

NOTES & COMMENTS

UN Collective Security and the Transitional Period: A Myth over the Founding and Aims of the United Nations

Klaus Schlichtmann*

UN Secretary General Kofi Annan in the 2004 Report of the High-level Panel on Threats, Challenges and Change, "A more secure world: Our shared responsibility" (under the heading "A more effective United Nations for the twenty-first century" stated: "The United Nations was never intended to be a utopian exercise. It was meant to be a collective security system that worked." However, several authors in recent years have asserted that the victorious powers merely wanted to maintain the status quo and their privileged positions, and never intended the system to work and give up those privileges. This paper, however, argues the contention that the UN was never designed to function effectively, is a myth, and it does not take into account important aspects and innovations that presented decisive new developments that originated with the United Nations. Thus the international court, which had in the interwar period been an institution outside the framework of the League of Nations Covenant, became an integral part of the UN system, making it more closely resemble a government with legislative, executive and judicial functions. Even more prominent, concerning the executive branch, the Security Council, unlike what had been the case with the League Council, opened itself to instigate members to delegate powers for its effective functioning. This was a most significant innovation that would allow for democratic process in the organization and defence of peace. Finally, a new principle in international law, i.e. the concept of a "transitional period" for world organization, was conceived.

Keywords

Dumbarton Oaks, San Francisco Conference, United Nations Reform, disarmament, Article 106 of the Charter, Collective Security, Transitional Security Arrangements

* Lecturer in Peace Studies, Japan Women's University, Tokyo. Ph.D.(Kiel). This paper has been presented at the

1. Introduction

I want to write of the ... history ... of a world that is treated virtually as a forbidden subject in an increasingly parochial culture that celebrates the virtues of ignorance, promotes a cult of stupidity and extols the present as a process without an alternative ... A world in which disappointment breeds apathy and, for that reason, escapist fantasies of every sort are encouraged from above.¹ - Tariq Ali -

Certain subjects are so holy that it becomes an act of virtue to lie.² -V.S. Naipaul -

This article aims to clarify some of the portentous issues related to the history, the purpose and the underlying principles upon which the United Nations was founded. It will be argued that the dynamics inherent in the idea of the organization of the world for perpetual peace, since the first union of the Hague Peace Conference in 1899, has propelled peoples and nations towards progressive international cooperative union, aimed first and foremost at outlawing war as an institution, and ensure peoples' freedom, prosperity and progress. As a historian, I am disturbed and dumbfounded when I find that relevant literatures, including history school books, fail to mention issues pertinent to international peace and security. One such example are the Hague Peace Conferences in 1899 and 1907, which constituted the "International Union of The Hague,"³ as the German jurist and neo-Kantian Walther Schücking (1875-1935) called it, and which were the first "truly international assemblies meeting in time of peace for the purpose of preserving peace."⁴ Remarkably, the Hague Conferences already aimed at disarmament and abolishing war by making resort to an international court with adequate binding powers for the resolution of conflicts obligatory. Among the Great Powers in favour of "obligatory arbitration," as it was then called, were the United States, Great Britain, France, Russia, Persia and China. In fact, the great majority of nations participating in the conferences concurred. The International Union or Hague

Conference of the International Peace Research Association (IPRA), in Leuven, Belgium, on July 15, 2008, and updated. The author may be contacted at: kschlichtmann@law.email.ne.jp/Address: Nakakayama 452-35, Hidaka-shi, Saitama-ken, 350-1232 Japan.

¹ TARIQ ALI, THE CLASH OF FUNDAMENTALISMS. CRUSADES, JIHADS AND MODERNITY 1-2 (2003).

² STEWART L. UDALL, THE MYTHS OF AUGUST 173 (1994).

³ WALTHER SCHÜCKING, THE INTERNATIONAL UNION OF THE HAGUE PEACE CONFERENCES (1918). Schücking asserted that: "a definite political union of the states of the world has been created with the First and Second Conferences," the reason being that various agencies were created by the Conferences, like the Permanent Court of Arbitration, which acted as "agents or organs of the union." *Id.* at vi.

⁴ FRANCIS HARRY HINSLEY, POWER AND THE PURSUIT OF PEACE: THEORY AND PRACTICE IN THE HISTORY OF RELATIONS BETWEEN STATES 139 (1963).