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?