Global Institutions and the United Nations

At the end of this session, you should be able to understand

- The origins, purposes, effects, and limitations of international law, see guest lecture by Dr. Susan Hinely/Dept. of History
- United Nations
  - The History and Foundation of the UN
  - UN institutional pillars and their tasks
  - UN dilemmas and challenges

Overview about International Law

- Transformation of feudal Europe into a territorial system of nation states ~ 1500
- European colonial expansion and the origins of an international political system
- 18th century Enlightenment, scientific, philosophical, industrial and political revolutions
- Rise of classical liberal theory and the ideology of individualism: the pursuit of happiness
- Market capitalism & competition: property & equal contracting rights
- Self-determination of peoples, the concept of democracy & consensual order
- Social Darwinism and other concepts of "natural" hierarchies/order by race, gender, class
- "Liberty of each is limited only by the like liberty of all" BUT without specifying the borderline Leaves open an unresolved tension between freedom and order
- The concept of the rule of law on all levels of human activity to provide a framework and police the other sides "freedom," such as disorder, inequality, competition
- Law systems: Municipal, Federal, International
- Schools of thought: Functionalists, Positivists/Realists & Naturalists
- The contradictory and ambiguous nature of International Law
  - "rebus sic stantibus" vs. "pacta sunt servanda"
- The ultimate role of power, consensus, custom, discourse, legitimacy
- Alternative concepts and definitions: sustainability, survival, ethical considerations.....

What is Law?

- Law comes from statehood. Statehood is defined as having: Territory, Population, Government & Sovereignty recognized by other nations
- Law is made by Executive Branch in Non-Democratic nations (Decrees) and Legislative Branch in Democratic Nations
- The United Nations is an International Legal Entity BUT not a government, and therefore has no statehood and can’t make laws
- International Law: Consensus though negotiations, except in the case of unequal treaties
- Must be signed by all member nations. Followed as long as basic conditions of the treaty don’t change

**Problems of Obedience to International Law:**
- Absence of effective institutional machinery
- Lacks central authority
- Applied and enforced by states
- International Court of Justice is often bypassed
- No hierarchy of tribunals

**Why do nations abide by the rules of International Law?**
- Motivation for obedience: fear of the use of force
- Consent and obedience: rules approved and applied by states
- Enlightened Self-interest:
  - Advantages of complying:
    - Necessity to predict the behavior of others
    - Credibility
    - Habit
    - World Opinion
    - Social Approval and Costs
- Disadvantages of expediency: costs of using force

**Methods of Enforcing IL**
Two kinds of compliance: violations of the rules or failure to carry out arbitral awards/judicial decisions
- Pressures of a world public opinion
- Diplomatic protest
- Mediation by third party, commission of conciliation, arbitration tribunal and international court
- Action by a universal or regional agency
- Threat of sanctions: economic, diplomatic…
- Suspension or expulsion from membership in an international agency
- The use of force: Individual or collective intervention in the internal affairs by other state(s) or an international organization
- Enforcement of the Laws of War: Publicity / Fear of prosecution / Reprisals and/or payment of damages /Military intervention

**Historical Evolution of the UN System**
- 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.
- the 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