

Public international law helps regulate the conduct of nation states and other international organisations. This article provides an introduction to public international law by discussing the United Nations, including its objectives, principals, and organs.



## **A. INTRODUCTION**

Public international law relates to the body of rules, principles and standards that:

- Govern the conduct of sovereign states (independent territories with its own government) and organisations that have an international personality;
- Determine the rights and duties of states; and
- Facilitate and foster relations between nation states.

Since the adoption of the *United Nations ('UN') Charter* following World War Two, there has been a massive expansion on the:

- Scope of international law, which now includes regulation of almost all aspects of human endeavours (for example, international environmental law, economic law, regulation of the internet and regulation of States' behaviour in upholding human rights laws); and
- Size of the international community, with the UN currently having 193 member states across the globe.

## **B. THE UNITED NATIONS**

The UN is an international organisation that was founded after the horrific events of World War Two. It succeeded the League of Nations (founded after World War One), which was dismantled due to its ineffectiveness in upholding its primary purpose of maintaining world peace.

The UN was formed because leaders of the Allied countries (ie countries fighting against the Axis powers) saw the need to create a new intergovernmental organisation aimed at maintaining peace. The term 'United Nations' was coined in 1941 by the then USA President Franklin Roosevelt as a term to refer to the Allied countries. Planning for the creation of the UN began in 1941, and it officially came into force after the UN Charter was ratified on 24 October 1945 (almost two months after the end of World War Two).

The UN's purposes and principles are set out within chapter 1 of the UN Charter. The UN has four main purposes, which are:

1. To maintain peace and security in the world;
2. To develop friendly relations among nations;
3. To achieve co-operation among states in solving international problems, and to encourage states to respect human rights; and
4. To be a centre that harmonises the actions of states in achieving these goals.<sup>1</sup>

<sup>1</sup> [Charter of the United Nations art 1.](#)



To achieve the purposes (or goals) mentioned above, the UN is guided by acting in accordance with the following principles:

1. All members of the UN have sovereign equality;
2. All members of the UN are required to carry out their obligations under the UN Charter in good faith;
3. All members of the UN are required to settle international disputes by peaceful means so as to not jeopardise international peace, security and justice;
4. All members of the UN are required to abstain from threatening or using force against another state's territorial integrity or political independence;
5. All members of the UN should assist the UN and not any states that the UN is taking preventative or enforcement action against;
6. To maintain international peace and security, the UN is obliged to ensure that non-member states of the UN act in accordance with these principles if or when necessary; and
7. The UN is not allowed to intervene in matters falling within a state's domestic jurisdiction (however, this principle does not prevent the enforcement measures against threats to peace or acts of aggression under chapter VII of the UN Charter from being applied).<sup>2</sup>

### **C. ORGANS OF THE UNITED NATIONS**

The UN is comprised of five principal organs, being the:

1. General Assembly;
2. Security Council;
3. Economic and Social Council (ECOSOC);
4. International Court of Justice (ICJ); and
5. UN Secretariat.

#### **C.1. THE UN GENERAL ASSEMBLY**

The General Assembly is the only body of the UN consisting of universal representation from all 193 members states. It mainly exercises deliberative and policymaking functions within the UN. Each member state has one vote to cast on matters before the

General Assembly. Decisions on key issues outlined in article 18 of the UN Charter (eg maintenance of international peace and security, admission of new members and budgetary matters) require a two-thirds majority vote. All other decisions require a majority vote.

Members of the General Assembly convene annually for the regular session in September, where they discuss and make recommendations on matters within the scope of the UN Charter. This does not include issues being considered by the UN Security Council in regard to international peace and security. While the General Assembly is able to make recommendations on important issues, they cannot force a member state to comply with their recommendations.

#### **C.1. THE UN SECURITY COUNCIL**

The Security Council is responsible for maintaining international peace and security.<sup>3</sup> Under the UN Charter, the Security Council has significant powers with respect to maintaining international peace and security. In some circumstances, this can include the Security Council imposing sanctions on states and/or authorising the use of force through military intervention. Unlike General Assembly recommendations, resolutions (decisions) made by the Security Council are binding on member states. Security Council resolutions require a three-fifths majority vote before they can be passed.

The Security Council is comprised of 15 members, of which 5 are permanent and 10 are non-permanent members. The five permanent members of the Security Council consist of:

1. The United States of America;
2. The United Kingdom;
3. Russia;
4. France; and
5. China.

These five permanent members have veto power over resolutions. This means that a resolution will not be approved if one of the five members use their veto power, even if a three-fifths (9 out of 15) majority vote has been obtained.

<sup>2</sup> Ibid art 2.

<sup>3</sup> Ibid art 24(1).



As of December 2020, the veto power has been used 293 times. In recent years, USA has been vetoing resolutions that negatively affect the interests of Israel, and Russia and China have largely vetoed resolutions regarding the Syrian conflict. The United Kingdom and France have not used their veto power since 1989.<sup>4</sup>

The 10 non-permanent members serve two-year terms and are selected based on geographic region. Each non-permanent member has one vote to cast on matters being decided by the Security Council.

### C.3. THE UN ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

The ECOSOC is responsible for facilitating international economic, social and environmental development. This includes:

- Discussing and advising member states about economic, social and environmental issues;
- Reviewing policies and making recommendations on economic, social and environmental issues;
- Directing and coordinating endeavours to achieve internationally agreed goals (eg climate change); and
- Fostering innovative thinking for sustainable development.

The ECOSOC comprises of 54 members elected by the General Assembly for three overlapping terms. Members are chosen based on geographic region.

### C.4. THE UN INTERNATIONAL COURT OF JUSTICE (ICJ)

The ICJ is the UN's principal judicial organ and the successor of the Permanent Court of International Justice. The ICJ's function is to apply international law to:

- Resolve legal disputes that have been submitted to the ICJ by States (eg Hungary and Slovakia submitted a dispute to the ICJ regarding state responsibility in relation to the Ga ikovo-Nagymaros Project); and

- To provide advisory opinions on legal questions that have been submitted to the ICJ by authorised organs and/or agencies of the UN (eg the General Assembly requested an advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965).

The ICJ comprises of 15 judges elected for 9-year terms. A judge is selected by receiving an absolute majority vote in both the General Assembly and the Security Council. Judges are able to be re-elected after their 9-year term is up.

### C.5. THE UN SECRETARIAT

The UN Secretariat is the organ responsible for the operational aspects of the UN. The Secretary-General is the head of the UN Secretariat and is considered to be the Chief Administrative Officer of the UN. The Secretary-General is appointed by the General Assembly on recommendation of the Security Council, and generally brings important issues to the attention of the other UN organs.

The UN Secretariat also employs thousands of civil servants, whose functions include:

- Helping administer the decisions made by other organs of the UN;
- Gathering information on issues for other organs of the UN;
- Translating speeches made by UN members;
- Organising conferences; and
- Updating the public about work carried out by the UN.

### D. CONCLUSION

In conclusion, the UN helps govern and facilitate the conduct of states. It has mixed successfulness in maintaining international peace and security, and in upholding human rights. However, it is still beneficial in promoting and encouraging states to act cooperatively.

<sup>4</sup> <https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>.

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