifist declarations of Jawaharlal Nehru. When India carried out its “peaceful nuclear explosion” in 1974, it was Pakistan’s turn to feel threatened. India and Pakistan, divided over religion, have fought several wars in Kashmir and Bangladesh since their partition in 1949. The Prime Minister, Zulfikar Ali Bhutto, declared that Pakistanis would “eat grass” if necessary, but they would get the Bomb too. Despite heavy American pressure to prevent them, they eventually succeeded in their object. In 1998, both India and Pakistan became declared nuclear weapon states, as they openly carried out a series of nuclear tests.

Other states have from time to time demonstrated ambitions to own nuclear weapons. They include Argentina, Brazil, Iraq, Libya, Iran, Taiwan, and the two Koreas. According to newspaper reports, the military establishments in both Argentina and Brazil began the construction of nuclear weapons facilities, but these programs have since been halted by the present civilian governments. Colonel Gaddafi of Libya has publicly promised millions of dollars to anyone who can help him acquire a nuclear bomb. In Iraq, the Israelis bombed the Osirak nuclear reactor in 1982 because they believed it was being used to produce weapons-grade nuclear fuel; and in the aftermath of the Gulf War further evidence was found of a clandestine nuclear weapons program. UN sanctions are still in place against Saddam Hussein because of his refusal to enter into safeguards against weapons of mass destruction. Another crisis arose in 1991 when North Korea threatened to withdraw from the NPT, amid reports that it was trying to build a Bomb. The North Koreans were eventually dissuaded after a strong campaign and the promise of valuable incentives by the US. The US has also had to lean heavily on other client states such as Taiwan and South Korea to prevent them embarking on a bomb program.

A worrying feature of these attempts is that a number of the ‘would-be’ nuclear-weapon states are actually parties to the NPT, namely Libya, Iraq, Iran and North Korea. This demonstrates once again that an arms-control treaty is only a ‘piece of paper’, which depends on the mutual confidence and voluntary compliance of the parties to the treaty for its effectiveness. It can be destroyed by the violations of parties to the treaty, or by threats posed by states which do not accede to it. It is possible that the entire arms-control régime could break down in a period of crisis, in the same way that it did in the 1930s in Europe. Many people fear that if creeping proliferation continues from one country to the next, a time will come when nuclear weapons will be used again in combat, and a general holocaust

might possibly ensue.

Another worrying trend is the continuing arms race in ballistic missiles. These are seen as a potent symbol of power in the modern world, and a thriving trade seems to have developed in them. Many countries around the world are actively seeking to build or acquire short-range, intermediate-range, or even intercontinental missile systems. Iraq and Iran are also known to possess chemical weapons, the 'poor man's atomic bomb', while Libya has also been engaged in a large program to produce them. The struggle for disarmament is not yet over, by any means.

Functional Agencies

Most of the day-to-day work of the UN is carried out through its various functional agencies and programmes, which generally report to the Economic and Social Council (ECOSOC). Some of these bodies have been set up by the UN itself, while others (the 'specialized agencies') are separate and autonomous organizations, related to the UN by special agreements. Together they make up what is called the 'UN family' or the 'UN system'. The larger agencies typically dispose of budgets around \$1-1.5 billion per annum, made up of separate levies or voluntary contributions from the member states. Thus the total funds expended by the UN system (including peacekeeping funds, but excluding loans) probably amount to around \$10 billion each year, even though the regular programme budget is only \$2 billion.

There are a bewildering variety of UN activities, and we cannot do more than mention a few highlights. For a start there are the technical agencies, such as the Postal Union and the Telecommunications Union, which regulate and co-ordinate everyday international activities such as postal deliveries, telephone and radio traffic, shipping, aviation, and many more. Their work is basically invisible to the ordinary citizen like you or me, but it is clearly essential to our daily life in the modern world.

The main focus of the UN's work, however, is on economic and social progress in the developing countries (i.e. the Third World), where two-thirds of the world's people live. Many of them have to endure poverty, hunger, disease and ignorance. The goal of the UN is to eradicate or at least alleviate these problems: and it has some remarkable progress to report. Let us glance at some particular aspects:

a) Health

The World Health Organization (WHO) was established in 1948 to raise standards of health world-wide. It has achieved some spectacular successes. In 1967 it started a ten-year campaign to eliminate smallpox by a programme of inoculations around the world. By the end of the 1980s the disease had indeed been eradicated, and the only surviving examples of the virus were held in research laboratories in Atlanta, Georgia, and Novosibirsk, Russia. Even these are now due to be destroyed in 1999.

About 15 million children under the age of five die around the world each year. In conjunction with UNICEF, WHO has been mounting a major campaign against six of the common childhood diseases: diphtheria, measles, poliomyelitis, tetanus, tuberculosis and whooping cough. In 1991 it was announced that 90% of children in the developing world are now immunized against these diseases. The incidence of measles and tetanus has been roughly halved since 1980, and polio has been almost eradicated in several regions. Further programmes are under way to combat a list of tropical diseases such as malaria, leprosy and schistosomiasis. A new global health problem has arisen recently with the AIDS epidemic, which is especially severe in Africa. WHO has begun a programme to control and prevent the disease, but it is perhaps too early to tell what success it will have.

b) Education

The UN Educational, Scientific and Cultural Organization (UNESCO) was set up in

1946 to promote education, science, culture and communications around the world. Its major activity is educational, in training teachers and helping to build and equip schools.

The UN Children's Fund (UNICEF) promotes community-based programmes in education, as well as health care and midwifery. It has a budget of about \$900 million per annum, made up entirely of voluntary contributions, three-quarters from governments and one-quarter from private citizens. In 1990 it set itself a goal to cut infant and maternal mortality and malnutrition in half by the year 2000, and to achieve completion of primary school by at least 80% of the world's children. UNICEF was awarded the Nobel Peace Prize in 1965.

c) Disaster Relief

The UN does its best to provide emergency relief for those in need around the globe. The UN High Commission for Refugees (UNHCR) continues the work begun by Fridtjof Nansen under the League, and spent \$1.2 billion in 1993 helping refugees. The World Food Programme spends most of its budget (\$1.6 billion in 1993) on relief food aid to the starving in sub-Saharan Africa and elsewhere. In 1991 it shipped 4.8 million tons of food.

The work of the UN complements that of many dedicated non-government organizations in these areas. The International Red Cross, Médecins Sans Frontières, World Vision, Oxfam and many more like them make heroic efforts in the struggle against poverty and disease. Bilateral aid programs are also very important. The World Food Programme only provided one fourth of the total food aid shipped globally in 1991.¹⁹

Crop failures and famine in the early 1970s led to establishment of the World Food Council in 1974, which addresses these problems. It co-ordinates the work of the World Food Programme and also the Food and Agriculture Organization (FAO) and the International Fund for Agricultural Development (IFAD), which promote and invest in rural development, with the aim of eliminating hunger. Great strides have been made in Asia, but it is estimated that sub-Saharan Africa still faces a 40% shortfall in food production.¹⁹

d) Trade

The General Agreement on Tariffs and Trade (GATT) is the multilateral treaty which lays down rules for international trade, and aims at the reduction of trade barriers. Negotiating 'rounds' in Tokyo (1973) and Uruguay (1986) each produced large (30%) cuts in tariffs. International trade with developing countries is also promoted by the UN Conference on Trade and Development (UNCTAD).

e) Development

Economic development in the Third World is a major priority for the UN. Besides the FAO and IFAD, which promote agricultural development, it has established the UN Development Programme (UNDP), with a budget of \$1.4 billion in 1993, and the UN Industrial Development Programme (UNIDO). The sums available to these organizations are very modest, however, by comparison with those available to the multinational corporations, whose direct foreign investments totalled \$225 billion in 1990.

Asian industrial production has taken off in recent decades, following the example set by Japan. This has been due largely to the hard work of the locals, and partly to their attracting foreign investment from the multinationals - the UN can claim little of the credit. The smaller 'Tiger' economies of South-East Asia have rapidly approached Western standards of living, while the larger nations like China and Indonesia have also boomed. Even India has begun to feel the stir of life along her economic keel as she opens herself to outside investment and competition. These are astonishing success stories, and will soon qualify much of Asia to be removed from the 'Third World' category. The recent financial crisis has halted progress for the time being, but is likely to prove only a temporary setback. Africa is a harder nut to crack, however, and the efforts of the UN are increasingly being concentrated there.

f) Finance.

The World Bank was set up in 1945 to raise standards of living in developing countries

by providing them with loans for development. One of its arms, the International Development Association (IDA), even provides interest-free loans to some of the very poorest countries. The International Monetary Fund (IMF) was established to co-ordinate exchange rate policies, and to help member states correct balance of payments problems by providing them with temporary loans. It acts as a sort of financial 'policeman', and makes its loans subject to stringent conditions which the member state must adopt to put its financial house in order. Some huge problems have arisen over recent years as a number of Third World countries have run up debts which they cannot repay. Examples were quoted in Chapter 1.

The United Nations has also undertaken programmes in many other areas, such as family planning, the environment, drug trafficking, and others too numerous to go into here.

Shortcomings of the UN

Some of the great achievements of the UN system have been recounted above. Let us now run over some of its shortcomings.

The first group of problems concerns the unsatisfactory operation of the organization as it stands at present. To begin with, there have been perennial complaints about the stultifying and inefficient bureaucracy of the UN. Shirley Hazzard, who spent ten years working in the UN Secretariat, wrote a devastating critique of it in *Defeat of an Ideal*. She describes how staff are recruited on the principle of 'proportional representation' for each member state, with little regard for qualifications. There is no reward for merit and no avenue for promotion for General Service staff, whereas the top members of the Professional Service enjoy large salaries and a lavish round of cocktail parties and other entertainments. In the early days, a McCarthyite purge was carried out among the American employees, to eliminate anyone even remotely suspected of Communist sympathies. At one stage, an office of the FBI was even established within the UN Headquarters building itself. The result of all these factors has been low morale, obstruction, and stagnation among the staff. A startling amount of paper is produced, but very few concrete results emerge.

Another common criticism is that the organization lacks leadership and direction. In a study of the UN development system carried out in 1969, Sir Robert Jackson remarked: "For many years, I have looked for the 'brain' which guides the policies and operations of the UN development system. The search has been in vain .. There is no group (or 'Brains Trust') which is constantly monitoring the present operation, learning from experience .. and provoking thought inside and outside the system."²⁰ Shirley Hazzard pictured Jackson "raking the administrative cavity in a vain search for the missing encephalon." Brian Urquhart and Erskine Childers²¹ wrote a more recent report calling for more effective leadership from the top. They advocate a more rigorous selection process for the Secretary-General, with more effective delegation of authority, and a streamlining of the senior echelons of the Secretariat.

Secretary-General Boutros-Ghali began to respond to some of these problems in recent years. Soon after his appointment in 1992 he made substantial cuts in the higher-level posts within the Secretariat, and reorganized their lines of responsibility. One of his declared aims was to fight corruption and over-staffing within the bureaucracy.²²

The General Assembly suffers from the fact that it has little power and little responsibility, and has become in large part a forum for propaganda. Its proceedings are enveloped in clouds of diplomatic and legal phraseology, so that most people know very little and care even less what goes on there. As the years have gone by, the balance of the Assembly has been changed by the entry of many new ex-colonial states from the Third World. The United States has often found itself outvoted and under criticism, much to the irritation of the US Congress. The Congress, in turn, has delayed or refused to pass appropriations for the

UN. In 1985, the US and Britain withdrew altogether from UNESCO, charging it with gross mismanagement, waste, and politicization.

Many of the member states are perennially late in paying their dues to the UN, with the result that the organization is in a chronic state of financial crisis. In May 1996, it was owed \$3.6 billion, of which the US share amounted to \$1.9 billion. It has had to dip into peacekeeping funds to keep going, and is periodically threatened with bankruptcy unless the arrears are paid up.²³

The second group of shortcomings, which are more of interest to us here, concerns the very severe deficiencies of the UN as compared with what we might like it to be, an effective world federation with power to regulate international affairs and maintain international peace. These include:

The power of veto

Any of the five permanent members of the Security Council can block a decision, rendering the Council impotent and powerless to act. In its neutral peacekeeping role, the UN has been restricted largely to mopping-up operations after the hostilities are over. On the few occasions when the UN has sanctioned intervention in force, such as in Korea, the Gulf War, Somalia or Bosnia, it has acted basically as an appanage to the United States, providing the seal of approval to an American-led operation. Now the USA is a benevolent and high-principled nation by historical standards, but even she is capable of lapses into self-interested actions of doubtful morality, such as the CIA machinations in Chile and Nicaragua. No true internationalist can be satisfied with a system where the world's peace and security depend on a single country, or even a group of countries.

Lack of legal jurisdiction

The World Court has no power of compulsory jurisdiction. As we have seen, it has been little used, and has had virtually no impact on the major issues of war and peace.

Lack of military force

The UN has no security forces of its own, and depends on voluntary contributions from the member states for its peacekeeping activities. The Military Staff Committee is a cipher, and has been given no resources and no useful function. Thus the UN has no means of guaranteeing security for its members, or preventing conflict before it occurs.

Lack of resources

The members of the UN, and particularly the US Congress, love to criticize the UN for waste and inefficiency. No doubt a good deal of waste, and even corruption, does go on within the UN system - as it does within almost any organization. But the overriding fact is that the total resources we give to the UN are minuscule, and laughably inadequate for the job we would like it to do. It has often been pointed out that the regular core budget of the UN, at a little over \$2 billion per year, is less than that of the New York City Police Department. If the NYPD has trouble maintaining peace on the streets of New York, how can we expect the UN to maintain peace over the entire world?

The fact that the UN's resources are inadequate has been tacitly recognized by the extra levies and voluntary contributions provided to the individual agencies of the UN, which raise the total budget of the UN system to something in the vicinity of \$10 billion per annum. But voluntary contributions are never enough to properly satisfy a social need. If we truly

expected the UN to function effectively as a world security system, it would need a budget comparable with the defence budget of a superpower such as the United States, i.e. something more like \$250 billion per annum. The budget of the European Union, for instance, is already around \$100 billion per year.

A similar conclusion applies to the human resources of the UN. The Secretariat numbers some 14,000 people: but a big international company like IBM has been known to retrench more people than that in a single year. It is worth noting that the same parsimoniousness applied to the old League of Nations. The League Secretariat was a lean and efficient operation of only a few hundred people, run on a shoestring budget of only \$5 million per annum. Nevertheless, it was constantly accused of reckless extravagance. The British Foreign Secretary, Austen Chamberlain, once made a solemn complaint to the Council over an expenditure by the Health Organization costing the British Treasury less than £1,500.²⁴

Constitutional Rigidity

Amendments to the Charter require the agreement of all permanent members of the Security Council, and two-thirds of the members of the Assembly. In practice, this makes it almost impossible to pass any amendments. This has hitherto prevented the UN from evolving and growing as it possibly might have done, and as the European Union has done over the same period. The organization is like a plant bound in an iron pot, with no room to grow. It has found one or two chinks, through which it has thrust new shoots such as the peacekeeping operations, but in the main its growth has been stunted.

The General Assembly

The General Assembly has multiple problems, stemming perhaps from the fact that the great powers did not envisage a very important role for it when they drafted the original plan for the Charter. The first problem is the fact that the Assembly has no power to make binding international law, but can only pass recommendations or resolutions. Although they carry a certain amount of moral weight, these resolutions can be ignored with impunity by the member states. South Africa and Israel did so for many years.

The result is a certain debasement of the political currency at the UN. Representatives can spout propaganda and pious platitudes without being responsible for putting their ideas into practice. Resolutions are passed by hundreds every year, but they often have little effect.

Another problem is the misrepresentative character of the Assembly. The principle of sovereign equality for all members announced in the Charter means that each nation gets one vote in the Assembly. Thus little San Marino, with 24,000 people and paying 0.01% of the budget, has an equal voice with the USA, which has 260 million people and pays 25% of the budget. The US found itself voting with the majority in the General Assembly only 15% of the time through the 1980s. The small nations have undue influence in the Assembly, and this is why the USA gets impatient with the UN, and ignores many of its resolutions and conventions.

The last and greatest problem is that the representatives in the General Assembly are not popularly elected. They are diplomatic representatives, and must act as mouthpieces for their governments at home. Their first loyalty is to their native countries, not to the UN, although individually many of them are also dedicated to internationalist ideals. They do not have the independence, or the loyalty to the organization, or the room for initiative that an elected representative would have. Thus the UN lacks the heart, and the brain, and the will, that it ought to have. This is not meant to denigrate the efforts of the many devoted representatives and staff there. It is a structural weakness in the organization itself.

Attempts at Reform

Many proposals and attempts have been made over the years to reform and strengthen the UN. We are particularly interested here in proposals for major reform, involving modifications to the UN Charter which might lead to a federal structure.

The United World Federalists in America have concentrated their efforts on amending the UN Charter to produce a 'minimal' world federation. The Clark and Sohn proposal gave a detailed blueprint, article by article, of what the amended Charter might look like. Large numbers of other proposals were also made.²⁵

Hopes in the early days were pinned on Article 109 of the Charter, which stipulated that the question of a conference to review the Charter should be placed on the agenda of the tenth General Assembly in 1955. At that date, unfortunately, the Cold War was in full swing, and when the question came to be discussed the majority opinion in the Assembly was that any attempt to amend the Charter might destroy the UN entirely. As a result, no review conference was convened.

It was then hoped that the twentieth anniversary would provide another opportunity, and new plans were drawn up. A group called the Committee to Study the Organization of Peace prepared a number of reports and recommendations. Another group in the United States called the Conference Upon Research and Education in world government (CURE) held discussions over 16 years, whose ideas have been nicely summarized by Everett Millard in *Freedom in a Federal World*. But these hopes were again disappointed.

The General Assembly itself set up a Special Committee on the Charter in 1975 to consider proposals for amendments. Unfortunately, this committee had no more success in effecting change than the non-government organizations, largely because four out of five permanent members of the Security Council were opposed to its establishment in the first place. The Committee continued to meet annually through the 1980s, but was generally unable to agree on substantive and specific recommendations for action.

An interesting proposal was made by Richard Hudson of the Center for War/Peace Studies in New York in 1976. He suggested that a resolution of the General Assembly should become *binding* on the member states if it satisfied three criteria: that two-thirds of the member states voted for it, and also that the positive votes represented both a majority of the world's population, and a majority of the financial contributions to the UN. This "Binding Triad" proposal would require only a small modification of the UN Charter, and would represent a significant step towards a true world parliament.

The Campaign for UN Reform, founded by Walter Hoffmann as the political arm of the World Federalists Association in the US, has worked very hard towards change. By lobbying in the US Congress, it induced President Carter to produce a *Report on the Reform and Restructuring of the UN System* in 1978, which endorsed some minor changes. The Campaign for UN Reform itself produced a well thought-out and constructive 14-point program for making the UN more effective.²⁶ It addressed the shortcomings listed above, and also advocated improvements in the UN programmes on human rights, disarmament, the environment, development, resources and finance. Many of these programmes have indeed been strengthened in recent years.

The fiftieth anniversary of the founding of the United Nations was celebrated in 1995. Once again, some modest proposals for change were made in a report called *Our Global Governance* by the Commission for Global Governance (the Carlsson-Ramphal Report). Once again, nothing in the way of Charter reform eventuated.

We have noted above that the UN Charter is very rigid, and difficult to amend. The calling of a review conference in itself requires the vote of two-thirds of the General Assembly and nine members of the Security Council. No formal review conference has in

fact ever been held. The only amendments to the Charter which have ever been passed are trivial changes to enlarge the Security Council (1965) and ECOSOC (1965 and 1973).

In recent years, efforts have been concentrated on a less ambitious proposal to address the lack of democratic representation. The idea is to make the UN more democratic by adding on a second Assembly which would represent the peoples of the world.²⁷ The Second Assembly might be made up of representatives of non-government organizations, or it might consist of representatives from the legislatures of the member states, or it might be directly elected by the people. It could be classified as a 'subsidiary organ', providing input to the General Assembly, without requiring any formal amendment of the Charter. This is very much a second-best solution, since the Second Assembly would be a subsidiary, and have even less power than the General Assembly does. Phillip Isely has made the unkind comment that "it would be like grafting a leg to a dead horse."²⁸ Nevertheless, a Second Assembly would at least provide some sort of democratic voice within the organization.

These ideas were discussed at the first Conference on a More Democratic UN (CAMDUN) in New York in 1990,²⁹ convened by groups including the International Network for a UN Second Assembly, the World Citizens Assembly, Concerned Citizens Speak and WorldCOPE. A second conference was held in Vienna in 1991,³⁰ and a third in Accra in 1992. It was proposed that a UN Expert Group should be set up to study these proposals in detail, but so far no action has resulted.

Meanwhile, the World Citizens Assembly has been organizing unofficial meetings to discuss world issues in parallel with the UN General Assembly sessions, in the hope that such a gathering might eventually receive recognition as a Second Assembly.

Summary and Conclusions

The United Nations can pride itself on some remarkable achievements over the years. It has developed an effective role as a peacekeeper in limiting conflicts, or preventing their re-occurrence. The process of decolonization has been virtually completed. Many devastating diseases have been reduced or even eliminated, and heroic efforts have been made to combat starvation, poverty and lack of development in the Third World. A comprehensive network of treaties and conventions has been slowly built up to establish basic human rights, and to control or eliminate weapons of mass destruction. These are steadily establishing new legal norms, or standards of international behaviour. As Secretary-General Boutros-Ghali has said, the UN is "an instrument of peace, justice and cooperative development among nations; it is the repository of hope for humanity and the future. That hope deserves our deepest continuing commitment."³¹

Yet the organization remains much too weak. It has no power to make binding international law, and no compulsory jurisdiction. It has no security forces of its own, and its financial resources are too small by a factor of ten or even a hundred. As a security organization, it can be paralysed by a veto in the Security Council; and even when the Security Council has taken action, it has generally been following in the wake of the United States.

The greatest deficiency in the United Nations, however, is its lack of elected representatives. It has nobody to provide the independent voice, and the drive for progress and reform, which the system needs. Many people have called for more leadership from the Secretary-General, but the responsibility for the effectiveness and progress of the world organization should never rest on the shoulders of any single individual. An elected Assembly is urgently needed to provide more courage and drive within the system.

The network of nuclear arms-control treaties, centred on the Non-Proliferation Treaty, is by now quite comprehensive. Yet these treaties rely very heavily on the backing of public opinion and on mutual confidence for their effectiveness. They can never provide an absolute

guarantee of nuclear security. A state can always opt to stand outside the treaty system; or a party to a treaty such as the NPT may undertake clandestine violations of the treaty, with no effective barrier or penalty to prevent it. In a time of crisis, the whole arms-control system could break down. This does not seem very likely just at present, when the prospects for peace are the best they have been this century; but the consequences could be absolutely horrifying if it did occur. We must therefore double and redouble our efforts to build a better security system, taking advantage of the present sunny weather in international relations.

Unfortunately, the UN has so far proved virtually impervious to constitutional reform. Countless proposals for change have been made over the fifty years of its existence, some large, some small. Some improvements have been made at the administrative level, and continued gradual progress has been made in the peacekeeping system, and the coverage of international treaties and conventions. But inertia and constitutional rigidity have completely blocked, up till now, all attempts to strengthen the UN Charter.