

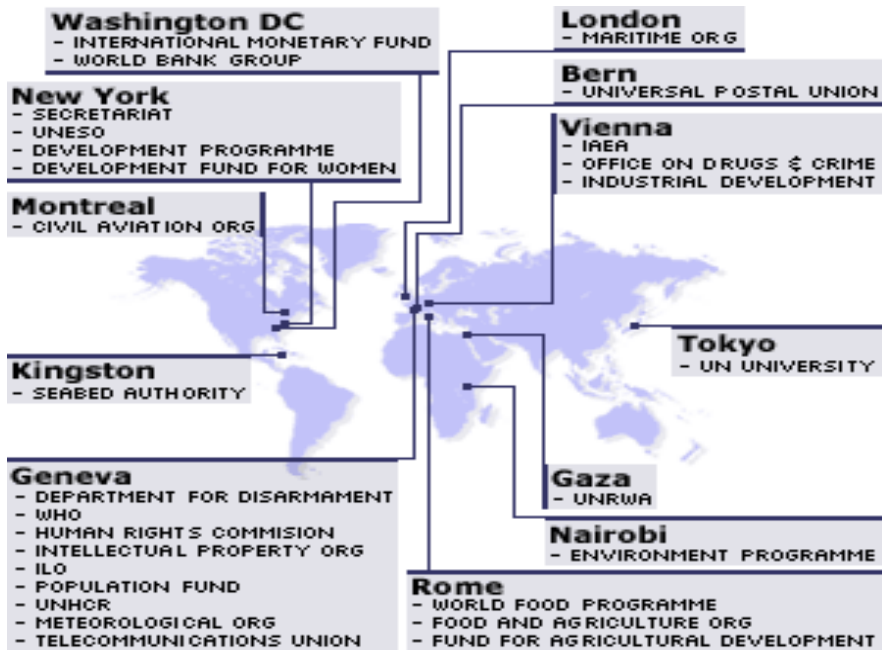
Chapter 3 | Lesson 2

United Nations

United Nations' Institutions

- **6 main Institutions**
- **General Assembly**
 - 192 nations
 - 'one nation – one vote'
 - elect the non-permanent members of the Security Council, the members of the Economic and Social Council and those members of the Trusteeship Council that are elected
 - consider and approve the United Nations budget and to apportion the contributions among its Members
- **Security Council**
 - 5 permanent Members (China, F, GB, Russia, USA; 10 non-permanent members)
- **Economic & Social Council**
 - 54 members who serve for three years
 - principal organ to coordinate the economic and social work of the UN
- **Trusteeship Council**
- **International Court of Justice (15 Judges)**
- **Secretariat**

UN around the World



General prohibition to use force

Art 2 (4) UN-Charter

- *'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 manner inconsistent with the purposes of the United Nations'*

Example: September 11th - Terrorist attacks

- Problem: **private group**, not state
- private group – no legal subject of public int'l law
- Can the terrorist attacks be attributed to a certain state?

Art 2 (4) UN-Charter applicable **to internal conflicts**

- Art 2 (4) UN-Charter not applicable to the use of force by a state against members of its own population
- Exception: internal use of force amounts to a **threat** to or **breach of international peace and security** (Art 1 (1) UN-Charter)

Exceptions

Exceptions of Art 2 (4) UN-Charter

- Right of self-defence (Art 51 UN-Charter)
- System of collective security (Arts 39-50 UN-Charter)

Right of self-defence (Art 51 UN-Charter)

- Armed attack against a member state of UN
- Act of self-defence follows directly after attack and is proportionate to attack
- Measures of self-defence must be immediately reported to Security Council

Example: September 11th - Terrorist attacks

- Terrorist attacks were attributed to Al Qaida, Osama Bin Laden and Taliban Government of Afghanistan
- USA attacked Afghanistan on October 7th as an "immediate reaction"
- proportional self-defence?
- US argument: act of "preventive self-defence"

The system of collective security (Artt 39-50 UN-Charter)

Competences of Security Council, Art 39 UN-Charter

- Determination whether use of force is a violation of Art 2 (4) UN-Charter
- sanctions against the aggressor

How is a potential or actual aggressor determined?

- 'Act of aggression' defined by Resolution 3314 of the General Assembly
- 'Threat to peace' or 'breach of the peace', Art 1 (1) UN-Charter

Sanctions, Chapter VII UN-Charter

- 'peaceful measures'(Art 41 UN-Charter)
 - Interruption of traffic by rail, sea, air
 - Interruption of communication facilities (postal services,..)
 - Partial or complete economic boycotts
 - Severance of diplomatic relations

The system of collective security (Artt 39-50 UN-Charter)

Sanctions, Chapter VII UN-Charter

- 'peaceful measures'(Art 41 UN-Charter)
- if inadequate or ineffective: **military measures** (Art 42 UN-Charter)
 - carried out by Member States
- **When the security council acts under chapter VII of the UN Charter to restore international peace and security in case of a breach of peace, threat to peace, or act of aggression it can depart from the rules of public int'l law**