

FLC Class 4/23/2003
"United Nations and Globalization"

The League of Nations

- Underlying idea formulated by W. Wilson in the last of the 14 Points that set out the war aims of WWI Western allies
- Projected a new legal contract among governments
- Fed into negotiations at Versailles Peace Conference
- Based on the principle of collective security: conflicts should be solved without war & the concept of the balance of power
- Organs of the League were available to find solutions: negotiations & legal judgments. Force was only last resort
- Elaborated procedures for settling disputes
- When a country broke the rules, the Council organized sanctions
- 3 main bodies: the Assembly, Council. Court of International Justice
- Voting by unanimity. All states have veto powers

Failure Based on:

- No universal membership. U.S. pulled out. France and Britain were the only great powers in League
- Japan's invasion of China, Mussolini, Spain, Nazi Germany, Stalin's Soviet Union
- Major powers declined to use League's devices

Origins of the United Nations

- Dumbarton Oaks Conference (1944)
- Victorious WWII powers China, US, UK, France, Soviet Union formulated the governing principles of the UN
- One vote to all members
- Goal was to continue peacetime cooperation
- Yalta (1945): Major powers kept veto. Trusteeship System
- San Francisco Conference (1945) included all governments that declared war on the Axis powers Germany, Japan, Italy. The latter were originally excluded
- Cleavages: small vs. large states, colonial vs. non-colonial
- Issues: Voting, representation in Security Council, categories of territories (trusteeship system vs. non-self governing territories)
- Charter was approved on June 25, 1945. 50 states signed it

UN Charter

- Constitutional document: Defines structure and procedures
- Unchanged except for enlargement of the Security Council and ECOSOC
- Preamble followed by articles that describe the concrete purpose of the institution: maintenance of peace and security; friendly relations among nations, cooperation to resolve social, economic, cultural and humanitarian problems
- Provisions to maintain peace: peaceful settlement of disputes (Chapter VI); coercion (Chapter VII)
- Arrangements for international economic and social cooperation (Chapter IX and X)
- Colonial empires (Chapter XI and XII): non-self-governing territories. Promise of self-government but no independence
- Trusteeship System (Chapter XII)
- Independence

UN and League of Nations

- Similarities
 - Only sovereign states can join
 - All member states are represented in General Assembly

Internal secretariats with a secretary general
International Court of Justice

■ Differences

UN strengthened political power & deepened cooperation
Provided the SC with military power to stop deeds of aggression. Never had armed forces at its disposal
Specific responsibility of the SC was to maintain the peace
Trusteeship Council had broader powers & intervention rights
The Secretary General had the power to bring any matter before the SC that threatened the peace (Art. 99)
Replaced unanimous vote with qualified majorities. For important matters in the GA a 2/3 majority is required
Voting complex in 15 member SC: important matters require approval by the 5 perm. SC members. Procedural by a majority
Included colonies after independence

UN General Assembly

- All members have a seat. Meets 6 months per year
- Formal procedural pattern: lengthy general debate, reports, proposals => go to one of the 7 committees (political, economic, social, non-self-governing territories, budget, legal, Special political). They issue recommendations which go to the plenary session of the GA
- Scope: any matter within the Charter. Peace and security
- Over 150 items per year (Environment, human rights....)
- 'Uniting for Peace' resolution of 1950 provided that if the SC fails to carry out its responsibility as the result of a veto by a permanent member, the GA may deal with a situation threatening the peace when a majority of the SC decides to hand over the matter to an emergency special session of the GA. It can recommend measures including coercion. Suez (1956), Congo (1960), Namibia

UN Security Council

- Five permanent members
- Membership increased from 11 to 15 in 1965
- Non-permanent members elected following a geographical formula: 3 African, 2 Asian, 1 Eastern European, 2 Latin American, 2 from Western Europe and Other states
- Peace & security. Conciliatory & coercive powers
- Means: negotiation; inquiry; mediation; conciliation; arbitration; judgment by a court; sanctions, and military force
- May take the initiative

UN ECOSOC

- Also deals with political issues such as human rights
- 54 members. Fostering general welfare
- Makes and initiates studies dealing with cultural, economic, educational, health, and social issues
- Works through the specialized agencies

UN Trusteeship Council

- Intended to assure impartiality. Reported annually to the SC
- Supervisory powers: visits, reports missions

UN International Court of Justice

- All UN members are parties of the ICJ. Decisions binding
- 15 independent justices serving 9 year terms elected by an absolute majority of both the SC and the GA
- Non-UN members can become party: Switzerland
- States can refer cases in two ways:

- (a) by way of a prior agreement- i.e., treaty or agreement
- (b) compulsory jurisdiction: interpretation of a treaty, questions of IL, nature of reparation for the breach of an international obligation, existence of fact
- Accepted by 56 states often with reservations. U.S. vs. Nicaragua
- BUT: Little effect on peace and security. Averages 2 cases/year
- Critique: sovereignty and impartiality

International Criminal Court

Pros

jurisdiction is based on where the crime is committed not based on nationality

■ Cons

Infringement on national security => Can prosecute without permission of a state

Repressive nations using ICC as anti-U.S. tribunal

No trial by jury & the chance to confront one's accusers & and protection from double jeopardy (as in U.S. court)

Balance of power offsetting power of ICC

Lack of enforcement

If US does not become signatory, ICC is paper tiger

ICC & ICJ

- Origins: Nuremberg and Tokyo WWII trials
- Civil Law=> International Court of Justice, Established in 1945 by the UN Charter
- Criminal Law=> International Criminal Court--Tribunals in former Yugoslavia and Rwanda, under consideration also in Cambodia and Sierra Leon
- 1998 Conference in Rome to establish a permanent international criminal court, Signed by 129 states, ratified by 60 in 2002=>entered into enforcement
- Non-signatories: U.S., Cuba, N.Korea, Iraq, Libya, Israel ...

UN Secretariat

- Secretary General: chief administrator (currently Kofi Annan)
- Organized in departments. Officers keep records, interpret, translate documents, write reports
- International civil service => Hiring based on geographical considerations
- Article 99 extensive powers to the Secretary General. Rare use
- Important behind the scenes diplomatic role

Other UN Agencies

- Specialized agencies coordinated by the ECOSOC
- Geographically dispersed. IMF, WB, UNESCO, ILO, WHO
- They make their own budgetary decisions
- Controversial: inject ideological issues into technical programs

UN Finances

- Budget approved by GA
- Budget shares determined during negotiations
- Peacekeeping costs

UN Membership

- 185 members in 1994: Admission determined by the General Assembly. Difficult until 1965
- China admitted in 1971
- Divided States: Germany (till 1989), Vietnam (till 1975), Korea (still divided)
- Switzerland not member until 2002
- Mini-states have the same voting rights

UN Decision-Making Process

- No weighted voting. Slow decision-making
- Simple majority for most issues. Important issues require a 2/3 majority. Veto powers

- Voting groups. Also non-permanent members of the Security Council

UN Political Significance of Resolutions

- Rarely legally binding. They can not be enforced by courts
- Political significance: seek publicity, attention to an issue, express sentiments and belief, permit leaders to claim legitimacy, may create norms of behavior
- Moral force. Force governments to take public positions

Questions and Tasks

- How are globalization, economics, and democratization linked in the UN system?
- What alternative global scenarios to the UN are possible? Which one are realistic?
- How can "we, the people of the world" have an influence on global decision-making?