

Dr. Alaodowleh Enayati*

The Evolution of the General Assembly's Role in the Peace-Making Process

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Since the formation of the United Nations in 1945, the weapons of war have become more advanced and more powerful, while at the same time the instruments for peace have shown little development. The expenditures and investments allocated for military science and technology are astronomical and increase drastically every year, whereas, the investment in related sciences for international peace and security has declined tremendously.

Inter-state disputes and conflicts are still a major threat to international peace and security and consequently the most critical problem of civilization. The only hope for preventing such a disaster is through the United Nations. The United Nations is a free organization, consists of independent and sovereign states pledged in the preamble of

*Assistant Professor at The Faculty of Law and Political Science Tehran university

the charter "To save succeeding generations from the scourge of war." Since 1945, the United Nations has involved itself in a number of peace-making operations. Despite some failures, it has been able to resolve many problems successfully.

Many criticise the United Nations organization of being slow, ineffectual, and even useless. However, compared to the League of Nations after the First World War, the United Nations of today, can be proud of its achievements not only in the field of averting armed conflicts, but it has also become a respected body for easing world tensions through economic, cultural and humanitarian programs.

Although the United Nations charter has given a wide range of powers and responsibilities to the Security Council for the maintenance of international peace and security this study highlights the General Assembly's role in the peace-making process. It will discuss, how and under what circumstances the General Assembly has been able to develop and enhance its role for the maintenance of international peace and security.

Peace-making

Provisions of the Charter

"We the people of the United Nations determine to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and 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, and for these ends to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to maintain international peace and security, and to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest and to employ international machinery for

promotion of the economic and social advancement of all people- have resolved to combine our efforts to accomplish these aims."¹

The prime purpose of the United Nations is the maintenance of peace and security. According to article 1 of the charter "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 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

Under article 2 (2), "All members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the charter."³ According to article 2 (3) "All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered."⁴ Under article 2 (4) "All members shall 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 purpose of the United Nations."⁵ Article 2 (6) has provided "The organization shall 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."⁶

However, the charter forbids the organization from interfering in the domestic affairs of a state. Under article 2 (7) "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 or shall require the members to submit such matters to settlement under the present charter; but this principle shall not prejudice the

1- Preamble of the Charter of the United Nations

2- Article 1, paragraph 1, chapter 1

3- Article 2, paragraph 2, chapter 1

4- Article 2, paragraph 3, chapter 1

5- Article 2, paragraph 4, chapter 1

6- Article 2, paragraph 6, chapter 1

application of enforcement measures under Charter VII."⁷ According to article 99, the secretary general may bring to the attention of the Security Council any matter, which in his opinion may threaten the maintenance of international peace and security. Under article 94 (1) "Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."

The security Council

According to the United Nations charter, the security council is originally the sole organ responsible for the maintenance of international peace and security. Under article 24, "In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the security council acts on their behalf."⁸ and prevent aggression. Under article 39, "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendation, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security."⁹ However, before taking any drastic action or applying any sanction, the charter confers on it a wide range power of discussion, investigation and recommendation. Under article 34 "The Security Council may investigate any dispute or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security." If a dispute or situation is serious and can breach international peace, the Security Council may ask the disputants to stop hostilities and settle the problem through peaceful means. Article 33 (1) "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all, seek a solution by negotiation, enquiry, mediation, conciliation,

7- Article 24, chapter V

8- Article 24, chapter V

9- Article 39, charter VII

arbitration, judicial settlement, resort to regional agencies or arrangement, or other peaceful means of their own choice."¹⁰ If the parties to the dispute fail to resolve their dispute by peaceful means, they are obliged to refer it to the Security Council. Article 37 "Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that Article, they should refer to the Security Council."

In an effort to prevent and discourage the disputed parties from any gestures which might aggravate the situation, the Security Council may recommend certain methods and procedures for the settlement of the dispute, and the involved parties should comply with the Security Council's decisions. Under Article 25 "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present charter." If the parties fail to comply with the Security Council's decision, the Council may decide to use punitive measures against the parties, in order to force them to settle their dispute according to the United Nations charter. Article 41 "The security Council may decide what measures not involving the use of armed force are to be employed to give effects to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations."¹¹ "Despite all these measures if the dispute or the situation still is unresolved and can endanger international peace and security, or the Security Council deems that the measures which have been provided for settlement of the dispute are not effective enough, this time it can take drastic actions including the use of armed force. Under Article 42 "Should the Security Council consider that measures provided in Article 41 would be inadequate or have proved to be inadequate, it may take such actions by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such actions may include demonstration, blockade, and other operations by air, sea or land forces of members of the United Nations."¹²

10- Article 33, charter VI

11- Article 41, chapter VII

12- Article 42, chapter VII

Although, in theory, the Security Council has primary responsibility for the maintenance of international peace and security, and of the various organs it was originally intended to be the sole organ that can deal with political issues, in practice, however, its role has declined sharply. Due to Post-War II events and developments such as, the impacts of the cold war and bipolarization of the world into two blocks, the hegemonial competition among great powers especially the United States and the Soviet Union, the principle of permanent members unanimity in the Security Council decision-making procedures particularly the use and abuse of veto and double veto power¹³ have made the Security Council ineffective. Thus, lack of cooperation among big powers has prevented the Security Council from performing its basic and primary functions in the maintenance of international peace and security. Another factor for its failures and impotence is lack of executive power to enforce its resolutions forcefully upon intransigent state by its own armed forces if it deems necessary.

The General assembly

According to the United Nations charter, The chief responsibility of the political issues rest with the Security Council. The General Assembly has only, the power of making recommendation and nothing more. Article 11 (2) "The General Assembly may consider any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by state which is not a member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before

13- Since the voting procedure of the Security Council for procedural issues and substantial matters is different, therefore, in order to determine a certain case is principal matter or substantial, in different occasion this procedure has been subject of veto by great powers. Thus one case can be subject of veto twice.

or after discussion."¹⁴ In many cases, even this power has been limited by the charter. On the basis of Article 12 (1) "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."¹⁵

In practice, however, due to the Security Council's failures and impotence for performing its functions in numerous cases, such as, the Spain question under Franco, The Greece problem with its neighbors, the Korean war etc., the General Assembly enhanced its powers considerably in the peace-making process. Since the early years of the United Nations existence, when the Security Council failed to play its role effectively in the maintenance of international peace and security, the General Assembly has adopted a large number of resolutions and declarations for the reduction of world tensions and has contributed to the promotion of international peace and security. The major step which was taken by the General Assembly in 1950 during the Korean war was the adoption of the three-part-resolution, known as "Uniting for Peace". According to this resolution:

"If the security council because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session with twenty-four hours of the request therefore. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members or by a majority of the members of the United Nations."¹⁶

On the basis of this resolution the Hungarian crisis and the Suez

14- Article 11, paragraph 2, chapter IV

15- Article 12, paragraph I, chapter IV

16- Resolution 377 (V)

Canal problems were brought to the General Assembly in 1956. In 1965, the General Assembly in its twentieth session at the request of the Soviet Union adopted the "Declaration on inadmissibility of Intervention in Domestic Affairs of States and Protection of their Independence and Sovereignty." According to this declaration the Assembly reaffirm that (1) Every sovereign state and every people had an inalienable right to freedom and independence and to defend its sovereignty, and that this right must be fully protected; (2) Urge all member states to fulfil their charter obligations; (3) demand that acts constituting armed or any other type of intervention in the domestic affairs of states, as well as those against the just struggle of peoples for national independence and freedom, should be halted forthwith and not be permitted in the future; (4) call on all states to abide by the principle of mutual respect and non-intervention in domestic affairs for any reason whatsoever.¹⁷

In November 1966, the General Assembly in its twenty first session with the request of Czechoslovakia reaffirmed "Prohibition of the Threat or Use of Force in International Relations." Part one- The General Assembly would, among other things, declare that all states were in duty bound strictly to observe, in their International Relations, the prohibition of the threat or use of force against the territorial integrity or political independence of any state. Part two- The Assembly would urgently appeal to all United Nations member states: (1) to renounce and refrain from any action contrary to the above stated fundamental principles and to bring their policy into full harmony with the interests of international peace and security. And (2) to exert every effort and undertake all necessary measures with a view to lessening international tensions, strengthening peace and promoting peaceful co-existence among states irrespective of their social system.¹⁸

In December 1970, the Assembly in its twenty fifth session adopted the Declaration on the strengthening of International Security by which, among other things, it reaffirmed the Universal and unconditional validity of the purposes and principles of the United Nations Charter as the basis for relations among states. Breach of these principles could not be justified under any circumstances. Member states urged to make full use of methods outlined in the charter for the peaceful

17- Resolution 1231 (XX)

18- Resolution 2160 (XXI)

settlement of disputes. The Declaration also called for states to adhere to the principle of non-use of force in international relations; affirmed the close connection between international security, disarmament and economic development.¹⁹ In November 1972, the Assembly resolved to renounce the use or threat of force in all its forms and manifestations in international relations, in accordance with the United Nations Charter, and the permanent prohibition of the use of Nuclear Weapons. It recommended that the Security Council should take, as soon as possible, appropriate measures for the full implementation of the declaration.²⁰

IN December 1977, the General Assembly in its thirty-second session adopted the declaration on the Deepening and Consolidation of International Detente and Prevention of the Danger of Nuclear War. According to this Declaration, the General Assembly urged all states to continue and intensify their efforts to deepen and consolidate international detente and to that end, among other things: to promote actively the implementation of multilateral treaties and agreements as well as United Nations declarations and resolutions which served the interests of strengthening international security and developing peaceful relations; to take decisive initiatives toward curbing the stockpiling of arms and implementing disarmament measures. Under the declaration, the Assembly urged all states, among other things, to act in such a way as to avert situations which could cause a dangerous aggravation of relations between them and to avoid military confrontation which could lead to a nuclear war, and to observe strictly the principle of the non-use of force or the threat of force in international relations and inter into negotiations to that effect.²¹

In December 1975, the General Assembly adopted a Three-part Declaration which was consisted of eight principles necessary for the achievement of just and durable peace for present and future generations. These principles included the inherent right of all peoples to live in peace regardless of race, conscience, language or sex. All states had a duty to promote political, economic, social and cultural co-operation with other states, to respect the right of all peoples to self-

19- Resolution 2734 (XXV)

20- Resolution 2936 (XXVII)

21- Resolution A/32/451

determination and territorial integrity, and to discourage manifestations of colonialism, racism, racial discrimination and apartheid.²² In December 1981, the General Assembly adopted a Declaration on the non-use of Nuclear Weapons and Prevention of Nuclear War, the General by which declared again that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity.²³

In December 1982, the General Assembly adopted the Declaration on the Participation of Women in Promoting International Peace and co-operation calling for the full participation of women in the economic, social, cultural, civil and political affairs of society as a means of contributing to international peace. The Declaration stated that women have a vital interest in contributing to peace on a equal basis with men. Their full participation being dependent on the balance and equitable distribution of roles between men and women in the family and in society as a whole. On 12 November 1984, the General Assembly adopted the Declaration on the Right of Peoples to Peace, expressing its conviction that "In the nuclear age the establishment of a lasting peace on Earth represents the primary condition for the preservation of human civilization and the survival of mankind." The Declaration proclaims that peoples of the planet have a sacred right to peace and that the preservation of that right and its implementation constitute a fundamental obligation of each state. The Declaration emphasizes that the exercise of the right to peace demands that states' policies be directed toward eliminating the threat of war, particularly nuclear war, renouncing the use of force in international relations and settling international disputes by peaceful means, on the basis of the principles of the charter.²⁴

In December 1989, the General Assembly in its forty fourth session adopted resolution regarding "Protection and Security of Small States." Recalling the declaration on principles of international law concerning friendly relations and co-operation among states in accordance with the charter of the United Nations, conscious that small states may be particularly vulnerable to external threats and acts of

22- For more information see the three part Declaration of the General Assembly on December 15, 1975

23-Resolution 36/921

24- Resolution 3010 (XXVII)

interference in their internal affairs and may have special needs consonant with the right to sovereignty and territorial integrity that they share with all nations concerned at the danger that mercenaries can represent for small nations and recalling with deep concern the various incidents in which groups of mercenaries have attempted to infringe upon the sovereignty and territorial integrity of small states, including the attempted invasion of Maldives in November 1988,

1) Recognizes that small states may be particularly vulnerable to external threats and acts of interference in their internal affairs:

2-States in this regard the significance of the obligation of all states to respect the principle of territorial integrity and the other principles of the charter of the United Nations;

3- Appeals to the relevant regional and international organizations to provide assistance when requested by small states for the strengthening of their security in accordance with the purposes and principles of the charter;

4- Urges the Secretary-General to pay special attention to monitoring the security situation of small states and to consider making use of the provisions of Article 99 of the charter;

5- Invites the Secretary-General to explore ways and means, within the United Nations and in accordance with the charter of preserving the security of small states.

6- Requests the Secretary-General to hold consultations with the members of the Security Council and interested governments and to submit a report to it at its forty-sixth session on the implementation of the present resolution;

7- Decides to include in the provisional agenda of its forty-sixth session on item entitled "Protection and security of small states."

In January 1990, the General Assembly adopted the resolution on "Peaceful Settlement of Disputes Between States"; recalling further its resolution 43/131 of December 1988, by which it approved the Declaration on the Prevention and Removal of Disputes and Situations which may threaten international peace and security and on the role of the United Nations in this field.

Considering that the world political climate has improved and at the same time sources of dispute and tension in international relations

still remain, including the use of force and threat thereof, encouraging progress has been made towards finding peaceful solutions to regional and global problems. Taking into account the need to exert the utmost effort in order to settle any disputes between states on the basis of sovereign equality and exclusively by peaceful means, in conformity with the charter of the United Nations, and to avoid any military actions and hostilities against other states, which can only make the solution of existing problems more difficult.

Considering that the question of the peaceful settlement of disputes should represent one of the central concerns for states and for the United Nations and that efforts for strengthening the process of peaceful settlement of disputes should be continued.²⁵

These and many other Declarations and Resolutions for the promotion of international peace and security, and the reduction of world tensions have enhanced the General Assembly's role in the maintenance of international peace and security. At the present time, the General Assembly has become the paramount organ of the United Nations for resolving international disputes. No nation can paralyse or block any discussion or decision of the General Assembly due to its democratic nature of representing all member states. In any case if the Security Council is not able to perform its functions due to the use or abuse of the veto power, the General Assembly is entitled to perform acts of mediation or conciliation in international disputes. In most cases, the General Assembly's resolutions do not only recommend, but ask the members to act, or call on disputes to halt hostility and initiate negotiation or other peaceful means.