

# The Role and Purpose of the United Nations

## Origins

- 1.1 The United Nations was the second experiment in the twentieth century with a world-wide multilateral organisation. Both grew out of the devastation of a war in Europe. The League of Nations, largely inspired by President Woodrow Wilson of the United States, sought to create a permanent framework for collective security through a formal organisation that could settle disputes and limit armaments. The League of Nations and the United Nations represent, not a completely new concept of international relations, but a continuation of the ideas that underpinned the Concert of Europe in the 19<sup>th</sup> century. Then, the major states of Europe sought the means to ensure the stability of the peace agreements of 1815. No permanent structures were established in the 19<sup>th</sup> century, but an agreement was made to confer regularly to find solutions to mutual problems and to preserve the status quo.
- 1.2 The League of Nations did not survive, but many of its structures were refined and reproduced in the United Nations. The central purpose of the United Nations, stated in the preamble to the Charter, is to prevent the scourge of war through a commitment to collective security and human rights. This aim reflects the experience in two world wars of the states that established the UN. In both organisations, the creation of the specialised agencies also recognised that peace and security are dependent on the economic and social condition of people.

## The Ideals

- 1.3 Specifically, the UN summarises its role in the following terms. Its purposes are:
- To maintain international peace and security;
  - To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples;
  - To cooperate in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms;
  - To be a centre for harmonising the actions of nations in attaining these common ends.
- 1.4 Its principles are:
- It is based on the sovereign equality of all its members;
  - All members are to fulfil in good faith their Charter obligations;
  - They are to settle their international disputes by peaceful means, and without endangering international peace and security, and justice;
  - They are to refrain from the threat or use of force against any other state;
  - They are to give the United Nations every assistance in any action it takes in accordance with the Charter, and shall not assist states against which the United Nations is taking preventive or enforcement action;
  - Nothing in the Charter is to authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.<sup>1</sup>

## The Reality

- 1.5 This idealistic expression of the aims and purposes of the UN needs to be set against what has been possible, given the limits placed on the organisation by the most powerful states in it. The principles of the organisation make it clear that, if the UN is to work, the individual members must fulfil the obligations they undertake. Unlike the Concert of Europe, the UN is a permanent structure, but 'it is [nevertheless] an

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<sup>1</sup> Exhibit No. 66. *Basic Facts About the United Nations*. 1998. United Nations, New York, p. 5.

extension to the states system, not an alternative to it'.<sup>2</sup> It is an organisation of equal sovereign states and indeed all states in the General Assembly have one vote regardless of size or wealth; however, in the Security Council, which is the only organ with binding powers, some states are more equal than others.

- 1.6 The UN is not an autonomous agent making decisions separate from the power politics of the world. The Permanent Five,<sup>3</sup> the victorious powers and allies of World War II, have a veto power and therefore their interests are supreme when decisions are made on what actions the UN will take and how well resourced such action will be. From 1945 to 1990, the Cold War ensured that all conflicts around the world were translated into tests of one or other of the superpowers and this precluded action in all but exceptional cases, such as Korea. As a result of the power of the Permanent Five in the Security Council, the UN has been prevented from acting on any matters that affect them or their interests - for example in Tibet, Chechnya or Central America. Moreover, the organisation, on the decision of the members, particularly the most powerful member the United States, has been deprived of funds, for both peacekeeping and for its humanitarian functions.
- 1.7 What has been the result of this difference between ideal and reality? On the one hand, the hope that the UN might provide a solution to the problems of war and injustice has been dashed for many people. On the other hand, there is confusion over the UN's role and the place of the nation state within it.
- 1.8 In this inquiry, a large number of submissions voiced criticisms that reflect this disillusionment with the UN. It was claimed that the UN was a world government and that this resulted in the destruction of our national sovereignty. The elements of this destruction, it was argued, lay in the treaty system, the International Criminal Court, the demand for a standing army or even for peacekeeping forces. These submissions appeared to believe that the old system of bilateral arrangements between states should be untouchable and that the UN, through its existence and its activities, was the source of what were perceived to be fundamentally sinister changes in international relations. They viewed multilateral treaties, not as useful agreements freely entered into, but as attempts by some outside force to control the country. Additional complaints were

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2 Exhibit No. 61. Falk, Richard. 'Appraising the UN at 50: The Looming Challenge' in *Journal of International Affairs*. Winter 1995, vol. 48, no. 2, p. 629.

3 The Five Permanent members of the Security Council are variously described in the report as the Permanent Five, the P5 or the permanent members. They are The United States, The United Kingdom, France, China (Originally the Republic of China) and the Russian Federation (originally the Soviet Union).

made about the cost and inefficiency of the UN. These criticisms about the nature and role of the UN will be addressed in this and subsequent chapters.

- 1.9 Many of these critical submissions were expressions of fear and uncertainty in the face of rapid changes, particularly changes that undermined the efficacy of existing institutions and structures. The committee believes that these concerns are understandable, but unwarranted as far as the role of the UN is concerned. At any time, international relations are dynamic; the rules, conventions and practices of international relations are embedded in history, but change as circumstances change and the members of the international community decide on different approaches to the resolution of conflict or mutual problems. History has shown that systems decay and are replaced or rejuvenated.
- 1.10 The need to re-define or reaffirm the role of the UN and to make the structures of the organisation fit the needs of the times, the members and the changed relationships between the states is the subject of this inquiry and report.

## **The End of the Cold War**

- 1.11 Why should the UN be looked at now? In the 1990s, with the end of the Cold War, intense changes have become apparent in international relations. It is clear that the world is in a state of flux. The political restraints inherent in the Cold War no longer exist. Technological change - telephony, air travel, the internet, electronic money transfers, world trade and the consequent economic integration - drive the need for cross border regulation and international cooperation. This process of globalisation is not so much a policy that individual governments can choose to adopt, promote or stop, but a fact of modern life with which national governments must deal.
- 1.12 The UN is not so much a source of globalisation but a response to it on behalf of the nation states that belong to the organisation. A number of submissions suggested that this was the essential value of the UN post the Cold War.

Meaningful solutions to complex cross-border problems such as the proliferation of weapons of mass destruction (nuclear, chemical and biological), epidemic diseases like AIDS, crime, illicit drugs and the whole gamut of issues raised by the Internet and information technology (such as Internet child pornography and

Internet gambling), pollution and environmental degradation, can only be found through international and regional cooperation. The United Nations is the best vehicle for such cooperation and, therefore, an indispensable player in world affairs.<sup>4</sup>

The main tasks for the UN in the twenty-first century must include the eradication of global poverty, the institution of sustainable development, the abolition of third world debt, the institution of the treaties developed in the twentieth century and civics education. The effective maintenance of international peace and security is a necessary precursor to these goals and as such should also continue as one of the UN's highest priorities.<sup>5</sup>

## Sovereignty - National and International

- 1.13 Nevertheless, it is important to consider how the UN and its existence impact on the sovereignty of states. Is sovereignty being diminished and if it is, does that matter? Is it in the interests of the states concerned or detrimental to them?

## State Sovereignty

### Definitions

- 1.14 State sovereignty has been defined as exhibiting the following basic aspects:

An internal aspect in which a government of a populated territory is supreme within its jurisdiction, and an external aspect in which that same government is legally separated from all other government of the same sort and recognised as such.<sup>6</sup>

- 1.15 Professor J D B Miller put the definition simply as: 'It is a political entity that is treated as a sovereign state by other sovereign states'.<sup>7</sup> More fully the features of sovereignty are described as:

The State in quest of recognition must have a stable government ... it must rule supreme within a territory - with more or less settled frontiers - and it must exercise control over a certain number of

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4 ACFOA. Submission No. 101, p. 1081.

5 UNYA. Submission No. 47, p. 325.

6 Jackson, Robert (ed). *Sovereignty at the Millennium*. 1999. Political Studies Association, Massachusetts, p. 3.

7 Miller, J D B. *The World of States: Connected Essays*. 1981. St Martin's Press, New York, p. 16.

people. These features have come to be taken as the essential characteristics of independent states.<sup>8</sup>

- 1.16 A significant aspect of state sovereignty is that each sovereign state as a member of the international community is legally equal, having similar rights and obligations regardless of differences in economic or strategic strength. The concept of legal equality is reflected in the United Nations in the fact that each member has one vote in the General Assembly. Equality, autonomy and independence then are features that emerged early as defining the 'modern', post Westphalian state. In the 20<sup>th</sup> century two other concepts have been added - nationalism and self-determination.

### **Historical Roots of State Sovereignty**

- 1.17 It was put to the committee that the concept of state sovereignty was a mystical and timeless concept and that any interference with it would constitute an offence against the natural order. Some description of the history of the principles would appear to be useful. The idea of state sovereignty is both European in origin and relatively recent of world history.
- 1.18 The Treaty of Westphalia in 1648 marked the end of the power of the Holy Roman Empire and introduced into Europe, and into Europe alone for most of the 18<sup>th</sup> and 19<sup>th</sup> centuries, a concept of international relations based on a system of sovereign states. The treaty marked the transition of Europe from medieval power structures based on the overlapping allegiances of people to kings and the church to the idea of power being confined within the borders of territorially defined states. To establish legitimacy, states had to establish that they had a viable government, control within their territory and the ability to make and carry out treaties. Originally they also had to be Christian.
- 1.19 The transformation of Europe was not immediate and the nature of particular states has changed significantly over the last 350 years. Many of the original states were dynastic states; the Austro-Hungarian Empire stretched across most of central Europe until 1918. The European powers held colonies throughout the world until the middle of the 20<sup>th</sup> century, none of which constituted independent sovereign states until they were decolonised. State sovereignty as national sovereignty then awaited the creation of the national states in Europe in 1870 for Germany and Italy and after the First World War for most of the Eastern European states. The United Nations itself has grown from the original 51 states in 1945 to 189 today, many having been added in the last 10 years.

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8 Jackson, Robert (ed). *Sovereignty at the Millennium*. 1999. Political Studies Association, Massachusetts, p. 170.

- 1.20 Non-intervention in the affairs of other states was implicit in the system of sovereignty established at Westphalia although it was not stated until the 18<sup>th</sup> century.<sup>9</sup> Nevertheless, intervention continued in the 19<sup>th</sup> century as the Concert of Europe after 1815 agreed to intervene against the liberal and nationalist movements in central and Eastern Europe.
- 1.21 State sovereignty or national sovereignty then, while it has been an enduring and useful concept for the organisation of international relations, is also a fluid and continuously evolving arrangement. The world of states at the end of the 20<sup>th</sup> century is vastly different from that established at Westphalia and it is to be expected that the practice of international relations, and the principles underlying it, particularly the principle of non-intervention, may need to be reassessed.

## Sovereignty and Non-intervention

- 1.22 The principle of non-intervention as it relates to sovereignty is perhaps best defined in the following terms:

The rule of non-intervention can be said to derive from and require respect for the principle of state sovereignty. ... Where [sovereign states] are collected together in international society, it can be said the recognition by each of them of the others' authority within their own domains ... is fundamental to their coexistence. If a state has a right to sovereignty, this implies that other states have a duty to respect that right by, among other things, refraining from intervention in its domestic affairs.<sup>10</sup>

- 1.23 In recognition of the UN's role as an organisation of sovereign states, the Charter at Article 2 (7) enshrined the principle of non-intervention. However, the UN as an organisation, which was conceived as an international institution for the prevention of war, also recognises within its Charter that 'effective collective measures for the prevention and removal of threats to the peace'<sup>11</sup> might need to be taken.
- 1.24 Throughout the period of the Cold War, there were very limited interventions by the UN. From 1945 to the end of the Cold War there were 13 UN peacekeeping operations; since the end of the Cold War an additional 41 peacekeeping operations have been undertaken. During the Cold War, the strength of the two superpowers was such that they brooked no intervention by the United Nations in any area that they saw

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9 Jackson, Robert (ed). *Sovereignty at the Millennium*. 1999. Political Studies Association, Massachusetts, p. 160.

10 Vincent, R J. *Nonintervention and International Order*. 1974. Princeton University Press, Princeton, p. 14.

11 Charter of the United Nations, Article 1 (1).

as in their sphere of interest, nor did they involve the United Nations in any intervention that they wished to make. The veto power in the Security Council ensured that this was so.

- 1.25 Changed geopolitical circumstances have demanded a reassessment of the non-intervention principle. Since 1989, the former client states no longer constitute part of the international contest between the superpowers. Today, the problems arising out of their release from client status are complex and more often left to the United Nations to solve.

During the Cold War, the buying of political and strategic allegiance was common practice, and the politics of many less developed nations revolved around the commitments and rewards that could be elicited from the superpowers in return for political, ideological and military support. In the 1990s, however, smaller nations found greater independence, and many have been confronted by internal problems which the ideological and political restrictions of the earlier period kept in check.<sup>12</sup>

- 1.26 So gross have been the violations of human rights and so great has been the impact on surrounding states of refugee outflows<sup>13</sup> and economic dislocation that the demand that the UN 'do something' has been constant over the last ten years. Since the end of the Cold War, the international community has intervened on humanitarian grounds and attempted to democratise states on a global scale broadly within the powers of Article 1(1).<sup>14</sup>

- 1.27 In the light of these circumstances, the Secretary-General has flagged the need for the UN to re-evaluate the principles of state sovereignty and non-intervention.<sup>15</sup> In his document, 'We the Peoples', he said:

... if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica - to gross and systematic violations of human rights that offend every precept of our common humanity? ... But surely no legal principle - not even sovereignty - can ever shield crimes against humanity ... Armed intervention must always remain the option of last resort, but in the face of mass murder, it is an option that cannot be relinquished.

- 1.28 The implications of this for the organisation are important as the Department of Foreign Affairs explained to the committee:

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12 Key Centre for Ethics, Law and Justice. Submission No. 109, p. 1357.

13 Refugee numbers have increased from 8 million in the 1970s to 22 million in 1999.

14 See paragraph 1.23.

15 This question will be considered in more detail in Chapter 3 on peacekeeping.



What Annan is seeking is a consensus agreement within the UN on a set of basic principles for intervention to prevent future crises. This recognises Australia's own concerns about the limitations of simple doctrine [of non-intervention]. The underlying argument is really about determining what circumstances international intervention (presumably without the consent of the state involved - otherwise it is assistance) can be justified on humanitarian grounds as sufficient to override state sovereignty.<sup>16</sup>

- 1.29 The Australian Council for Overseas Aid also commented on the way in which sovereignty and the question of non-intervention were connected:

... the empirical evidence of the past decade has shown that the right to sovereignty and territorial integrity rests ultimately on the extent to which a nation state fulfils its responsibilities to its citizens and its obligations under international law.

While it is desirable to clarify the legal basis for intervention in sovereign states to ensure it is impartial and humanitarian, there is an overriding moral and practical imperative for the international community to act in concert to prevent conflict, provide humanitarian assistance, assist in post-conflict reconstruction and the transition to civil governance and to bring to justice perpetrators of gross violation of human rights and international humanitarian law.<sup>17</sup>

- 1.30 At the United Nations Millennium Summit, the Canadian Government initiated an independent International Commission on Intervention and State Sovereignty (ICISS) to examine the question. It is to report to the General Assembly in 2001.<sup>18</sup> Given Australia's considerable experience in and contributions to peacekeeping, it is regrettable that Australia was not invited to participate in this Commission.

## The Tendency Towards Consolidation

- 1.31 With the lifting of Cold War restraints there has been a proliferation of new states. Can this be seen as an affirmation of the system of sovereign states in its traditional form? Not entirely. These new states are forming at the very time that the traditional concept of sovereignty is being surrendered, purposefully and deliberately, in many of the more mature states. East Timor is coming into existence while the states of Europe are aligning themselves more and more closely, not only for the purposes of

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16 DFAT. Submission No. 107, p. 1285.

17 ACFOA. Submission No. 101, p. 1091.

18 Notes from the visit of the committee to New York, October 2000 and Exhibit no. 33. See Appendix D for the details of the aims and structure of this new commission.

trade but also in their social, environmental and human rights standards and in currency and defence arrangements as well. The European states have chosen to 'pool' their sovereignty. They find it advantageous. The newly independent states of Eastern Europe recognise the advantages and are clamouring to join the European Union.

- 1.32 This evolution would appear to be both natural and necessary. The European states, recognising the imperatives of modern life, responded by creating the Union, a course made possible by the shared cultural and political heritage of the individual states. A new sovereignty has been created in this Union and it is constituted of the powers freely given to it, just as a new sovereignty was created in the federation of the Australian states into the Australian nation in 1901. However, it should be noted that, because of the shared historical background and the similarity of the stage of the development of the constituent states, the European Union is a much closer and more binding arrangement than the UN is ever likely to be.
- 1.33 The changes described above are characterised in many submissions as an attack on the sovereignty of nations, and seen as destructive of the fundamental order between states rather than as an opportunity for an extension of the rule of law into the international sphere. Given the pace of technological change that is driving economic globalisation, the inability of nation states to control or influence these events and the consequent need for at least international cooperation and at most international law, the latter interpretation would appear to the committee to be the most productive course for any state to follow.
- 1.34 Nevertheless, it was clear to the committee that the current pace of change and the debate it generated created great anxiety and even anger in the community.

## **Sovereignty and the United Nations**

- 1.35 Many issues raised by the terms of reference generated heated debate, none more so than the issue of national sovereignty. The United Nations, by its very existence, was seen by some submissions as a force for the destruction of national sovereignty and, therefore, national independence of action. The fear that the UN constitutes an oppressive World Government pervades these submissions.

Quite frankly, I'm sick and tired of Australia having to answer to the United Nations, because a number of politicians, at the behest

of their bureaucrats and a few do-gooders urged them to sign away our sovereignty.<sup>19</sup>

The UN organisation is now the antithesis of democracy, systematically eroding and dismantling National Sovereignty, and the natural rights of the people of individual Nations, under force of arms or sanctions if considered necessary; does that not constitute "Tyranny"?<sup>20</sup>

This Country under the domination of the UN would be and is vulnerable to any masterplan that it may decide upon, such as the Asianisation of Australia which is proceeding apace including the 'legal' assimilation of illegal migrants apart from the ones we do not know about.<sup>21</sup>

The UN is being used as a front for International Finance organisations to promote their interests under the guise of a Socialist (read Communist) agenda, to ultimately control everything and everybody and to maximise their profits.<sup>22</sup>

It does not require an intellectual giant to surmise that all these carefully thought out plans, point in one direction only: the subjugation of the people to facilitate the ultimate objective, namely, One World Government.<sup>23</sup>

... Australia should not seek membership of the Security Council. The reason is simple. The doctrine of the right of humanitarian intervention is seen by many states, including our Asian neighbours, as a threat to the law of nations founded on the sovereignty of states.<sup>24</sup>

- 1.36 The question of the relationship between the United Nations and national sovereignty is a fundamental one. Does Australia lose its sovereignty by its involvement in and cooperation with the United Nations? Is the United Nations a world government with a master plan for the world, over which Australia has no say? Does the United Nations' move towards humanitarian intervention undermine national sovereignty in unacceptable or damaging ways? In the distribution of power between national governments and the United Nations, what should remain within the province of the national government and what should be defined as appropriate to the international jurisdiction?

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19 Beale, Gwen. Submission No. 52, pp. 353-4.

20 Lloyd-Smith, G. Submission No. 26, p. 171.

21 Clark, C E. Submission No. 39, p. 253.

22 Clark, C E. Submission No. 39, p. 254.

23 Beckett, June. Submission No. 44, p. 286.

24 Ingram, J C. Submission No. 46, p. 305.

- 1.37 Conversely, the implication that Australia should, or could, withdraw from the United Nations and thus preserve its sovereignty was criticised by a number of submissions. It was seen as an isolationist view based on misconceptions about the historical development of sovereignty, about the way the international system, and the UN in particular, works, and about the nature and function of sovereignty. Professor Johnston characterised the view in the following terms:

They see the UN, not as creating sovereignty for global problems, but as threatening local sovereignty. Ignorant of history, they worship our recent national identity, and choose the perils of the jungle rather than the promise of law. They use "state" as an acronym for nation, they apotheosise it as "State" or "Member State," and then naturally they shrink from change as portending "the end of sovereignty." In the world community they are anarchists (and thus the problem): not even looking for law beyond the nation, they sacrifice the nation's interest in peace and prosperity.<sup>25</sup>

- 1.38 Professor Johnston drew an important distinction between the nation and the United Nations. He saw the UN not as a government competing with national governments, but an institution for the regulation and mediation of nations' competing interests. It is a representative international body, as a parliament is a representative national body. The United Nations' jurisdiction is defined in the Charter in the same way that national constitutions define and distribute powers within a state. Therefore, the existence of the United Nations represents an extension of the concept of the rule of law into the international sphere - not perfect, but an advance on the anarchy inherent in its absence. It is structured on the principle of the sovereign nation state and requires each state to agree to any circumscribing of its sovereignty. Therefore, in its structure and operation the UN reaffirms national sovereignty. Two submissions make this point clearly.

The United Nations does not deserve the criticism that its actions seek to erode national sovereignty. On the contrary, membership of the UN is a primary indicator of independence and sovereignty. In addition, one of the founding principles, and the ongoing basis for dialogue and decision-making within the UN, is the principle of sovereign equality, the equal rights of "nations large and small".<sup>26</sup>

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<sup>25</sup> Johnston, Stanley. Submission No. 59, p. 485.

<sup>26</sup> UNYA. Submission No. 47, p. 318.

WILPF believes that attacks on the UN by certain groups seeking to paint the organisation as a "world government" which undermines national sovereignty are motivated by a lack of understanding of how the UN actually functions. The UN is not without its flaws and, considering the fact that it is comprised of nation states, it definitely reflects the *realpolitik* of international relations as they stand today. In other words, nation states which wield greater power internationally have greater influence in the UN. This is a matter of fact which needs addressing but is one which does not of itself negate the importance and necessity of the UN and its mandate.<sup>27</sup>

- 1.39 It was also argued that far from dominating and threatening Australia, the UN was more likely to be a defence of the sovereignty of smaller countries against larger more aggressive states. National sovereignty is explicitly defined in the Charter as one of the basic elements of the framework of international relations.

National sovereignty defends us from international interference (article 2(4)), but not from supranational intervention; nation states are sovereign against each other, but rarely against the UN. UN sovereignty is our best defence against iniquity and inequality; we receive the benefits of UN action by giving the UN the authority to act.<sup>28</sup>

- 1.40 Despite this recognition in the Charter, there can be no question that the role of the United Nations, as it has responded to the challenges of international relations in the post Cold War world, increasingly affects national sovereignty. In 1992, this committee concluded that:

Despite the recognition at the outset of the principle of the "sovereign equality" of all peace-loving states, there has been a tendency for the United Nations to limit national sovereignty.<sup>29</sup>

- 1.41 However, the committee did not see this as a sinister process, but part of a natural evolution in international relations which needed to be understood and negotiated.

This evolution, therefore, increasingly demands a reconsideration of the principle of national sovereignty. United Nations conventions, now covering a wide range of activities, inevitably change the character of domestic institutions, affect domestic legislation and extend accountability beyond the usual domestic

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27 WILPF. Submission No. 63, p. 520.

28 Johnston, Stanley. Submission No. 59, p. 489.

29 JSCFADT. *A Review of Australia's Efforts to Promote and Protect Human Rights*. 1992. Canberra, pp. 13-14.

constituency. This extension of international accountability is not without its tensions or accusations or unwarranted intrusions into the internal affairs of countries. This is especially so where international judgements are critical.<sup>30</sup>

- 1.42 The committee would stress that changes to and limits upon national sovereignty are neither new nor necessarily disastrous. Australian sovereignty has changed a number of times in the last 200 years. The individual, self-governing, colonial states of the 19th century gave way to the nation that federated in 1901. Nevertheless, in the 20<sup>th</sup> century, Australia was still dependent on Britain for its foreign affairs up to the 1940s, still had courts of appeal to the British Privy Council up to 1986.

## Conclusion

- 1.43 The committee is of the view that sovereignty has never been absolute; it is not sacred and not immutable; the sovereignty of individual states is often based on accidents of history and dependent on the continuing recognition of it by other states. It is determined by the internal constitutional arrangements of each state so that, for example, the state of NSW has no sovereign status internationally and yet it has sovereignty over certain constitutionally defined aspects of government. The most important consideration is that the appropriate areas of sovereignty be allocated to appropriate levels of government.
- 1.44 Given the imperatives of globalisation,<sup>31</sup> the committee believes that opting out of the United Nations is not a choice; international agreements, conventions and international regulatory institutions to which states choose to surrender some of their sovereignty are regarded as essential for the well being of all states. The United Nations is the only organisation that can fulfil these urgent and proliferating transnational issues described in this chapter. There are, however, two significant questions:
- Is the UN strong enough, well resourced enough and properly structured to meet the demands upon it; and
  - How can the member states regulate and monitor this new or changing distribution of power? This is the challenge, as it is with all levels of government.
- 1.45 Professor Johnston recognised this challenge in a warning he made in his submission to the inquiry:

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30 JSCFADT. *A Review of Australia's Efforts to Promote and Protect Human Rights*. 1992. Canberra, pp. 13-14.

31 See paragraph 1.2.

A responsible assertion of local sovereignty beat Roman tyranny; but today an exclusive sovereignty which bigots hold more sacred than life itself means isolation and weakness. We seek UN sovereignty, but we also healthily fear it: any aggregation of power needs vigilance.<sup>32</sup>

The challenge now is to restrain UN authority by installing within the world body the traditional balance of powers identified and lauded by Montesquieu. To that end, the General Assembly legislature and the World Court judiciary must rise in status next to the executive Security Council.<sup>33</sup>

- 1.46 This report accepts the argument that the UN is an essential element of international relations in the post Cold War world and therefore it will examine the organisation and Australia's response to it with a view to recommending how, in the committee's judgement, it might best fulfil its role.

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<sup>32</sup> Johnston, Stanley. Submission No. 59, p. 486.

<sup>33</sup> Johnston, Stanley. Submission No. 59, p. 488.

