WELCOME to FLC 301/SOC 393-F
November 11, 2003

United Nations, Human Rights and Global Governance

At the end of this session, you should be able to understand
- The History and Foundation of the UN
- 58 Years of United Nations—Successes and Failures
- UN institutional pillars and their tasks
- UN Charter
- UN dilemmas and challenges
- Has the UN a future & what can WE do?

Historical Evolution of the UN System: Emergent international orgs (Mingst/Karns 2000)
- 1815-1878 “Concert of Europe” after defeat of Napoleon & Vienna Congress ➔ multilateral meetings to settle problems & coordinate actions
- Formation of public international unions to regulate trans-border issues (health, transportation, mail)
- International Telegraphic Union 1865
- Universal Postal Union 1874
- the pre-WWI Hague system (1899/1907)-included non-European states for the peaceful settlement of international disputes
- Election of chairs, committees, roll call votes
- Permanent Court of Arbitration

League of Nations after WWI
- Proposed by U.S. president Wilson 1918 but weakened from beginning because U.S. never joined
- Objectives: Prevent war & respect/preserve territorial integrity and political independence of states ➔ economic sanctions & force if necessary
- Assembly & Council (4 permanent & 4 elected members) with unanimity vote (=inefficient), 60 member states
- Oversaw border disputes resulting from Versailles Peace Treaty
- Collapsed after
  - (1) withdrawals (Italy, Japan, Germany, Soviet Russia)
  - (2) violations of its principles without real sanctions
    - Japan invaded Manchuria in 1931
    - Italy invaded Ethiopia in 1935
  - (3) UK and France pursued only their own national interests
- Total failure because it did not prevent WW II

Origins of the UN during and after WWII
- Atlantic Charter 1941 ➔ security system and economic collaboration
- Declaration of the United Nations 1942 ➔ 26 states agreed to create a successor to the League of Nations
Dumbarton Oaks Conference 1944: Draft of Charter, sovereign equality of all states except ‘axis’ (Germany, Italy, Japan, Spain)

Yalta/Russia Conference 1945: org. details hammered out by victorious allied powers (US, SU, UK)

San Francisco Conference 1945: June 26 signed by 50 states-enacted Oct 26

Why was the UN established in 1945?

- Primarily because of two world wars, WW II being especially destructive
- ~50 million persons were killed
- War was based on racial and genocidal philosophy
- Objective was to eliminate war from the world, as stated in the UN Charter
- “To save succeeding generations from the scourge of war”

“New world order” after 1989

The end of the Cold War in 1989 ff was associated with great hopes for a "new world order“ term coined by George Bush, senior:

Recall the following events that opened up new visions, such as the

- liberation and unification of Central and Eastern Europe
- dismantling of the Soviet Union
- defeat of Saddam Hussein's occupation of Kuwait
- Oslo agreements between Israeli Prime Minister Rabin and PLO Chairman Arafat
- Nelson Mandela's election as president of a post-apartheid regime in South Africa

All these events marked the ending of ideological, political, economic, and military conflicts that polarized the world and its regions for 45 years during the Cold War

Demise of the “New World Order”

In the 1990’s the optimism about a peaceful "new world order" and a new role of the UN diminished substantially because new fractures, alliances, conflicts and threats arose that questioned the dawn of a new order of peace and stability.

As a result, more then any previous period the UN had to intervene, for example, in

- genocidal civil wars in the territories of former Yugoslavia and Ruanda
- peacekeeping actions in Cambodia, Haiti, Somalia, Bosnia, East Timor
- human rights violations in El Salvador, Colombia, Peru, Indonesia, Congo, Iraq, Chechnia, Mexico, Iran, Afghanistan, and other places

Tensions/Contradictions of post-Cold War Era

- an increase of members from 158 in 1990 to 185 in 1999 but a decrease of unity among individual states and collective actors about how to handle critical situations and define collective security
- an increase of conflicts and peace-keeping or peace-enforcing missions as mentioned but a decrease of political will to provide the UN with the necessary military, logistical, and financial resources. In fact, the UN was never more in debt in its history as it is right now
- a rising threat by individual member states who actively pursue the production of nuclear, chemical, and biological weapons of mass destruction and at the same time a decrease of international disarmament monitoring systems
• continuous and even increasing economic and social inequality between the North and South and a delegitimization of organizations that were originally intended to narrow this inequality, such as the WTO, IMF and the World Bank.
• Integration and interdependence of societies, i.e. a growth of international trade, expansion of transnational corporations, and the emergence of global financial markets have produce a truly global economy and related trends of globalization in communication, labor markets, technology is marked by a rise of fragmentation, new demands for self-determination, a new generation of ethnic conflicts and civil wars, failed states in Africa (Sierra Leone, Congo/Zaire, Somalia, Zambia, Rwanda), violence against refugees and immigrants in Europe, Asia and the U.S., as well as by protests against the adverse consequences of free trade and globalization.

Basics of the United Nations 1

- The UN is the only universal, multinational organization today with 189 state members--very few countries are not involved in the UN, such as non-independent territories
- UN established in 1945 after 2 world wars. WWII caused many deaths based on racial genocide and ethnic hatred. UN was established to prevent recurrence and to save succeeding generations from the scourge of war

Basics of the United Nations 2

- The UN is just a ‘Club’; a table where countries can make their points of view known to everybody else
- Intention is to draft consensus between points of view of 189 participants
- It is not world government, does not own an army or territory, and does not own “black helicopters”

Basic principles of the UN

- sovereign equality
- veto power (P-5)
- peaceful conflict resolution
- non-intervention into domestic affairs of other peaceful member-states

6 Pillars of the UN System

- General Assembly
- Security Council
- Economic and Social Council-ECOSOC
- Secretariat
- International Court of Justice
- Trusteeship Council

6 UN Organs

- General Assembly, each state has 1 vote = democratic UN body
- Security Council ➔ 15 members (Permanent 5 veto & 10 rotating)
- ECOSOC = 54 members, much more representative than S.C.
- Trusteeship = all 11 territories are no independent (inactive)
Council of Justice = 15 members, 9 year terms, Supreme Court of the World, although has limited powers
Secretariat = paid servant of the UN
Total 40,000 people involved in UN (1/2 size of NYPD)
UN HQ=8,000
UN has 30 other specialized agencies→ health, trade, children, etc.

UN Security Council
- maintain international peace and security
- authority to act on behalf of all members of the UN to identify aggressors and commit all UN members to take enforcement measures such as sanctions to provide military forces for joint action
- deliberately designed to be small to facilitate decision-making when dealing with threats to international peace and security
- Permanent 5 powers (P-5) = USA, Great Britain, PRC, Russia, France
- 10 non-permanent seats, elected for two year terms, seats allocated according to geography since 1965: 5 to Africa/Asia, 2 to Latin America, 2 to Western Europe, 1 to Eastern Europe
- provides recommendations for the Secretary-General and justices of the ICJ
- has taken more action since 1987 than any other previous time

UN General Assembly
- general debate arena where all members are equally represented according to a one-state one-vote formula
- can only make non-binding recommendations
- admits states to the UN, elects non-permanent members of the Security Council
- symbolic politics of agenda-setting and gathering majorities in support of resolutions
- shares responsibility with the Security Council in Charter revisions
- meets for three months each fall
- six functional committees: Disarmament and International Security; Economic and Financial; Social, Humanitarian, and Cultural; Special Political and Decolonization; Administrative and Budgetary; Legal
- the place to set agenda for world politics; to get ideas endorsed or condemned; to have actions taken or rejected; reflects the North-South conflict
- an especially valued tool of small and developing countries

Economic and Social Council (ECOSOC)
- coordinates the UN’s economic and social programs, subsidiary bodies, commissions, and special agencies
- most complex part of the UN system since it covers the broadest areas of activity, number of programs and expenditures
- most of the work deals with social development, human rights, narcotic drugs status of women, science and technology, statistics, sustainable development
- members (54) elected for three-year terms, geographically represented
- ECOSOC: an unmanageable task? → reforms
UN Secretariat
- 8,700 professional and clerical staff: individuals that represent the international community
- members implement the economic and social programs the represent the UN’s promise to “save succeeding generations from the scourge of war…promoting social progress and better standards of life in larger freedom.”
- gathers statistical data; issues studies and reports; service meetings; preparing documentation; translating speeches, debates and documents
- Secretary-General = chief administrator or manager of the Secretariat, providing leadership and playing significant political roles a mediator, holds a 5- year renewable term by 2/3 majority of General Assembly and recommendation by the Security Council

International Court of Justice (ICJ) & International Criminal Court (ICC)
- International Court of Justice = the judicial arm of the UN, to ensure that the principles of the Charter are followed
- settles legal disputes according to international law
- no executive arm to enforce decisions, no police to bring party to justice; relies on the voluntary compliance of the states
- judges (15) are elected for 9 year terms by both General Assembly and Security Council
- decisions revolve around territorial disputes, legality of nuclear tests, hostage taking, right of asylum, use of force, expropriation of foreign property
- International Criminal Court = established in 2002 treats individuals and non-state entities as subjects of international law = not accepted by GW Bush govt.

Trusteeship Council
- oversees the administration of (11) non-self governing trust territories
- reports on the status of people in territories; making annual reports; conducting periodic visits
- currently, all of the trusteeship agreements have been terminated, and new responsibilities for the council are still being proposed

Summary of most important UN Charter articles
- Preamble, Article 2: everyone is members, vote equally = a democratic “Club”
- Paragraph 7: Sovereignty Paragraph: domestic jurisdiction, nothing in charter can interfere with domestic jurisdiction.
- Article 10, 12: Issues Security Council discuss cannot be discussed by General Assembly.
- Article 23: Names the Permanent-5
- Article 24: UN “Primary Responsibility” = peace & security
- Article 25: “blank check” = if you become a member, then you agree to any decisions taken by Security Council applies to you.
- Article 27: voting procedure
- Chapter 7, Article 42: “actionable articles”, such action that may be necessary for establishment of peace keeping
- Article 97: powers of secretary general
- Article 99: inherent power
- Article 108: Amendments, cannot be implemented
Content of the UN Charter 1

- **Preamble**
  - Starts with the words “We the peoples….”
  - First priority given to elimination of war
  - Second priority given to human rights
  - Third priority given to treaty obligations
  - Forth priority given to economic and social development

- **Article 2**
  - States that membership is based on “Sovereign Equality” (~Democracy) meaning that small nations have the same power and rights as the great powers.
  - Rule of law is intended BUT contradictions exist between precept and practice

- **Paragraph 7.**
  - Domestic Jurisdiction is not to be violated. Tends to be a headache and has been breached. ‘Holes’ have been made with respect to higher considerations like human rights and environmental protection

- **Article 12**
  - GA can do or consider anything except that which is stated in article 12
  - Any matter being discussed by the Security Council cannot be discussed by the General Assembly

- **Articles 23, 24, 25, & 27** – All 4 relate to Security Council
  - Article 23 names the permanent members of SC. Only part of the charter where specific countries are mentioned.
  - Article 24 uses words ‘primary responsibility’. ‘SC is responsible for peace and security and has primary responsibility’ meaning 2 things
    - SC stands above other institutions with respect to responsibility for peace and security
    - Primary does not mean exclusive however
  - General Assembly took responsibility for resolving Korean conflict, contrary to the objective of Article 10 and 12
  - Article 25 – the “blank check” article – All members assume agreement with any decisions made by Security Council
  - Article 27 – lays down the voting procedure
    - Vetoes legal basis comes from this article
    - Word veto is non-existent; uses ‘concurring votes of the permanent members’

- **Chapter 7** contains the only actions that can be taken by the UN (teeth of the charter).
  - Article 42 – SC can take such action as may be necessary. Marks a departure from the objective of non-use of force
  - Article 51 – grants the right of self-defense

- **Article 97 & 99** – lists powers of Secretary General
  - 97 states that he is the chief administrative officer; must recruit and manage personnel and ensure proper operation of proceedings
  - 99 gives ‘Suo moto’ power. (Some inherent power) It is SG’s right to initiate action, bringing threats of security to the attention of the Security Council. All SG’s have exceeded this power, bringing in issues outside security.
Article 108 – Amendment procedure

- ‘Horrible procedure’ which cannot be implemented because amending one issue in the charter would bring to light many other issues.
- No substantial change has ever occurred.
- Consequential change includes amending numbers due to changing memberships.
- Article 23 is incorrect, referring to USSR. This is ignored due to possible problems in reexamining the charter.

UN Dilemmas 1

- Sovereignty of nation states in domestic jurisdiction and respect for the principle of equal rights and self-determination of peoples VERSUS
- Erosion of sovereignty through globalization, multilateral treaties, UN intervention/enforcement, NGO activities

UN Dilemmas 2

- Demands for increased global governance to deal with questions of peace and security, health, poverty, environment, trade, migration, crime, drugs, human rights violations VERSUS
- The weakness of existing institutions, legal frameworks, policy mechanisms, and lack of political will of member states (UN reform, membership dues, enlisting and command of peacekeeping forces, non-enforcement and defiance of UN resolutions)

UN Dilemmas 3

- Need for global leadership and unified action VERSUS
- The expanding number of actors (nation states, UN organizations, transnational corporations, IGOs, NGOs, private citizens) and selfish, short-sighted unilateralism of individual states (small and big ones)

What are the challenges for the UN in the 21st Century?

- Reform – every institution requires change, the “aristocracy” of P-5 rejects power-sharing, Financing ➔ non-payment of U.S. threatens budget & humanitarian and peacekeeping operations, development aid…
- Relevance – UN so far ineffective b/c of blockage
- Middle East: Israel/Palestine (U.S. policy biased toward Israel)
- Far East: North/South Korea (U.S. policy ambivalent)
- South Asia: Kashmir vs. Pakistan (new regional nuclear powers)
- Limited Abilities – cannot stand up to big bully’s
- “Colonial” and ethnic border conflicts in Africa (Rwanda, Congo) Bosnia & Kosovo
- Forces of Isolationism (particularly U.S.) vs Multilateralism
- Politicization/instrumentalization (U.S./Soviet Union during Cold War, Bush’s Neo-Conservative Imperial Project)
- New Actors – NGO’s, private sector, internet ➔ how to incorporate them?
- Public Education—fighting stereotypes against UN, particularly in U.S.