CHAPTER - THREE

WORLD ORGANISATION TO PROMOTE PEACE:
THE UNITED NATIONS ORGANISATION

A universal fact which needs to be accepted is that 'United Nations is an international agency called into being by States, sustained by States and directed by States'. Therefore, it can hardly be expected to act as an autonomous or independent participant in international affairs, for its very continuance is dependent upon the will of States and its functional capacity is also ultimately subject to their directions. Thus, when we review the previous chapters of history, we do come to know that it was in the 16th century that the division of Christendom and the subsequent strengthening of national dynasties finally loosened the grip of the declining Roman Empire and gave birth to modern State system. Further, during the 17th and 18th centuries, statesmen of different nations were brought together to solve bilateral and multilateral problems.

Various conferences paved the way for the growth of international organisation. However, the Congress of Vienna was the first of a series of international conferences that played an important part in the 19th century European politics. One main fact stands out that the concept of international organisation which evolved during the 19th century was partly the result of the Concert of Europe, which promoted the idea of international consultation, the Hague system which provided the rules and regulations and the public international unions which were the actual symbols of cooperation. Thus, it is noted that, 'without the 19th century of international consultation and institution building, the world could never have evolved towards the two major international organisations of the 20th century: the League of Nations and the United Nations'.

It is further seen that with the advancement of civilization, the reformers and the leaders of the world took initiatives to think over on the very issue to live with peace by avoiding violence and conflicts. Therefore, they advocated and tried to restore peace when they observed the consequences of destruction and economic stagnation that took place during 1st World War and then brew organisations to take stock of ensuring peace and tranquillity in the world.

The League of Nations

It may not be fully correct to state that President Wilson alone was the author of the League of Nations since various private initiatives also played an important part in coming to its existence. During the World War I, many suggestions were made from time to time for the creation of an international organisation, which could check wars in the future.

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1 The first major European Conference to restore order after a war took place in 1648, namely the conference of Westphalia, which terminated the Thirty Years War. This conference set a trend for similar international gatherings, such as the Utrech Conference (1713) and the alike.


3 Ibid, p.10-11

4 Bharadwaj, A.N, op.cit, p.20
Popular interests in the possibility of such a league began to manifest itself in the United States after the outbreak of the World War I and grew rapidly during the period of American neutrality. It is noteworthy that a ‘League to Enforce Peace’ was established by a group of public leaders, including many outstanding Republicans headed by Taft. The organisation held a Conference in June 1915 and adopted a Four Point Programme, which received wide publicity. Later, in the year to follow yet another conference was held in May 1916, wherein, President Wilson declared that the United States was willing to become a partner in any association of nations formed to check aggression. In January 1917, he addressed the American Senate on a ‘World League for Peace’. When the United States entered the War, President Wilson insisted in his war message that peace in future can never be maintained except by a worldwide partnership of democratic nations. One of the 14 points of Wilson was an Association of Nations\(^4\) formed for the purpose of affording mutual guarantees of political independence and territorial integrity to all States, immaterial of their status and size.

It is noted that ‘of all the predecessors of United Nations, the League of Nations was the most significant one’ since it contributed innovative ideas, practices and experiences, which were later taken up by the United Nations. The League was the brainchild of President Woodrow Wilson of the United States.\(^5\) The famous 14 points set out the war aims of his government.\(^†\) It was, thus, at a little later point of time that his idea, together with plans developed by Great Britain and France became the basis of negotiations at the Versailles Peace Conference of 1919. The outcome was the Covenant of the League of Nations, an integral part of the Versailles Treaty that was intended to formally terminate World War I\(^‡\). Starting as a permanent organisation, the League of Nations can be understood as the institutional version of the adhoc conferences of the Concert of Europe.

A Commission of 19 members was set up under the Chairmanship of President Wilson and on 14 February 1919, the tentative draft was presented to the Peace Conference for its consideration. On 28 April 1919, the revised draft was adopted unanimously and the Covenant of the League of Nations was incorporated into the Treaty of Versailles, which was signed by the German Delegation on 28 June 1919\(^6\).

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\(^4\) Mahajan, V.D., ‘History of the Modern Europe since 1789’, p.590.

\(^5\) Basu Rumki, op. cit, p.12

\(^†\) He proposed… ‘A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike’.

\(^‡\) The principal purpose of the League, as might be expected after a war was to prevent repetition of such a disaster ever again.

\(^6\) Bhardwaj AN, op. cit, p.20
The statesmen of several countries met together to find out ways and means to restore peace as well as to save the human race. The League was thus established officially in 1920 under a covenant of Article 26, forming Part I of the Treaty of Versailles and other peace treaties with its headquarters fixed at Geneva in Switzerland. The avoidance of war by the peaceful settlement of disputes was the main objective of the League. The members of the League undertook to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League. It showered relief to bring an era of peace and amity, but such hopes, however, were soon belied.

With regard to the Composition of League, it basically consisted of three main organs; these were the Assembly, the Council and the Secretariat. The Assembly was the supreme body and consisted of the representatives of the various States, which were members of the League. Every Member State was given the right of one vote in the Assembly and all its decisions were required to be unanimous. The Assembly held deliberations on international, political and economic matters, which were likely to endanger the peace of the world. It was to advise the members to reconsider the question of amendment of the Treaties, which had become inapplicable on account of the lapse of time and change of circumstances. It was to revise the budget prepared by the Secretariat. It was also to supervise the work of the Council.

The members of the League were required not to go to war without exhausting all the pacific means for the settlement of disputes. The Assembly, the Council and the Permanent Court of International Justice were to help in the matters of maintaining peace. Provision was also made for collective action against a State, which dared to violate the provisions of the Covenant of the League. Coercive actions could be taken against the rebellious States. Provision was also made for the enforcement of economic sanctions against an aggressor country, if and when necessitated. Despite the lack of formal authority, the methods to be used by the League in settling disputes were carefully elaborated. Members agreed in principle to subject their disputes to arbitration or to put them before the Permanent Court of International Justice. However, if a dispute was not of the kind to be treated legally by a tribunal, it was to be submitted to the Council for its final disposal.

† The Treaty of Versailles which concluded between the Allied and Associated Powers and Germany on the 28th June 1919, after the World War I, laid the foundation for League of Nations for the purpose of maintaining international peace, security and the promotion of international co-operation.

‡ However, the main function of the League of Nations was to avoid wars and maintain peace in the world and it was required to do all that lay in its power to achieve that ideal.

§ Bharadwaj, A.N. op.cit, p.20-21

§ Mahajan, V.D, op.cit, p. 591

§ Basu, Rumki, op.cit, p.14
Collective Security and the League

Lots of thought had gone into while looking at important issue of collective security. Thus, the Covenant of League provided for a system of collective security so that peace could be maintained in the world. Members of the League undertook to respect and preserve as against external aggression the territorial integrity and existing political independence of all the members†. In case an emergency arose, the Secretary General of the League was required to summon at once a meeting of the Council on the request of any member of the League. It was the right of every member of the League‡ to bring to the notice of the Council or the Assembly any circumstances, which could threaten or disturb international peace. Certain disputes were declared to be among those, which were generally to be submitted to arbitration or judicial settlement and those were to be referred to the Permanent Court of International Justice, or any Tribunal agreed upon by the parties to the dispute. The members of the League also agreed to abide by the decision or award that might be given. They undertook not to resort to war against a member of the League which complied with the award or decision.

However, if there arose between the members of the League any dispute likely to lead to a rupture which was not submitted to arbitration or judicial settlement, the members of the League were required to submit the same to the Council which was to give full consideration to the same. ‘If any member of the League resorted to war in disregard of the provisions of the Covenant, it was deemed to have committed an act of war against all other members of the League and the later were required to subject the Member State to the severance of all trade, financial, commercial or personal intercourse between nationals of the Covenant Breaking State and the nationals of any others State, whether or not a member of the League’\textsuperscript{10}. It was the duty of the Council in such a case to recommend what effective measures could be taken to meet the situation. The members of the League agreed that they would mutually support one another in the financial and economic measures, which were taken in order to minimize the loss or inconvenience resulting from the above measures. They also agreed mutually to support one another in resisting any special measures aimed at one of the members of the Covenant Breaking State. They also undertook to take necessary steps to afford passage through their territories to the forces of those members of the League who were co-operating to protect the Covenant of League.

\textsuperscript{†} In the event of an aggression or threat or danger of aggression, the Council of the League was required to decide what measures were necessary to meet the situation.

\textsuperscript{‡} The members of the League agreed among themselves that if there was a dispute among them which could lead to war, they would submit the same either to arbitration or judicial settlement or enquiry by the Council. They agreed not to resort to war until three months after the award of the arbitrators or the judicial decision or the report of the Council.

\textsuperscript{10} Mahajan, V.D., op.cit, p.593.
Any member of the League who violated the Covenant was to be removed from the membership of the League. If any dispute involved a State which was not a member of the League, that State was to be invited to accept the obligations of the members of the League for the purposes of that dispute alone, and if the invitation was accepted, the Council was required to institute immediately an enquiry into the circumstances of the dispute and recommend measures which were considered to be effective†. The system of collective security was tested again in Abyssinia and there also it failed. There were clashes between the troops of Abyssinia and Italy in 1934-35. Italy put forward unreasonable claims for compensation and subsequently conquered the whole of Abyssinia in spite of the fact that sanctions were enforced by the League of Nations against Italy. The result was that the system of collective security was completely discredited and every State felt that it could do what it pleased without any fear of collective action against her.

Many reasons have been given for the failure of the system of collective security under the League. One such main reason was that from the very beginning the league lacked the co-operation of some of the major powers††. Other reason was that the interests of all the States were not identical and in many cases clashed with one another. Each State was determined to follow that policy which was in their interest and such an attitude was not congenial to any collective action. The result was that each State was left to defend herself and there was no question of the other States coming to her help. Experience shows that a country was prepared to support another country if it was friendly towards her even if she was guilty of aggression. Such an attitude was fatal to the success of the system of collective security. Experience also showed that every State was afraid of being involved in a war for the sake of another State. In every war heavy losses are certain and nobody is sure about the final outcome of the war and hence all States tried to avoid war instead of joining hands to stop the aggressor. They were not prepared to pay the price involved in defending others although they could expect a similar treatment for themselves in future. The League had a very effective weapon in the form of economic sanctions but the same were not applied strictly††. As regards diplomatic sanctions‡, they were merely an expression of disapproval but as a means of coercion, they were merely a slap on the wrist.

Unfortunately, the League was not effective since its birth and it had no teeth. United States i.e. US (For details of abbreviations used refer Appendix ‘A’) congress declined to accept its covenant without the reservation that USA would undertake the obligations to intervene in conflicts only with its approval. The World War I ended in 1919 by a Treaty of Versailles. The Disarmament Conference failed to achieve its object the Germany by repudiating the military clauses of the Treaty of Versailles, began to arm herself and increase the military strength. Later, Germany disassociated with the League under the leadership of Hitler, thereby committing breach of the Treaty.

† If a non-member rejected the invitation, all members of the League were required to take collective action against that State.

†† Basu, Rumki, op.cit, p.14

†† Mahajan, V.D., op.cit, p. 590-603

‡ The world was facing conflicting ideologies and many States were trying for global dominance and in such circumstances, the system of collective security could not work.
It was during the year 1931 when the League failed to prevent Japanese aggression against China in Manchuria. The League did condemn the violation of the obligations of the Covenant but kept quiet. Afterwards, even Italy invaded Abyssinia. The country appealed to save her from Italian aggression. ‘League took the prevention act by restoring economic and financial sanctions against it, which it found difficult as various constituent members did not fulfill their obligations. The action of the League to enforce the sanctions upon the aggressor failed’.

Causes of the Failure of the League

It may well be noted with concern that from the very outset the League lacked co-operation of some of the major powers†. When the League was founded in 1919, it was assumed that all States in the world would join it and that its membership will be universal which proved only to be a misconception in due course. The failure to obtain universality of membership and the unwillingness of some States to renounce war as a means of policy came into conflict with fundamental principles of the League. Moreover, the members declined to accept the rule that the attack on any one State was considered to be an attack on all others, which was the main idea behind the League’s concept of collective security‡.

Further, when the League attempted, during the next decade, to deal with more serious conflicts involving more powerful States, it did not succeed. Japan gave no heed to demands by the League that it should cease attacking China, and Italy’s Mussolini directed the conquest of Ethiopia before the sanctions ordered by the League could have any effect. The League could never apply sanctions‡. Whenever these were needed the major nation States, which could carry them out, did not withdraw support, nor could the league apply them as these States took too much time to decide.

The League at disarmament was also not successful, especially in the field of general and comprehensive disarmament¹⁵. It may be stressed upon the fact that the political environment was not conducive to international peace for the recognition of the demands of interdependence. National interests and State sovereignty were the greatest hindrances to effective functioning of the League, which finally resulted in a blow to its survival.

¹³ Basu, Rumki, op.cit, p.16

¹President Wilson of the United States, who initiated the institution, caused the first major disappointment. Influenced by both isolationist and utopian tendencies, the US Senate refused to approve the Treaty of the time-honoured US principle of non-involvement in European affairs. Thus, the most important major power never joined the system of collective security.

¹⁴ Ibid, p.15

‡ There was no way to enforce sanctions as the League did not posses an armed force and unlike the United Nations, could not play the role of peacekeeping.

¹⁵ Ibid p.17
Works of the League

While we cast a critical glance at the doings of League of Nations, we find that it has also been called a League of Notions, a League of Robbers and a League of Procrastinators by some of the worldly wise men. It was also said that the League could only bark and did not bite. However, in spite of it, the organisation certainly did a lot of useful work during its existence for about twenty years as is seen that the League was called upon to examine about forty disputes. The league also did a lot of non-political work. A slavery convention was also set up at Geneva in 1925 and it decided to set up a Permanent Slavery Commission also in 1932. Summing up the works done by the League of Nations, Cordell Hull says, ‘The League of Nations has been responsible for more humanitarian and scientific endeavour than any other organisation in history’\textsuperscript{16}.

The Birth of UNO

The League of Nations, which came into existence for the purpose to maintain peace and human development, could not survive longer and failed to achieve its basic object. The League became virtually defunct with the out break of the Second World War in which USA was eventually drawn when bombed the US naval base in Pearl Harbour, Hawaii. It was the sample of their morale that the members who assured to the world for security of the mankind, violated and infringed the principles it stood for by reverting to the individualistic policy of self interest of their power balance. They slipped to carry on their policy of mutual understanding and cooperation, resulting in conflicts and panic, which developed in the region. It destroyed the image of the League and the dark of frustration once again prevailed upon the world.

The horrors, the ruthless destruction, the mass annihilation and economic ruination were the terrible consequences of World War II, which caused and left over acute panic in the human society of the world. There was discontentment and stagnation in the growth of every sphere of life. It is dreadful to note that almost 70 million lives were lost in the two World Wars. These victims will remain an eternal reproach and a warning against military conflicts in Europe. Orphans who had lost their parents, women who were deprived of motherhood and crippled men who could not look after themselves, all that was the sad result of the war which maimed the lives of hundreds of millions of Europeans and other nations. Needful to state, ‘War is always destructive and ruinous and destroys the human age old civilization. Problems arising from war do affect several generations’\textsuperscript{17}. Thereafter, it was to be considered to find out another alternative, which could pave the way to restore peace. There were two schools of thoughts, which had their own opinion. Some of the statesmen desired to give life to the League of Nations, which had become a defunct body while others were of the opinion to give birth to a new organisation\textsuperscript{18}.

\textsuperscript{16} Mahajan, V.D, op.cit, p.591
\textsuperscript{17} Bhardwaj, A.N, op.cit, p.26
\textsuperscript{18} Ibid, p.24
For the implementation of this proposal, the US President Roosevelt and the British Prime Minister, Mr. Churchill had a meeting to find out the suitability to restore peace on stable lines in 1941, which condemned the use of force and territorial aggrandizement and envisaged security from government to the people. As the League of Nations was a product of World War I, so was the United Nations a product of 2nd World War. The idea that a new, major international organisation would be needed to maintain peace and security in the post World War gradually gained popularity among the Allied Powers.

The jurists, the reformers, the statesmen, the peace lovers and intellectuals once again gathered to find out ways and means to save the human population of the world from unnecessary destruction and to promote international cooperation. So, they tried to restore peace on permanent footings so as to ensure non-repetition of past partisan policy of failure. For this, they could only have maintained peace by establishment of world level organisation, which could have inspired hope and confidence in teaming millions for ever lasting peace. This witnessed the birth of an international organisation namely the United Nations.

It may, thus, well be understood that the basic purpose of both the League of Nations and of the United Nations was to promote international peace and security. However, the actions of the League did bring in a general feeling during the years leading up to establishment of the UN that the League had not been strong enough to deal effectively with the aggressions first of Japan, then of Italy, and finally of Germany. This indeed was not acceptable by any scales and hence it was to correct the supposed weakness of the League as a system for providing both international security and peace that a new and stronger body in the form of United Nations had to be created. ‘Declarations in Moscow and subsequently Tehran in 1943 by the Big Four powers indicated their intention to take concrete steps towards establishing an international organisation. In a joint statement Churchill, Roosevelt and Stalin confirmed their plans by stating that they recognized.... the necessity of establishing at the earliest practicable date a general international organisation, based on the principle of sovereign equality of all peace loving States and open to membership by all such States, large and small, for the maintenance of international peace and security.’

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19 Basu, Rumki, op.cit, p.18
20 Bharadwaj, A.N, op.cit, p.26-27
† At the end of the World War II, the United Nations history starts with declaration made by President Roosevelt on January 6, 1941, to the Congress of United States.
On 9th August 1941, President Roosevelt asked the British Prime Minister to draw up a joint declaration to guide their policies. The outcome was the signing of Atlantic Charter by the two leaders on August 12, 1941. Four months later, the United States joined the war after Japan attacked Pearl Harbour. The term, ‘United Nations,’ was coined by President Franklin D Roosevelt. It was first used in the ‘Declaration by the United Nations’ of 1st January 1942, during the Second World War by representatives of twenty six nations at Washington. It subscribed to the principles embodied in the Atlantic Charter; each nation pledging itself to employ its full resources against the enemy, and each government pledged itself to co-operate with the government signatory thereto and not to make a separate armistice or peace with the enemies.

Thereafter, foreign ministers of Britain, United States, Russia and China followed the foot prints of the UN Declaration, which recognized the necessity of establishment at the earliest practicable date a general international organisation, based on the principles of the sovereign equality of all peace loving States and open to membership for all such States, large and small, for the maintenance of international peace and security which was called at Moscow and Teheran Conference.

Needful to state, that the idea of the new international organisation got some attention at the Teheran Conference of 1943, which was attended by Churchill, Stalin, and Roosevelt. The most important planning effort took place in Washington from August to October 1944. This was the Dumbarton Oaks Conference, named after the estate where the meetings were held. During the conference, plans were made in the US Department of State, which furnished the basis of discussion. The conference members at Dumbarton Oaks decided to retain the name as ‘United Nations’. It symbolized their intention of maintaining the common purposes of war and continuing co-operation in peacetime. A clear distinction was made between the powers of the General Assembly, where all members were to be represented, and those of the Security Council, whose members (originally 11, now 15) would have specialized duties related to keeping the peace. It was later, on April 12, 1945 that President Roosevelt died. His successor, Harry Truman, declared that the founding conference of the United Nations would be held as planned. The United Nations Conference of international organisation opened on April 25, 1945, in San Francisco and ended on July 26, 1945, with an agreement on the United Nations Charter, the constitutional document of the new international institution.

23 Basu, Rumki, op.cit, p. 18-19
† The principles of the United Nations, as we know them today, were formulated and approved by China, the United Kingdom, the Soviet Union, and the United States.
The World War II ended in Europe on 7th May 1945, and the Charter of the United Nations was signed at San Francisco in June 1945. The United Nations with its headquarters in New York was created for the maintenance of international peace and security, development of friendly relations among nations, achievement of international co-operation in solving international problems of economic, social or humanitarian character and the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion.

Casting a glance at the history of United Nations, we come to know that, ‘it was the first blueprint of the United Nations Organisation for preserving world peace. The UK, France, China and later on the USA were the promoters who formed the Security Council, the key body of the UNO. Its Charter, which had been signed by the States at San Francisco on 26th June 1945, came into existence with an assurance to meet the challenges of offences against peace and to also work for the security of mankind. The assurance for peace as given in the preamble of the aims and objects was over-flowing and attractive’. It is prudent to state that some of its objectives in the essence of its preamble for restoring peace and global stability are given out in the Charter of United Nations.

It would well be appreciated that the main task was to get the peace maintained and to save humanity and avert war at any cost. Further, it was also to discourage warmongers being yet another objective, which has been bye passed. The Charter was formally signed by 51 States and came into force on October 24th, 1945, after the Five Great Powers and a majority of the signatory States had ratified it.

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26 Mahajan, V.D., op.cit, p.712
27 Bharadwaj, A.N., op.cit, p.27.28

† We the people of the United Nations determined to save succeeding generations from the scourge of War, which twice in our life time has brought untold sorrow to mankind, and to reaffirm faith in the fundamental human person, in the equal right of small, and to establish conditions under which justice and respect of the obligations arising from treaties and other sources of International Law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbours and to make our strength to maintain international security and peace and to ensure that armed forces shall not be used, save in the common interest and to employ international machinery for the promotion of the economic and social advancement of all people, have resolved to combine our efforts to accomplish these aims.

The United Nations is today an organisation of 192 nations and nearly every State on the planet is legally committed to co-operate in supporting the principles and purposes set out in its Charter which include commitments to eradicate war, promote human rights, maintain respect for justice and international law, promote social progress and friendly relations among nations, and use the organisation as a centre to harmonize their actions in order to attain these ends. With the founding of the United Nations, a framework for international co-operation on a scale unprecedented in human history was put in place and now six decades since then, membership in the organisation has indeed enhanced to a voluminous figure.

Further, for millions of refugees from war and persecution; the United Nations has provided shelter and relief. It has acted as a major catalyst in the evolution of 100 million people from colonial rule to independence and sovereignty. It has established peace keeping operations many times to contain hostilities and to help resolve conflicts. It has expanded and codified international law. It has wiped smallpox from the face of the planet. In the six decades of its existence, the organisation has adopted many legal instruments promoting or obligating respect for human rights, thus facilitating an historic change in the popular expectation of freedom throughout the world.

To commemorate the founding of the United Nations in 1945, United Nations Day is celebrated each year on 24 October, by which date the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and a majority of other signatories. Further the purposes of United Nations are indicated in its preamble and are laid down in clearer terms in Article 1 of the Charter†.

The Preamble shows that the Charter of the UN is born of the experience of a devastating war and that it holds out hope of a lasting peace based on a recognition of fundamental human rights which have been the casualties of the war, on a recognition of sovereign equality of all States and on better social and economic conditions for the millions who have been victims of oppression and exploitation. It is further highlighted that the maintenance of international peace and security has been quite logically placed at the head of the list of purposes of the United Nations because in the absence of peace and security none of its other purposes can be realized.

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30 Ibid, p.4

† These purposes being:

- To maintain international peace and security; to develop friendly relations among nations.
- To achieve international cooperation in solving international problems of an economic, Social, cultural or humanitarian character.
- To be a centre for harmonizing the actions of nations in the attainment of common ends.

31 Basu, Rumki, op.cit, p.24
To ensure the above, it is clearly stated in the Charter that for the maintenance of international peace and security, the United Nations will take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace.\(^\text{32}\)

The Charter further amplifies that; the maintenance of international peace and security may be described as the political purpose of the United Nations because of its direct bearing on the struggle for power among nations. Since this political purpose cannot be realized under conditions of social unrest, economic backwardness and cultural drawbacks, the charter enjoins that the organisation will seek to solve international economic, social, cultural and humanitarian problems on a basis of co-operation among nations.

**Membership**

The Charter declares that membership of the United Nations is open to all peace loving nations\(^\text{33}\) which accept its obligations and which, in the judgment of the organisation, are willing and able to carry out these obligations. States are admitted to membership by the General Assembly on the recommendations of the Security Council. The Charter also provides for the suspension or expulsion of Members for violation of the principles of the Charter, but no such action has ever been taken so far\(^\text{34}\). The United Nations has six main organs. They are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat. All are based at United Nations Headquarters in New York, except the International Court of Justice, which is located at The Hague, Netherlands.

**Official Languages**

Under the Charter the official languages of the United Nations are Chinese, English, French, Russian and Spanish\(^\text{35}\). Arabic has been added as an official language of the General Assembly, the Security Council and the Economic and Social Council.

**General Assembly**

As regards the General Assembly, every Member State of the United Nations is a member of this Assembly. As a rule, the Assembly meets once a year but there can be a special session under certain circumstances. As a whole, the General Assembly has been given powers of discussion, review, supervision and criticism of the work of the United Nations.

\(^{32}\) Article 1, United Nations Charter.

\(^{33}\) United Nations, op. cit, p. 7

\(^{34}\) Ibid, p. 7

\(^{35}\) Ibid, p. 8
It can discuss and recommend measures for the maintenance of international peace and security. It directs and supervises international, economic and social co-operation. It supervises the working of the trusteeship system. It controls the finances of the organisation. It admits, suspends and expels members. It adopts international conventions; it initiates, studies and makes recommendations for the encouragement of progressive development of international law. It appoints a large number of members of the various organs of the United Nations. It can debate amendments to the Charter of the United Nations Organisation 36.

Chapter IV deals with the General Assembly, which is considered the central organ that co-ordinates the work of the other organs of the United Nations. Article 9 states that the General Assembly is made up of all countries that are Members of the United Nations. The General Assembly is the main deliberative organ. It is composed of representative of all Member States, each of which has one vote. Decisions on important questions, such as those on peace and security, admission of new members and budgetary matters, require a two-third majority. A simple majority reaches decisions on other questions.

The Security Council

The primary goal of the United Nations is to maintain international peace and security which has been stated right at the start of the Charter in Article 1. Designated as a principle organ by Article 7 of the Charter, the Security Council consists, following an amendment in 1965, of fifteen Members of which five are permanent and ten are non permanent. The Permanent Members of the Council are named in the Charter as being the Republic of China (later the People’s Republic of China), France, United Kingdom, the USA and the USSR (later Russia). In accordance with Article 23, the Non Permanent Members are elected by the General Assembly for a term of two years with due regard being specially paid, in the first instance to the contribution of members of the United Nations to the maintenance of international peace and security and to the other purposes of the organisation, and also to equitable geographical distribution 37. Point to note is that the number of non-permanent members was increased from six to ten by an amendment of the charter, which came into force in 1965.

Further, each Member of the Council has one vote and voting is generally carried out on two types of issues. First, decisions on matters of procedure are taken by an affirmative vote of at least nine of the fifteen members. Decision on substantive matters also requires nine votes but in case any of the Permanent Members casts a negative vote, the proposal is not given approval and the resolution fails. Therefore, these rules make the veto applicable to most decisions of the Security Council and the purpose behind them is to obtain Great Power unanimity on important Security Council matters, specifically those dealing with international peace and security.

36 Mahajan, V.D, op.cit, p.713.

37 cf. Article 23, UN Charter.
Procedural issues are concerned with questions such as the creation of subsidiary organs, the adoption of new rules, the place of meeting and the referral of a question to the General Assembly. **Substantive issues, on the other hand, are ones where the veto power of the Permanent Members may be exercised and include important issues such as the determination of a dispute, the application of sanction, the appointment of the Security General and the admission of expulsion of members**\(^{38}\).

As White observes, the number of vetoes in the period 1946-1986 were, China 22, France 16, Soviet Union 121, UK 26 and the USA 57. He goes on to emphasize the importance of the fact that the Soviet Union cast 77 of its vetoes in the first ten years when the UN was Western dominated, whereas the US cast 45 vetoes between 1976 and 1986, the period of the development of successful relations between the **Non Aligned Movement** and the **Socialist bloc in the United Nations**\(^{39}\). At San Francisco it had been hoped that the limited co-operation amongst the Great Powers during World War II would develop into something more fruitful. Under the Charter, all Members of the United Nations agree to accept and carry out the decisions of the Security Council while other organs of the United Nations make recommendations to Governments; the Council alone has the power to take decisions, which Member States are obligated under the Charter to carry out.

According to **Chapter V**, the Security Council is the main organ for preserving international peace and security. All the countries of the United Nations have agreed to accept and carry out the decisions of the Security Council. The Security Council, thus, tries to settle disputes between countries or within countries, if they affect international peace and security, by promoting negotiations or sending a fact-finding mission or such terms of settlement as it may consider appropriate under the Charter. It makes recommendations to the General Assembly for admitting new members. It also elects, along with the General Assembly, the members of the International Court of Justice and decides whom to appoint Secretary General.

**Chapter VI** talks about peaceful settlement of disputes, which includes such methods as mediation, arbitration, conciliation or judicial settlement. The Council may also ask countries to negotiate between themselves or may recommend terms of settlement. Other frequently used methods are for the Council to appoint a fact-finding mission or a commission of inquiry, or to ask the Secretary General to extend his good offices\(^{40}\).

**The Secretary General**

It is necessary to consider one further important component associated with the primary objective that of the function of the Secretary General in relation to the maintenance of international peace and security.

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\(^{38}\) Hiscocks, R; ‘The Security Council; A study in adolescence’, pp. 84-92

\(^{39}\) White, op.cit, p.12.

It is clear that this role developed significantly during the Cold War period. Article 97 of the Charter states that the Secretariat of the United Nations (the body responsible for assisting in an administrative capacity the other organs of the UN) shall comprise a ‘Secretary General and such staff as the organisation may require’. From the start, it was intended that the Secretary General of the UN would play a much greater role in international affairs than the League’s rather anonymous chief. As a result, a crucial role is assigned to the position of Secretary General enshrined within the Charter itself. Article 99 States that ‘The Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security’.

Clearly this authority is closely related to the primary responsibility of the UN itself. Even though the Article appears to be procedural in nature, in practice Article 99 has enabled the Secretary General to undertake a wide range of political and diplomatic initiative for the purpose of maintaining international peace and security. By having the right to bring any matter to the attention of the Security Council, which, in his opinion threatens peace, the Secretary General’s position is increased in importance as the UN became increasingly assertive in its peacekeeping role. Further, the United Nations Charter as the Chief Administrative Officer of the organisation, describes the Secretary General, who is of course much more than that. Equal part diplomat and activist, conciliator and provocateur, the Secretary General stands before the world community as the very emblem of the United Nations. The task demands great vigour, sensitivity and imagination, to which the Secretary General must add a tenacious sense of optimism a belief that the ideals expressed in the Charter, can be made a reality.

The Secretary General is best known to the general public for using his stature and impartiality, his good offices in the interests of preventive diplomacy. This refers to steps taken directly by the Secretary General or his senior staff, publicly and in private, to prevent international disputes from arising, escalating or spreading. Indeed, as events and crisis unfold across the globe, the Secretary General’s words and deeds can have profound impact. The work of the Secretary General involves a certain degree of inherent creative tension that stems directly from the Charter’s definition of the job. The Charter empowers him to bring to the attention of the Security Council any matter, which, in his opinion, threatens international peace and security. It also calls upon him to perform such other functions as are entrusted to him by the Security Council, the General Assembly and the other main United Nation organs. Thus, the Secretary General functions as both spokes person for the international community and servant of the Member States, role that would seem to guarantee some amount of friction. Far from constricting his work, however, these broad outlines grant the Secretary General an extraordinary mandate for action.

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41 cf. Article 97, United Nations Charter
42 cf. Article 99, United Nations Charter
43 United Nations, op.cit, p.18.
44 Ibid. p.19.
Secretary General’s work also entails routine daily consultations with world leaders and other individual, attendance at sessions of various United Nations bodies and worldwide travel as part of the overall effort to improve global understanding regarding the role of the United Nations in international affairs. Each year, the Secretary General issues an eagerly awaited annual report in which he appraises the work of the organisation and advances his views of its future priorities. Each Secretary General also defines the job within the context of his particular day and age. In 1992, for example, Mr. Boutros Boutros Ghali, at the request of the Security Council, authored ‘An Agenda for Peace’ a far reaching proposal for effective peacekeeping and peace building in the Post Cold World War. Similarly bold initiatives are expected from this and future Secretaries General. At a time when the world community is entering largely uncharted territory, so the office of Secretary General being given new dynamism and direction. The present Secretary General of the United Nations, and the eighth occupant of the post, is Mr. Ban Ki-Moon, who took office in 2007† (Refer Appendix ‘B’ for details of all earlier Secretary Generals to date with their photographs)

The duties carried out by the United Nations Secretariat are as varied as the problem dealt with by the United Nations. These range from administering peacekeeping operations to mediating international disputes. Secretariat staff also survey economic and social trends and problems; prepare studies on subject such as human rights and sustainable development; organize international conferences on issues of world wide concern, monitor the extent to which the decisions of United Nations bodies are being carried out; interpret speeches and translate documents into the organisation’s official languages; and conduct information programmes to acquaint the world’s communications media with the work of the United Nations. More than 25,000 men and women from various countries make up the Secretariat staff. As international civil servants, they and the Secretary General answer to the United Nations alone for their activities and take an oath not to seek or receive instructions from any Government or outside authority. Each member State undertakes to respect the exclusively international charter of the responsibilities of Secretary General and staff and do refrain from seeking to influence them improperly in the discharge of their duties45.

President Eisenhower was quite explicit in his commitment of the United States to the United Nations: He stated that ‘We established the United Nations to abolish aggression, and I am not going to be a party to aggression if it is humanly possible to avoid it or I can detect it before it occurs’. It is pertinent to highlight that this important statement was pronounced at a September press conference and his words were translated into consistent action to the very day on March 7-8, 1957 when Israeli troops withdrew from the last portion of Egyptian territory at Isharomal Shaikh.

† Mr. Ban Ki-Moon’s predecessors as Secretary General were: Mr. Kofi Annan who served from 1997 to 2006; Boutros Boutros Ghali of Egypt who served from 1992 to 1997; Javier Perez de Cuellar, of Peru who served from 1982 to 1991; Kurt Waldheim, of Austria, who held office from 1972 to 1981; U Thant, of Burma (Myanmar), who served from 1961 to 1971; Dag Hammarskjold, of Sweden, who served from 1953 until his death in a plane crash in Africa in 1961; and Trygve Lie, of Norway, who held office from 1946 to 1953.

45 cf. Article 100, United Nations Charter
Although during the first twenty years of the UN’s existence (1946–1966) the Security Council did not actually enforce Article 41 and it was first discussed in connection with a call upon members to sever diplomatic relations with Franco’s Spain. In 1946 the Security Council concluded that the way Franco’s regime had gained power, its role during World War II and the connections of troops on French borders meant that the Franco regime could no longer be regarded as an internal Spanish affair. Later in 1948, Article 41 discussed again when the council attempted to persuade Israel and its Arab neighbors to cease hostilities. Further the Article’s provisions have on a number of occasions without specifically citing the article itself. In connection with South Africa, for example, the council called upon UN members to boycott South African goods, and the Assembly itself requested members to take such measures against Korea in 1950.

The Council’s ultimate power, however, was contained in Article 42, which states that should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such actions may include demonstrations, blockade, and other operations by air, sea or land forces of members of the United Nations.

Further, the Security Council was empowered to take military action against belligerents and thus, the Charter went far beyond the system that had been established under the League of Nations Covenant. It is not clear, however, that the Security Council ever applied Article 42 during the Cold War. The ideological enmity between East and West prevented the Security Council from taking any form of action, which would have had a Chapter VII mandate. Even in those cases where enforcement took place, such as during the Korean War between 1950 and 1953, and in the Congo between 1960 and 1964, it is debated whether the action taken was explicitly under Article 42. In fact, only once was the application formally proposed. During the Suez crisis in 1956, the Soviet Union pushed for UN members to provide naval, air and ground forces to assist the Egyptians. The action that was taken eventually, however, was not as outlined under Article 42.

Article 43 is equally important in that it established the means of supplying the Security Council with the armed forces necessary for carrying out its decisions. Taken together Articles 39-51, at least on paper, portray the potential for the Security Council to be a very powerful executive committee of an embryonic world State.

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47 With regards to South Africa, the Security Council adopted resolution 181 on 07 August 1963, which called upon all States to cease the sale shipment of arms, ammunition and other military equipment to South Africa. The call for an arms embargo against South Africa was retreated in subsequent resolution.

48 c.f. Article 42, UN Charter

Collective Security under United Nations

Article 1 of the United Nations Charter calls for ‘effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace’50 Chapter VII of the Charter points out in detail what those ‘effective collective measures’ can be. It is provided that the Security Council shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations or decide what measures shall be taken to maintain or restore international peace and security. In order to prevent aggravation of the situation, the Security Council may call upon the parties concerned to comply with such provisional measures, as it considers necessary or desirable51. Such provisional measures will be without prejudice to the rights, claims or position of the parties concerned. The Security Council shall take action in case of failure to comply with the provisional measures. It must decide what measures, not involving the use of armed forces, are to be employed to give effect to its decisions and may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic relations.

If these measures are considered to be inadequate by the Security Council, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations by air, sea or land forces of the members of the United Nations. All members of the United Nations, in order to contribute to international peace and security, have undertaken to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities including the right of passage, necessary for the purpose of maintaining international peace and security. Such agreement or agreements shall govern the members and types of forces, their degree of readiness and general location and the nature of facilities and assistance to be provided. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and the members or between the Security Council and groups of members and shall be subject to ratification by the signatory States in accordance with their respective constitutional process.

When the Security Council has decided to use force, it shall, before calling upon a member not represented on it to provide armed forces, invite that member to participate in the decisions of the Security Council concerning the employment of contingents of the armed forces of the member. In order to enable the United Nations to take urgent military measures, the members shall make immediately available national air force contingents for combined international enforcement action. The strength and degree, of readiness of these contingents and plans for their combined action shall be determined by the Security Council with the assistance of the Military Staff Committee. The Security Council shall make plans, for the application of armed forces, with the assistance of the Military Staff Committee.

50 Article 1, UN Charter
51 Mahajan, V.D, op.cit, p.712, 720.
Further, the UN Charter provides that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. **Measures taken by the members in exercise of the right of self defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council to take at any time such action as it deems necessary in order to maintain or restore international peace and security**\(^{52}\).

Experience shows that the system of collective security as provided in the United Nations Charter has failed to achieve its objective. In spite of the salutary provisions, there has been plenty of aggression in all parts of the world and the members of the United Nations have failed to come together to meet the danger. Many reasons have been given for the failure of the system of collective security and the most important seems to be the rivalry between the Great Powers for hegemony in the world. Formerly, the rivalry was between the Soviet Union and the United States. Now Communist China has also come in. These Great Powers seem to be determined to safeguard what they consider to be their national interests, regardless of their effect on the system of collective security as provided in the Charter. When Israel, Great Britain and France interfered in Egypt in 1956, they did not care for the Charter. The same was true of the war between Israel and the United Arab Republic in 1967. **When China attacked India in 1962, nobody came to the help of India in the name of collective security. The same is true of the Pakistani attacks on India in 1965 and 1971**\(^{53}\). When the Soviet Union intervened in Hungary in 1956, the system of collective security was not invoked. The same was the case when the troops of the Warsaw Powers invaded Czechoslovakia in 1968 and occupied the same. The Vietnam War went on for many years. Although, the United States, the Soviet Union and Communist China were directly or indirectly involved in the war, no system of collective security was able to stop it. Experience shows that every country has to depend upon its own resources and those of her friends and allies to protect her.

**Works of United Nations**

Unlike the League of Nations, the United Nations has not only lasted longer, but has also done a lot of useful work in various fields. It has succeeded in avoiding wars and lessening tensions in various parts of the world. It intervened successfully in the case of Indonesia and brought about peace between the Republic of Indonesia and Netherlands and ultimately the independence of Indonesia was secured. The work of the United Nations was really commendable. **Many resolutions have been passed by the United Nations from time to time condemning the policy of Apartheid followed by the Government of South Africa. The United Nations has also done a lot of useful work in Palestine. In April 1948, it appointed a Truce Commission.**

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\(^{52}\) Article 51, UN Charter.

When war broke out between the State of Israel and the Arab States, a truce was brought about through the efforts of the Truce commission and the United Nations mediator. In spite of its initial failures the United Nations succeeded in bringing about an Armistice Agreement in 1949\(^{54}\). The United Nations established the United Nations Relief and Work Agency for Palestine refugees and that Agency did a lot of useful work. When Israel attacked the United Arab Republic in 1956, England and France also attacked the Suez Canal area. The Soviet Union demanded the withdrawal of these powers and threatened to intervene in the war. There was every possibility of a conflagration, but the same was prevented through the agency of United Nations. The three powers withdrew their forces and the United Nations itself appointed its own force to protect the cease fire line. In 1967, there was again the danger of the war between Israel and the Arab States spreading, but the war was brought to a halt through the intervention of the United Nations and peace was restored. In 1973, the United Nations again did useful work to bring about peace between Israel and the Arab States.

When South Korea was attacked by North Korea in 1950, the United Nations condemned the action of North Korea. Under the banner of the United Nations, troops were sent to Korea with General Mac Arthur as Commander-in-Chief. There was bitter fighting and ultimately the forces of North Korea were driven out from South Korea. The United Nation played an important part in bringing about a cease fire in Korea and also re-stored peace in that region. It did tremendous work in connection with the repatriation of the prisoners of war.

In 1946, there was lot of tension in Iran. As a result of the intervention of the United Nations, foreign troops were withdrawn from the Iranian soil and the chances of war were eliminated. The independence of Iran was secured. In 1946, the United Nations played an important part in the withdrawal of the troops from Syria and Lebanon. It also helped the independence of those States. In 1947, there was the danger of a civil war in Greece on account of the interference of foreign powers in that country. The United Nations was able to remove that danger. It also played an important part in the negotiations between France on the one hand and Morocco and Tunisia on the other and thereby secured their independence. When Pakistan sent the raiders to the Kashmir Valley in October 1947, there was the danger of war between India and Pakistan. India lodged a complaint with the United Nations alleging that Pakistan had committed aggression on her territory and she be asked to withdraw from that territory. As a result of the intervention of the United Nations, a cease fire was brought about between the two countries. The United Nations stationed its own staff for maintaining the cease fire and it has performed very useful functions from time to time to settle the question of Kashmir. However, nothing has come out of them because both India and Pakistan have not been able to come to any settlement with regard to the question of Kashmir territory. It is true that the United Nations has not been able to solve the Kashmir problem but any other body under the existing circumstances, could not have done better. It cannot be denied that the United Nations has succeeded in maintaining peace in the Kashmir valley for many years.

\(^{54}\) Ibid, p.716
When Pakistan attacked again in 1965, the United Nations played an important part in bringing about a cease-fire between the two countries. A similar part was played by the United Nations in 1971 when there was a war between the two countries. The United Nations has also played an important part in dealing with the question of Congo. There was a civil war in that country for a long time and the Secretary General of the United Nations lost his life while bringing about peace in the country. The United Nations has spent a lot of money in rehabilitating the people of Congo. When the Soviet Union occupied Czechoslovakia in 1968, the United Nations condemned her action. The United Nations tried its best to bring hostilities in Vietnam to a halt, whether it succeeded in its efforts or not is a different matter.\(^{55}\)

It is true that the United Nations is not a perfect organisation. It has its shortcomings as all institutions have. It will be in the interests of humanity if all the nations of the world give up their personal prejudices and co-operate in the works of the United Nations. Even if that ideal is not achieved, the United Nations is still doing a lot of good for mankind. It provides a forum at which the nations of the world can assemble and iron out their differences. There is scope for settlement of the disputes for lessening of their gravity. It goes without saying that the condition of the world would have been much worse without the existence of the United Nations. It is also true that the United Nations has failed in tackling successfully the problem of collective security in the world. However, it is a problem, which cannot be tackled successfully by any international organisation. That is partly due to the fact that every State, whether big or small, seems to be determined to do all that it can to promote its own interests regardless of the interests of other States or the interests of mankind as a whole. In an atmosphere where there is violence all over the world and each State is pending recklessly to add to its armaments regardless of its costs and repercussions on its own economy or that of the world, peace in the world is merely a dream, which no international organisation can achieve. All that can be done is to do what is possible under the existing circumstances and no one can deny that the United Nations has done the same. \(^{56}\) Over 60 years old today, the United Nations has attained thrice the age of it predecessor League of Nations. It has successfully survived some major crises. There is reason to believe, it will continue to do so and to improve also its performance.\(^ {56}\)

We should perhaps conclude that the United Nations is an institution that reflects but does not shape the political realities of the international system. It evolves when political disagreement and conflict arise. It is an especially good reflection of the extent to which the great powers in the international system consider themselves privileged senior partners in a great global enterprise. A political compromise appears to be emerging today among the most important centers of power in the world. To the extent that this compromise is realized, we can predict that in a progressively technologically interdependent system, the United Nations system of organisations will continue to grow in size, scope, and importance.\(^ {57}\) The stakes are high, infact; they are tantamount to global survival.

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\(^ {55}\) Ibid, p. 718.

\(^ {56}\) Shrresh Juyal & B. Ramesh Babu, op.cit, p. 31

\(^ {57}\) Ibid, p.101