

The United Nations

The United Nations (UN) is an international organization. It is a global association of governments facilitating cooperation in international law, international security, economic development, and social progress. It was founded in 1945 by 51 states, replacing the League of Nations; as of 2006 it consists of 191 member states. The creation of the United Nations Organization represents the second major effort (the creation of the League of Nations was the first effort) in the twentieth century for the purpose of maintaining international peace and security through a general international organization of states.

How and when was the United Nations created? What is its nature? For what purposes was it created? What are its principles? How is it structured? How can it maintain international peace and security, its primary purpose? How has it evolved since its creation?

1. Genesis of the United Nations

The name "United Nations" was coined by United States President Franklin D. Roosevelt during the Second World War. It was first used in the "Declaration by the United Nations" of January 1, 1942, when representatives of 26 nations pledged their Governments to continue fighting together against the Axis powers during the Second World War. Thereafter, the Allies used the name "United Nations Fighting Forces" to refer to their alliance.

The idea to create an international organization was elaborated in declarations signed at the wartime allied conferences in Moscow, Cairo and Tehran in 1943. From August to October 1944, representatives of France, the Republic of China, the United Kingdom, the United States, and the Soviet Union met to elaborate the plans for the creation of a United Nations organization at the Dumbarton Oaks Estate in Washington, DC. Those and later talks produced proposals outlining the purposes of the organization, its membership and organs, and arrangements to maintain international peace and security and international economic and social cooperation. These proposals were discussed and debated by governments and citizens worldwide.

On April 25, 1945, the United Nations Conference on International Organizations began in San Francisco. The 50 nations represented at the conference signed the Charter of the United Nations on 26 June 1945. Poland, which was not represented at the conference, signed the Charter two months later. The United Nations Organization officially came into existence on October 24, 1945, after the Charter had been ratified by the five permanent members of the Security Council, Republic of China, France, the Soviet Union, United Kingdom, and the United States, and by a majority of the other 46 signatories. United Nations Day is celebrated on 24 October each year.

2. **Nature of the United Nations**

To understand the United Nations one must understand its nature. The ideal of an international organization such as the United Nations has intrigued far-seeking thinkers and dreamers for many centuries. The theories and conceptions of these thinkers and dreamers provided the bases for the international organizations.

Three broad schools of thought can be suggested for the purpose of understanding the nature of the United Nations. These three schools can be called the rationalist, the revolutionist, and the realist.

The rationalists insist on the need for a new plan for the international relation. They reject the bankrupt practices and objectives of the old diplomacy. They argue that the rationale for a political body that has the right to enforce law and order at the domestic level is the same for a world political body that has the right to enforce law and order at the international level. That which exists at the domestic level needs to be created in international society, the society of sovereign states, for the purpose of transforming that society into a true community of nations where world-wide peace and order prevail. An international political body could provide the framework for the realization of order for the benefit of all mankind.

U.S President Woodrow Wilson, a rationalist, envisioned the organization as “not a balance of power, but a community of power; not organized rivalries but an organized common peace.” To him, organized common peace should be supported by collective mechanisms for the pacific settlement of disputes and by general and

comprehensive disarmament for the purpose of depriving states of the means with which to wage war and aggression.

Rationalist thought is imbued with a sense of purposes: “To save successive generations from the scourge of war; to secure equal political rights (national self-determination) and equal economic opportunities (the welfare state); and to substitute right for might through the institution of the rule of law which will give protection to the powerless against the powerful.”

Believing in the historical progress, the rationalists assure that the “United Nations is moving slowly but surely in the direction of a fully-fledged world authority, with the acceleration of an ever-widening range of executive responsibilities, especially in the peace-keeping field, and the assimilation of procedures which ... constitute a form of parliamentary diplomacy”.

Like the rationalists, the revolutionists insist on the process of historical progress. However, there are important differences between the two. On one hand, the rationalists’ goal is “an international millennium, that is, a millennium in which sovereign states will continue to exist, even though they will coexist not in a state of near anarchy but in an effectively functioning world community.” On the other hand, the revolutionists’ goal is “to rebuild, not merely to repair, the existing world order, the institutions of which may need to be demolished to clear the site for the rebuilding. In that rebuilding there may be little place for traditional notions of sovereignty.”

Finally, the realists insist on the “real nature of things”. Their starting point is the observed behaviors of states. Their approach is dominated by the “ubiquity of the struggle for power, regardless of time and place and political ideology, or form of government.” Relying on this approach, they believe that the world’s institutions are caught up in this struggle. They argue that in this international arena of states struggling for powers, world order is necessary and needed as a countervailing power. They view world order as “a function of a balance of power checking and restraining the overweening ambitions of the powerful.” For them the task of the world institution is to “add stability to the balance and to facilitate the adjustment of shifting power relationships without resort to large-scale or unlimited war.” The United Nations is viewed as providing “a convenient point of

diplomatic contact, especially in times of crisis, which may enable statesmen to assess each other's intentions more accurately and to appreciate better the risks a particular policy may involve.”

Relying on the philosophical bases created by these schools of thought, the member states of the United Nations perceive the nature of this international organization in different ways. The United Nations is conceived as “static conference machinery” for resolving conflicts of interests and ideologies with a view to peaceful coexistence. According to this view, the United Nations is the forum through which sovereign states despite their rivalries and competition achieve peaceful coexistence. In contrast to this view, the United Nations is conceived as “dynamic instrument of governments” through which the governments, jointly and for common purposes, seek reconciliation to develop forms of executive action, undertaken on behalf of all members, aiming at forestalling and resolving conflicts by appropriate diplomatic or political means. According to this view, the “dynamic instrument” concept is but the starting point on the path to increasingly effective forms of active international cooperation in the future; the road to this future is open.

To the International Court of Justice the United Nations is neither a state nor a super-state. To it the legal nature of the United Nations is more akin to a confederation of states than it is to a federation.

The concept of “is” and “ought to be” regarding the United Nations have confused the statesmen as well as the thinkers. Everyone has been trying to give his own view. The United Nations is a meeting place for international discussion. It is a place where the world statesmen meet each other. It is merely a group of institutions provided with procedures and powers for accomplishing objectives. It is an instrument of cooperation. It is a loose association for occasional specific joint action, in regard to which each of its members remain on the whole free to participate or not. It is a club which makes joint action easier if wanted.

The most realistic view regarding the nature of the United Nations is the one conceives the Organization not a world government but an organization of sovereign states, and not an entity apart from its members but an entity reflects the

world context in which it operates: its diversity, its imperfections, its many centers of powers and initiatives, its competing values, its worldly compound of mobility and tragedy. This view gives a veracious and realistic picture about the United Nations. The United Nations is a reflection of the international scene. Its nature should be conceived in regard to what it “is” in reality rather than what it “ought to be”. Until the time when member states get together to choose and decide what the United Nations ought to be, the nature of the United Nations remains a subject of confusion. The United Nations remains a loose association of conflicting states in an international theater, where each state seeks to further its own interests through every possible means, legal or illegal, or even through exploiting this Organization for its own selfish purposes.

From the legal point of view, the United Nations is a legal person under International Law (a subject of International Law). The United Nations can perform legal acts such as entering into agreements with member States and with other international organizations, concluding contracts and bringing claims before the Court.

The international legal personality of the United Nations is derived from the United Nations Charter, the Headquarters Agreement between the United Nations and the United States of America of 1947, and the 1946 Convention on the Principles and Immunities of the United Nations. The attribution of an international legal personality involves the capacity to perform legal acts, to have rights and duties and to enter into relations on the international level.

The United Nations enjoys in the territory of each of its member states such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes. It also enjoys such privileges and immunities as are necessary for the fulfillment of its purposes. Officials of the United Nations (the Secretary General and the Staff) and representatives of member states similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

In reality, the United Nations has exercised its legal capacity in a great variety of ways. It has concluded treaties, created military forces, convened international conferences, and brought claims against States.

3. Charter of the United Nations

On June 26, 1945, the Charter of the United Nations was signed at San Francisco (USA). The Charter was a product of the joint evolutionary efforts and developments of many minds extending back over many centuries for the goal of establishing a world organization that would do away with wars and contribute to lasting security and peace on planet earth. The United Nations Organization created by the Charter represents the second major effort in the twentieth century for the purpose of maintaining international peace and security through a general international organization of states.

The United Nations Charter is the constituting instrument of the Organization, establishing the United Nations organs and procedures, and setting out the rights and obligations of Member States. It is an international treaty, codifying the major principles of international law, from the sovereign equality of states to the prohibition of the use of force in international relations to the basic human rights to which all women and men are entitled.

The Charter opens with a Preamble, and includes 19 chapters, mainly on: United Nations purposes and principles; membership; organs; pacific settlement of disputes; actions with respect to threats to peace, breach of the peace and acts of aggression; regional arrangement; international economic and social cooperation; and amendments to the Charter.

The Preamble of the Charter expresses the ideals and common aims of all the peoples whose Governments joined together to form the United Nations. It starts with the solemn statement of ends (purposes or aims) by the peoples of the United Nations. The peoples of the United Nations determined to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.

The statement of ends by the peoples of the United Nations is followed by their statement of means (courses of conduct) to attain these ends. The peoples of the

United Nations determined to practice tolerance and live together with one another as good neighbors, to unite strength to maintain international peace and security, to ensure that armed force shall not be used save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.

The Preamble ends with the resolution by the peoples of the United Nations to combine their efforts to accomplish the listed aims, and accordingly have agreed to the Charter of the United Nations and to establish an international organization to be known as the United Nations.

Purposes and Principles of the United Nations

The United Nations is essentially an association of states that, through an international treaty, has chosen to accomplish specific aims and purposes. These purposes, the common ends, which the United Nations, a center for harmonizing the actions of nations, has to attain, are stated in the preamble and Article 1 of its Charter. The purposes of the United Nations are:

1. To maintain international peace and security;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples;
3. To cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms;
4. To be a center for harmonizing the actions of nations in attaining these common ends.

The United Nations and its Members, in pursuit of the Purposes of the United Nations, stated in Article 2 of the Charter the principles to be followed by the Organization and its Members in pursuit of the purposes stated in Article 1. The principles are:

1. The United Nations is based on the sovereign equality of all its Members.
2. All Members are to fulfill in good faith their obligations under the Charter.

3. All Members are to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members are to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members are to give the United Nations every assistance in any action it takes in accordance with the Charter, and to refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization is to ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. The United Nations and its Members are not to intervene in matters which are essentially within the domestic jurisdiction of any state.

It seems that the maintenance of international peace and security which was the basic reason for the creation of the United Nations as an international organization represents the primary purpose of this Organization. The maintenance of international peace and security is the prerequisite to any other purposes of the United Nations; without it no friendly relations, no international cooperation, and no harmonization of nation's actions could be achieved. Its location, heading the list of the United Nations' purposes, makes it prevailing over the other purposes.

Because of the importance of international peace and security, the founders of the United Nations insisted upon it and emphasized it in the Preamble and in the articles of the Charter of the United Nations. They made it the primary purpose of the United Nations, and to this end they stated all the possible principles and courses of conduct which are to be followed to attain it.

5. **Membership of the United Nations**

The Charter of the United Nations, after determining the original members of the United Nation, defines the conditions and the procedures for the admission of a new member to the United Nations, and the conditions and procedures for the suspension or expulsion of a member from the United Nations. The original

members of the United Nations, as determined by the Charter, are the states (51 states) which participated in the United Nations Conference on International Organization at San Francisco in 1945, and which signed its Charter. Membership to the United Nations is open to all other peace-loving states which accept the obligations contained in the Charter and, in the judgment of the Organization, are able and willing to carry out these obligations. The admission of any such state to membership in the United Nations takes effect by a decision of the General Assembly upon the recommendation of the Security Council.

A member of the United Nations against which a preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council; the exercise of these rights and privileges may be restored by the Security Council. Moreover, a member which has persistently violated the principles contained in the Charter may be expelled from the Organization by a decision of the General Assembly upon a recommendation of the Security Council. No such action (suspension or expulsion) has ever been taken.

As of 2006 the United Nations consists of 191 member states, including virtually all internationally-recognized independent nations, except the Vatican City (which has declined membership), Palestine (whose status is still one of a de facto state, and has not yet legal declared statehood), Niue (whose foreign affairs are dealt with by the New Zealand Government) and the Republic of China (whose membership was superseded by the People's Republic of China in 1971). Palestine and the Vatican City both have permanent observer missions to the U.N.

6. Budget of the United Nations

The regular budget of the United Nations (excluding its programmes) is approved by the General Assembly for a two-year period. The budget is initially submitted by the Secretary General and reviewed by the Advisory Committee on Administrative and Budgetary Questions. The main source of the funds for the regular budget is the contributions of member states, which are assessed on a scale approved by the Assembly on the recommendation of the Committee on Contributions. The fundamental criterion on which the scale of assessments is

based is the ability of states to pay. This is determined by considering their relative shares of total gross national product, adjusted to take into account a number of factors, including their per capita incomes.

In addition to the regular budget, member states are also assessed, in accordance with the modified version of the basic scale, for the costs of the United Nations peacekeeping operations around the world. With Regard to the United Nations operational programmes, the bulk of the resources for their finance are provided on a voluntary basis. Contributions are provided by governments, and also by individuals.