

CHAPTER II

UNITED NATIONS (UN) AS INTERNATIONAL ORGANIZATIONS

In this section the author will explain one of the intergovernmental organizations (IGOs), namely the UN, which will be discussed in general such as, the history of the establishment of the UN, functions, goals of the UN, the involvement of the UN in a conflict and also UN actions resolve conflict.

A. History of The Establishment of The United Nations (UN)

The United Nations (UN) is an international organization founded on October 24, 1945 to encourage international cooperation, the name of the United Nations United Nations was created by the President of the United States Franklin D Roosevelt. The United Nations was established after World War II as a substitute for the previous international organization namely the League of Nations to prevent similar conflicts from occurring. It can be said that the foundation of the establishment and establishment of the United Nations (UN) is the second effort in forming a universal international organization that has the main goal of maintaining world peace under a collective security system. The idea of establishing an international organization that could solve the problems of the international community that emerged at the time of World War I was put forward by thinkers from the United Kingdom and the United States (Suwardi, 2004). The first attempt to maintain world peace meant the establishment of the League of Nations (LBB). The League of Nations is an international organization founded after the 1919 Paris Peace Conference, precisely on January 10, 1920

(Suwardi, Pengantar Hukum Organisasi Internasional, 2004). The objectives stated in the LBB basic charter include:

1. Avoid war
2. Try to resolve all forms of disputes peacefully
3. Provide opportunities for open and fair inter-state relations and to promote economic, social, cultural and educational cooperation.

As long as the League of Nations (LBB) was established, LBB had tried hard to resolve international problems including post-war economic reconstruction, seeking debt for its members, and improving the conditions of workers through the ILO. In its implementation LBB could not prevent the occurrence of World War II involving countries in Europe and the Asia Pacific namely the China-Japan dispute (1931) and the Italian-Ethiopian war (1935). In addition, this organization was unsuccessful in blocking the occupation of Austria, the annexation of Czechoslovakia by Germany and Italian Aggression against Albania in 1938-1939 (Mauna, 2000), because this failure finally on April 18, 1946, the LBB was officially dissolved.

The League of Nations was permanently dissolved because it could not prevent the onset of World War II, with this reasoning the idea of establishing a UN emerged among the American Private Group. In 1939 a Commission to Study of the Organization of Peace was formed. The signatory of declaration between allied countries (*The Inter Allied Declaration*) on June 12, 1941 August by representatives of Australia, Canada, New Zealand, the South African Union, the United Kingdom and the refugee or refugee governments of Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland and Yugoslavia and also General De Gaulle of France (United Nations, 2006).

In the London declaration it is stated that the only true basis for peacekeeping is the will to cooperate between free nations in the world, where all people are free from the threat of aggression, can enjoy economic and social tranquility, and that they are willing to cooperate for the purpose that and also cooperate with other free nations, in times of war and in conditions of peace.

In order to make this happen, the holding of negotiations in the Atlantic Ocean which took place on August 13, 1941 on the ship *Augusta* which was sailing in the Atlantic Ocean, the purpose of this negotiation was to form a general principle of establishment regarding political goals after the war. On August 14, 1941 the birth of the "*Atlantic Charter*" as a sign of the results of negotiations or meetings between Franklin D. Roosevelt (President of the United States) with Winston Churchill (Prime Minister of England) (Beschloss, 2002). There are 4 important things from Atlantic Charter namely:

1. Prevent the taking of some of the war-losing countries to be included in the territory of the country that won the war (annexation). That action will destroy peace and become the seed for the emergence of war;
2. Each country is given the right to determine its own destiny;
3. All parties must seek freedom from fear and poverty, enough food, clothing and shelter, as well as improvements to work conditions
4. Settlement of disputes on the use of violence must be avoided and the need for a system of general security.

After the "*Atlantic Charter*" is issued, there is a *United Nations Declaration* signed on January 1, 1942 by representatives of 26 countries in Washington, which oppose Axis countries, then the

term United Nations appears in President Roosevelt's proposal from the United States (Jordan, 2016).

The follow-up of the Atlantic Charter was announced on October 30, 1943 the "Moscow declaration" between the foreign ministers of the United States (Cordell Hull), the Soviet Union (V. Molotov), Britain (Anthony Eden), and China (Foo Ping- sejn). The content of *Moscow Declaration* is to urge the countries that care about peace to form an international organization that has the aim of maintaining world security and peace based on the equality of state sovereignty and is open to each country.

Plans for the formation of an international organization were then updated in several stages at Dumbarton Oaks on October 7, 1944. At this conference an agreement was reached called "*Dumbarton Oaks Proposals*", which contained the organs and principles of the Nation's organization. This prospect was circulated throughout the country signing the UN Declaration with the intention of being asked for comments and proposals.

On February 25, 1945 a meeting was held of leaders of the As Nations, Russia, England who held positions in the City of Yalta. In this meeting an agreement was reached regarding the procedure for decision making, it was agreed that a United Nations conference held in San Francisco on April 25, 1945 which was completed on June 25, 1945, aimed to form a world organization charter based on a meeting at Dumbarton Oaks, which will be attended by States signed the declaration of the Nations. The meeting was attended by 50 countries, agreed upon the formation of a world organization consisting of Nations in the world and the drafting of charter named "*United Nations Charter*" and the final version of the International Court of Justice (Russell & Muther,

1960). Then on 26 June a signing ceremony was held at the San Francisco Opera House.

The meeting held in San Francisco on October 24, 1945 was a historic day for the United Nations, which was marked by the signing of a charter on the establishment of the United Nations by representatives of 50 countries including the United States, Soviet Union, Britain, France and China, and from then on the Charter after ratification by five founding members namely China, France, the Soviet Union, Britain, the United States and by the majority of other signatory countries (Zakky, 2018). The establishment of the United Nations (UN) is expected to prevent the outbreak of the Third World War, because the initial formation of the world community is still traumatized by the occurrence of a devastating war that censored humanity. The existence of this organization is expected to create a new world order.

B. The Function of the United Nations

The establishment of an international organization must have a function that must be carried out by the organization that will produce one or a goal. This is the same as the formation of the United Nations, the formation of the United Nations as an international organization also has a function and purpose. The functions of the United Nations include:

1. Protection Function, in this case the United Nations (UN) seeks to provide protection to all members, so that the creation of a peaceful environment and avoiding World War impacts on the lives of the international community
2. Functions of Integration, in this case the United Nations (UN) can be said as a place, forum for fostering friendship and brotherhood between nations.

3. Socialization function, in this case the United Nations (UN) as a means to convey values and norms to all members.
4. Function of Conflict Control, in this function of the United Nations (UN) is expected to be able to control conflicts that arise from fellow members so as not to cause tension to war with fellow UN members.
5. Cooperative function, in this case the United Nations (UN) as an international institution is expected to be able to foster or encourage cooperation in all fields between nations in the world.
6. Function of Negotiations, in this case the United Nations (UN) is expected to facilitate negotiations between countries to form laws, both general and specific.
7. Function of Arbitration, in this function the United Nations (UN) should be able to resolve problems legally that arise among fellow members so that it does not become a prolonged problem that can disrupt world peace.

C. The Objectives and Principles of the United Nations

The foundation and establishment of a union of nations is the second effort in forming a universal international organization that has the main goal of maintaining world peace under a collective security system. As evidence that the United Nations (UN) aims to create world peace can be seen in Article 1 of the United Nations Charter containing the objectives of the United Nations namely (Suherman, 2003) :

1. Maintain peace and international security

The objectives of the United Nations listed in article 1 of the UN charter are:

“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 in 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.”

As the largest international institution, the United Nations is tasked with maintaining international stability which is realized in three respects: the promotion of peace, peace-building and the maintenance of peace. One of the ways carried out by the United Nations in maintaining international peace and security is by disarming to create a new world order that is free from weapons of mass destruction, because the arms race between major countries in World War II has produced an atomic bomb which has destroyed two industrial cities in Japan, namely Hiroshima and Nagasaki (Gordin, 2007).

2. Developing relations of friendship between nations based on the principles of equality

This UN objective is also stated in article 1 of the UN charter, namely:

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

To realize this goal the United Nations cooperates between countries in the world not only among member countries to achieve national interests which ultimately aim to prosper the international community. This collaboration is carried out in various fields, such as in the fields of social, political, security, education, cultural life in the economic field. To develop friendly relations between nations based on respect for the principle of equality and people's self-determination, and to take other appropriate actions to strengthen universal peace.

3. Achieve international cooperation in solving international problems in the economic, social, and cultural fields, as well as humanitarian issues, human rights.

The third UN objective stated in article 1 of the UN charter is:

“To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

At present the problems that exist in the world are not only limited to the control of a country against other countries but the conflicts that occur also include issues of terrorism, economic crisis, climate change and also political issues, and to deal with problems and conflicts like this, the UN has a goal to cooperate internationally or with other countries.

4. Become a centre for the implementation of all the actions of the nations in achieving common goals

The final objective of the United Nations is also contained in article 1 of the UN charter, namely:

“To be centre of harmonizing the actions of nations in the attainment of these common ends.”

In this purpose the capacity of UN agencies to carry out analytical work and be oriented towards policies in the field of economics and social affairs must be fully used.

In the main body of the United Nations such as the general assembly, the Security Council, the Secretariat, the International Court of Justice, the special Economic, Social and Institutional Councils, have their respective functions and authorities. Where all activities carried out are part of realizing the goals of the UN or organization. The UN agency, has completed many conflicts that have occurred in the international community by providing welfare and development assistance to developing countries, and others. In achieving its objectives, the United Nations carries out all its actions and decisions based on the principles stated in the UN Charter.

D. United Nations Main Body in Conflict Resolution

In carrying out its functions and objectives the UN is supported by its main bodies which play a role in carrying out their respective duties and functions. Based on Article 7 paragraph 1 of the

United Nations Charter, the main organs of the United Nations are the General Assembly, Security Council, Economic and Social Council, Representative Council, International Court and Secretariat, but in maintaining international peace and security the UN has four main institutions namely the General Assembly, Secretariat United Nations, Security Council, and International Court of Justice.

1. General Assembly

The General Assembly is the main organ of the United Nations where all its member countries have representatives, each member country can send its representatives in the UN General Assembly but not more than 5 people. Although it may send representatives of 5 people but in opinion must vote.

The General Assembly has the following duties and authorities:

1. Implementation of international peace and security in accordance with article 11 and 12 of the UN charter;
2. Cooperation in the political field, encouraging the development of progress in international law and its conduct, international cooperation in the fields of economy, social, culture, education, health and helping human rights in accordance with article 13 of the UN charter;
3. Tasks relating to representation in accordance with article 85 of the UN charter;
4. Tasks relating to problems relating to regions that do not have self-government

- in accordance with article 72 of the UN charter;
5. Tasks relating to financial affairs in accordance with article 19 of the UN charter;
 6. To establish membership and acceptance of members in accordance with article 3-6 of the UN charter;
 7. Hold changes to the charter in accordance with articles 108 and 109 of the UN charter;

This UN General Assembly decision is recommendation, not binding, and does not have the power to force, this is different from the binding decision of the Security Council.

2. UN Secretariat

The Secretariat is a UN organ headed by a secretary general. In article 97 of the UN charter the Secretary General is appointed by the General Assembly at the suggestion of the Security Council. The Secretary General is not only an executive officer, but has responsibility for international peace and security. In 1946 the General Assembly issued a resolution regarding the term of office of the Secretary General, which is five years and can be extended for another term of office.

In articles 97, 98, 100 and 101 of the UN charter, it can be seen that the authority of the UN Secretary General is not only in the administrative field, but also in the political field. The role of the Secretary General in international politics depends on the person who serves as secretary general. The Secretary General has the duty to prepare secretarial

tasks that are important and necessary for sessions of the General Assembly, the Security Council, the Social Economic Council, and the House of Representatives, Special Bodies and other Bodies formed by the United Nations. The Secretariat also makes an annual report on the results of the work of the United Nations to the General Assembly. The UN Secretary General also represents the United Nations in its relations with its member countries, the Secretary General also accepts special tasks from the PB General Assembly or from the Security Council which are contained in resolutions.

3. UN Security Council

The main function of the UN Security Council is to provide recommendations for peaceful dispute resolution and in carrying out its duties the Security Council acts on behalf of member states, because UN member states have fully given the Security Council the primary responsibility to maintain international security and peace accordingly with the objectives and principles of the United Nations. The duties of the Security Council in detail are:

- a. Maintaining peace and security in accordance with the principles and objectives of the United Nations contained in article 24 of the UN charter;
- b. Conducting investigations in any disputes that could threaten international peace and security contained in article 34 of the UN charter;

- c. Providing advice on ways that can be used to resolve a dispute in articles 36 and 38 of the United Nations Charter;
- d. Determine whether there is a situation that disrupts international peace or acts of aggression and suggests what actions can be taken to resolve disputes in articles 39 and 40 of the UN Charter;
- e. Encourage members to take economic sanctions or other acts of violence to prevent or stop an aggression contained in article 41 of the UN charter;
- f. Take military action against acts of aggression contained in article 42 of the UN Charter;
- g. Acceptance, delay and revocation of UN membership is contained in articles 4 (2), 5 and 6 of the UN charter;
- h. The selection of ICJ judges is contained in article 10 of the UN Charter;
- i. Suggests the election of the UN Secretary General;
- j. Submit an annual report to the General Assembly;
- k. Amendments to the Charter of the United Nations are contained in article 108 of the UN charter;
- l. Strategic regional supervision and guidance;

Under Article 25 of the United Nations Charter, the Security Council has the power to decide decisions that have binding powers. Article 33 paragraph 3 also requires parties to resolve disputes in the manner contained in the article when a

dispute which if it continues to eat will endanger international peace and security.

4. International Court of Justice

Article 2 paragraph 3 of the United Nations Charter stipulates that all members of the United Nations must resolve international disputes by peaceful means and use such means that international peace and security and justice are not threatened. In resolving a dispute peacefully in accordance with the principles of justice and international law, a stand-alone body is needed and this body is the main body or organ of the United Nations. This body must not be influenced by the interests of certain parties and must be free from any influence.

According to article 35 paragraph 1 of the United Nations Charter, the International Court of Justice is open to the parties to the Statute of the ICJ, while the countries which are participants of the ICJ refer to article 39 of the UN Charter to determine:

1. All UN members are *ipso facto* parties to the ICJ Statute.
2. Countries that are not members of the United Nations can become parties to the ICJ Statute with the conditions specified in each case by the UN General Assembly at the suggestion of the Security Council.

ICJ does not have jurisdiction to hear cases, except the parties to the dispute submit their case to ICJ. In other words, ICJ does not have a *Compulsary Jurisdiction* for disputes that arise between countries.

E. United Nations Involvement in A Conflict

The International Organization of the United Nations is known as the largest organization that is very helpful in resolving a conflict. The UN has resolved in various kinds of conflicts, because the main objective of the United Nations itself is the maintenance of international peace and security, which means that one of the UN's functions is to help create and maintain peace and security among nations. Since its establishment on October 24, 1945 in San Francisco, California, America, the United Nations has often been asked by parties to the dispute or conflict to prevent possible disputes in the war, the UN also invites and persuades conflict parties to always use diplomatic methods not by means of violence, one by using a conference table to help create or restore peace when armed conflict occurs. In maintaining international peace and security the UN often through the actions of the Security Council, namely as the main agency or organ to deal with issues of peace and international security, while in addition to the Security Council, the UN also has other agencies in resolving conflicts, namely the General Assembly and the Secretary General.

The Security Council in handling a conflict has endorsed a complex and innovative peacekeeping operation. Since 1948, the United Nations has played a very important role in ending the conflict and promoting reconciliation, the successful UN missions in Cambodia, El Salvador, Guatemala, Mozambique, Namibia, Liberia, Tajikistan, Darfur-Sudan and Timor Leste. For example in the Darfur conflict United Nations (UN) held two peacekeeping operations namely the United Nations Mission in the Sudan

(UNMIS) and the United Nation / African Union Hybrid Operation Mission in Darfur (UNAMID) which succeeded in bringing Sudan towards peace with the signing of a peace agreement between the Sudanese Government and the Rebels on February 23, 2010. However, the UN in dealing with conflict has not always succeeded, such as the failure of the United Nations to banish US attacks on Iraq, delaying the UN Security Council in sending additional troops to Darfur, West Sudan, and failing to provide change and reconciliation in Myanmar.

The participation of the United Nations (UN) in dealing with problems and conflicts as described above, due to the request of hostile parties to help resolve conflicts, or if there is no request from hostile parties usually the UN has assumed that the conflict must be resolved immediately because considered to threaten international peace and security. Requests for conflict resolution assistance until the action or delivery of the peace process from the United Nations is due to a country or conflict that is unable to resolve the conflict in its own country.

F. Measures Taken by the United Nations in Safeguarding World Peace

There are several ways and actions taken by international organizations, namely the United Nations (UN) in creating international peace and security, and these actions are closely related to each other, these actions are:

1. Preventive Diplomacy

Actions to prevent the occurrence of disputes among several parties, limit the spread of a dispute that can be carried out by

the Secretary General of the United Nations, the Security Council, the General Assembly or regional organizations in collaboration with the United Nations. The way to do this is to investigate the causes of conflict and so on by the United Nations by approaching the disputing parties or conflicts.

For example, efforts made by the UN Secretary General namely Koffi Anan in preventing conflicts between the United States and Iraq, by sending UNSCOM to investigate the existence of the war alleged by US, but in this conflict the UN effort was deadlocked.

2. Peace Making

Actions to bring the disputing parties to agree with each other, especially through peaceful means as stated in CHAPTER IV of the UN Charter. Here the UN can only give recommendations or guidance on how to solve it properly.

For example, in the conflict between the Indonesian government and GAM, the United Nations sent special envoy Matti Ahtisaari. A negotiation was initially held between the two parties but did not find a solution, then in 2005 a mediation between the Republic of Indonesia and the GAM was held in Helsinki by producing an agreement that Aceh remained a part of the Republic of Indonesia.

3. Peace Keeping

Actions for the UN's presence in peacekeeping with an agreement on the parties concerned to prevent the occurrence of conflict so that peace can be seen, by sending military personnel, the position of the United

Nations and civilian personnel in conflict areas to cease fire and protect civilians from being victims war.

4. Peace Building

Actions to identify and support structures that are useful for strengthening peace in preventing a conflict that has been reconciled as a conflict again. This action is intended to rebuild aspects of life that experience disruption due to conflict.

Usually the UN does this by restoring the economy, rebuilding facilities and facilities for education, health, roads and others.

5. Peace Enforcement

This last action is an action usually carried out by the UN Security Council, namely by giving economic, political and security sanctions to a country in conflict, because it can threaten international peace.

For example the UN action was carried out by wearing an arms embargo on South Africa, on April 4, 1977 because South Africa had occupied Namibian territory.