



# U.N.O.

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# Introduction:

- The failure of the league of Nations to prevent the W.W. II convinced the world statesmen that an effective system of collective security must be evolved if the world was to be saved from total annihilation.
- The UNO was the world organization established after the W.W.II in order to prevent the outbreak of wars & to promote peace and security in the world.
- The word UN was coined by Franklin D. Roosevelt in Jan. 1942.
- The San Francisco conference of 1945 gave birth to the UNO.
- The UN Charter consist of 111 Articles & divided into 19 chapters.

# Aims & Objectives of UN:

- The UN Charter constituted of 111 Articles divided into 19 chapters along with a Preamble.
- The Preamble expresses the ideals and hopes for a happier and a nobler world society.
- Art. I of the Charter contains the four main objectives of the UN.

# Aims & Objectives .....

1. To maintain international peace and **security** by effectively taking collective measures for the prevention of threats to world peace.
2. To develop **friendly relations among nations** duly respecting the principle of equal rights.
3. To **achieve international cooperation** in solving international problems of economic, social, cultural or humanitarian character and to promote **respect for Human Rights** & freedom for all without any discrimination.
4. To be a **centre for coordinating the actions of nations** in the attainment of these common ends.

# Principles outlined in the UN

## Charter:

- To achieve the above objectives, the UN Charter lays down several basic principles under Art. 2. They are as follows –
  1. The UN is based on the principle of sovereign equality of its members.
  2. All members are to fulfill in good faith their obligations to upkeep the Charter.
  3. They are to settle their disputes by peaceful means.
  4. All members shall refrain in their international relations from the threat or use of force against any state.

# Principles of UN contd .....

5. They should assist the UN in any action that it may take in accordance with the Charter.
  6. The UN should not interfere in the internal or domestic matters of the member states.
  7. The UN should see that even non-members shall act as per the principles laid down in the Charter.
- “these are the basic rules of international ethics in accordance with which the organization and its members shall act.”

# Membership of the UN:

- Today it has 192 members, to start with it has 51 original members in 1945.
- Art. 4 of the Charter its membership was “open to all other peace loving states ...”
- It has two types of members – original and acquired membership.
- Original members of the UN are those states which participated in the San Francisco conference & ratified its Charter .
- New application for membership are accepted by 2/3 majority of votes in the General Assembly on the recommendation of the Security Council.
- There is no provision for withdrawal of membership in the Charter, but a member can be suspended or expelled for the violation of its Charter.

# Preamble of the UN Charter:

- It reads as follows –

“We the people of United Nations are determined,

1. To save the succeeding generation from the scourge of war, which twice in our life time has brought untold sorrow to mankind.
2. 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.
3. To establish conditions under which justice and respect for the obligations arising from treaties and other sources of International law can be maintained and
4. To promote social progress and better standards of life in larger freedom.”



# Main Organs of the UN:

- The Charter of the UN provides for the establishment of six main organs in order to realize the objectives of the UN, they are
  1. General Assembly,
  2. Security Council,
  3. Economic and Social Council,
  4. The Trusteeship Council,
  5. The International Court of Justice &
  6. The Secretariat.

# I. General Assembly:

- It is the legislative & the largest organ of the UN.
- It consists of all the members of the UN.
- Each member state is entitled to send a maximum of five representatives but has only one vote.
- These representatives act as per the instruction of their respective governments.

# Composition & organization ....

- The assembly at its first session elects a president for a term of one year.
- The assembly also elects 17 vice presidents & seven chairmen for the seven standing committees.
- In a year, it has an ordinary session and special sessions may be convened if needed.
- A 2/3 majority vote is required in taking a decision in the Assembly.
- General assembly is a diplomatic conference rather than a legislative body.

# Its committees:

- Since it is a unwieldy body of 192 members, it has been divided into a number of committees.
- There are 4 types of committees, like main committees, Procedural committees, Standing committees & Ad-hoc committees.
- There are at present six main committees, like –
  1. The Political & Security committee,
  2. The Economic and Financial committee,
  3. Committee on social, humanitarian & cultural matters.
  4. Trusteeship committee,
  5. Administrative & Budgetary committee &
  6. The Legal committee.

# Committees .....

- There are two procedural committees –
- General committee dealing with the provisional agenda & also additional items.
- Credential committee which examines the credentials of the representatives of member counties.
- The two standing committees are the advisory committee on administrative & budgetary questions & Committee on contributions.
- These committees are permanent committees and work even during the interval of the G.Assembly.
- The total number of Ad-hoc committees are not fixed and changing from year to year.

# Functions of the Assembly:

- Art, 11 to 17 of the UN Charter deals with the functions of the G.Assembly.
- Its main functions are as follows –
  1. The Deliberative functions,
  2. Legislative functions,
  3. Supervisory functions,
  4. Financial functions,
  5. Electoral functions &
  6. The constituent functions.

# I. Deliberative functions:

- It can discuss and deliberate on any matter coming under the scope of UN Charter.
- It can also discuss matters relating to the power of other organs of the UN.
- The decisions of the Assembly is recommendatory and not binding on member countries.
- E.g. India's complaint to General Assembly in 1946, regarding the ill-treatment of Indian minority in S. Africa but the African government challenged the right of the G. Assembly to consider the matter as it fell within her domestic jurisdiction.

## 2. Legislative functions:

- The G. Assembly has been vested with certain legislative powers in the international sphere.
- The member states agree in advance to accept the recommendations of the Assembly as binding.
- For example, when USA, UK, France & Soviet Union could not reach any decision regarding the disposal of Italian colonies, they decided to refer the matter to the G. Assembly and accept its decision as binding on the parties.



### 3. Supervisory functions:

- It exercises control and supervision over all organs of the UN.
- All the organs of the UN have to submit the annual reports about their working to the G.Assembly.
- It go through the reports of all these organs and can make necessary recommendations to them for improvement.

## 4. Financial functions:

- It exercises control over the purse.
- It passes or approves the annual budget of the UN.
- It also considers and approves the budget of the specialized agencies of the UN.
- It also determines the share of the contributions by the member states after taking into account their capacity to pay.

# 5. Electoral functions:

- It has also been vested with certain electoral powers like –
  1. It can decide about the admission of new member states to the UN.
  2. It can also suspend a member- state for the violation of the UN Charter.
  3. It also elects 10 non-permanent members of the security council.
  4. It elects the members of the Economic and Social Council.
  5. It also elects the members of the Trusteeship council.
  6. The secretary general is appointed by the Assembly on the recommendation of the S. Council.
  7. It also elects the judges of the International court of Justice with the approval of the S. Council.

## 6. Constituent Functions:

- The amendment to the Charter of the UN can be passed by the Assembly with 2/3 majority and ratified by the 5 permanent members of the S. Council(Art. 108).
- Here, each member has only one vote.
- A general conference to review the original Charter can be convened by the G.Assembly with the concurrence of the S. Council(Art. 109).

# Role of the G.Assembly:

- It is a recommendatory body the S. Council is the enforcement body.
- But it is remarkable that the Assembly has been able to take a leading role on questions of IN peace and security.
- The adoption of 'Uniting for peace resolution' by the G.Assembly has assigned a new role to it in the IN political life.
- Its prestige has been on the increase as it includes representatives of all the member states.

## 2. Security General:

- It is the enforcing wing of the UN which consists of 15 members – five permanent and 10 non-permanent members.
- The 5 permanent members are UK, USA, USSR, France & China.
- The 10 non-permanent members are elected by the G. Assembly for a 2 years term without eligibility for immediate re-election.
- The presidency of S. Council is held by all members of it in alphabetical order for a period of one month only.

# Powers and functions:

- Its main function is to maintain IN peace and security.
- Decisions on procedural matters are taken on the basis of affirmative vote of 9 members.
- On substantive matters affirmative votes of 9 members including 5 permanent members.
- A negative vote cast on matters of substance is popularly known as 'veto'.
- But abstention from voting is not regarded as an exercise of veto.
- It keep on functioning continuously. It meets periodically & interval between two meetings should not exceed 14 days.

# Powers & functions:

- It performs the following types of functions –
  1. Deliberative functions,
  2. Enforcement functions,
  3. Electoral powers,
  4. Admission of new members,
  5. Other functions.



# I. Deliberative functions:

- It can discuss or deliberate on any matter under the UN Charter.
- It can also conduct investigations and make recommendations.
- Many a times member states are requested to settle their disputes by peaceful means.
- It can resort to enforcement measures only when peaceful settlements fails.

## 2. Enforcement functions:

- It implies that the enforcement functions of the council includes the power to decide the steps to be taken to maintain IN peace and security.
- The enforcement steps may be like partial or complete interruption of economic relations, disrupting means of communication & cutting of all diplomatic relations.
- If the above measures do not yield results, then it can take up actions like demonstrations, blockade and other operations by air, sea or land forces of its member –states.
- A Military Staff Committee is there to assist the S. Council in matters relating to military enforcement actions.

### 3. Electoral powers:

- It participates in the election of the judges of the International court of justice.
- It also enjoys power to recommend the appointment of the Secretary General.

## 4. Admission of Members:

- New members to the UN are admitted by the G. Assembly on the recommendation of the S. Council.
- The recommendation of it form the basis of the suspension of members of the G. Assembly.
- It can also recommend for expulsion of any member in the event of a continuous violation of its Charter by that member.

## 5. Other powers:

- It assist in the administering of the Trust territories if any.
- It can also put forward a plan for regulating & reduction of arms.
- It has the power to take advisory opinion of the International court of justice.
- It can establish subsidiary organs of the UN.
- It can summon special sessions of the G. Assembly.

# Role of the S. Council:

- It has not played a role which was envisaged for it under the Charter.
- Ever since its creation, many factors have led to its decline.
- The 3 factors which have been responsible for reducing the importance of the S. Council are –
  1. The adoption of the uniting for peace resolution by the G.Assembly in 1950,
  2. The emergence of powerful regional security alliances outside the UN like NATO, SEATO, Warsaw, etc.
  3. Thirdly, the emergence of a large number of independent states in Asia & Africa has changed the balance power in favour of the G.Assembly

# Role of the S. Council .....

- During the cold war, it could not played an effective role due to the lack of unanimity among the permanent members.
- However in recent years it is regaining its prominence.
- There is also a demand to restructure it & to remove the veto powers of 5 permanent members and the number of its membership be increased.

### 3. The Economic & Social Council:

- The ECOSOC has been enlarged from the original 18 to 27 members.
- Following are its objectives. –
  1. To **promote higher standard of living**, full employment and conditions of economic & social progress & development.
  2. To **find solutions to international economic**, social, health and related problems & IN cultural and educational cooperation. &
  3. To **develop universal respect for and observance of H. Rights & F. freedoms** for all without distinction as to race, sex language or religion.



# Composition:

- At present it consist of 27 members of the UN, elected by the G.Assembly for a term of 3 years.
- 1/3 of its members retires every year & simultaneously that much number of members are being re-elected.
- A retiring member is eligible for immediate re-election.
- Each member of the council has one vote.
- Majority of its members are from the developing countries.
- It meets twice a year and special sessions are convened whenever necessary.
- The decisions are taken by the council by majority vote.
- There are a large number of commissions to carry out its work.

# Functions of ECOSOC:

- Art. 62- 67 of the Charter deals with the functions of the ECOSOC which may be classified as follows –
  1. Initiating Studies and reports,
  2. Deliberations,
  3. Coordination of the work of the Specialized agencies,
  4. Arranging IN Conference,
  5. Planning Conventions, etc.

# I. Initiating studies and reports:

- It can initiate studies and reports with respect to IN economic, social, cultural, educational, health and related matters.
- It has also undertaken studies on problems relating to refugees, housing shortage, the reconstruction of the devastated areas and economic status of women.
- Its reports have proved to be very helpful in highlighting these problems & find solutions to them.

## 2. Deliberation:

- It has the right to discuss and make recommendations to promote respect for and observation of H. Rights and fundamental freedoms for all.
- It also enjoys the power to call conventions or international conferences on matters within its jurisdiction.
- Though its recommendations are not binding on the member states, it can persuade them to follow them.

### 3. Coordination of the work of Specialized agencies:

- The most important work of the organ is to coordinate the UN activities in the social and economic spheres with those of the specialized agencies set up for the purpose.
- It supervises the work of the ILO, FAO, UNESCO, IMF, IBRD, WHO, International Civil Aviation Organization(ICAO), International Telecommunication Union(ITU), World Meteorological Organization(WMO), International Finance Corporation(IFC), International Refugee Organization(IRO), Inter governmental Maritime Consultative Organization(IMCO), etc.

## 4. Arranging International

### Conferences:

- It plays an important part in organizing international conferences.
- These conferences are attended by governmental or non-governmental agencies.
- Examples of some such conferences held were like, conference on World Population, Scientific conference on Conservation and utilization of Resources, etc.
- These conferences cover many fields like health, trade, transport, employment, refugees, etc.

## 5. Planning of Conventions:

- It plays an important role in conceiving conventions.
- It prepares and plans a number of conventions which it presents to the G. Assembly for consideration before it is accepted by member states.
- E.G., the Council had recommended the convention for the prevention and punishment of the crime of genocide, a convention on the status of stateless people.

# Role of the Council:

- The track record of the working of the council for all these years has shown that it has done excellent job along with the specialized agencies like the UNICEF.
- The Council has been criticized for lack of concrete achievements, delays in considering important matters, etc.
- Despite such criticisms, the Council has shown to the world that it is capable of doing commendable work in economic and social spheres like – human rights, narcotic drug control, literacy, science and technology, refugees, population problems, housing, etc.



## 4. Trusteeship Council:

- It is another principal organ of the UN.
- The Council has to supervise the strategic and non-strategic trust territories.

# Composition:

- The composition of the Council has been laid down in Art. 86 of the UN Charter.
- It shall consist of following members of the UN –
  - a. Those members administering the trust territories,
  - b. Those members mentioned by name in Art. 23 which do not administer trust territories, &
  - c. Other members elected for 3 years term by the G. Assembly to ensure that the total number of members of the council is equally divided between those members of the UN which administer trust territories and those who do not.
- The Council elects its own president and adopts its own rules of procedure. All the permanent members of S. Council are the permanent members of Trusteeship Council but they do not enjoy any veto.

# Powers and functions:

- Art. 87 of the UN Charter, G.Assembly & the Trusteeship Council carrying out the following functions –
  1. Considering the reports,
  2. Hearing petitions,
  3. Visiting trust territories, &
  4. Other functions

# I. Considering Reports:

- The Trusteeship council examines and considers the report submitted by the administering states about the social, economic and political conditions of the people, inhabiting the areas under their administration.
- This council discusses the annual report submitted by the administering powers & submits the report in turn to the G. Assembly and S. Council.

## 2. Hearing Petitions:

- The individuals and organizations may submit petitions to the Trusteeship Council against the administering powers which may be either in oral or written form.
- The council has received a wide variety of petitions covering diverse fields like the violation of human rights, racial discrimination, property claims, etc. Usually the council tried to find solutions to these complaints.

### 3. Visiting Trust Territories:

- The members of this council visit the various trust territories to acquire knowledge about the conditions prevailing in the trust territories, or it may also send missions to these territories.
- This makes the people of these territories to feel that UN is concerned with their welfare and is working for their eventual freedom.

## 4. Other functions:

- The Trusteeship council can also take any other action in conformity with terms of the Trusteeship agreements apart from the functions mentioned above.

# An Estimate:

- It is the successor to the Mandate system which prevailed under the League of Nations.
- As per Art. 77, the following territories shall be placed under the trusteeship system –
  1. Territories held under Mandate,
  2. Territories which may be detached from enemy states as a result of the II W.War.
  3. Territories voluntarily placed under the system responsible for their administration.



# An Estimate .....

- It has eliminated the evils of colonialism and has encouraged the process of social, economic and political developments in the colonial territories.
- It has also helped in gaining independence for the trust territories through peaceful methods and thus helped to promote cordial relationship between the administering powers and the former trust territories.
- Today, the work of the Trusteeship Council is diminishing and it would soon disappear as most of the territories have attained self government or independence.

## 5. International Court of Justice:

- It is the principal judicial organ of the UN.(Art. 92).
- It decides IN disputes according to International Law.
- Art. 93 states that “all members of UN are ipso facto parties to the statute of the International court of Justice.”
- A state which is not a member of the UN may also become a party to the statute of International Court of Justice.
- Its seat is there at Hague in Norway.

# Organization:

- As per the statute the court consists of 15 judges.
- They are selected from among persons of high moral character and those who possess the qualifications required in their respective countries of appointment to higher judicial offices.
- No two judges from the same country can be appointed simultaneously.
- These judges are elected by the G. Assembly and S. Council from the list of proposed candidates by the Secretary General.

# Organization .....

- The term of the judges has been fixed at 9 years.
- Every third year<sup>5</sup> of them retires and vacancies are filled simultaneously.
- The retiring judges are eligible for re-election.
- All the judges are entitled to diplomatic immunities & privileges.
- The judges elect from among themselves the president and vice presidents of the court for a period of 3 years.
- A judge can be dismissed only by a unanimous decision of other members of the court.
- Its quorum is 9 judges. All the decisions of the court are made by majority vote, and the president votes only in a case of tie.

# Jurisdiction of the Court:

- The jurisdiction of the court extends to all cases of which the member states refer to it.
- Its jurisdiction also extends to all matters specially provided for in the UN. Charter and also in the conventions or treaties in force.
- Provision is made for the members to accept the compulsory jurisdiction of the court in all legal disputes concerning –
  1. Any interpretation of the treaty,
  2. Any question of international law,
  3. A breach of an international obligation, etc.

# Jurisdiction of the court .....

- The judgment of the court is final.
- There is no provision for appeal.
- Whenever there is a dispute on the issue as to whether the court has jurisdiction over a particular dispute or not, the issue shall be decided by the court itself.
- The courts deals only with disputes relating to the states and not with the individuals.

# Application of International law:

- Art. 38 of the statute of the IN Court provides that the court shall decide the disputes submitted to it in accordance with IN law and shall apply,
  1. IN Conventions by establishing rules recognized by the contesting states,
  2. International Customs,
  3. The general principles of law as recognized by civilized nations and
  4. Judicial decisions, etc.
- While deciding the cases, the court is not bound by its earlier decisions.

# Advisory Opinion:

- It possess the power to give advisory opinions on legal questions to the G. Assembly, S. Council and other specialized agencies as authorized by the G. Assembly.
- However the court does not give advisory opinion on its own & the advise given by it is not binding on the organs seeking it.



# Enforcement Machinery:

- If any party to a case fails to perform the obligations under a judgment rendered by the court the other party can approach the S. Council to take necessary measures to give effect to the judgment.[Art. 94(2)]
- But in reality, the court relies upon the obligation of each member of the UN to comply with the decisions of the court , to which it is a party.

# Role of the Court:

- In the initial years, the court did not have much work.
- The court was not much involved in disputes which affected the vital interests of the important powers.
- The cases which have generally come before the court covered subjects like fishing rights, financial claims of the member states, asylum in embassy, Aerial incidents, etc.
- The court has also exercised great role in the development of international law and encouraged peaceful settlements of disputes.
- The advisory opinion of the court on many issues have received the approval of majority of states.

# Limitations of the court:

- Though the court settled a number of disputes arising between different states, yet it operated under certain limitations which are as follows –
  1. The Charter of the court attaches great importance to the political approach for the preservation of international peace and security rather than a judicial approach.
  2. Main organs have made a limited use of advisory opinion of the court.
  3. Sometimes, the members of the UN are reluctant accept the decisions of the court applying IN Law.
  4. The jurisdiction of the court is narrowed down, as the parties involved in the dispute hesitant to refer the disputes to it.(Lack of Compulsory Jurisdiction)

# Suggestions for reform:

- Certain suggestions have been made in order to improve the working of the court.
  1. There is a need to change the politicization of the mode of election of the judges by hr governments of the member states. And the total number of judges be increased.
  2. The judgments of the court be based on unanimous opinion rather than majority opinion.
  3. The need to decentralize the organization of the court to improve its working. Instead of one single court 5 regional courts at different zones of the world need to be set up in order to satisfy the needs of the regions.
  4. The fourth suggestion is to extend the jurisdiction of the court over private individuals and corporations.

# Conclusion:

- Despite its limitations, the court has played a significant role in resolving many disputes pertaining to some areas of interests has developed international law and has given important advice on many issues of controversy and ambiguity.
- It cannot be denied that the court has contributed its share in the promotion of international peace through its administration of justice.

## 6. The Secretariat:

- It is the administrative wing of the UNO.
- It is comprised of the Secretary General and such staff as the organization may require. (Art. 97)
- The Secretariat is located at the UN Head quarters in New York having its branches at Geneva, Vienna and Nairobi
- The Secretary General is the Chief Administrative officer of the organization.
- Articles 97 to 101 of the Charter deals with the establishment of this wing.
- The secretary general is aided by several deputy secretaries generals and a staff of about 4000 advisors, experts, administrators & clerks.

# Secretary General:

- He is the chief administrative officer of the secretariat, appointed by the G. Assembly upon the recommendation of the S. Council.(Art. 97)
- The Assembly cannot reject the name recommended by the S. Council nor can it appoint its own candidate.
- The term of the secretary general is 5 years and he may be reappointed.
- The present incumbent of this office is Ban Ki- Moon from S. Korea(2007- 20017).

# His functions:

- He has the over all responsibility for organizing and directing the activities of the organization.
- He help in drafting documents, resolutions and reports and gives legal and technical advice.
- He also prepares the budget of the UN.
- All treaties and international agreements entered into by any member of the UN has to be registered with the secretariat and secretary general notify these treatis to the members.



# His functions .....

- His main authority is to notify the Security Council of any matter which in his opinion may threaten the maintenance of international peace and security.
- Though the UN Charter had not assigned very extensive powers to his office but able to assume extensive powers in the course of time mainly due to their influential personalities.

# Functions of the Secretariat:

- It performs a number of functions which are as follows –
  1. **Preparation of reports and other documents** to facilitate deliberations and decision making by other organs and their subsidiary agencies.
  2. It is expected **to conduct studies and provide the information** required for the member countries to deal with many problems and to meet the challenges in different fields.

## Its functions .....

3. It is required **to undertake production of statistical publications**, information bulletins and analytical work. The decision to do is undertaken by the G.Assembly.
4. It has to take up the responsibility for **organizing the conferences, seminars**, etc. which are relevant to international community.
5. The secretariat has **to make provisions of technical assistance to developing countries**.

# Its functions ....

6. It has to make provision to provide secretarial services to legislative organs & their subsidiary bodies.
7. It has to undertake service missions to countries, areas or locations authorized by the G.Assembly or the S. Council.
  - The secretariat while performing above functions involves itself in the formulation of policy.
  - The secretariat along with the G.Assembly & S. Council also resolves the international disputes.