

Have the aspirations  
of the un's founders  
as laid out



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The United Nations was established at the San Francisco Conference on October 24 1945. The world had just witnessed the failure of the League of Nations to fulfill its purpose, the prevention of a Second World War.

Consequently the countries that had opposed Germany and Japan looked to succeed where they had previously failed in promoting a "just and peaceful global community" (Taylor; Curtis, 2008 p. 314). The objectives, principles and structure of the organization they hoped would achieve this were recorded in the United Nations Charter.

Upon entering the UN, members were required to consent to the set of conditions laid out in this treaty. At the outset there were 51 members. By 2006 this number had grown to include 192 member states, almost encompassing the entire world. Yet whilst the organization has grown in size, the question remains as to whether those aspirations originally laid out in the Charter have actually been met. I will argue that the United Nations has had some success in its capacity as a humanitarian organization, as well as being a useful tool helping to solve international economic, social and cultural problems.

However I believe that the UN remains somewhat impotent with regards to issues of international peace and security. The UN Charter is composed of a preamble, followed by numerous articles grouped by topic into a total of 19 chapters. The preamble offers an overview of the hopeful aspirations upon which the UN was founded. The vision that is described consists of four crucial goals. These are then reiterated in the first chapter in a more formal context. The first target of the UN is "To maintain international peace and security" (UN Charter).

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I will argue that the UN is, and indeed always will be incapable achieving this. The second goal laid out in the Charter is "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" (UN Charter). This effectively promotes the concept of state sovereignty, the idea that every state has the right to govern itself without alien intervention. I will argue that this too is unattainable in accordance with UN principles. My case for the failure of the first aim is based upon the principle behind the second aim, and visa versa.

The case that I put forward is that the ideal of simultaneously maintaining peace while promoting sovereignty is unattainable. The other aspirations of the UN include "solving international problems of an economic, social, cultural, or humanitarian character" as well as "promoting and encouraging respect for human rights" (UN Charter). I will argue that the UN has indeed had some success in achieving these two objectives. In order to assess whether the United Nations aim to promote international peace and security has been successful, it is first important to have some understanding of the UN Security Council and the way it functions.

Originally it consisted of 11 states. In 1965 this number rose to 15. Of these states, five maintain a permanent membership whilst the ten others are elected on a biennial basis. For decisions made by the Security Council to be passed, a majority of 9 of the 15 member states must vote in favor of them. Furthermore this majority must include every one of the permanent member states, effectively granting them veto power over all decisions regarding security.

The permanent members consist of “ the USA, Britain, France, Russia (previously the Soviet Union), and China” (Taylor; Curtis, 2008 , p. 15), those states considered to be the great powers at the time the UN was formed. In accordance with the Charter, in the incidence of a perceived threat to international peace the Security Council first attempts to find a nonviolent means to settle the issue. This is described in Chapter VI and may involve settlement or mediation. Other non-violent methods may include “ complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations” (UN Charter: article 41).

Where violence is unavoidable the UN may sanction a peacekeeping mission with the objective of affecting a ceasefire or separating rival forces. The principles of UN with regards to international peace and security have now been described. It was the hope in 1945 that the Security Council could be used as a tool to “ save succeeding generations from the scourge of war” (UN Charter: Preamble). However I would argue that just like the League of Nations before it, the fundamental principles behind UN's security policies are flawed, rendering their aspiration for international peace impossible.

It is my belief that the aforementioned policies of the Security Council are incompatible with the principle of state sovereignty, which is also endorsed as an aim of the UN in Article 2 (7) of the Charter, stating that “ Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state”. F. H. Hinsley presents the idea of these two ideals clashing in his book ‘ Sovereignty’ (1966).

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The Peace of Westphalia in 1648 “ legitimized and standardized” (Watson; 1992) the practice of state sovereignty amongst major European powers, requiring them to recognize and respect the territorial integrity of other states. This is widely considered as being the formal introduction of state sovereignty into international relations. Sovereignty essentially refers to “ the supreme authority in a political community” (basiclaw. net; 2004) and implies that states have the right to govern themselves, recognizing no higher authority.

However even before such ideas were given proper recognition, states had always recognized their right “ to go to war for any reason whatever, on any pretext at all, if it judged war to be in its interests or necessary for its security” (Hindsley; 1966: p230). It follows that this right is encompassed within those of a sovereign state, which recognize no higher authority and so are free to do that which is in their best interests. Hinsley points out that “ after the end of the nineteenth century states clung tenaciously to this right, believing it to be fundamental to their sovereignty” (1966 p. 30). Yet at the same time, following the devastation of the Second World War, states were undoubtedly disinclined to enter another global conflict. In an attempt to maintain peace the United Nations was formed. Hinsley wrote that the League of Nations Covenant was ‘ riddled with compromises which reflect the clash between their conviction that it had become imperative to restrict their right to go to war and their conviction that it remained impolitic or impossible to do so” (1966).

I would argue that the same could be said for the United Nations Charter, which simultaneously prohibits war whilst insisting on state sovereignty. At <https://assignbuster.com/have-the-aspirations-of-the-uns-founders-as-laid-out/>

the time when the UN was founded, this clash of interests represented in the Charter may not have been of great consequence. Nations were sick of war and were happy to respect sovereignty if it meant they could avert further conflict. This reflected the “ traditional belief that diplomats should ignore the internal affairs of states in order to preserve international stability” (Taylor; Curtis, 2008 p. 20). However over time shifts in the international environment would change this. During the cold war, member states were tentative when it came to any sort of interference within other sovereign states. This was demonstrated in Jean Kirkpatrick's (1979) essay written in the defending the preservation of brutal dictatorships in Latin America as a means of fighting communism without having to get directly involved (Forsythe 1988: 259-60).

Furthermore “ the process of decolonization had privileged statehood over justice”, the UN having “ elevated the right to statehood above any tests of viability, such as the existence of a nation, adequate economic performance...” (Taylor; Curtis, 2008 p. 314). However with the end of the cold war came a shift in the attention of the international community towards “ individual political and civil rights, as well as the right to basic provisions like food, water, healthcare, and accommodation” (Taylor; Curtis, 2008 p. 314).

Charles Beitz exemplified this, being amongst the first to argue against unconditional statehood, claiming that subsequent to independence there must be greater consideration of circumstances of the individual (Beitz 1979). It was argued that these circumstances of the individual were not merely a humanitarian concern, but could potentially be “ a threat to <https://assignbuster.com/have-the-aspirations-of-the-uns-founders-as-laid-out/>

international peace and security. Evidence of a threat to international peace and security could be the appearance of significant numbers of refugees, or the judgment that other states might intervene militarily" (Taylor; Curtis, 2008).

This developing association of morality with national interest in the UN agenda is what I believe brings to light the clash between the aspirations of the UN, one being to promoting international peace, the other being the preservation of the " self-determination of peoples" (UN Charter, article 1). In order to uphold the rights of individuals where they are being neglected, intervention is necessary. Here it seems the UN is caught in a catch 22. On the one hand they can neglect to take interventionist action in order to protect sovereignty.

This can be seen in the reluctance of the UN intervene in Darfur which in 2009 had resulted in the death of " up to 200, 000 people and left 2. 7 million homeless" (Tisdall, 2009). Alternatively they have the option of a " relaxation of the non-intervention principle" (Taylor; Curtis, 2008 p. 323). However this approach is equally problematic in attempting to ensure international peace, creating a " slippery slope" whereby states will take military action without the approval of the UN (Taylor; Curtis, 2008 p. 314). This is recognized by Hinsley, who points out that " States easily exploit such loopholes.

If they cannot plead self-defense for using force- a difficulty which they rarely encounter - they can use it without declaring war or justify it by claiming that they are acting in a good cause as the Security Council would

act if the Security Council were not stalled. " (Hindsley, 1966 p. 233). The 2003 invasion of Iraq can be seen to illustrate this point. Before entering Iraq, America looked to gain UN approval. Whilst there has been great speculation over its motivations for doing so, the justification given to the UN was Iraq's supposed possession of weapons of mass destruction.

The alleged presence of these meant the US could claim they were acting to protect the interests of their people. Later the violation of human rights was also given as a justification. However the UN security council did not come to a decision in the winter of 2003 and " France and Russia threatened to veto a second Security Council resolution authorizing force" (Taylor; Curtis, 2008 p. 323). Regardless of this response a US-led coalition waged war in Iraq in March 2003. The Iraq War case study demonstrates the impotence of the UN to prevent major powers from pursuing their own agendas, even when these agendas threaten international security.

In an interview with the BBC, the United Nations Secretary General, Kofi Annan has said, " from our point of view and from the Charter point of view [the war] was illegal" (2004). On the other hand a statement from the " Bush administration's National Security Strategy of September 2002" (Taylor; Curtis, 2008) claimed that the US " will be prepared to act apart when our interests and unique responsibilities require" (NSS, 2002: 31). This perfectly illustrates how a state exercising its sovereignty, acting in its own special interests which in this scenario include going to war, is at odds with the principles set out in the UN.



I would argue that this failure is not a result of UN administration or procedure. It seems instead that the UN is based upon a flawed principle that attempts to encompass two opposing ideals. A system that acknowledges the fact that states internal affairs are of international consequence and therefore can potentially merit intervention, cannot at the same time achieve its aim to maintain international state sovereignty. We see America is unable to exercise its right as a sovereign state to wage war on Iraq under the terms of the Charter, and so must act outside it.

Ultimately I would conclude that the ideals at the heart of the UN have rendered it powerless to prevent international conflict impossible. Likewise the ability to justify interventionist policies through the terms of the charter means that the UN can never fully achieve its aspiration to allow the "self-determination of peoples". I have already touched somewhat upon another ambition set out in the UN Charter, the aim to promote & protect human rights. However as yet I have only addressed human rights issues with a view to them potentially being a threat to international peace and security.

I shall now go on to look at them in greater detail, explaining why I believe the UN has to some extent been successful, despite the fact that human rights abuse is still rife in the world today. A major problem faced by the UN in their efforts to spread human rights is a lack of trust between states that results in a breakdown of international cooperation. The inclusion of human rights earlier in the essay when focusing on issues regarding security and sovereignty highlights an important point.

Since the rise in humanitarian intervention after the end of the cold war, there have been “ doubts about the extent to which ‘ humanitarian intervention’ is a separate legal or conceptual category” (Welsh, 2006, p. 81). Between 1991-2000 there were 9 cases of humanitarian interventions in Northern Iraq, Bosnia and Herzegovina, Somalia, Rwanda, Haiti, Albania, Sierra Leone, Kosovo and East Timor (Welsh, 2006). However in all but two cases the UN Security Council or independently acting states did not cite “ humanitarian considerations alone as a basis for intervention” (Welsh 2006, p. 81).