1

APPROACHES: LIBERAL, REALIST

Unit Structure

1.0 STRUCTURE

- Introduction
- Characteristics of the Liberal school of thought
- Classical Liberalism
- Liberal approaches in post-war years
- Realist Approach
- Classical Realism
- Neo-Realismsm
- Conclusion

1.1 OBJECTIVES

- To understand the liberal approach to international relations

- To analyze various schools of thought within the umbrella ideology of liberal school

- To understand the realist perspective on international relations

- To analyze various schools of thought within the umbrella ideology of the realist school

1.2 LIBERAL APPROACH

Liberalism is one of the mainstream approaches to understanding international politics. During the 18th and 19th centuries liberal scholars and political philosophers were trying to chalk out ways to establish peaceful relations between the states. A systematic account of the problems that prevailed in world peace was given by Immanuel Kant in 1795. His ideas influenced the development of the school of liberalism in international relations.

Till the first world war the liberal scholars were content with their ideas but after the war broke out and the destruction it brought with it; liberal scholars were forced to think about the means to prevent such wars in future. On the ideology of liberalism, the League of Nations was established in the interwar period. But the outbreak of the Second World War proved the league of nations to be insufficient. Liberalism kept evolving over time and several different sub-schools under liberalism were developed which will be discussed later in this chapter.

1.3 CHARACTERISTICS OF THE LIBERAL SCHOOL OF THOUGHT

1.   Liberal thinkers have faith in human reason. According to liberal scholars' human beings are capable of understanding what is right and logical.

2.   Liberal theorists believe that there is a possibility of historic progress. The process of social learning and reason gives man a chance to progress. Mankind will not live in a state of conflict perpetually and will choose to adopt political strategies to avoid conflicts. Liberal philosophers argue that it is possible to reform international relations.

3.   Liberal theorists believe there exists a strong linkage between state and society and international politics. These are not isolated areas.

4.   Liberal theorists are pluralist in nature. They believe that the state is just one of the many actors active in international politics.

5.   Some scholars like David Ricardo and Richard Cobden supported the idea of free trade as they believed that economic interdependence increases the stakes of trading partners in each other's economy, and this helps in avoiding war.

6.   Liberal theorists place great emphasis on the establishment and importance of institutions.

1.4 CLASSICAL LIBERALISM

The liberal thought that existed in the interwar period was called classical liberal thought. It was inherently based on the idea that human beings know

what is best for them. They are driven by logic and reason. Humans tend to cooperate, and this tendency would have a spillover effect in domestic and international politics. Liberalism focuses on individual liberty. The theoretical base for the development of classical liberalism can be found in the work of Adam Smith, John Locke, and Jeremy Bentham.

Locke is known as the father of classical liberalism. He argued that the consent of the people is a prerequisite for a government to rule. He advocated for a limited government. The main responsibilities of a government are to protect the rights and liberties of its citizens. Adam Smith coined the term Laissez Faire economy. He argued that if every individual in an economy would try to maximize his profit the economy would prosper. He argued the for least sate interference in the economy. Jeremy Bentham gave the concept of the greatest happiness of the greatest number of people.

Throughout the twentieth century the classical liberal school of international relations was the dominant school. The rise of the Classical liberal school of thought led to the establishment of academic discipline in the field of international relations. Liberal scholars played a very important role after the First World War in shaping the liberal world order. As proposed by Woodrow Wilson, the then US president, The league of nations was set up. It was intended to restore peace and prevent wars. It promoted the idea of collective security.

Liberal ideas were able to influence policymaking but could not prevent conflicts and ultimately the second world war broke out. In fact, the failure of liberal ideas gave rise to the realist school of thought.

1.5 LIBERAL APPROACHES IN POST-WAR YEARS

Despite the failure of liberal theory to prove itself successful in practice, the scholars kept innovating and building new theories to keep up with the changing geo-political scenarios. Some of the schools of thought that emerged after the Second World War are discussed below.

Sociological Liberalism

The writings of Richard Cobden, Karl Deutsch and John Burton have explained the idea of sociological liberalism. Cobden argues that the more communication between the states across the globe the more peaceful would be the relations amongst them. These interactions should involve actors other than states. People-to-people contact should be encouraged. When people of one country interact with the people of the other country, they develop a relationship of friendship and trust and become more empathetic towards each other. There are fewer chances of such countries going to war against each other. Karl Deutsch introduced the idea of a 'security community'. It means that regular interaction among people can lead to the development of a 'community feeling' among themselves. The trust deficit can be replaced by mutual trust and states would feel less threatened by each other.

Functionalism

David Mitrany and Ernst Haas are the Pro pounders of functionalism liberalism. They argue that states should make a list of all the conflicts they have with each other and then segregate the conflicts as political and non-political. The areas of conflict that are non-political and less controversial should be solved through diplomatic channels and then eventually when the countries see the positive outcome of this process, they would be willing to cooperate in the field of political conflicts too. One of the most practical and functional examples of functionalist liberalism is the working of the EU. The countries cooperate without compromising on their sovereignty.

1.6 INTERDEPENDENCE LIBERALISM

This concept was introduced in international politics in the later part of the 1970s. Robert O' Keohane and Joseph S. Nye developed this concept. They pointed out that all actors of international relations – state and non-state are mutually dependent on one another. Interdependence has risen due to rising interactions between states at economic, social and cultural levels during globalization. The three main features of interdependence are: -

- There are multiple networks that connect people across societies. Not just the formal but informal channels of communications like social media also play an important role in promoting people to people contact.

- In international politics the issues do not have a hierarchy. Liberalists question the policy makers for giving more importance to military and security issues. Liberals argue that some domestic political issues can have a great impact on the international politics.

- Sometimes national issues of one country have a negative impact on international politics. For example, with rising economic interdependence, financial crisis in one nation can impact the global economy. (Moravcsik, A.)

Check your progress exercise 1

Q1) Explain the liberal approach to International Relations?

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1.7 REALIST APPROACH

Out of all the major theories to study international relations, realism has by far been the most dominant of all. The reason which makes this school of thought very popular is its ability to provide the most reasonable

explanation for the reason of constant wars and trust deficit in the arena of international politics.

Some of the basic assumptions on which the realist school functions are:

1. Realist schools believe that the most important actor in international politics is the state. All the other actors just act as proxies of states. It is believed that international politics is state centric.

2. Every state aims at protecting its sovereignty.

3. Safeguarding national interest is paramount for nations. National interest can be defined differently for different countries. Its definition cannot be static, it will have to be modified according to the geo-political environment.

4. The only way to safeguard national interest is to accumulate power.

5. Realist schools believe that power is a zero-sum game. When one nation acquires more power the other feels less powerful

The origin of the realist school can be traced back to Thucydides' account of the Peloponnesian War (43 1 BC), and to Sun Tzu's classic work on strategy, The Art of War, written at roughly the same time in China. Realism emerged as the dominant international perspective only during the 20th Century. Realism was a reaction that emerged to counter the claims of idealism. Idealism was a normative theory which argued that states are united by the principle "Harmony for Interest". This view was supported by the establishment of the League of Nations. When the second World War broke out, the perspective of idealism was shattered. Realists argued that international politics should be studies from a scientific perspective and not from a philosophical point of view. They believed that history acts as the best guide to the future of international relations. While Idealism emphasized that international relations should be guided by morality, realists believed in power politics to guard national interest. Realism also has variations. There are a number of scholars within the broad category of realist school who differ in their approach towards international politics. The two major schools are Classical Realism and contemporary or neo realism.

1.8 CLASSICAL REALISM

The main proponents of the classical school of realism are Thucydides, Machiavelli, and E.H. Carr and Morgenthau. The main theme around which classical realism revolves around is that international politics is driven by endless struggle for power. This feature of international politics has its roots in human nature. Classical realism recognizes that principles, morals and ethics have no role to play in international relations. States should go with decisions that are morally based on the situation and not on what is considered moral at a universal level. This school of thought gained prominence during the inter-war period when young scholars took an interest in looking at the changing nature of international relations.

Morgenthau's Realist Theory

Morgenthau has been the most prominent scholar of classical realism. He has given six principles:

1. First Principle: Politics is governed by Objective Laws that have roots in Human Nature:

    He believed that politics is governed by objective laws which have their roots in human nature. These laws cannot be refuted or challenged. Taking these as the basis, we can formulate a rational theory of International Politics; Political Realism believes that international politics operates based on certain objective laws." Morgenthau describes man as a power-hungry social animal. Thus, in international politics too, the states are constantly seeking more power.

2. Second Principle: National Interest defined in terms of National Power

    The states always define and act for securing national interest by means of power. History tells us that foreign policies have always considered power as the central idea.

3. Third Principle: Interest is always Dynamic

    Every nation must keep re-defining its national interests regularly. With constantly changing geo-political scenario the interest of the nation's keeps shifting. As such, national interest defined in terms of national power must be repeatedly and continuously analyzed for realistically analyzing the course of international relations.

4. Fourth Principle: Abstract Moral Principles cannot be applied to Politics

    Moral principles should do not determine policies and actions of states. These should simply be a source of some influence.

5. Fifth Principle: Difference between Moral Aspirations of a Nation and the Universal Moral Principles:

    States should go with what is moral in each situation and what suits its national interest rather than following the universal concepts of morality.

6. Sixth Principle: Autonomy of International Politics

    Morgenthau argues that international politics as a discipline is autonomous. It's different from law, ethics and economics. (Jervis, R., 1998)

1.9 CONTEMPORARY REALISM OR NEO REALISM

This is one of the newer branches of realism. This school has developed under the influence of Kenneth Waltz. Neo realists continue to acknowledge the importance of power in international politics. They shift the basis of understanding international politics from individual states to the structure of the system. They base their theory on the structural level and not on the

actor level. Kenneth Waltz talks about how the structure of international politics compels the states to go for a power struggle. There is no guarantee of protection in international relations due to lack of global government. Therefore, there is a constant trust dilemma that urges the states to acquire more power to protect their national interest. Unlike the classical Realists who trace the causes of war to human nature, the Neorealists explain international conflict within the framework of the anarchic structure of the international system. (Waltz, K. N., 1990)

Check your progress exercise 2.

Q. 1) Explain the Classical and neoclassical approaches to international relations.

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1.10 CONCLUSION

Liberalism has strong faith in human reason and rationality. It believes that human beings can interact with and understand each other and find peaceful solutions to problems. Liberalism emphasizes people-to-people contact and enhancing interdependence to avoid conflict. failure of liberalism in the interwar period led to rise of realist school of thought. Realists believe in power politics. They argue that history is the best guide to be followed by foreign policy makers. Liberal ideas might be very attractive, but they are not practical. Realists also have different lines of thought. The classical realists believe that the power-seeking nature of state has its roots in the human nature whereas the neo realist believes that it's the structure if international politics that compels the states to go for power maximization. Realist school of international relations is the most dominant school of thought prevailing in today's time and age.

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2

EVOLUTION OF INTERNATIONAL ORGANIZATION

Unit Structure

2.0 OBJECTIVES

- To help understand the evolution of international organization
- To understand the characteristics of international organization
- Understanding the academic support for the study of international organizations

2.1 INTRODUCTION

The First World War encouraged the world to invest in the formation of international organizations. The purpose was to protect the world in future from any such wars and aimed at establishing peace. Over the years, rising globalization and increased interactions of nations at not just economic but socio-cultural levels have enhanced the role of international organizations. These bodies provide platforms for nation states to engage with each other. With rising role of non-state actors like terrorist outfits that operate as multinational organizations it becomes even more important to have better coordination amongst nations. The purpose of establishing international organizations was not to have a world government but to have better diplomatic ties amongst states.

International organizations are institutions which are established by states. These are continuing and formal structures to conduct certain aspects of relationships amongst states. These institutions are a reaction to extreme decentralization that prevailed in the traditional system of international relations. It is an effort by the statemen to help navigate the extremely complex interdependence structure of international politics in contemporary times.

2.2 THE HISTORY OF INTERNATIONAL ORGANIZATIONS

The process of establishment of international organizations has its origin in nineteenth century Europe. With the rise in industrialization, urbanization and newer methods of transport and communication there is a need felt to create special purpose agencies which specialize in these areas. These were often called Public International Unions and were designed to facilitate the collaboration of governments of different countries in dealing with economic, social and technical problems of the newly established systems. Some of the notable organizations included the international telegraphic union (1865) and the universal postal union (1874).

In the political domain, one of the first efforts to establish an international organization was made at the congress of Vienna in the year 1815. The concept of "concert of Europe" was proposed which was an idea like collective security. Although no political institution was established as such, it created a platform for all the major powers of that time to organize themselves and have better diplomatic relations. This platform was functional till World War 1 broke out. This concept was widened in scope by the Hague Conference of 1899 and 1907. The aim of this conference was to bring small states and great powers and even non-European states to participate in the collective political deliberations. Towards the end of nineteenth century, we saw the establishment of Pan American Union. The idea of international organization was flourishing in the western hemisphere.

This pre-world War I development in international organizations provided the foundation for more sophisticated international political institutions to be established in the twentieth century. The nineteenth century also saw emerging distinctions between the political and nonpolitical agencies, between the regional and geographically undefined organizations, between the status of great powers and the small states. These distinctions proved to be very significant in the later course of international organization. The basic patterns and structures of institutions evolved in this period. There were mainly two motivations to build international organizations:

- States were desperate to promote coordinated responses towards the problems related to establishment of peace because this was an era of rising global trade and more interdependence. Political or social uncertainties caused heavy damage to the economies of states.

- It was acknowledged that there is a need to establish a mechanism to moderate between states to avoid political and military conflicts.

The first attempt to organize one general organization with maximum inclusion was made at the end of World War I when the League of nations and its affiliated bodies were established. The league of nations was the first general international organization in the following sense:

- It combined the great power council, general conference of statemen and the technically oriented international bureau.

- It was a multipurpose organization in true sense which not just dealt with the matters pertaining to conflict resolutions but also had separate bodies for prevention of illegal opium trade, slave trade etc.

- It was in actual sense a world institution. Although it did maintain the Europe centric characteristics, yet it was inclusive.

After World War II the league of nations was superseded by the United Nations, it was also a general organization which derived its structure from the lessons of experience provided by the league. The United Nations was to assume a more evolved role. It would include specialized agencies, following the pattern first set by the public international unions, and such regional organizations as existed or might be created by limited groups of states. Post-World War II the system of international organization evolved in operations. A dozen of new specialized agencies came up some were independent of united nations and others were coordinated with varied degree of effectiveness by the United Nations. After 1945 the system of cooperating at international platforms proliferated to regional organizations. Most of the regional organizations worked independently.

The network of international institutions comprises of hundreds of intergovernmental agencies outside the scope of United Nations, dealing with vast range of problems and providing variety of mechanisms for the conduct of relations amongst states. These are supplemented by a well-connected network of civil society organizations which promote international consultations and activities in the specialized fields at the unofficial levels.

2.3 THE CHARACTERISTICS OF INTERNATIONAL ORGANIZATION

2.3.1. Internationalism

International organizations have so far mostly functioned as a loose association, trying to keep up with the national values of their member states. These organizations are heavily dependent on the voluntary acceptance of their authority by the states. They mostly work on the principles of persuasion because most of the decisions are to be taken by consensus. For this purpose, countries use their soft power to politically influence the other members to vote in Favour or against the motions

introduced in these organizations. Use of command and coercion are not the recommended tools to be used in the functioning of international organization. The international agencies have legislative and the enforcement authority on in limited areas. Their capacity to operate depends heavily upon how politically accommodative the member states are. The idea of international organization is not to have power over states rather it is to facilitate the states in peaceful development.

In most of the organizations each state has a power called veto. If a state does not agree with the decisions or policies of the organization, they can use veto to convey their disagreement. This gives international organizations, international character in a true sense. With years of experience, it was realized that giving veto power to each state prolonged the process of decision-making unnecessarily. In Favour of quicker decision-making United Nations has now confined the veto just the members of Security council. Only the five permanent members are authorized to veto certain decisions of nonprocedural character.

There has been a tendency since the end of World War II to compare international organizations with that of the world government. It is too utopian a view to think that the world could become a federation of nations any day soon. That would require the setting up of a central agency with coercive powers to hold national government accountable.

2.3.2. Supranationalism

From the viewpoint of establishing a world government the closest that any organization stands are the European Union. European union began with the creation of European Coal and steel community by Luxembourg, Netherlands, Belgium, west Germany, Italy and France. Eventually it was expanded to become the European Economic Community and European Atomic Energy community. Some features of these organizations allowed them to deal authoritatively and directly with individuals and business enterprises within the member states. This led to giving them a supranational character.

There is no one universally accepted definition of what supranationalism stands for, but it generally means possessing government-like characteristics. These are the organizations which are closer to the idea of world government but not completely a world government. The difference between a supranational organization and an international organization is the relationship they share with the national government. A supranational body is superior to its member states whereas an international organization works on the concept and mutual agreement of member states. Supernationalism precisely portrays the autonomy attained by some international organizations in the field of international affairs, over time from the control of national governments.

2.3.3. Promotes Idea of collective security

Prior to the end of the First World War international relations were conducted based on the Westphalia world order principles. They're existed

severe security dilemma and trust deficits between the nations. There was no credible global platform to extend diplomatic ties and engage in meaningful dialogue. States preferred to form alliances with the like-minded states to safeguard their sovereignty. This system was often referred to as the balance of power system. The formation of league of nation, post the world war I tried to contain this system and provide a platform for peaceful resolution of conflicts between the states. League of nations was one of the major steps taken in the direction of promoting the idea of collective security. Despite the failure of the league, it did teach us meaningful lessons based on which the United Nations still stands strong in mediating between the states and conducting international affairs.

2.3.4. Defensive alliances

During the period of the cold war where there was a power struggle between the two superpowers- USSR and USA, there emerged international organizations for the purpose of implementing collective security of respective blocks. During the cold war there was a constant threat of war and international organizations were used to protect the interest of the members of the block. The North Atlantic Treaty Organization (NATO) is an example of one such organization which was built for the purpose of defense of the members of western bloc. It was built in reaction to the expansion of the Soviet Union.

2.3.5. Preventive Diplomacy

Organizations like NATO were formed for military defense activities. The task of providing a platform for flourishing diplomatic relationships was left to the United Nations. International organizations like the United Nations provide a political forum with private, public, formal and informal dispute resolution mechanisms. The function of preventive diplomacy was added to the realm of UN after the middle eastern crisis of 1956. UN would carry out military interventions to ensure peace in certain countries across the world. Such military interventions were undertaken only after the consent of all the parties involved in the conflict. The purpose of the intervention was not to combat the aggressor but to stabilize the local situation. (Clark, Grenville; and Sohn, Louis B., 1958)

Know your progress exercise 1:

Q.1) Explain the characteristics of international organizations?

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2.4 THE STUDY OF INTERNATIONAL ORGANIZATION

Since World War II scholars in the field of international relations started taking interest in research of the field of international organization.

Scholarships were disbursed largely in the field of structural and legal reforms in international politics. With rising globalization, the emphasis of the research was on the rising interdependence amongst the nations. Several studies have been conducted of the policies and attitudes of states toward and within the United Nations and other international organizations. Extensive research has also been undertaken on the development of bloc affiliations, voting patterns, and other aspects of the political processes within international agencies.

2.5 CONCLUSION

International organizations, which are often referred to as intergovernmental organizations, are a set of stable norms and rules which are meant to keep a check on the behavior of member states and other actors in the field of international relations. These organizations play a very important role in today's time and age by providing a platform for all the actors to raise their concerns and communicate with each other for better cooperations. With rising globalization and interdependence on each other even threats have become global. To deal with pandemic or transnational terror outfits countries need to be better networked and that is where international organization plays an important role. There may be incidences where the international organization has failed to bring out favorable outcomes like the ongoing war between Ukraine and Russia, yet we cannot undermine their valuable inputs especially post World War II.

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3

THE LEAGUE OF NATIONS

Unit Structure

3.0 OBJECTIVES

- To help understand the origin of league of nations
- To help understand its functions
- To help understand the reasons for its failures

3.1 INTRODUCTION

League of nations was an international organization which was founded after the Paris peace conference in the year 1919. It was a reaction of the First World War. The organization's goals included, preventing future wars through collective security, settling disputes between the countries peacefully, providing a diplomatic channel for communications between nations, disarmament and improving global welfare. The diplomatic philosophy on which the structure of league of nations was placed was fundamentally different from what the philosophy which was being preached over last hundred years. The league did not have an armed force of its own thus it was always dependent on the big powers to ensure its decisions were implemented peacefully. The league was successful in averting some conflicts, but it proved to be a failure when it could not prevent the Axis powers in 1930s from taking aggressive actions which ultimately led to the second world war. Later the United Nations organization replaced it after the second world war and inherited several of its organizations.

3.2 ORIGIN OF LEAGUE OF NATIONS

The idea of having a peaceful community of nations had been previously described by Immanuel Kant's work "Perpetual Peace: A Philosophical Sketch in the year 1795. the Origins of the League of Nations was found in the Fourteen Points laid down by US President Woodrow Wilson which envisioned an organization that would solve a dispute between its members. It was proposed after the First World War. The establishment of league was approved and ratified by the Treaty of Versailles at the Versailles Conference in April 1919. The first session of the league was held in Geneva in the year 1920. There were various means that were used by the league to deter the members from violating its principles and rules. Some of the methods used were imposition of economic sanctions, imposition oof quarantines etc.

Germany and Soviet Union were both excluded from the league and congress did not approve United states to join the league. Therefore, the major players remained nonmembers of the organization. Internally too the league never represented a united voice. Americans on the other hand were apprehensive that if US joins the international politics it would lose its autonomy.

The League of Nations consisted of a council made up of four permanent powers – Britain, France, Italy and Japan and four others chosen at intervals from the remaining member states. The First four were Belgium, Greece, Spain and Brazil, but Brazil became the first state to leave the League when it forced Italy to withdraw from its unilateral occupation of Corfu in 1923, was scored against one of the organization's own principal council members. (Supti, 2020).

3.3 STRUCTURE OF LEAGUE OF NATIONS

3.3.1 Council

The council had the authority to make decisions related to matters of world peace. Initially the council had four permanent members (United Kingdom, France, Italy, Japan) and four non-permanent members which were elected by the assembly for a period of three years. The first four non-permanent members were Belgium, Brazil, Greece and Spain. United State of America was supposed to be the fifth permanent member of the council, but the US senate was dominated by the republican party which voted against joining the league of nations.

The initial structure of the council was changed several times during the life of the league to accommodate the changing geo-political scenarios across the globe. Non-permanent seats were increased from four to six in the year 1922 and then to nine in 1926. One more permanent seat was added to the council to make Germany the fifth permanent member of the council. Later

when Germany and Japan both quit the membership of the league, their seats were taken over by the non-permanent members. On average the council met at least five times a year and sometimes even more if any extraordinary situation arose.

3.3.2 Secretariat

The agenda of the council and the assembly was prepared by the secretariat staff. The secretariat staff was also responsible for publishing the reports of the meetings and other routine matters. The secretariat acted as the civil services of the league.

Throughout the life of the League from 1920–1946, the three Secretaries General were:

* Sir James Eric Drummond, 7th Earl of Perth (UK) (1920-1933)

* Joseph Avenol (France) (1933-1940)

* Seán Lester (Ireland) (1940-1946)

3.3.3 Assembly

The Assembly represented all the members of the league of nations. Eah member country had one vote in the assembly. All the member countries did not have a representative permanently stationed at Geneva (the headquarters of league of nations). The Assembly held its sessions once a year in September.

3.4 VARIOUS BODIES OF LEAGUE OF NATIONS

* **ILO:** The International labor organization was the most successful agency of the league of the nation. The goals of ILO included fixing maximum working days and minimum wages, ensuring that member nations provide unemployment benefits and old age pensions. The aim was to create a better working culture in the expanding private sector.

* **Refugee organization:** It helped the Prisoners of War in Russia to resettle once released. In 1933, it helped the Jews, who were fleeing to escape Nazi persecution, to resettle in different countries where they would be safe. The refugee organization worked in providing basic standards of living and human rights to the refugees.

* **Health organization:** It did good work in finding causes of different epidemics. It was especially successful in combating the Typhus epidemic in Russia which had the potential to spread to the rest of Europe. This was an extremely important organization as by this time the diseases had the potential to spread across countries due to a rise in the level of interaction.

* **Mandates commission:** It had the responsibility of monitoring the governance of territories given to member nations as Mandates.

- **Disarmament Commission:** the first successful task accomplished by the commission was to obtain an agreement by France, Italy, Japan and Britain to limit the size of their Navies. Later Uk refused to sign a disarmament treaty in 1923 along with the Kellogg-Briand Pact in the year 1928. This put the authority of the league under threat. The commission also failed to keep a check on the military buildup during 1930s by Axis powers.

- **Permanent Central Opium Board:** The Board was established to supervise the statistical control system introduced by the second International Opium Convention. This system mediated the production, manufacture, trade and retail of opium and its by-products. The Board also established a system of providing certificates for import and export of opium to check illegal flow of drugs across the globe.

- **Slavery Commission:** The commission aimed at eradicating the practice of slavery and forced prostitution across the globe. It succeeded in gaining the emancipation of 200,000 slaves in Sierra Leone and organized raids against slave traders in its efforts to stop the practice of forced labour in Africa. It also succeeded in reducing the death rate of workers constructing the Tanganyika railway from 55% to 4%. The Commission kept records on slavery, prostitution and drug trafficking to monitor those issues. (Medhat, 2020)

3.5 SOME SUCCESSES OF THE LEAGUE OF NATIONS

- **Aland Islands:** these were a collection of islands which lie between Sweden and Finland. The inhabitants of the island speak Swedish and expressed their desire to be governed by Sweden instead of Finland. Sweden took the matter to the league of nations and the league decided to keep the governance of these islands with Finland itself but granted autonomy in their administrative affairs. This led to a version of conflict between Sweden and Finland.

- **Greece and Bulgaria:** In one such incident, it forced Greece to pay compensation to Bulgaria, when the former invaded the latter. But none of these disputes threatened world peace. In another incident Poland's sovereignty was threatened. The first issue came during the occupation of Vilna by the Soviet Union in 1920 and its subsequent handover to Lithuania. Following a demand that Lithuania's independence is recognized, the League of Nations got involved. Through careful mediation, Vilvia was returned to Poland. The League was also brought in as Poland grappled with Germany about Upper Silesia and with Czechoslovakia over the town of Teschen.

- **Liberia:** There were reports of forced labor in the independent country of Liberia. The league of nations immediately launched an investigation into the matter pertaining to allegations against the Firestone Ruber plantation for using forced labor. The report

published by the league implicated many government officials for being involved in recruitment of bonded labor. This led to the President of the country to hand over his resignation.

Know your progress exercise 1:

Q.1) Explain the structure and relevance of League of Nations?

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3.6 FAILURES OF THE LEAGUE OF NATIONS

- One of the biggest reasons for the failure of the league of nations was that it was designed by America but was being run by European powers who did not believe in the democratic and diplomatic philosophy of the league. The member countries did not trust each other and thus went along to form alliances and counter alliances secretly. The security dilemma existed amongst the nations and all the countries were skeptical about other country's plan of action.

- The very foundation of the league was based peace treaties whose terms and conditions were viewed as unfair by nations and its implementation was inviting protests. It was an organization of the allied powers especially Britain and France. It was only Germany, which was made to disarm under the Treaty of Versailles. The League failed to convince other major powers to disarm. Hitler used this as an excuse to quit the World Disarmament Conference. Soon, he denounced the League of Nations and made Germany quit it as well.

- The Conference of Ambassadors was set up as a temporary body to resolve disputes. But it continued to exist even after the formation of the League. This hurt the legitimacy and the authority of the League of Nations.

- The League of Nations was not a truly representative organization. It had limited membership and the USA did not join it. This resulted in a lack of funds for the League's work.

- The league of nations did not just fail because of the aggressive nations who defied its authority, but it also failed due to its own members. To appease Hitler, Britain and France two of the most powerful nations of the league ignored the institution and its principles.

- Economic depression in 1930s led to extreme hardships for the general public and factions like fascists and Nazis used it to their advantage to manipulate the public opinion. Fascist dictatorships took

power in Germany, Italy and Japan, which were intent on empire-building and these countries defied the League.

- Despite the objection from the league Japan invaded Manchuria and the league could not stop the invasion. This was a major failure on the part of the league as one of the core objectives of the organization was to stop nations from going on war. With this incidence this very purpose was defeated.

- Hitler openly announced the Germans quitting league of nations in the year 1932. This was a great setback for the league as later Germany became one of the founders of Axis power which initiated the second world war.

- Italy invaded Abyssinia in 1935. Although the League officially condemned the Italians, France and Britain were caught making a secret agreement to give Abyssinia to Italy. This explains that league was not able to provide the desired platform for engagement or diplomatic communication between countries. Nations still went for backdoor channels to have informal and secret agreements with each other.

3.6 CONCLUSION

All these flaws ultimately led to the outbreak of World War 2. Despite the fact the League of Nations could not stop another world war, its importance cannot be undermined. It laid the foundations for further development of international organizations. The League of Nations along with its various affiliated bodies worked tirelessly to institutionalize international politics and bring some order in its work. It ultimately led to the establishment of the United Nations.

Check your progress exercise 3:

Q.1) Discuss the reasons for failure of the League of nations.

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3.7 REFERENCES

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4

UNITED NATIONS

Unit Structure

4.0 INTRODUCTION

As seen in the previous chapter, the League of Nations had several defects that led to its failure, biggest being its inability to prevent the Second World War. In response to this historic The United Nations was established after a series of efforts. For example, the London Declaration 1949 created the modern Commonwealth of Nations, the Atlantic Charter in the same year and the Casablanca Conference in 1943 that United States and Britain signed for the post-war world. During the 1943 Moscow Conference, the USSR agreed to US wish to create a world organization and finally in the Yalta Conference 1945 wherein US, UK and Soviet Union came together for collective security.

Established in 1945 following the end of the Second World War, the United Nations (UN) is a prime example of an international governmental organization with almost universal membership. Only states can be members of the United Nations and membership is valued because it confers upon the member state international recognition of its sovereignty. There are 193 UN member states – but it is important to note that a small number of states are not members – voluntarily such as Vatican City and due to crisis, such as Palestine and Taiwan. In the absence of a 'world government', the United Nations is in the effort towards Global Governance.

4.1 OBJECTIVE OF CHAPTER

- To develop an understanding of the structure and workings of the United Nations

- To analyze global issues and critique the dynamics of the international relations while addressing them at this forum

4.2 OBJECTIVES OF THE UNITED NATIONS

The objectives of the United Nations are enshrined in the Preamble to the Charter. There are four major objectives-

(1)   To save the succeeding generations from the scourge of war.

(2)   To reaffirm faith in fundamental human rights, in the work and dignity of human person and equal rights of men, women and 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;

(4)   To promote social progress and better standard of life in larger freedom.

The objectives of the United Nations envisage a peaceful life to the people of the world through practicing tolerance. and living together in peace and harmony with one another. This spirit has facilitated the emergence of the concept of peaceful co-existence among the states despite political, economic and ideological differences prevailing between them.

4.3 PRINCIPLES OF THE UNITED NATIONS

The UNO is based on the principle of sovereign equality of all its members. They strive to settle international disputes using peaceful means and refrain from the use of threat or force that can threaten international peace and solidarity. At the same time, the members of the organization also block attempts by rogue nations to disturb peace and stability by taking preventive or enforcement action.

While carrying out these functions, Article 2 of the UN Charter also lays down an important principle of non-interference in internal matters of any state. But in case any matter of domestic jurisdiction can cause threat to peace, the UNO will apply enforcement action.

4.4 THE UNITED NATIONS CHARTER

During World War II on 1st January 1942, the United States, United Kingdom, United Soviet Socialist Republic and China issued a declaration of coming together as 'United Nations'. Over 800 representatives of 50 nations assembled for the San Francisco Conference where they signed the United Nations Charter on 26th June 1945. This document forms the foundation of the largest inter-governmental organization.

The Charter begins with a preamble and thereafter contains 111 articles categorized into 19 chapters. The Preamble envisages the principle of collective security to maintain international peace and security.

The broad segregation of the chapters is as follows:

Chapter	Article	Provision Summary
I	1 - 2	Purposes & Principles
II	3 - 6	Membership
III – XV	7 - 101	Organs- their constitution and functions
XVI - XVII	102 - 107	Adherence to International Law
XVIII - XIX	108 - 111	Amendment and Ratification

It would be essential to read atleast Article 1 of the UN Charter. It lays down the four purposes of the Organization:

1. ***To maintain international peace and security****, and to that end: to 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 the 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 the peace;*

2. ***To develop friendly relations*** *among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;*

3. ***To achieve international co-operation in solving international problems*** *of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and*

4. ***To be a centre for harmonizing the actions of nations*** *in the attainment of these common ends.*

Therefore, the 4-fold purpose of the UN Charter is peace-keeping, peace-building, conflict prevention and humanitarian assistance. These are done through the organs and specialized agencies.

Chapter II of the charter has provisions to grant membership, suspend, expel, or restore rights and privileges of membership of states from the UN. The Security Council has been assigned this function.

Chapter III enlists the 6 organs that will carry out the business of the UNO and also provides for the creation of subsidiary organs. Chapter IV (Art. 9 - 22) & Chapter V (Art. 23 – 32) enlist provisions for the composition, functions and powers of the General Assembly (UNGA) and the Security Council (UNSC) respectively.

Chapter VI deals with methods for pacific settlement of disputes such as negotiation, enquiry, mediation, conciliation, arbitration, and judicial settlement. The next Chapter VII reserves power with the Security Council to determine threats to peace and take appropriate action.

Chapter VIII has the objective of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security.

Under the Chapter IX, Article 55 enlists steps to be taken for creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. Hence it establishes the organ Economic and Social Council for this purpose through provisions in Chapter X.

The UN assumes responsibilities for Non-Self-Governing Territories in Chapter XI. The Charter lays down the founding principles of the Trusteeship System in Chapter XII and thereby establishes the Trusteeship Council in Chapter XIII.

Article 92 of Chapter XIV continues the role of the Permanent Court of International Justice as the principal judicial organ under the newly created International Court of Justice. It creates an obligation on member states to comply with its decisions in case to which it is a party.

Chapter XV lays down provisions for administrative set-up of the UNO. The Secretariat led by the chief administrative officer Secretary-General

perform duties as international officials responsible to only the UNO and not any government.

Chapters XVI and XVII list down miscellaneous functions and transitional security arrangements. The final Chapter XVIII lays down the procedure for Amendments and the following Chapter XIX lays down the procedure for Ratification and Signature. The annexure to the Charter enlists the Amendments made to Articles 23, 27 and 61and 109.

Check Your Progress Exercise 1

Note: Use the space given below for your answer.

1) Explain the origin of the United Nations.

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2) What are the components and provisions of the United Nations Charter?

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_____

4.5 PRINCIPAL ORGANS OF THE UNITED NATIONS ORGANIZATIONS

The UN has 6 organs, namely- (i) General Assembly, (ii) Security Council, (iii) the Economic and Social Council (ECOSOC), (iv) Trusteeship Council, (v) Secretariate and (vi) International Court of Justice.

4.5.1 General Assembly

General Assembly, also known as UNGA- short for United Nations General Assembly, as stated on the official website is "the main policy-making organ of the Organization. Comprising all Member States, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter of the United Nations." This is the chief organ of the UNO that has membership of all member countries. Each member sends upto five delegates to the General Assembly but only one has the right to vote based on the principle of equality of states. Once a state is a member of the United Nations, it is automatically a member of the General Assembly.

The Assembly meets once a year for three to four months starting from the third Tuesday in September every year. Extraordinary or special session can be convened on the request of a majority of the states or by the Security Council. Emergency sessions can be convened to discuss any specified problem that may arise. The General Assembly decides its own international rules and regulations.

The UNGA members debate in matters of international importance in their annual meetings. Most work, however, is delegated to six main committees, known as (1) Disarmament and International Security, (2) Economic and Financial, (3) Social, Humanitarian, and Cultural, (4) Special Political and Decolonization, (5) Administrative and Budgetary, and (6) Legal.

4.5.2 Power and Functions or Jurisdiction of the General Assembly

The main tasks of the UNGA as per the UN Charter include discussion, debate and making recommendations on subjects pertaining to international peace and security, as well as peaceful resolution of disputes. The General Assembly exercises deliberative, supervisory, financial, and elective functions relating to any matter within the scope of the UN Charter.

Deliberative: It discusses any matter within the scope of the UN Charter such as the general principles of co-operation in maintenance of international peace and security. The Assembly makes recommendations on political, economic, humanitarian, social and legal matters to States on international issues except those being considered by the Security Council. It discusses granting of membership, the suspension of the rights and privileges of membership, the expulsion of members and questions relating to the operation of the trusteeship system.

Supervisory: As part of supervising the organs of the United Nations Organization, the General Assembly receives and considers reports from the UNSC and other UN organs. In case of threats to peace, wherein a permanent member of the Security Council may have used its veto, the UNGA can consider the matter and recommend actions to its members. This organ can initiate studies for the purpose of encouraging the progressive development of international law and its codification and promote conditions for the realization of human rights and fundamental freedoms for all without discrimination.

Elective: Election of the non-permanent members of the Security Council, members of the Economic and Social council, and some of the members of the Trusteeship Council. It also participates in the election of the Judges of the International Council of Justice. The Secretary-General appointed by the General Assembly on the recommendation of the Security Council.

Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. (Art. 18).

Financial: The General Assembly considers and approves the budget of the UN. It establishes the financial assessment of member States. It also oversees a peacekeeping budget for funding and equipping the forces. It also makes financial and budgetary arrangement s with specialized agencies.

A member of the U.N. which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the General Assembly if the amount of its arrears equal or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may,

nevertheless, permit such Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

4.5.3 Security Council

The Security Council is considered the most important organ of the UNO. It is the only organ that can impose sanctions on states or deploy military forces on behalf of the international community to keep the peace in a certain area, region or country. It is also known as the Enforcement Wing. The United Nations itself does not have its own military force. Through the contributory support of member states, the UNSC can muster military and police personnel in times of crisis. These forces are referred to as 'peacekeepers', considering their non-offensive role. The UNSC also ensures that the rules of war are observed. This includes international humanitarian law to protect civilians, provide medical aid to injured soldiers, treat prisoners with dignity etc.

It is a much smaller body than the General Assembly It consists of fifteen (originally, eleven) members of the U.NO. Five nations are permanement members of this organ, namely- China, France, Russia, the UK and the USSR. The General Assembly shall elect ten (originally six) other members of the UNO to be non-permanent members of the Security Council for a term of two years. The non-permanent members are not eligible for immediate re-election.

While electing, due regard is paid to the contribution of the members of the U.N. to the maintenance of international peace and security and to other purposes of the organisation and to equitable geographical distribution. (Five from Afro-Asian nations, one from Eastern Europe, two from Latin America and two from Western Countries as per Gentlemen's Agreement).

Each member of the Security Council has one representative on the Council. Every month one member of the Security Council acts as President. Those act as Presidents every month based on the list of members arranged in alphabetical order in English while the Security Council is considering a matter pertaining to a particular state which is not a member of the Security Council its representative is permitted to participate in the proceedings of the Council but does not enjoy the right to vote.

The Security Council does not have fixed sessions; it meets as and when necessary. Its organisation and powers are such that it must be able to take quick decisions and action. However, it meets periodically as well even without being requested by any member state. Every member state of Security Council has a permanent representative resident in New York.

Several changes have taken place since the inception of the UNO. The number of countries has increased. The USSR has been split into 15 countries. Japan, Germany, and India have become giant economic powers in the world. There is pressure on the UNO to increase the number of permanent members by including Japan, Germany, India, Brazil etc. depending upon the population, economy, technology etc.

4.5.4 Voting and Veto Power

Each member of the Security Council shall have one vote. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine (originally seven) members.

Decision of the Security Council on all other matters relating to the peaceful settlement of disputes shall be in affirmative vote of nine (originally seven) members including the concurring votes of permanent members: provided that in decisions, a party to a dispute shall abstain from voting. But if a member of the Security Council is a party to the dispute, it is not entitled to vote.

If a vote is taken to impose sanction upon an aggressor, either economic or military, the majority of two thirds must include all the Big Five even if one of them is a party to the dispute. Thus any of the Big Five can vote any decision of the Security Council in such cases. This in effect means that the Council cannot apply sanctions if any of the Big Five wants to commit an act of aggression. If the Council fails to act, however, the General Assembly can consider the cases and make recommendations to its members by a two thirds majority.

Veto: Rejecting a resolution ratified by nine members is called Veto. The veto i.e., the power to prevent decisions by a negative vote, is a privilege of the big five namely, the USA Russia, the U.K, France and China. The veto is a right vested by law in a member of constitutional body to declare inoperative a decision made by others. The incorporation of Veto was the result of a consensus among the major powers in 1945 in a view of their military power these nations should not fight among themselves. Therefore, any decision not acceptable to any one of them was made unimplementable by instituting the veto. The Big Five have nuclear weapons and they are not likely to think of a war against each other. The rule of equality among states is not applicable in the Security Council due to the veto power of the Big Five. The UNO preferred non-functioning to an action which might put the U.N. against one of the Big Five.

Double Veto : The veto does not apply to procedural question. If doubt arises regarding any matter presented to the Security Council whether it is a general issue or an important matter, the doubt itself is treated as an important issue.

If a resolution is made against the wishes of a permanent member on its voting over the matter of treating a general matter as an important issue the exercise of the veto for a second time to condemn such a resolution is called the 'Double Veto'. Thus, a permanent member of the Security Council can veto any attempt to treat a question as procedural and then proceed to veto the draft resolution dealing with that question.

To meet the emergency conditions arising due to use of veto power, the General Assembly adopted an "Uniting for Peace Resolution" on November 3, 1950 authorizing the General Assembly to meet in 24 hours if the Security Council is prevented the veto from exercising its primary responsibility on international peace and security. In such cases General Assembly recommend collective measures, including the use of force or

establishing Peace Observation Commission. It created a Collective Measure Committee to strengthen international peace and security.

The veto power of the Big Five has paralysed the Security Council on several occasions. In 1956, when the USSR invaded Hungary, the USSR, used the veto power and blocked the Security Council. In the same vear the Anglo-French veto paralysed the Security Council in the Suez Crises. During the Korean Crises, when the USSR used her veto power and paralysed the Security Council, the USA introduced the "Uniting for Peace" resolution (otherwise known as Aitchison resolution) in the General Assembly and the resolution was adopted. The resolution empowers the General Assembly to take up an issue which is likely to threaten the international peace and security and which the Security Council has failed to resolve because of veto. The General Assembly can take collective measures to maintain peace and security.

In fact, recently the UN is limited from intervening in the war in Ukraine because Russia remains a permanent member of the UN Security Council and can veto any resolution dealing with the conflict that goes against its national interests. This was used when Russia vetoed the Security Council resolution condemning attempted annexation of Ukraine regions.

To quote another example where India was impacted was the proposal tabled by the United States of America and co-sponsored by India with the demand to freeze the assets of the Pakistani-backed terrorist Sajid Mir, impose a travel ban and arms embargo on him. The United Nations Security Council (UNSC) proposal to blacklist him was blocked by China.

4.5.5 Powers and Functions of Security Council

The Security Council is the chief organ of the U.N. to maintain international peace and security. The Security Council shall adopt its own rules of procedure, including the method of selecting its President. (Art. 30). It may establish such subsidiary organ. as it deems necessary for the performance of its functions. (Art. 29). There are four committees for assisting the Security Council, namely (i) Disarmament Committee (ii) Committee for enrolment of new members (iii) Committee of the Chiefs of Staff of Armed Forces and Temporary Commission: Palestine Issue Investigation Commission

4.5.6 Power and Functions or Jurisdiction of the Security Council

The functions of the Security Council are enlisted in Articles 24 to 26 of the UN Charter. The primary function of the Security Council is to maintain international peace and security. The members of the UN have to accept and carry out the decisions of the Security Council (Art. 25)

It also submits annual reports to the General Assembly for its consideration. (Art. 24)

The UNSC also must promote the establishment and maintenance of peace and security by least diversion of armaments, With the assistance of the

Military Staff Committee, their plans are to be submitted to the members of the UN for resolution of armaments (Art. 26)

The Council strives towards direct and peaceful resolution of disputes among states. They guide them with several methods of pacific resolution such as mediation, negotiation and arbitration. If these fail, then the UNSC may advice judicial settlement of the dispute through the International Court of Justice.

If all means fail, the Security Council may announce its own decision. Those who do not comply are faced with economic sanctions. In an extreme situation, if any State is not limited even by economic sanctions, the Security Council may take military action. For this purpose, member states must compulsorily send the required arm armed forces.

The UNSC also plays an important part in election of the 15 judges to ICJ, the appointment of the Secretary General, admission of ne states by two-thirds majority and supervising the activities of the other organs.

Check Your Progress Exercise 2

Note: Use the space given below for your answer.

1) Elaborate upon the functions of the United Nations General Assembly.

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2) Evaluate the role of United Nations Security Council in maintaining international peace and security.

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4.6 INTERNATIONAL COURT OF JUSTICE

The International Court of Justice (ICJ) is the judicial arm of the United Nations Organization among its principal organs. Its predecessor was the Permanent Court of Justice set up by the League of Nations. The establishment of this organ is based on the Statute of the International Court of Justice which is considered a part of the UN Charter. It was set up in 1946 with headquarters at the Hague, Netherlands.

The ICJ constitutes all members of the UN as *ipso facto* parties to the statute. The UNGA may also consider applications from non-member states
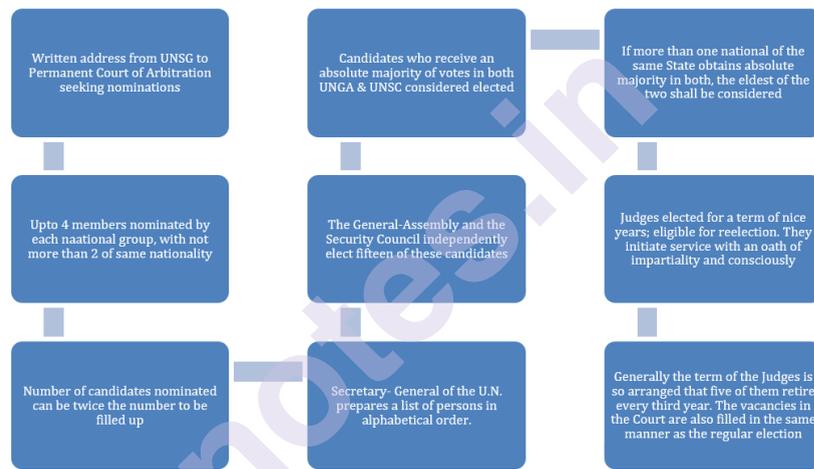
to become part to the ICJ Statute. Nothing in the Statute or UN Charter prevents the members to approach other tribunals with disputes which they have signed or would sign in future.

4.6.1 Composition

The court consists of 15 judges elected regardless of their nationality. Care is taken that at any given point in time, no two judges will be from the same nationality. The criteria for nomination is to have 'high moral character, possess the qualifications required in their respective countries of appointment to higher judicial offices or are jurists, consultants of recognized competence in international law.'

4.6.2 Election

The process of election of the judges of the ICJ is illustrated below:

Written address from UNSG to Permanent Court of Arbitration seeking nominations	Candidates who receive an absolute majority of votes in both UNGA & UNSC considered elected	If more than one national of the same State obtains absolute majority in both, the eldest of the two shall be considered
Upto 4 members nominated by each naational group, with not more than 2 of same nationality	The General-Assembly and the Security Council independently elect fifteen of these candidates	Judges elected for a term of nice years; eligible for reelection. They initiate service with an oath of impartiality and consciously
Number of candidates nominated can be twice the number to be filled up	Secretary- General of the U.N. prepares a list of persons in alphabetical order.	Generally the term of the Judges is so arranged that five of them retire every third year. The vacancies in the Court are also filled in the same manner as the regular election

4.6.3 Seat

The Court is always in session at the Hague. Cases are heard by full Court, but it can also form chambers composed of three or more Judges to deal with specific categories of cases viz., labour, transit and communication cases. The quorum of court has been at nine. The expenses of the court are borne by the U.N.

4.6.4 Officers and Salary

The chief among the judges are called 'President' and 'Vice President'. They are elected for a term of three years. They are eligible for re-election. The Statute states no age of retirement age of the Judges. A Judge can be dismissed only by the unanimous decision of the other members of the Court.

4.7 ADMINISTRATION

The Court also appoints a Registrar and such other officers as may be necessary. The salary, allowance and compensation these officials is determined by the General Assembly and cannot be reduced during the term of their office. They are also entitled to pension on retirement.
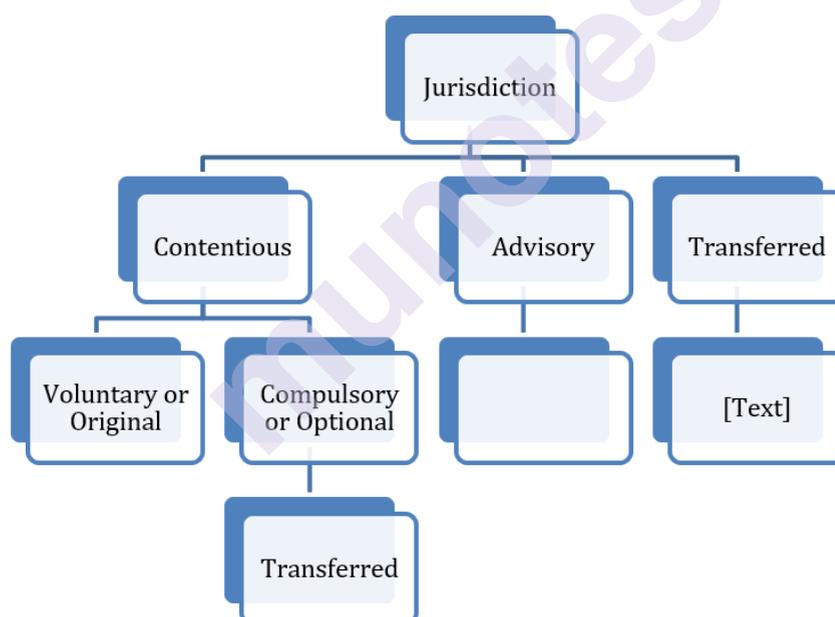
4.7.1 Functions and Powers

The Court makes decisions based on a majority vote by the judges present. The President of the Court has no vote except in case of a tie.

The sovereign nations that have accepted the ICJ Statute can be party to a dispute registered with the Court. There is no provision for automatic reference of the case of disputes to the Court unless referred by member states. At this point it would be necessary to repeat that the nothing in the Statute binds the member states from approaching other tribunals under other agreements to resolve legal disputes.

During the hearing of a case, some concessions have been made to the idea of national representation by incorporating the provision that each party to a dispute should be allowed to have on the Court one Judge of its nationality or choice. Since the decisions of the Court are taken by majority vote, no one party is able to Veto it.

4.7.2 Jurisdiction

Jurisdiction means the legal power of the Court to administer and enforce the law. The International Court of Justice has two main jurisdictions- Contentious jurisdiction and Advisory jurisdiction.

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                        Jurisdiction
        ┌────────────────────┼────────────────────┐
   Contentious           Advisory            Transferred
   ┌─────┴─────┐             │                     │
Voluntary or  Compulsory    [  ]                [Text]
Original      or Optional
                  │
             Transferred
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4.8 CONTENTIOUS JURISDICTION

The States in dispute may be parties before the Court by submitting their causes of action to it. Individuals shall not become parties before this Court, but they may become parties indirectly via states in exceptional cases.

The contentious jurisdiction can be divided into voluntary or original jurisdiction and compulsory or optional jurisdiction.

1. Voluntary or Original Jurisdiction The voluntary jurisdiction of the court is based upon the consent of the parties to a dispute. This jurisdiction may extend to bilateral as well as multilateral treaties, and the parties to it must submit their willingness to submit a dispute thereunder to the ICJ. As per Article 36(1) of the Statute of International Court of Justice deals with voluntary Jurisdiction and reads as "the jurisdiction of the Court comprise all cases which the parties refer to it and all matters specially provided for the Charter of the U.N. or in treaties and conventions in force."

2. Compulsory or Optional Jurisdiction: Article 36(2) of the Statute of the International Court of Justice provided for the Optional Clause. It provides, "The States parties to the present statute may at any time, declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning :

    (a)   the interpretation of a treaty;

    (b)   any question of international law;

    (c)   the existence of any fact which, if established, would constitute a breach of an international obligation;

    (d)   the nature or extent of the preparation to be made for the breach of an international obligation"

The declarations referred to above may be made unconditionally or any conditions of reciprocity on the part of several or certain states, or for a certain time. [Art. 36(3)]. Such declarations shall be deposited with the Secretary-General of the U.N., who shall transmit copies thereof to the parties to the statute and to the Registrar to the Court. [Art. 36(4)].

The procedure for this begins with any state that is party to the Statute by conferring its willingness to the jurisdictions on any question concerning the optional clause by a declaration. The declaration is to be deposited with the Secretary-General of the UN who transmits the copies of the declaration to the Registrar of the Court as well as the parties of the statue. Note that the submission of such declaration is 'optional'. After such declaration is submitted, it becomes compulsory.

By 1958, thirty-eight states had agreed to court's compulsory jurisdiction under the 'Optional clause', but many of them had done so with certain reservations. For example: The U.S.A submitted its declaration along with such reservations that the court shall not have jurisdiction over certain matters "which are essentially within the domestic jurisdiction of the United States as determined by the United States." Such reservations tend to dilution of the Court jurisdiction. India too filed its declaration in 1974 with such Reservations.

There is also a mode of compulsory jurisdiction known as 'Transferred' Jurisdiction. When a case is transferred from Permanent Court of International Justice of League of Nations to the International Court of Justice of the UNO. It is called transferred jurisdiction.

4.9 LAW APPLIED BY THE COURT

The Court decides the cases submitted to it in accordance with international law, international conventions, established rules expressly recognized by the contesting states, the general principles of law recognized by the civilized nations. When the Court goes outside the realm of law for reaching its decision, it is said to have used the Roman principle 'ex aequo et bono'. The principles of law may include considerations of fair dealing and good faith, which may be independent or even contrary to the law. Judicial decisions and the writings of renowned jurists of the various nations are also used for the determination of rules of law. The previous decisions of the Court are not binding on similar cases in future.

The parties that approach the ICJ undertake to accept and comply with the decision of the court. No specific machinery for enforcing the decisions of the Court has been provided. In case of non-compliance, the opposing party may approach the Security Council, which may take effective measures to operationalize or enforce the judgment.

4.10 ADVISORY JURISDICTION

The General Assembly and the Security Council may request the International Court of Justice to give advisory opinions on legal questions. This power is also extended to other organs of the UN and specialized agencies to seek advice on legal question arising within the scope of their activities. This request is laid before the Court through a written request stating the exact question of law. Attaching documents that can give context may also be attached. This implies that the Court does not give advisory opinion on its own.

However, there is no compulsion to give advisory opinion on the part of the Court. The Court may refuse to give its advisory opinion if the problem conflicts with the provisions of the UN Charter and the Statute of the International Court of Justice. As it is not a legal 'decision', the advice tendered by the Court is not binding on the organ seeking it, although it has great prestige and moral value.

A few examples of questions of law posed to the ICJ include reparation of the injuries suffered in the service of the U.N., Competence of the General Assembly regarding admission of a State to United Nations, the disputes over the peace treaties with Bulgaria, Hungary and Rumania and concerning the international status of South-West Africa.

4.10.1 Critique:

The International Court of Justice was able to achieve much success in the settlement of disputes. This was primarily because in most of these disputes the vital interests of the Big Five were not at stake. These cases mainly pertained to subjects like fishing rights, financial claims of states, asylum, aerial incidents. etc. Again, the Court has played an important role in the development international law and encouraged peaceful settlement of disputes.

4.11 SECRETARY GENERAL

The principal organ of the Secretariate is chiefly responsible for all administrative business of the United Nations. It is the headquarters of the United Nations Organisation. Article 97 of the Charter of UN provides that "the Secretariat shall comprise a Secretary-General and such staff as the Organisation may require."

The Secretary General (UNSG) is the Chief Administrative Officer of the UNO. He is appointed by the General Assembly upon the recommendation of the Security Council for a term of five years. This implies unanimity among the permanent members of the Security Council. As a matter of convention, the Secretary-General does not belong to the permanent member. As of 2022, António Guterres from Portugal is the ninth UNSG and is serving his second term.

He looks after the day-to-day functioning of the Organization with his 10000 member staff of officials. The Secretariat services may be called an international civil service.

4.11.1 Power and Functions of the Secretary-General

The Secretary General plays designated roles in all the meetings of all the organs except the ICJ as entrusted to him. He makes the annual report that is submitted to the UNGA. He may draw the Security Council's attention to matters that threaten the maintenance of international peace and security.

The staff of the Secretariat and the permanent staff of ECOSOC and the Trusteeship Council work under the guidance of the Secretary-General. Internal administrative policy is devised keeping in mind the principles of efficiency, competency and integrity. Another important function is the registration and publication of treaties and agreements entered into by any members of the UN under the purview of the UN Charter.

The Secretariat, including the Secretary-General who leads the United Nations, cannot take action against states on its own and can only appeal to member states to 'do something'. Because of this, the United Nations remains undeniably and irrevocably an international governmental organisation and not a level of authority above the states. It is binding on the Secretary-General and the staff to perform functions with an international character and not get influenced by any member state.

4.12 ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

Under the authority of the General Assembly, the Economic and Social Council has been established by the UN Charter. The aim of this organ is to create conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. To this effect, UN promotes the following-

(a) higher standards of living, conditions of full employment, and economic and social progress and development;

(b) solutions of international economic, social health, and related problems and international cultural and educational cooperation; and

(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

It constitutes 54 members elected by the General Assembly for a term of 2 years. It is a permanent organ with $1/3^{rd}$ of its members replaced every year. The Council meets twice a year. The ECOSOC carries out its functions with 9 commissions and may enter into agreements with specialized agencies. It can make arrangement for consultation with international non-government organizations for matters within its competence.

4.13 TRUSTEESHIP COUNCIL

Drawing from the Mandates Commission of the League of nations, the Trusteeship Council was created to aid non-self-governing territories such as those under colonial rule or detached from an enemy state after World War II or those voluntarily placing their administration under this system, termed as 'trust territories, to obtain and realize the right to self-determination. This organ then guides and aids such territories to transition into independent sovereign States.

The Trusteeship Council recognizes the principle that the interests of the inhabitants of these territories are paramount and accept as a sacred trust the obligation to promote to the utmost within the system of international peace and security established by the UN Charter. It is responsible to the General Assembly that determines the terms of trusteeship and to the Security Council only to assist it with functions relating to 'Strategic Areas'.

This organ is constituted by representatives from the trust territories themselves, those that are not governing them, and other members elected by UNGA for a term of 3 years. Each member shall have one vote. A few examples of trust territories that have now become independent are Cameroon, Togo and Rwanda-Burundi. New Guinea which was also a trust territory merged with the territory of Papua to become Papua New Guinea.

Check Your Progress Exercise 3

Note: Use the space given below for your answer.

1) Comment on the efficacy of the International Court of Justice as the judicial arm of the UNO.

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2) Explicate the scope of the roles and responsibilities of the Secretary General of the United Nations Organisation.

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4.14 SUMMARY

We have traced the origin of the United Nations. This chapter has given a detailed overview of the working of the UNO. The power and functions of each of the 6 organs has been described briefly.

The UN General Assembly works as a democratic organ wherein all member states deliberate and vote upon matters. The UN Security Council is dominate by the 5 permanent members who enjoy veto power. The Secretary General heads the Secretariate- the administrative organ of the UNO. The International Court of Justice is the judicial organ that ensures justice to the aggrieved parties after all pacific methods of conflict resolution have been tried. The Economic and Social Council oversees the functioning of all specialized agencies and promotes the ideals of equality and justice. The Trusteeship Council enables nations to realize their right to self-determination against colonial powers.

The main aim of all these 6 organs and specialized agencies is to work towards the maintenance of international peace and security. They codify international law and ensure that nations respect and observe them in their interaction with each other.

4.14.1 Critique

The United Nations Organization was established with the objective of maintenance of peace and security. It has been quite successful in playing its role. The organs have aided in social improvement, accelerated economic progress of developing countries, and brought political stability to troubled nations. It has also guided with codification of laws in the process of helping previously colonized nations realize their right to self-determination.

The efforts of the UN in garnering cooperation and peaceful conflict resolution has prevented another World War from breaking out. They have also made successful efforts through several conventions and treaties in controlling proliferation and use of nuclear and biochemical weapons. However, it has not been able to stop aggression from certain powerful countries.

The veto power enjoyed by the permanent members of the United Nations Security Council (P5) is unfair. It has been used for selfish national interests by these States and blocked the opportunity for other States to get membership.

Several global issues such as terrorism and poverty continue to remain challenges for the UN and its agencies.

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5

ROLE OF UNITED NATIONS

Unit Structure

5.0   Objectives

5.1   Introduction

5.2   Maintenance of international peace and security.

5.3   Protection and Promotion of Human Rights.

5.4   International Labour Organisation, United Nations Educational scientific Cultural   organisation.

5.5   World Health Organisation

5.6   Summary/Conclusion

5.7   References

5.0 OBJECTIVES

In this unit you all will be familiarized with the Role of United Nations. On 24th October 1945, the world witnessed the conclusion of two months of intense multilateral diplomacy, with the signing of the Charter of the United Nations. In one of the defining acts of the twentieth century, representatives of 50 countries endorsed the formation of an international organization created in the hopes of preserving peace and building a better world for all. . In this lesson we will study about the work of the United Nations impacts people around the world on issues related to peace and security, development and human rights; from disarmament to efforts to combat terrorism and extremism; from conflict prevention to peacekeeping and peace building; from disease prevention to the promotion of gender equality and universal education; from refugee resettlement to humanitarian assistance; from the rule of law to the fight against transnational crime. After studying this lesson, you would be able to-

- Understand the role , powrs and functions of United nation in ensuring peace all over the world;

- identify the various initiatives taken by UN for resolving conflicts;

- analyze how UN protects Human rights and promotes them;

- identify the nature and role of International Labour Organisation; and

- explain the role of UNESCO and WHO;

5.1 INTRODUCTION:

United Nations is entrusted with the gigantic task of maintaining world peace.   Global issues are the issues that transcend national boundaries and cannot be solved by any one country acting alone. The United Nations

focuses on particular issues because if they are not addressed, they could negatively impact the lives of billions, slow progress towards achieving the sustainable development goals, affect the short-term and long-term environmental health of the planet on which we live, and halt human progress in the 21st century. In the more than seven decades since its creation, the United Nations has focused on new challenges, such as youth, gender equality, climate change, big data for the SDGs, and AIDS, in order to find solutions and encourage action. From supporting the major decolonization efforts across Africa and Asia to providing a critical platform for discourse throughout the cold war; from eradicating extreme poverty and hunger to addressing the pressing challenge of climate change; the United Nations has been at the forefront of efforts to ensure a secure, prosperous and equitable world (United Nations). Since its establishment in 1945, the United Nations has been active in extensive areas including peace-keeping, arms control, the North-South problem, social and human rights issues. Following the progress made in East-West dialogue and other recent changes in the international situation, it has stepped up its activities while its roles and responsibilities are being expanded. In the area of peace-keeping, in particular, the United Nations has played an important role in Namibia achieving independence. - the last colony in Africa - and in the general elections held in Nicaragua in February 1990. The peace-keeping operations of the United Nations, traditionally geared to truce supervision activities, has expanded into more comprehensive activities including observation of elections, as occasioned by its operations in Namibia. In August 1990, the U.N. Security Council decided on comprehensive and mandatory sanctions, for the first time in the past 22 years against Iraq's invasion of Kuwait. At the same time, international cooperation extended through the United Nations and its organizations has become progressively important in dealing with global issues such as drugs and the environment. Despite financial constraints, United Nations has ensured that there isn't any lag when dealing with dire humanitarian issues all over the world. Born out of war, the UN has sought to curtail plagues of a past characterized by two world wars. Based on the idea of liberal institutionalism where multilateral institutions are to facilitate inter-state cooperation, the UN intended to bring the major military powers together with the main task of maintaining international peace and security (Weiss 2018: 174, Hanhimaki 2015: 18). This has, however, been fraught with difficulties along with the challenges and opportunities with different peace and security initiatives, in an attempt to evaluate the UN's success in its main task. United Nations specific focus on peace operations, nuclear disarmament and humanitarian intervention, are some of the main areas through which the UN is maintaining international peace and security (UN 2020). As one main actor in global governance, it could be said that the real success of the UN has been in its role as a normative power, guiding the global understanding of acceptable behavior. The decisions taken by United Nations is in sync with its Charter. The main organs of the UN are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the UN Secretariat. All were established in 1945 when the UN was founded. These organs of United Nations are given appropriate responsibility to carry out their work

5.2 MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY.

The United Nations was created in 1945, following the devastation of the Second World War, with one central mission: the maintenance of international peace and security. The UN accomplishes this by working to prevent conflict, helping parties in conflict make peace, deploying peacekeepers, and creating the conditions to allow peace to hold and flourish. These activities often overlap and should reinforce one another, to be effective.

The UN Security Council has the primary responsibility for international peace and security. The General Assembly and the Secretary-General play major, important, and complementary roles, along with other UN offices and bodies. The Security Council takes the lead in determining the existence of a threat to the peace or an act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. Under Chapter VII of the UN Charter, the Security Council can take enforcement measures to maintain or restore international peace and security. Such measures range from economic sanctions to international military action. The Council also establishes UN Peacekeeping Operations and Special Political Missions. On the other hand, The General Assembly is the main deliberative, policymaking and representative organ of the UN. Through regular meetings, the General Assembly provides a forum for Member States to express their views to the entire membership and find consensus on difficult issues. It makes recommendations in the form of General Assembly resolutions. Decisions on important questions, such as those on peace and security, admission of new members and budgetary matters, require a two-thirds majority, but other questions are decided by simple majority.

The UN Security Council (UNSC) is the organ with the primary responsibility for maintaining international peace and security. Outlining its structure and function is an essential first step for determining its success. It consists of 15 members, 5 of which are permanent and have veto power (the P5), namely the United States, the United Kingdom, Russia, China and France. These were considered the main military powers when the UN was founded and their veto right would prevent them from going to war against each other, while creating a necessary balance when taking decisions on security issues that would be collectively enforced (Goodrich 1965: 430). This illustrates how the constellation itself was based on peace and security considerations, and there has in fact never been a direct physical war between the P5 since the UN's beginning. Despite a period of inaction during the Cold War, many UNSC resolutions have also been passed to support peace processes, solve disputes, respond to illegitimate uses of force and enforce sanctions in situations where peace and security has been threatened. This involvement ranges from Bosnia in 1993 to Afghanistan in 2001 to its Anti-Piracy resolution in 2008 (Mingst and Karns 2011: 108). UNSC resolutions have been central for tackling conflict situations and have also demonstrated that extensive joint action can be taken to respond to crisis, such as in the case of Iraq's occupation of Kuwait in 1990 where it condemned its action and authorized states to "use all necessary means" to stop the occupation (Mingst and Karns 2011: 105). Such examples would

challenge the realist assumption that there is an inherent collective action problem in international relations and the system of anarchy. Nevertheless, the UNSC has attracted vast criticism for upholding procedures that impede robust action in important situations where international law has been violated but the P5 disagree, such as in Syria (Nadin 2017), as well as for keeping an outdated permanent membership and for being undemocratic (Weiss & Kuele 2014). In the mentioned example of Iraq 1990, the agreed resolution authorized a US-led military operation, but UN oversight was weak and the autonomy of US action as well as the lack of inclusion of supportive states outside of the Council in the decision-making process is one example that points to the undemocratic structure of the Council as well as the continued importance of powerful states during interventions, rather than the UN itself (Ebegbulem 2011: 25). Furthermore, Security Council vetoes have not always managed to stop nations from proceeding with their endeavors, which was the case with the US' invasion of Iraq, 2003 (Morris & Wheeler 2007: 221). This shows that the individual interests of some states make them deviate from institutional constraints, pointing to flaws in the theory of liberal institutionalism that laid the basis for the UN. Such examples spark doubt about the credibility of the UN and UNSC and disrupt the balance that the composition of UNSC is to uphold, which is one important obstacle to its success in maintaining peace and security.

Beyond internal tensions, the UN has an active presence in the world through peace operations, which has become central for the UNSC and its approach to maintaining peace. The mandates range from protecting civilians to supporting state-building efforts, a list that has become more extensive in its attempt to improve the strategy towards sustainable peace. There is no mention of peace operations in the UN Charter, and the concept of peacekeeping has adapted in line with shifting nature of war and understanding of security, leading up to today's multidimensional peace operations (Williams & Bellamy 2013: 415). Traditionally, the presence of UN forces was to be approved by all parties in the host country, they were to be impartial, lightly armed, with the main goal to maintain a truce. The peace has indeed been kept between states such as Israel-Syria or Iraq-Kuwait, indicating the success of UN deployment for preventing interstate conflict (Mingst and Karns 2011: 130). With the increase of intrastate wars in the 1990s however, conflicts had become more complex, requiring a more complex response. Peacekeepers were deployed in situations where there was no peace to keep, and they encountered atrocities that put both them and civilians in danger, demanding greater military response (Bellamy & Hunt 2015: 1277, Doyle & Sambanis 2008: 2). Their mandate therefore expanded and started bordering on enforcement, as was the case of Bosnia in the 1990s. One problem was the discrepancy between the expectations of the operations and the actual capabilities in form of manpower or resources, showing a political unwillingness to transform the operations to more robust ones (Thakur 2006: 62, Autesserre 2019). Bosnia was a clear example of the failure that can ensue when undertaking *ad hoc* responses to a situation that does not match the original mandate, as it might lead to the inability to perform the envisioned tasks entrusted upon peacekeepers as they are prevented by nation state reluctance (Crossette 1999). This shows the importance of broad member state support of missions in today's complex

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conflict situations and the need for nations to be willing to adapt to challenges that might arise. Underlying UN peace operations is the ideal of a liberal democratic peace, which has been a further hindrance to success in some contexts. Afghanistan is a telling example, where democratization, rule of law and economic restructuring was promoted (Saikal 2012: 219), showing a disregard for every state's right to "choose its political, economic, social and cultural system" (UN Declaration 1965). The state-building efforts saw the quick establishment of governance structures based on Western ideals. It was a rushed affair that eventually failed as the government was neither representative nor accountable (Saikal 2012: 226). Postcolonialism offers a valid critique of the ideational dominance of Western values and understandings, and its failure to recognize imperialist tendencies in the vision that liberal peace is universally applicable and desirable (Nair 2017). Imposing structures in a top-down fashion can have important consequences in fragile situations where society is multidimensional. The conception of peace should not be equated with liberalism but rather promoted in a balanced effort through combined considerations for basic democratic principles with local understandings of governance. This is called hybrid peace building by authors such as Richmond (2009: 578). Only then will the UN enable long-term success as it would empower the local community through an inclusive bottom-up approach.

Beyond Peacekeeping – Recognizing the Normative Power of the UN

The active presence of the UN in the world through its different missions has resolved disputes, inhibited escalation of conflict and spurred peace in some situations, but the inherent problems that were highlighted continue to attract criticism. The failure of the UN to foster long-term peace in settings with complex conflict-dynamics shows an important limitation to the claim to success (Sambanis 2008: 29). An alternative area in which its role as a peace and security defender has been more successful, and in my view most successful, is through the spread important norms that have ranged from expanding the security agenda to upholding a nuclear taboo. A telling example is the role of the Nuclear Non-Proliferation Treaty (NPT). As authors such as Scott Sagan argue, norms embedded in the NPT shape "states' identities and expectations and even powerful actors [become] constrained by the norms they [have] created" (Sagan 1997: 76). The NPT regime helped establish shared understandings of what was considered prestigious, legitimate or delegitimate and states thereby chose to disarm rather than be classified as rogue nations by the international community (Sagan 1997: 80). It has also constrained both Russia and the US in their attempts to modernize their arsenals. Even in cases where the norm has been contested, such as when US recognized India as a nuclear weapons state, it never seriously challenged the core assumptions of the nuclear non-proliferation norm (Carranza 2019: 14). Critics would disagree and argue that the accomplishments in the area of nuclear disarmament has been weak, as with collective security (MacKenzie 2015: 489), but the UN's efforts have evidently hindered armament and possible escalation, pointing to a major success for maintaining peace and security in the world.

Beyond nuclear disarmament, there is also the shared understanding of illegitimate and legitimate uses of force. The UNSC holds strong authority in this realm, which again points to the normative power of the UN in its role for maintaining international peace and security (Mingst and Karns 2011: 100). Even though tensions can run high between states in the Security Council, this shared understanding has enhanced the risks that an aggressor might face when "breaking" these norms, as the response from the international community can take the form of international condemnation, coordinated sanctions or even humanitarian intervention. This last point particularly derives from the enhanced focus on human rights and human security within the UN, as well as the shifting nature of war after the Cold War (Bellamy 2013: 488). The principles of sovereignty and non-interference came into question with the atrocities committed during intrastate conflicts such as in Rwanda and Bosnia. The "responsibility to protect" principle (R2P) was thereby born during the 2005 World Summit, which came to mean that all states have a responsibility to protect civilians from genocide, ethnic cleansing, war crimes or crimes against humanity (UN 2020b). In cases where a state couldn't or wouldn't fulfil this function, humanitarian intervention by the international community would be legitimate. This is in line with the human security agenda that was promoted by the UN in the 1990s, as the security of individuals was to be prioritized over the protection of the state (Hampson 2013: 279). While it contradicts the thesis of realism with its focus on self-interested states, there have been debates on this new role for the UN and how successful it has actually been to use force to support human security objectives (Hampson 2013: 286). One main criticism is about the questions of interpretation. Who dictates when this responsibility is to be invoked? There have also been instances where unlawful intervention has been done in the name of R2P, such as in the case of Russia's intervention in Georgia where they claimed to protect Russian citizens (Allison 2009: 178). However, the jointly accepted humanitarian intervention in Libya 2011 based on the R2P norm is an important example that illustrates how normative shifts driven by the UN can bring nations together to protect peace and security in the world. Both China and Russia agreed to humanitarian intervention, despite their traditional opposition to it, which stopped Qaddafi from proceeding with possible crimes against humanity (Bellamy 2013: 500). Except operational successes, the fact that the international community has agreed to legitimize action to protect human beings as such rather than states, and that there is a general understanding that states should not stand idly by while atrocities are committed, remain two key achievement for the UN in the realm of peace and security.

How does UN maintain peace and security?

1) **Preventive Diplomacy and Mediation** – The most effective way to diminish human suffering and the massive economic costs of conflicts and their aftermath is to prevent conflicts in the first place. The United Nations plays an important role in conflict prevention, using diplomacy, good offices and mediation. Among the tools, the organization uses are special envoys and political missions in the field.

2) **Special and Personal Representatives, Envoys and Advisers of the Secretary- General in many areas.**

3) **UN office for West Africa-** The UN office for West Africa, in Dakar, Senegal was the first regional conflict prevention and peace building office of the United Nations. Its overall mandate was to enhance contributions of the UN towards the achievement of peace and security in West Africa and to promote an integrated regional approach in addressing issues that impact stability in the region.

4) **Peacekeeping** - For over seven decades, UN peacekeeping has been one of the most important tools the UN has at its disposal for conflict mitigation and stabilization. Helping countries navigate the difficult path from conflict to peace, peacekeeping has unique strengths, including legitimacy, burden sharing, and an ability to deploy and sustain troops and police from around the globe, integrating them with civilian peacekeepers to advance multidimensional mandates. Today's peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support democratic values such as organizing elections, protecting and promoting human rights and assisting in the creation and restoration of rule of law. India has been among the largest troop- contributing countries to the U.N peacekeeping missions. As of November 2021 data, India is the second highest military (1,888) and fifth –highest (139) police – contributing country to the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO). Peacekeeping by the United Nations is a role held by the Department of Peace Operations as an "instrument developed by the organization as a way to help countries torn by conflict to create the conditions for lasting peace". It is distinguished from peace building, peacemaking, and peace enforcement although the United Nations does acknowledge that all activities are "mutually reinforcing" and that overlap between them is frequent in practice. Peacekeepers monitor and observe peace processes in post-conflict areas and assist ex-combatants in implementing the peace agreements they may have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. Accordingly, UN peacekeepers (often referred to as Blue Berets or Blue Helmets because of their light blue berets or helmets can include soldiers, police officers, and civilian personnel).

5) **Peace building-** "To save succeeding generations from the scourge of war" are among the first very words of the UN Charter (in its Preamble), and those words were the main motivation for creating the United Nations, whose founders had lived through the devastation of two world wars by 1945. Since the UN's creation on 24 October 1945 (the date its Charter came into force), the United Nations has often been called upon to prevent disputes from escalating into war, or to help restore peace

following the outbreak of armed conflict, and to promote lasting peace in societies emerging from wars. In this direction, Peace building is one of the major initiatives taken by U.N. Within the United Nations, peace building refers to efforts to assist countries and regions in their transitions from war to peace and to reduce a country's risk of lapsing or relapsing into conflict by strengthening national capacities for conflict management, and laying the foundations for sustainable peace and development.

Building lasting peace in war-torn societies is a daunting challenge for global peace and security. Peacebuilding requires sustained international support for national efforts across the broadest range of activities. For instance, peacebuilders monitor ceasefires, demobilize and reintegrate combatants, assist the return of refugees and displaced persons, help to organize and monitor elections of a new government, support justice and security sector reforms, enhance human rights protections, and foster reconciliation after past atrocities. Peacebuilding involves action by a wide array of organizations of the UN system, including the World Bank, regional economic commissions, NGOs and local citizens' groups. Peacebuilding has played a prominent role in UN operations in Bosnia and Herzegovina, Cambodia, El Salvador, Guatemala, Kosovo, Liberia and Mozambique, as well as more recently in Afghanistan, Burundi, Iraq, Sierra Leone and Timor-Leste. An example of inter-state peacebuilding has been the UN Mission in Ethiopia and Eritrea.

6) **Rule of Law**- Promoting the rule of law at the national and international levels is at the heart of the United Nations' mission. Establishing respect for the rule of law is fundamental to achieving a durable peace in the aftermath of conflict, to the effective protection of human rights, and to sustained economic progress and development. The principle that everyone – from the individual to the State itself – is accountable to laws that are publicly promulgated, equally enforced and independently adjudicated is a fundamental concept which drives much of the United Nations work. The main United Nations organs, including the General Assembly and the Security Council, play essential roles in supporting Member States to strengthen the rule of law, as do many United Nations entities.

7) **Women and Children in Conflict**- In contemporary conflicts, up to 90 per cent of casualties are civilians, mostly women and children. Women in war-torn societies can face specific and devastating forms of sexual violence, which are sometimes deployed systematically to achieve military or political objectives. Moreover, women continue to be poorly represented in formal peace processes, although they contribute in many informal ways to conflict resolution. However, the UN Security Council in its Resolution 1325, on women, peace and security has recognized that including women and gender perspectives in decision-making can strengthen prospects for sustainable peace. The landmark resolution addresses the situation of women in armed conflict and calls for their participation at all levels of decision-making on conflict resolution and peacebuilding.

Since 1999, the systematic engagement of the UN Security Council has firmly placed the situation of children affected by armed conflict as an issue affecting peace and security. The Security Council has created a strong framework and provided the Secretary-General with tools to respond to violations against children. The Special Representative of the Secretary-General for Children and Armed Conflict serves as the leading UN advocate for the protection and well-being of children affected by armed conflict.

8) **Peaceful Uses of Outer Space-** The UN works to ensure that outer space is used for peaceful purposes and that the benefits from space activities are shared by all nations. This concern for the peaceful uses of outer space began soon after the launch of Sputnik — the first artificial satellite — by the Soviet Union in 1957 and has kept pace with advances in space technology. The UN has played an important role by developing international space law and by promoting international cooperation in space science and technology. The Vienna-based United Nations Office for Outer Space serves as the secretariat for the Committee on the Peaceful Uses of Outer Space and its subcommittees, and assists developing countries in using space technology for development.

Therefore, history has shown that UN nations, and the P5, are agreeing on important resolutions and overcoming their differences. States have also acted in line with the normative frameworks that the UN has promoted. The UN can be and should be criticized for its inability to act where needed or for its inability to stop action deemed damaging to peace and security, but it has an ability to adapt and reinvent itself in line with emerging global challenges that shouldn't be undermined (MacKenzie 2015: 490). Such adaptability gives constructivism right in its understanding that process affects interests, which thereby transforms structure (Wendt 1992: 393). This understanding explains how the UNCS has been able to legitimize certain norms and practices, even when they intrude into the realm of national sovereignty (Williams & Bellamy 2013: 416). The UN is indeed the sum of its parts, composed of member states with their individual interests, but state interaction in this institutional context continue to shape states' evolving interest, enabling policy change that corresponds with its task of maintaining peace and security.

Check Your Progress Exercise 1

Note: i) Use the space given below for your answer.

1) Critically analyze United Nations role in ensuring peace and security with relevant examples.

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5.3 PROMOTION AND PROTECTION OF HUMAN RIGHTS

The promotion and protection of all human rights is among the main objectives of the United Nations. The U.N. has established organizations to deal with human rights including the Commission on Human Rights, drafted various human rights instruments, encouraged states to accede to them, adopted resolutions requesting that states should improve their human rights situations, and organized a number of world-wide conferences. In June, 1993, World Conference on Human Rights adopted the Vienna Declaration and Programme of Action, which has a large impact on activities in the field of human rights. The post of the United Nations High commissioner for Human Rights was created in 1993, and Mrs. Mary Robinson, former President of Ireland, was appointed as the second High Commissioner in June 1997. She has been active in coordinating relevant U.N. activities and international cooperations since she assumed the office. Japan firmly supports High Commissioner's activities including human rights field operations and advisory services and technical assistance. To raise international awareness for human rights, the 10-year period beginning from 1995 is proclaimed as the U.N. Decade for Human Rights Education. Under the Decade, U.N. organizations, governments, human rights institutions in different parts of the world are expected to make head to the goal by promoting human rights education. To accomplish this task, in December 1995, the Government of Japan established the Headquarters for the Promotion of the Plan of Action of the U.N. Decade for Human Rights Education, with the Prime Minister as its chair. The Headquarters finalized a National Plan of Action in July 1997. U.N uses following means to protect Human Rights:

The Universal Declaration of Human Rights: An International Standard Since 1948

One of the first UN documents, the Universal Declaration of Human Rights, reflects many of the ideals of the Bill of Rights in the United States Constitution. The Declaration spells out what the member states of the UN believe are minimum human rights of all people. Among the basic rights it mandates are the right of people to determine their government, freedom of thought and religion, the right to privacy, and the right to a fair trial. It goes on to condemn slavery, torture, and arbitrary arrest. Americans take these rights for granted, but even today they are not the standard in many parts of the world. The universality of the Declaration was reaffirmed at the 1993 World Conference on Human Rights in Vienna.

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Article 1, Universal Declaration of Human Rights

Treaties and legal instruments

The International Bill of Human Rights- The International Bill of Human Rights is made of three instruments: The UDHR, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The UDHR is the foundation of international human rights law. The two covenants reiterate many of the articles in the UDHR, but the covenants are legally-binding treaties.

Conventions - A convention is a legally binding agreement between contracting countries and the UN. Several conventions address human rights issues, such as the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child.

Entities that address human rights:

The Office of the High Commissioner for Human Rights (OHCHR)-

Based in Geneva, the OHCHR is the main UN entity that protects and promotes human rights. It supports the human rights aspects of peacekeeping missions and maintains offices in different regions such as Africa, the Americas, the Middle East, and Europe and Central Asia. The High Commissioner for Human Rights has the authority to investigate human rights situations, publish reports, and comment on human rights issues.

The Human Rights Council

In 2006, the HRC replaced the UN Commission on Human Rights. Its mission is to promote and protect human rights. The Council has 47 elected members that address human rights violations, make recommendations, and discuss "thematic human rights issues and situations." Members are elected for staggered three-year terms on a regional group basis.

The Security Council

The Security Council frequently deals with human rights abuses, especially in conflict zones. The Council has the authority for certain actions. They can investigate, mediate, dispatch a mission, appoint special envoys, dispatch a peacekeeping force, and issue a ceasefire directive. They can also establish travel bans, economic sanctions, arms embargoes, and more.

The UN Development Group's Human Rights Working Group

This group was established in 2009 at the request of the UN Secretary-General. Abbreviated as UNDG-HRWG, this group's role is to advance human rights mainstreaming efforts with the UN development system. The OHCHR serves as the Chair. Priorities include making human rights expertise available to national development actors and helping the UN development system deliver rights-based development results.

Treaty bodies

There are ten human rights treaty bodies made of independent experts in human rights. They are elected for fixed renewable four-year terms by State parties. Their role is to monitor the implementation of the core international human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights.

Human Rights Abuses Against Women

One of the most widespread abuses of human rights is violence against women. This takes many forms, from son preference, in which female fetuses or newborns are exterminated, to domestic violence. Rape has been used as a weapon of war, as in the former Yugoslavia and Rwanda, and various forms of sexual harassment occur in developed and developing countries alike. Governments at the UN's Fourth World Conference on Women, held in Beijing, China, in September 1995, agreed that there should be shelters, legal aid, and other services for girls and women at risk, and counseling and rehabilitation for perpetrators. With the vigorous support of the UN, some countries have recently taken steps toward improving laws relating to violence against women. In Burkina Faso, the Government launched a strong advertising campaign to educate and raise awareness about the unhealthy practice of female genital mutilation. In Brazil, police stations staffed entirely by women have been designated to deal with women's issues, including domestic violence.

Human rights provisions under UN Charter

The preamble of the United Nations, declared its aim to wipe out the fear of war, the promotion of human rights and the worth of human person and dignity of mankind. It also seeks to establish justice, and promotes corporation between the States to discharge their duties to create a just economic, social and cultural order wherein mankind can realize the fundamental human rights in accordance with the principles of international law. Accordingly, a number of provisions of the Charter have incorporated human rights. They are as follows:

1) **Article 1** of the Charter lays down the purposes of the United Nations. Accordingly, it is one of the duties of the UN as a world body to take necessary steps to achieve international co-operation in order to reduce the inequalities of economic, social, and cultural aspects. It also oversees to promote and encourage the nation-states to respect the human rights of man and the promotion of all the fundamental freedoms without any distinction to race, sex, language or religion.

2) **Article 8** of the charter lays down that the UN shall place no restriction on the eligibility of men and women to participate in any capacity equally in its principal and subsidiary organs. According to the provisions of this article, all persons of the world are eligible to join the UN and serve in its jobs as per the qualifications prescribed for each post. These jobs, the internships, and various projects that are

available with UN are open to all without any discrimination to race, sex, language or any other ground.

3) According to **Article 13**, to achieve the purposes and objectives of the Charter, especially with respect to the promotion of Human Rights, the General Assembly (since the General Assembly represents all the nations), it has been entrusted with the task of taking harmonized steps in the promotion of human rights of economic, social, cultural, educational and fundamental freedoms.

4) According to **Article 55**, it is the responsibility of the United Nations to take General Assembly (since the General Assembly represents all the nations), it has been entrusted with the task of taking harmonized steps in the promotion of human rights of economic, social, cultural, education and fundamental freedoms.

5) According to **Article 51**, if any country disobeys the mandate, especially in the promotion and protection of human rights, or if any country is under threat from another country, the Security Council is empowered to take all necessary steps including even to declare a war to achieve peace and security, which includes the promotion and protection of human rights.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

In connection with the programme for reform of the United nations, the Office of the U.N. High Commissioner for Human Rights and the Centre for Human Rights were consolidated into a single Office of the United Nations High Commissioner for Human Rights (OHCHR) on September 15, 1997. The OHCHR is located at Geneva. It maintains a liaison office in New-York as well as numerous country offices around the world. The office is headed by a High Commissioner with the rank of Under Secretary-General.

The High Commissioner is responsible for all the activities of the Office of the United Nations High Commissioner for Human Rights. He carries out the functions specifically assigned to him or her by the General Assembly in its resolution 48/141 of December 20, 1993, i.e., the resolution which created the post of the High Commissioner for Human Rights. He advises the Secretary-General on the Policies of the United Nations in the area of human rights. He ensures that substantive and administrative support is given to the projects, activities, organs and bodies of the human rights programmes. He represents the SecretaryGeneral at meetings of the human rights organs and at other human rights events. He also carried out special assignment as decided by the Secretary-General.

The OHCHR maintains an office at the Headquarter which is called New York office which is headed by a Director who is accountable to the High Commissioner. The Director performs a number of functions including the representation of the High Commissioner at Headquarters, at meetings of policy making bodies, with permanent missions of Member States. The

New York office also provides advice and recommendations on substantive matters to the High Commissioner.

Functions of OHCHR - The OHCHR performs the following functions –

*   The OHCHR promotes universal enjoyment of all human rights by giving practical effect to the will and resolve of the World community as expressed by the United nations.

*   The Office plays the leading role on human rights issues and emphasises the importance human rights at the international and national levels,

*   OHCHR promotes international cooperation for human rights;

*   The Office stimulates and coordinates action for human rights throughout the United Nations system.

*   The Office promotes universal ratification and implementation of international standards;

*   The Office assists in the development of new norms;The Office supports human rights organ and treaty monitoring bodies;

*   The Office responds to serious violations of human rights;

*   The Office undertakes preventive human rights action;

*   The Office promotes the establishment of national human rights infrastructures.

*   The Office undertakes human rights field activities and operations;

Committee on the Elimination of Discrimination Against Women (CEDAW)

The Convention on the Elimination of all formal of Discrimination Against Women" 1979 Adopted by General Assembly Resolution 34/180 of 18 Dec. 1979. The Convention sets out, in legally binding form, internationally accepted principles on the rights of women which are applicable to all women in all fields. The basic legal norm of the Convention is the prohibition of all forms of discrimination against women. This norm cannot be satisfied merely by the enactment of genderneutral laws. In addition to demanding that women be accorded equal rights with men. the Convention goes further by prescribing the measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled. The Convention recognizes rights of women in the form of obligations on State parties.

Article 2 establishes, in a general way, the obligations of States under the Convention and the policy to be followed in eliminating discrimination against women. By becoming parties to the Convention, States accept the responsibility to take active steps to implement the principle of equality between men and women into their national constitutions and other relevant legislation. States should also eliminate the legal bases for discrimination by revising existing laws and civil, penal and labour codes. It is not enough merely to insert antidiscrimination clauses into legislation. The Convention

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also requires States parties to protect women's rights effectively and provide women with opportunities for recourse and protection against discrimination. They should incorporate sanctions into legislation that deter discrimination against women, and establish a system for filing complaints within national tribunals and courts. States parties to the Convention must take steps to eliminate discrimination in both public and private spheres. It is not enough to strive for "vertical" gender equality of the individual woman vis-a-vis public authorities; States must also work to secure non-discrimination at the "horizontal" level, even within the family.

Therefore, through its various organs, treaties, bodies and initiatives U.N ensures protection and promotion of Human Rights.

Check Your Progress Exercise 2

Note: i) Use the space given below for your answer.

1) Write a detailed essay on Protection and Promotion of Human Rights by United Nations.

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5.4 INTERNATIONAL LABOUR ORGANISATION & UNITED NATIONS EDUCATIONAL SCIENTIFIC CULTURAL ORGANISATION.

"The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries."- **ILO Constitution**

The International Labour Organization (ILO) is built on the constitutional principle that universal and lasting peace can be established only if it is based upon social justice. The ILO has generated such hallmarks of industrial society as the eight-hour working day, maternity protection, child-labour laws, and a range of policies which promote workplace safety and peaceful industrial relations. The ILO is the international institutional framework which makes it possible to address such issues – and to find solutions allowing working conditions to improve everywhere. No country or industry could have afforded to introduce any of these in the absence of similar and simultaneous action by its competitors.

Origins of the ILO

The International Labour Organization emerged with the League of Nations from the Treaty of Versailles in 1919. It was founded to give expression to the growing concern for social reform after World War I, and the conviction that any reform had to be conducted at an international level. After World

War II, a dynamic restatement and enlargement of the ILO's basic goals and principles was made in the Declaration of Philadelphia. The Declaration anticipated postwar growth in national independence, and heralded the birth of large-scale technical cooperation with the developing world. In 1946, the ILO became the first specialized agency associated with the newly formed United Nations Organization. On its 50th anniversary in 1969, it was awarded the Nobel Peace Prize.

Nature of ILO

The ILO has a tripartite structure unique in the United Nations, in which employers' and workers' representatives – the "social partners" of the economy – have an equal voice with those of governments in shaping its policies and programmes. The ILO also encourages this tripartism within its member States by promoting a "social dialogue" between trade unions and employers in formulating, and where appropriate, implementing national policy on social, economic, and many other issues. Minimum international labour standards and the broad policies of the ILO are set by the International Labour Conference, which meets annually.

Every two years, the Conference adopts the ILO's biennial work programme and budget, which is financed by member States. The Conference also provides an international forum for discussion of world labour and social problems. Each member country has the right to send four delegates to the Conference, two from the government and one each representing workers and employers. These delegates are free to speak and vote independently. Between annual sessions of the Conference, the work of the ILO is guided by the Governing Body of 28 government members and 14 worker and 14 employer members.

The ILO secretariat, operational headquarters, research centre and publishing house, are based in the International Labour Office, Geneva. Administration and management are decentralized in regional, area, and branch offices in more than 40 countries. The work of the Governing Body and of the Office is aided by tripartite committees covering major industries. It is also supported by committees of experts on such matters as vocational training, management development, occupational safety and health, industrial relations, workers' education, and special problems of women and young workers. Regional meetings of the ILO member States are held periodically to examine matters of special interest to the regions concerned.

The ILO has four principal strategic objectives:

1) To promote and realize standards, and fundamental principles and rights at work.

2) To create greater opportunities for women and men to secure decent employment.

3) To enhance the coverage and effectiveness of social protection for all.

4) To strengthen tripartism and social dialogue.

Policies and Programmes of International Labour Organisation-

A) **Declaration of Philadelphia-** In 1944, the International Labour Conference met in Philadelphia, USA, and adopted the Declaration of Philadelphia. This redefined the aims and purpose of the ILO by adopting the following principles:

- Labour is not a commodity.

- Freedom of expression and of association are essential to sustained progress.

- Poverty anywhere constitutes a danger to prosperity everywhere.

- All human beings, irrespective of race, creed, or sex, have the right to pursue both their material wellbeing and their spiritual development in conditions of freedom and dignity, of economic security, and of equal opportunity.

B) **Declaration on Fundamental Principles and Rights at Work-** In 1998, the International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work, which reaffirmed the commitment of the international community to "respect, to promote and to realize in good faith" the rights of workers and employers to freedom of association and the effective right to collective bargaining. It also commits member States to work towards the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in employment and occupation. The Declaration emphasizes that all member States have an obligation to respect the fundamental principles involved, whether or not they have ratified the relevant Conventions.

ILO Conventions and Recommendations :

One of the ILO's original and most important functions is the adoption by the tripartite International Labour Conference (employers, workers and governments) of Conventions and Recommendations which set international standards. Through ratifications by member States, these Conventions create binding obligations to implement their provisions. Recommendations provide guidance on policy, legislation, and practice.

Since 1919, Conventions and Recommendations have been adopted covering practically all issues relating to the world of work. These include certain basic human rights (notably freedom of association, the right to organize and bargain collectively, the abolition of forced labour and child labour, and the elimination of discrimination in employment), labour administration, industrial relations, employment policy, working conditions, social security, occupational safety and health, employment of women, and employment of special categories such as migrant workers and seafarers.

Each member State is required to submit all Conventions and

Recommendations adopted by the Conference to the competent national authorities for a decision on action to be taken. The ratifications of these Conventions have continued to increase in number.

The ILO has established a supervisory procedure to ensure their application in law and practice, which is the most advanced of all such international procedures. It is based on objective evaluation by independent experts of the manner in which obligations are complied with, and on examination of cases by the ILO tripartite bodies. There is a special procedure to investigate complaints of infringement of freedom of association.

The **eight-core conventions of the ILO** are:

- Forced Labour Convention (No. 29)

- Abolition of Forced Labour Convention (No.105)

- Equal Remuneration Convention (No.100)

- Discrimination (Employment Occupation) Convention (No.111)

- Minimum Age Convention (No.138)

- Worst forms of Child Labour Convention (No.182)

- Freedom of Association and Protection of Right to Organised Convention (No.87)

- Right to Organise and Collective Bargaining Convention (No.98)

Focus on child labour

Child labour is a pressing social, economic and human rights issue. As many as 250 million children worldwide are thought to be working, deprived of adequate education, good health, and basic freedoms. Individual children pay the highest price, but countries suffer as well. Ending child labour is a goal in itself; but it is also a powerful way of promoting economic and human development. The ILO Minimum Age Convention, 1973 (No. 138), containing the principle of the effective abolition of child labour, is strengthened by adoption of a new Worst Forms of Child Labour Convention, 1999 (No. 182), calling for immediate measures to eliminate as a matter of urgency all of the worst forms of child labour – ranging from slavery and compulsory labour to use of a child in any illicit activity, and any work which is likely to harm the health, safety or morals of children.

As the world has awakened to the abuses of child labour, the movement against it has evolved into a global cause virtually unprecedented in its pace and intensity. It is a movement which transcends political boundaries, languages, cultures and spiritual traditions. Every segment of civil society – governments, employers, trade unions, NGOs, and religious organizations – has joined together to declare that exploitative child labour must end. The International Programme on the Elimination of Child Labour (IPEC) currently manages over 1,000 programmes worldwide promoting alternatives to child labour.

Gender and Jobs

Gender equality is a key element of the ILO agenda of Decent Work for All Women and Men. Gender equality, along with development, is one of the two cross-cutting issues of the four strategic objectives of the Decent Work agenda. The ILO's approach to gender equality is to mainstream gender concerns in all its policies and programmes. Women have transformed the labour markets of the world. In some cases, they have succeeded in obtaining greater opportunities and economic autonomy. Yet, gender inequalities still permeate every aspect of the employment problem. Women still form the majority of unpaid, atypical, or discouraged workers in most countries.

India is a **founding member of the ILO** and it has been a permanent member of the ILO Governing Body since 1922. In India, the first ILO Office was started in 1928. The decades of productive partnership between the ILO and its constituents has mutual trust and respect as underlying principles and is grounded in building sustained institutional capacities and strengthening capacities of partners. India has **not ratified** the two core/fundamental conventions, namely **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)** and **Right to Organise and Collective Bargaining Convention, 1949 (No. 98).** The main reason for non-ratification of ILO conventions No.87 & 98 is due to certain restrictions imposed on the government servants.

Hence, ILO works to promote social justice at the workplace, as it believes that social justice is the key to lasting peace. It also promotes employment generation and the concept of decent work, while adhering to international labour and human rights.

United Nations Educational Scientific Scientific Cultural Organisation (UNESCO)

"Since wars begin in the minds of men and women, it is in the minds of men and women that the defences of peace must be constructed" – UNESCO

United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency of the United Nations (UN). It seeks to build peace through international cooperation in Education, the Sciences and Culture. It is also a member of the United Nations Sustainable Development Group (UNSDG), a coalition of UN agencies and organizations aimed at fulfilling the Sustainable Development Goals (SDGs). UNESCO's Headquarters are located in Paris and the Organization has more than 50 field offices around the world. It has 193 Members and 11 Associate Members (As of April 2020) and is governed by the General Conference and the Executive Board.

UNESCO focuses on a set of objectives such as:

- Attaining quality education for all and lifelong learning

- Mobilizing science knowledge and policy for sustainable development

- Addressing emerging social and ethical challenges

- Fostering cultural diversity, intercultural dialogue and a culture of peace

- Building inclusive knowledge societies through information and communication

- Focuses on global priority areas - **"Africa" and "Gender Equality".**

In 1942, during the Second World War, the governments of the European countries, which were confronting Germany and its allies, met in the United Kingdom for the **Conference of Allied Ministers of Education (CAME).** Upon the proposal of CAME, a United Nations Conference for the establishment of an educational and cultural organization was convened in London in November 1945. At the end of the conference, UNESCO was founded on 16 November 1945. The first session of the General Conference of UNESCO was held in Paris during November-December of 1946.

Areas of Specialization of UNESCO –

A) Education Transforms Lives- Education transforms lives and is at the heart of UNESCO's mission to build peace, eradicate poverty and drive sustainable development. The Organization is the **only United Nations agency** with a mandate to cover all aspects of education. It has been entrusted to **lead the Global Education 2030 Agenda** through Sustainable Development Goal- 4. **'Education 2030 Framework for Action' (Incheon Declaration)** is the roadmap to achieve the global education 2030 agenda. It's work encompasses educational development from pre-school to higher education and beyond.

B) **Protecting Our Heritage and Fostering Creativity-** It is becoming a fact that no development can be sustainable without a strong culture component.UNESCO has adopted a **three-pronged approach** to make culture takes it rightful place in development strategies and processes:

   i) **Spearheads worldwide advocacy** for culture and development.

   ii) **Engages with the international community** to set clear policies and legal frameworks

iii) Works on the ground to **support governments and local stakeholders** to safeguard heritage, strengthen creative industries and encourage cultural pluralism.

Some important conventions and International treaties of UNESCO to protect and safeguard the world's cultural and natural heritage:

- The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)

- The Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

- The Universal Declaration on Cultural Diversity (2001)

- The Convention on the Protection of the Underwater Cultural Heritage (2001)

- The Convention for the Protection of the World Cultural and Natural Heritage (1972)

- The Convention on the Means of Prohibiting and Preventing the Illicit Traffic of Cultural Property (1970)

Science for a Sustainable Future-

Science equips us to find solutions to today's acute economic, social and environmental challenges and to achieving sustainable development and greener societies. UNESCO works to assist countries to invest in **Science, Technology and Innovation (STI),** to develop national science policies, to reform their science systems and to build capacity to monitor and evaluate performance through STI indicators. Also, UNESCO works with its member states to foster informed decisions about the use of science and technology, in particular in the field of bioethics.

Social and Human Sciences-

UNESCO helps to enable people to create and use knowledge for just and inclusive societies, support them in understanding each other and working together to build lasting peace. It promotes mutual understanding among member states through its intergovernmental Programme like **Management of Social Transformations (MOST),** its **Youth Programme** and the **Culture of Peace and Non-Violence Programme** which include initiatives for democracy and global citizenship, intercultural dialogue, peace-building.

Communication and Information –

UNESCO **advances freedom of expression** and the safety of journalists, combats online hate speech, as well as disinformation and misinformation through awareness raising initiatives. It also **supports universal access to information and knowledge** through promoting Open Solutions, including

Open Educational Resources, access for marginalized people, and multilingualism in Cyberspace.

Some of the Important Initiatives of UNESCO:

World Heritage Convention and List –

- World Heritage Convention -1972 links together the concepts of nature conservation and the preservation of cultural properties.

- The Convention defines the kind of natural or cultural sites (World Heritage Sites) which can be considered for inscription on the World Heritage List.

- The States Parties of convention are encouraged to integrate the protection of the cultural and natural heritage into regional planning programmes, set up staff and services at their sites, undertake scientific and technical conservation research.

- It explains how the World Heritage Fund is to be used and managed.

- Globally there **are 1154 World Heritage sites in the 167 countries**. Meanwhile, India has 40 World Heritage Sites that include 30 Cultural properties, 7 Natural properties and 1 mixed site.

    - Harappan city of Dholavira in Gujarat as India's 40th world heritage site.

    - Ramappa Temple (Telangana) was India's 39th World Heritage Site.

    - Khangchendzonga National Park, Sikkim has been inscribed as India's first and the only "Mixed World Heritage Site".

- In **2022**, the Union Ministry of Culture nominated Sacred Ensembles of the Hoysalas temples for consideration as a World Heritage site for the year 2022-2023.

Man and the Biosphere (MAB) Programme –

It is an **intergovernmental scientific programme** that aims to establish a scientific basis for enhancing the relationship between people and their environments. It promotes innovative approaches to economic development that are socially and culturally appropriate and environmentally sustainable. The **World Network of Biosphere Reserves** currently counts 701 sites in 124 countries all over the world, including 21 trans boundary sites. India has **18 Biosphere reserves** out of which **12 have been recognized internationally under MAB program.**

World Water Assessment Programme (WWAP)- The growing global water crisis threatens the security, stability and environmental sustainability of developing nations. The programme focuses on assessing the developing situation of freshwater throughout the world. It also coordinates the work of 31 UN-Water members and partners in the World Water Development Report (WWDR)

<u>UNESCO & India :</u>

India has been a member of the UNESCO since its inception in 1946. UNESCO constitution requires that each Member State should have a principle body that shall work with the Organization. Thus, in India, Indian National Commission for Cooperation with UNESCO (INCCU) was commissioned. UNESCO has two Offices in India The New Delhi cluster office for eleven countries in South and Central Asia (Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Mongolia, Myanmar, Nepal, Pakistan and Sri Lanka) The MGIEP – the Mahatma Gandhi Institute of Education for Peace and Sustainable Development fully supported and funded by the Government of India.

India has been elected to the Intergovernmental Committee of UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (ICH) for the 2022-2026 cycle.

- India has served as a member of the ICH Committee twice — from 2006 to 2010 and from 2014 to 2018.

- Earlier, Durga Puja in Kolkata was inscribed on the <u>UNESCO</u>'s Representative List of the Intangible Cultural Heritage (ICH) of Humanity.

What is Intangible Cultural Heritage?

Intangible cultural heritage is the practices, expressions, knowledge and skills that communities, groups and sometimes individuals recognise as part of their cultural heritage. Also called living cultural heritage, it is usually expressed in one of the following forms:

- Oral Traditions

- Performing Arts

- Social Practices

- Rituals and Festive events

- Knowledge and Practices concerning nature and the universe

- Traditional Craftsmanship

India has been elected to the Intergovernmental Committee of UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (ICH) for the 2022-2026 cycle.

- India has served as a member of the ICH Committee twice — from 2006 to 2010 and from 2014 to 2018.

- Earlier, Durga Puja in Kolkata was inscribed on the <u>UNESCO</u>'s Representative List of the Intangible Cultural Heritage (ICH) of Humanity.

Check Your Progress Exercise 3

Note: i) Use the space given below for your answer.

1) Elucidate on International Labour Union and UNESCO with suitable examples.

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5.5 WORLD HEALTH ORGANISATION-

At the 1945 United Nations Conference on International Organization (also known as the San Francisco Conference), Szeming Sze, a delegate from the Republic of China (modern-day Taiwan), proposed the creation of an international health organization under the auspices of the new United Nations. Alger Hiss, the Secretary-General of the conference, recommended using a declaration to establish such an organization. As a result of these proceedings, the World Health Organisation came to be established in 1948. It became the first specialized agency of the United Nations to which every member subscribed.

The WHO Constitution states that the organization's objective "is the attainment by all people of the highest possible level of health". The WHO fulfills this objective through the following functions:

1. By playing a role as the directing and coordinating authority on international health work.

2. Maintaining and establishing collaboration with the UN and any other appropriate bodies.

3. Assisting governments, upon request, in strengthening their health services.

4. Giving appropriate technical assistance and in case of emergencies, required aid upon the request or acceptance of governments.

Contribution of WHO :

The WHO has been instrumental in eradicating the suffering of millions all over the world through its assistance to various governments. Some of the important milestones include:

*   ☐   Eradication of smallpox in 1980.

*   ☐   The organization is close to eradicating Polio, a disease that affects mainly infants and young children. Due to eradication programs by the WHO, polio cases have come down by 99% since

1988. As of 2019, only three nations are suffering from polio – Nigeria, Afghanistan, and Pakistan.

- ☐ About 216 million people are suffering from Malaria, mostly in tropical Africa, where 90% of Malaria cases and deaths are recorded. In the African region, the death rate due to malaria has been brought down by 60% as of 2018.

- In 2008, the WHO initiated the observance of the 'World Malaria Day'. This day is observed annually on April 25. Read more about this day in This Day in History dated April 25.

- ☐ It focuses on infectious diseases like HIV, influenza, malaria, tuberculosis, and Ebola; and also other non-communicable diseases such as heart disease and cancer.

- ☐ It also takes efforts in the direction of maternity and infant healthcare, old-age care, and hygienic food and water for all.

How is WHO governed?

- **World Health Assembly -** World Health Assembly (WHA) is WHO's decision-making body attended by delegations from all of WHO's member states. It is held yearly at the headquarters of WHO, i.e., Geneva, Switzerland. Specific health agenda prepared by the Executive Board remains the focus of this assembly. Since the start of the Covid-19 pandemic, 2022's assembly is the first in-person assembly.The Health Assembly **determines the policies of the Organization.** It supervises the financial policies of the Organization and reviews and approves the budget. It reports to the **Economic and Social Council** in accordance with any agreement between the Organization and the United Nations. The **Director-General is appointed by the Health Assembly** on the nomination of the Board on such terms as the Health Assembly may determine.

World Health Organisation & India ;

- India became a party to the WHO on 12 January 1948. Regional office for South East Asia is located in New Delhi. In 1967 the total number of smallpox cases recorded in India accounted for nearly 65% of all cases in the world. Of this 26,225 cases died, giving a grim picture of the relentless fight that lay ahead. **In 1967, the WHO launched the Intensified Smallpox Eradication Programme.** With a coordinated effort by Indian government with the World Health Organization (WHO), smallpox was eradicated in 1977. India began the battle against the disease in response to the **WHO's 1988 Global Polio Eradication Initiative** with financial and technical help from World Bank.

- **Polio Campaign-2012:** The Indian Government, in partnership with UNICEF, the World Health Organization (WHO), the Bill & Melinda Gates Foundation, Rotary International and the Centers for Disease

Control and Prevention contributed to almost universal awareness of the need to vaccinate all children under five against polio. As a result of these efforts, India was removed from the list of endemic countries in 2014. Recently, the Prime Minister addressed the Second Global Covid Virtual Summit of the World Health Organisation (WHO), where he emphasized WHO Reforms.

Reforms suggested to strengthen WHO-

A) Strengthening the Public Health Emergency of International Concern (PHEIC) declaration process It is important to devise objective criteria with clear parameters for declaring PHEIC. The emphasis must be on transparency and pr omptness in the declaration process. A PHEIC implies a situation that is:

- Serious, sudden, unusual or unexpected;

- Carries implications for public health beyond the affected State's national border; and

- May require immediate international action.

- **Funding:** Most of the financing for Programmatic Activities of the WHO comes from extra budgetary contributions, which though voluntary in nature, are normally earmarked. The WHO enjoys very little flexibility in the use of these funds. There is a need to ensure that extra budgetary or voluntary contributions are unearmarked to ensure that the WHO has the necessary flexibility for its usage in areas where they are required the most.

C) Enhancement of the response capacities of the WHO and Member States.

D) **Improvement of the WHO's governance structure:** Being a technical Organisation, most of the work in WHO is done in Technical Committees composed of independent experts. Moreover, considering the growing risks associated with emergence of disease outbreaks the role of the Independent Oversight and Advisory Committee (IOAC), responsible for the performance of the WHO Health Emergencies Programme (WHE), becomes extremely crucial. It is important that the **member States have a greater say in the functioning of the WHO**, given that it is the States which are responsible for implementation on ground of the technical advice and recommendations coming from the WHO.

E) Creation of Global Framework for Management of Infectious Diseases & Pandemic.

Therefore, by implementing above suggested reforms would prove to be very instrumental in the functioning of World health Organisation.

Check Your Progress Exercise 4

Note: i) Use the space given below for your answer.

1) Elaborate on World Health Organisation's functions.

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5.6 LET US SUM UP (SUMMARY/ CONCLUSION)

In this module we discussed the Role of United Nations, which expands beyond maintaining world peace. UN is an international organization founded committed to **maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights** through its various organs and treaties.

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6

UNITED NATIONS TODAY

Unit Structure

6.0 OBJECTIVES

- To understand and analyse the changing nature of United Nations

- To study the various reform proposals to the United Nations

- To understand the relevance of United Nations in today's time

6.1 INTRODUCTION

The world is far more complex than it was during the post-war period. Some 51 countries came together to form the United Nations in 1945 and there are 193 member states today. Power politics has shifted tremendously since that era. Bipolar or unipolar global order has been replaced by multipolar. When the UN was established, state governments were the dominant actors in the global sphere but today there are many non- state actors as well. Economic, social and cultural globalisation has facilitated global trade. Social and economic inequalities have reached new heights and capital is ever more concentrated in the hands of a few, with just one per cent of the world's population controlling more than 50 per cent of the wealth. Established in 1945, the United Nations was designed for a different era. Its institutional structure and culture still reflect this past era, rather than the realities of the 21st century. It has undergone some changes over the years but to keep pace with time, more reforms are needed for the UN to be relevant in the 21st century.

6.2 CHANGING NATURE:

6.2.1 Peace and Security:

According to the UN Charter, the UN is meant to uphold international peace and security. The meaning of 'peace and security' has evolved over the

decades. Originally, it simply meant the 'national security' of the nation-state. Later it came to mean the 'common security' of the international community, which is chiefly the responsibility of the United Nations. More recently, 'human security' has been added to focus on individuals and the responsibility of governments to them. The term refers to a whole array of global challenges that lead to 'insecurity' like terrorism, refugee crisis, climate change, pandemic, cyber attacks, etc. The Charter names other forms of security including freedom from hunger and the right to housing, employment and health. The functioning of the UN has also changed to encompass these new dimensions of peace and security.

Some key terms to understand UN Peace Operations:

1. **Peacekeeping** : involves helping war-torn countries create conditions for lasting peace.

2. **Peacemaking** : refers to diplomatic action to bring hostile parties to an agreement, including through negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or with the help of regional agencies.

3. **Peace enforcement** : requires the authorization of the Security Council and involves a range of coercive measures, including the use of military force.

4. **Peacebuilding** : focuses on post-conflict recovery and reconstruction, aiming to build national capacities for conflict management and create the conditions for sustainable peace.

The original peacekeeping missions of the UN were limited to lightly armed forces acting as mediators and monitors, interceding between conflicting combatants to keep them apart. They depended on the principles of consent, neutrality and the non-use of force. Over the years, peace operations expanded going well beyond pure peacemaking, by working towards peacebuilding with the monitoring of elections and international support for the development of institutions and finances in failed states. Operations became multidimensional, aiming to facilitate the political process, protect civilians, promote human rights, support election, restore the rule of law, and assist in the disarmament, demobilisation and reintegration of former combatants.

After the 1990s, the nature of wars changed from inter-states conflict to internal state conflict and the UN was drawn more and more. Post 1990, The Security Council tackled various and diversified conflicts including domestic rivalries.

The peacekeeping missions are some of the UN's greatest successes and greatest failures. Among the successes were: the independence of Namibia; ending the conflict in El Salvador; demobilisation, peace and reestablishment of Cambodia; peace, disarmament and elections in Mozambique; independence and a new government in East Timor; and ending the civil war and re-establishing the government in Sierra Leone.

Terrible failures were in Somalia, Bosnia, Rwanda and Syria, where the Security Council refused to mobilise sufficient forces to control the situation and civilians were slaughtered by the thousands.

The Department of Peacekeeping Operations supervises more troops in the field, some 120,000, than any individual country. As of 2016, there were 16 UN led missions on the field.

6.3 SOCIAL AND ECONOMIC DEVELOPMENT:

Development is among the three founding pillars of the UN system. The UN Charter states that "the United Nations shall promote higher standards of living, full employment, and conditions of economic and social progress and development". Yet the understanding of development when the Charter declared it was different and the concept has evolved greatly over the years.

Early development efforts of the international system focused on post-World War II reconstruction. In 1948, the US launched the Marshall Plan, a massive aid initiative to rebuild Western Europe following the devastation of the war. In the years that followed, the emphasis shifted to developing countries that gained independence from their colonial powers. Between 1956 and 1968, UN membership grew from 80 to 126 and most of these additional members were African and Asian countries, newly independent from European colonial powers. This period of rapid decolonization, recognised the right to self-determination of all. In 1960, the UN General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples, formalising this basic right.

At the time of its inception, the UN primarily focused on maintaining peace and security and the UN had just a handful of development-related agencies. The Economic and Social Council (ECOSOC) was created to coordinate social and economic activities within the UN system, while the International Labour Organization (ILO), Food and Agriculture Organization (FAO) and United Nations Educational, Scientific and Cultural Organization (UNESCO) were specialised agencies that fell under ECOSOC's mandate. During the 1960s and 1970s there was a proliferation of new UN funds, programmes and specialised agencies dealing with poverty and hunger, social development, health, women, environment and housing.

The year 2000 was a milestone for development cooperation. The Millennium Development Goals, also referred to as the MDGs, came into force with the cooperation amongst all the states. In 2012, the idea to replace MDGs with a new set of goals was tabled. The states unanimously adopted the 17 Sustainable Development Goals (SDGs), also known as the Global Goals at the UN Sustainable Development Summit in September 2015. The development of SDGs addressed the shortcomings of MDGs and adapted the challenges of a new era.

The post-2015 development planning of the UN involved consultations-based approach unlike the others. For SDGs, tens of millions of people were consulted and about 70 per cent of those were under 30 years of age. There

is an increasing role of the private sector as well. The private sector is a critical element in the 21st century notion of partnerships for development. The UN Global Compact, is a voluntary initiative based on business leaders' commitments to adopt sustainable and socially responsible policies. More than 16,000 participating companies and 3,800 non-business participants have already embraced the commitments of the UN Global Compact.

Environmental issues are one example of how the UN has successfully adapted to changing times. The United Nations Environment Program (UNEP) was created as the voice for the environment in the UN system in 1972 at the first United Nations Conference on the Human Environment in Stockholm.

In the UN's early days, its development work was carried out by a few specialised agencies. During the 1960s and 1970s there was a proliferation of organisations in the UN development system, and today there are more than 30 organisations plus research and training institutions working in the arena of economic and social development.

6.4 PROMOTING AND PROTECTING HUMAN RIGHTS:

Human rights feature prominently in the UN Charter. The Charter begins with a series of pledges: to save succeeding generations from the scourge of war, to maintain compliance with international law, to promote social progress and to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women and of nations large and small". But the protection and promotion of human rights is among the most controversial issues at the United Nations. The states are the central unit and they must protect the rights of their citizens. Yet it is states that are the primary violator.

A series of human rights treaties, conventions and declarations adopted since 1945 have given legal form to inherent human rights. The Universal Declaration of Human Rights, adopted by the General Assembly on December 10th 1948, is the most significant.

The Commission on Human Rights was established in 1946 as the UN's principal mechanism and forum for the promotion and protection of human rights. During its first 20 years it successfully established the international legal framework. In the late 1960s, it shifted to monitoring and implementing human rights. This meant going beyond elaborating treaties to investigating, reporting on, and condemning violators. It turned political and the political nature of the Commission led to marked regionalism and group-blocking action. The Commission was ultimately scrapped and replaced with the Human Rights Council in 2006. The Human Rights Council set international standards and norms, raised awareness on human rights issues, and convened actors at global forums.

Crimes against humanity, war crimes and genocide represent the most heinous human rights abuses. International criminal courts and tribunals were established to prosecute individuals who, in committing these grave

crimes, violate international criminal law. The International Criminal Court (ICC) based in the Hague, the Netherlands, is the first-ever permanent, treaty-based court of its kind that hears cases against individuals (the International Court of Justice is also a permanent, treaty-based international court, but only deals with disputes between states). When the ICC was established, there was a strong sense of hope that it would effectively challenge state sovereignty and international politics and put human rights first. But state power and politics have prevailed over attempts to prosecute the worst human rights violators and ICC remained a flawed institution.

The United Nations High Commissioner for Refugees (UNHCR) is the UN's refugee agency and the guardian of the Refugee Convention. It was established in 1950 to help the millions of Europeans displaced after the Second World War. UNHCR was only meant to exist for three years, and was to conclude its work once it had successfully dealt with the refugee problem in Europe. But the refugee crisis only grew over the years and it dealt with new challenges every few years. The number of people that fall under its mandate has risen steadily each decade and since 2012, the increase has been drastic. The scenes of mass population movements have shifted over time from Europe to Asia beginning in the 1960s, and then to the Middle East in the 21st century.

The UN is well regarded for its humanitarian work and support for refugees. UNHCR has helped more than 50 million refugees since inception and received two Nobel Peace Prizes for its worldwide assistance to refugees.

A crucial role is played by involvement of NGOs, international institutions and domestic players in pressuring states to act in accordance with human rights. The International human rights NGOs like Amnesty International and Human Rights Watch have been particularly instrumental in supporting the UN over the past decades to protect and promote human rights. Over the years, the more inclusive nature of the UN has helped garner more support for its work.

Check Your Progress - Exercise 1:

1) **Explain the changing nature of the United Nations with relevant use of examples.**

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2) **Explain the role of the United Nations in tackling the humanitarian crisis around the world.**

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6.5 REFORMS:

Just as the need for the UN is evident, so is the need for its transformation into an effective global institution.

The first building block of reform is to reach consensus on the basic purpose and goals of the organisation. When the UN Charter was signed in San Francisco in l945, a clear consensus existed. The nations of the world were committed to creating an organisation that would help prevent another world war and avoid another global depression. The language of the Charter reflected this consensus, identifying the purpose of the organisation as "to maintain international peace and security" and "achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian nature." But the world has changed a lot after 1945 and each stage of development has added a new set of problems and challenges. The member states of the UN, need to identify the need and goal to transform the United Nations. The consensus that the forefathers of the UN had is needed to bring about a significant reform.

The UN reform and revitalization effort will be dependent on strong leadership from member states and the secretary-general, as well as solid political recommitment by member states to the organisation. A political commitment to multilateralism, a commitment to the United Nations is required. A number of middle powers and developing countries have cooled toward the organisation; but it is the lack of support from the United States that is the most serious problem at the moment. The United States' refusal to pay its dues is viewed as hampering the reform effort.

The United Nations' reform initiative needs a road map with a clear, easily recognized destination. The working groups, which represent the only existing intergovernmental process, must come to closure on what is doable and demonstrate that progress is being made in addressing functional inadequacies throughout the UN system.

There are nine popular proposals to reform the UN:

1. **A more legitimate Security Council :**

    The Security Council's two-tier system that accords a veto to the powerful is an unequal treatment. Its decisions are not moral or justified, when vetoes are used. The ideas for resolving the question of the veto and improving peace operations are:

    *   Where there are reasonable grounds to justify it, members should be requested to defend their 'no' votes publicly in the Security Council.

- Permanent members should be given the option of casting a 'dissenting vote' that does not rise to the level of a veto and therefore does not block passage of a resolution.

- The Council should ensure sufficient resources and political support to new peace operations where there are potential risks of war crimes.

- For each peace operation a 'Group of Friends' should be constituted, States that can help bring political and diplomatic pressure to bear on the situation.

- The Council must consult troop and police contributing countries whenever there are problems and address their concerns.

- It should undertake a rolling analysis of those terrorist, criminal and extremist elements that are capable of influencing the context of peace operations.

The current requirements for social, economic and legal support for peace and security favours instituting a formal mechanism of consultation for regular, structured discussions between the Security Council and representatives of civil society, business and municipalities. All these stakeholders make specific contributions to the new dimensions of security.

2. **A more balanced and focused General Assembly:**

The General Assembly that relies on 'one member, one vote' rather than a form of weighted voting is also charged with being unrepresentative. At present, the three most populous countries (China, India and the United States) have 42 per cent of the world's population but only 1.6 percent of votes in the General Assembly. A well-designed system of weighted voting would mitigate these defects. The three basic principles for the weighted vote of each member would be: 1) the democratic principle in which population is the determining factor; 2) economic capacity represented by contributions to the UN budget; and 3) the sovereign equality principle whereby each state is treated equally.

Once the voting power within the General Assembly is more balanced, its operations need to be more focused. The GA should be authorised to legislate binding international law when there is a two-thirds majority that includes 50 per cent of the total world population. The GA should be given limited capacity to pass legally binding resolutions.

3. **An Economic, Social and Environmental Council:**

The Economic and Social Council deals with its own challenges, namely being a slow and bureaucratic organisation that cannot make

binding decisions and whose mandate greatly overlaps with that of the General Assembly. The major suggestion is that ECOSOC be transformed to a Social and Economic Security Council or an Economic, Social and Environmental Council (ESEC), with powers and methods parallel to those of the Security Council (without P5 vetoes). Its policy proposals would be transferred back to the GA for debate and majority approval. The new ESEC would have effective control and coordination over all agencies, financial institutions and multilateral groups in the UN system in the spheres of economics, social development and the environment. To govern the new council, a ministerial board of some 25 governments could be created along with an advisory commission. Alternatively, the General Committee of the General Assembly could be the leader of ECOSOC. The governing bodies of the major development agencies would be combined into one executive committee.

The Commission on Peace, Justice and Governance outlined an alternative idea to strengthen the United Nations role in the field of economics without completely redesigning ECOSOC. It proposed transforming the G20 into the G20+. The term 'co-optation' is not used, but this is the essence of the proposal to institutionalise the G20 and strengthen its coordination with the UN, the World Bank, IMF, WTO, ILO and regional organisations. The proposed G20+ would meet every two years at the UN. The UN would furnish a secretariat, a liaison mechanism, a UN deputy secretary-general, and a technical body of experts to frame its activities.

4.   **A reconfigured Human Rights Council:**

The Human Rights Council struggles to protect human rights globally as it struggles with a fundamental contradiction: it is a political body expected to take principled action.

Ideas for reforming the Human Rights Council:

- Representation: Governments could remain members but the representatives they select should be judges or academics with human rights expertise. Membership could also be expanded to include independent experts in addition to government representatives.

- Status within the UN: The Council could eventually be made a principal UN organ, rather than a subsidiary organ of the General Assembly.

- Prevention: Strategies that emphasise preventing conflict and violence that lead to human rights abuses should be pursued.

- Protection: A provision on implementing the Responsibility to Protect could be added to the Council's mandate.

- Universal Periodic Review: The UPR process could integrate a procedure for dealing with violators, to ensure that dialogue and cooperation leads to action.

- NGOs: A more formal institutional framework around the relationship of NGOs to the Council would be beneficial. The consultative status that NGOs enjoy with ECOSOC would be a model to follow.

5. **Improved staffing and management practices:**

One of the chief criticisms of the Secretariat relates to the politicised approach to hiring, particularly when it comes to top appointments. It explains how permanent Security Council members have dominated the selection process for secretaries-general, often supporting candidates in exchange for promises to reserve senior posts for their own nationals. The Commission on Global Security, Justice and Governance stated that through the General Assembly, member states politicise hiring at all levels by micromanaging the budget. It is suggested that the Secretary-General has greater discretion to manage the Secretariat. It proposes that member states continue to approve the selections, but the Secretary-General be presented with an array of candidates from which to choose.

A second issue in the spotlight relates to management practices. The organisation relies on rigid staffing and the excessively hierarchical structure is a legacy from an earlier age. It is suggested to have a flatter, flexible, effective, and cross-disciplinary structure that can better respond to complex challenges. It is also suggested that more of the Secretariat's staff should be in the field, rather than at headquarters. This would help shift the UN's work from report writing to executing its mandate on the ground.

6. **Autonomous emergency services for the UN:**

The UN requires additional resources to give it the autonomy to carry out its work. The United Nations Emergency Peace Service (UNEPS) has helped improve conditions in 69 armed conflicts worldwide. The chief problem is that it currently takes 6-12 months for the UN to mount a peace operation as opposed to the seven days it took to deploy forces in the initial days. The UN is now spending $8.2 billion annually on peacekeeping, but only after conflicts have spread, thousands have died and countries have been destroyed.

Creating a UNEPS would help prevent the spread of conflict along with the ensuing mass atrocities and huge costs. Its principal characteristics would be:

- a permanent standing, integrated UN formation
- highly trained and well-equipped
- ready for immediate deployment by the Security Council composed of soldiers, police and civilian experts ('multidimensional')
- capable of diverse assignments

- 13,000 to 15,000 professional volunteers
- equitable regional and gender representation
- a first responder to cover the initial six months until member states can deploy

The central aim of UNEPS would be to deter aggression and its spread. There would be sufficient military forces and police to restore and maintain order and civilian teams to provide essential services.

7. Financing the UN:

The last building block for UN reform and revitalization is to secure reliable and adequate financing. The United Nations today relies on both assessed and voluntary contributions by its member states. While the UN regular budget and peacekeeping activities are funded through member-state assessments, which are based on each state's ability to pay, UN specialised agencies receive a significant portion of their funds through voluntary contributions. Under the current financing system, fifteen major donor countries supply 85 percent of UN funds. Many member states are chronically late in paying their dues, or fail to pay them altogether, which has subjected the United Nations to frequent financial crises through the year. The basic problem is that member states never provided a sufficient budget to finance the UN's multitude of operations. When these are supplemented by voluntary contributions from states, they are still insufficient and tend to reflect the priorities of the particular donor. It is proposed that the easiest path would be for the UN to return to its original financial well in a more astute manner. Scrapping the present complicated and contentious system used to calculate member state assessments, and replacing it by one wherein all states are assessed at a "very small, affordable and equal percentage" (say 0.1 per cent initially) of their respective gross national incomes (GNI).

Tax evasion is another issue that harms national budgets, and thus the UN's budget. There are calls on the UN to create new institutions for a platform for tax collaboration. The world is losing hundreds of billions in tax revenues annually because of a lack of international cooperation on tax issues which permits rich individuals and corporations to evade or avoid taxes in offshore tax havens or to demand preferential treatment in their host countries.

8. Principles and criteria for the Responsibility to Protect:

The Responsibility to Protect, or R2P, was developed in the early 2000s to overcome the principles of non-intervention and sovereignty in the face of mass atrocities. The idea behind R2P was simple. Sovereignty is not a one-way street that leaders can use with impunity. Alongside a state's right to sovereign independence comes the duty and responsibility to protect its citizens from gross violations. If a state proves unable or unwilling to do so, or if the state itself is the perpetrator, the principle of non-intervention yields to the

international responsibility to protect. It came about as an alternative to humanitarian intervention.

Without clear principles for intervention, the UN lacked the key instruments for deciding when to put R2P into action. The six principles that should be respected before the UN would decide on military intervention in the name of protecting civilian populations:

- The 'just cause threshold' stated that there had to be actual or apprehended large scale loss of life or ethnic cleansing. Human rights violations, the overthrow of democracy, or the desire to rescue one's nationals were not sufficient cause.

- The 'right intention' principle said the intervention must be to avert human suffering which could best be assured by 'multilateral operations' supported by regional opinion and the victims concerned.

- The 'last resort' principle stipulated that every form of negotiation and non-military forms of arm-twisting had to have been exhausted.

- The principle of 'proportional means' asserted that the scale, duration and intensity of the intervention has to be the minimum necessary to achieve the human rights objectives.

- The principle of 'reasonable prospects' insisted there has to be reasonable chances of success and that action will not be worse than inaction.

- The principle of 'right authority' stipulates that the Security Council is the appropriate body for authorising interventions, but it should act promptly. In addition, the Permanent Five should not apply their veto power except when their vital state interests are involved.

9. **The dispersion and control of global power:**

It is important to provide the United Nations with greater authority today. Humanity collectively is capable of better and more fairly governing the world. The well founded concerns some have of a 'world government' can be addressed by designing transformed global institutions based on the diffusion and control of power. The techniques of federalism, subsidiarity, checks and balances, the division of powers, constitutionally guaranteed freedoms, rights and equality, liberalism, the rule of law, transparency and participation all help to decentralise power. Thus, world federalism would promote a continuing balancing of power between states and a UN with more authority. So, if the UN had small but autonomous emergency peace forces and sources of funding, the member states would still have their national military and police forces along with their own legislatures, judiciaries, public services and everything else that goes to make sovereign nation-states.

Meaningful and lasting reform of the United Nations will require, at a minimum, a substantial investment of political will, compromise, patience, perseverance, and resources. It will also require overcoming fears of loss of power and of the unknown. Member states will need to reflect on the strengths and weaknesses of the United Nations. The current UN situation is, "serious, but not yet fatal." But everyone agrees there is indeed hope.

6.6 RELEVANCE:

The world witnessed the conclusion of two months of intense multilateral diplomacy, with the signing of the Charter of the United Nations in 1945. Certainly, the United Nations has strived and continues to strive for humanity's progress and well-being.

The work of the United Nations impacts people around the world on issues related to peace and security, development and human rights; from disarmament to efforts to combat terrorism and extremism; from conflict prevention to peacekeeping and peacebuilding; from disease prevention to the promotion of gender equality and universal education; from refugee resettlement to humanitarian assistance; from the rule of law to the fight against transnational crime.

From supporting the major decolonization efforts across Africa and Asia to providing a critical platform for discourse throughout the cold war; from eradicating extreme poverty and hunger to addressing the pressing challenge of climate change; the United Nations has been at the forefront of efforts to ensure a secure, prosperous and equitable world.

The United Nations cannot solve all of the world's problems, but, for member states, the United Nations is worth preserving for what it has accomplished and what it could accomplish in the future. The United Nations has aided the international community through its programs and diplomacy. It has served and can continue to serve serious geopolitical and socio economic purposes. It has built constituencies for global problems and has provided a vehicle for ameliorating global rivalries as power relationships among nations shift. It is a convenient arena to address issues that nations cannot, or will not, confront on their own and is the only established forum where the governments of the world can interact on an equal footing.

Member states need to contemplate how these global developments have affected the relevance of the United Nations and decide how the organisation might be changed to better serve contemporary needs. The governments of the world need to identify the kind of international organisation they want and the specific agenda it should follow so that the UN remains relevant in the 21st century as well.

The United Nations is a way for countries to burden-share global challenges- be they related to diplomacy, development, or security, that are too big for a single country to handle alone. An important advantage of UN

membership is the explicit acknowledgement that all member nations are sovereign states. The United Nations also supports countries in several important sectors such as humanitarian assistance, economic development, global health, and human rights on four key fronts: maintaining peace throughout the world, developing friendly relations among nations, helping nations work together to improve the lives of people, and serving as a forum to discuss the actions of nations to achieve global goals.

The institutions and systems that were born out of the ashes of World War II, including the United Nations, have allowed our societies to flourish. Through shared responsibility and accountability, shared burdens and costs, if not abolished, inter-state war, and have seen significant reductions in famine and poverty coupled with massive gains in development and the protection of human rights.

That is not to say that things are perfect, nor that the UN has an impeccable record, far from it, but it is clear that addressing the issues as a united group of nations offers much more promise of success and sustainability.

Global challenges require global solutions, and there is no body or entity more representative or emblematic of global cooperation and multilateralism than the United Nations. States must continue to foster mutually reinforcing and coordinated efforts amongst the main organs of the United Nations to boost and uphold multilateralism. The General Assembly, the Security Council, and other UN organs and entities all play crucial roles, complementary roles, within their respective mandates, in fostering international peace and security.

Check Your Progress - Exercise 2:

1) **Explain the reforms needed for the transformation of the United Nations.**

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2) **Explain major criticism of the Security Council and proposed reforms.**

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3) **What are the major challenges in United Nations Financing and what kind of reforms are required?**

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4) Do you think the United Nations is still relevant? Give your views.

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