

The Reinforcement of UN Agencies in Improving National Compliance with International Law

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Abstract: This study focuses on how states follow international law under the authority of UN bodies. The body paragraph begins by describing the rights and roles of three bodies: The security council, The UN general assembly, and The International Court of Justice. Their enforcement mechanisms are described separately, and case studies are made. This is the first three paragraphs of the body paragraph. The fourth paragraph is written around the proposition, which is a discussion part, firstly to make an overall evaluation of the three institutions, then to compare the advantages and disadvantages, and finally to propose the areas that need to be reformed, and how to strengthen the compliance of countries with international law.

Keywords: Security Council, UN General Assembly, International Court of Justice, Compliance with International Law

1. Introduction

As an international organization, The United Nations (UN) is responsible for proposing resolutions based on global governance. The United Nations has six Institutions. Because the UN General Assembly, Security Council, and International Court of Justice (ICJ) are the three organs of the United Nations that deal with national issues, and at the same time, bring the country into compliance with resolutions and laws. Therefore, the following article will focus on these three Institutions.

The upkeep of world peace is the duty of the Security Council. It can conduct peacekeeping missions, impose international sanctions, and order military action. Because the Security Council is legally binding, states will comply with resolutions. The UN General Assembly responsible is for proposing solutions, but it doesn't have legally binding, so it is entirely up to the state's will to follow itself.

The ICJ is a civil judicial institution between sovereign states. It focuses on resolving legal disputes between nations in line with international law. In the framework of the UN, the ICJ is legally binding, so states must follow its resolutions. It is because of the existence of these institutions that disputes facing the UN are resolved.

2. The Security Council

The Security Council is an important part of the UN. The Security Council makes decisions for the resolution of international conflicts. Additionally, it has the authority to ratify Council decisions that

are binding on all UN member states. The Security Council has the right to do economic and diplomatic sanctions on countries that break international peace. For example, trade restrictions and other bans that force countries to comply with international norms.

Chapter VII of the *UN Charter* gives the Council the right to use force. Because the purpose was that the Council could keep international peace. Through its institutional evolution, it is the closest thing to global governance in the field of peace and security in today's society. Its executive authority is unique in the history of intergovernmental cooperation [1]. According to the United Nations' official website, UN peacekeeping operations help countries negotiate the dangerous transition from war to peace [2].

To fulfill a variety of Security Council and UN General Assembly mandates, the Security Council deploys troops from around the world, protects civilians, and completes negotiations. In order to bring individuals responsible for particularly serious international crimes to justice, the Security Council has established international criminal courts. The oversight bodies of the Security Council serve to gather information and assess a state's compliance with international law. By monitoring states and providing regular reports to the Council, these mechanisms allow the Security Council to take the necessary steps to address state breaches of international law and enhance state compliance. Sometimes, the Security Council can use military force to compel states to comply with international law. The peacekeeping operation in Cambodia can be one of the examples of the success of the Security Council. An agreement was reached among the Cambodian factions and other parties to establish a liberal democracy based on pluralism. It is apparent that the parties engaged in the negotiating process agreed on a peace plan, and what makes this negotiation process special is how the United Nations ensured democracy. It was asked to monitor the military pause to safeguard the populace [3].

This example is a successful example of the "internal" military power of the Security Council, as the Security Council established a peacekeeping operation. There was no conflict between the countries, so it was a successful military force "from within". Chapter VII of the *UN Charter* also grants the Security Council the authority to impose sanctions on nations. For instance, the Security Council agreed to impose economic sanctions on Iraq after the invasion of Kuwait by Iraq during the Gulf War resulted in more casualties than anticipated. For example, other countries were prohibited from providing economic resources to Iraq, etc. The sanctions imposed in the two examples are different, but the starting point of the Security Council is that countries can better comply with international law [4]. The Security Council has the advantage of being backed by the *UN Charter*, resulting in its significant powers, which are legally binding powers, and the ability to act quickly in responding to global security challenges. Also, the Security Council can maintain international peace through or send peacekeeping missions.

Iran's ruling by the Security Council is another example. Since Iran has signed the Nuclear Non-Proliferation Treaty, it means that Iran will not become a nuclear weapons state. But Iran was found to have a nuclear program on its hands. So, the Security Council began imposing sanctions on Iran. The sanctions were imposed through an embargo on materials and technology for nuclear weapons development, a ban on providing humanitarian resources to Iran, and international economic sanctions linking Iran's oil price profits to Iran's financial sector [5,6]. Looking at this ruling from the UN's perspective, this is good for the country. After all, Iran has a nuclear program after signing the treaty. If sanctions are not imposed immediately, it is likely that Iran will master the development of nuclear technology and will be a threat to all surrounding countries. This case is also one of the sanctions imposed on the country by the Security Council for the sake of international peace.

3. The UN General Assembly

One of the key components of the UN General Assembly. It consists of every UN Member State. Its main responsibility is to discuss and decide on major global issues. Although its resolutions are not legally binding, they have a strong political influence, or strong sense of institutionalization [7]. The *UN Charter* gives the General Assembly many powers. Article 10 of the UN Charter stipulates its right to discuss and then make proposals on what is within the scope of the Charter [8]. Article 18 of the Charter states that the UN General Assembly expresses its views through resolutions [9]. International norms heavily rely on the UN General Assembly. First, it has the authority to discuss global issues and has established specialized bodies to examine these topics and make or recommend them. Second, its resolutions represent the member states' agreement on a range of topics. The evolution of international customary law can be aided by these resolutions, which represent the opinions of the global community. Then there is the role that the UN General Assembly has been playing in promoting humanitarianism. The adoption of resolutions has emphasized the important consideration of human rights.

It also convenes high-level meetings to address some very serious issues such as climate change, etc. These meetings bring together world leaders and experts to share experiences and to join together to develop plans. Through these events, the UN General Assembly promotes cooperation among nations to shape international norms. In strengthening national systems, the UN General Assembly provides a platform for states to demonstrate compliance with international obligations. This platform assesses states' implementation of treaties, a system that increases compliance with treaties.

The adoption of the *Universal Declaration of Human Rights* impacted the UN General Assembly decisions in 1948. This declaration affirms the principles of human rights. For example, freedom of speech, freedom of religion, equality of all people, etc. And it laid the foundation for international human rights law. The Universal Declaration of Human Rights provides the standard for all peoples and all nations so that all may remember this Declaration, work to educate people about respect for these rights and freedoms, and affirm the validity of this resolution through national measures [10]. This resolution is one of the most effective resolutions of the UN General Assembly. And because of the influence of it, many countries will comply with this resolution. It also laid a certain foundation for later laws, such as respect for human rights.

Human rights are emphasized in the Universal Declaration of Human Rights. As a result, it uses moral pressure from abroad on the government, subjecting it to examination for how well it upholds international standards for human rights. The Universal Declaration of Human Rights is regarded as the cornerstone of international human rights legislation, despite the fact that it is not itself legally obligatory. Most states have endorsed the declaration and have assumed legally binding obligations through other international human rights treaties. Thus, states are legally required to comply with the human rights referred to therein. Many countries draw on the human rights principles and standards contained in the Declaration when developing their constitutions [11,12].

The Universal Declaration of Human Rights can also help states establish domestic legal frameworks to guarantee that human rights are protected. The strength of the UN General Assembly is that it is a diverse forum that brings together all countries and can work together to address some of the world's issues. While the UN General Assembly has many strengths, it also has some challenges. It is more challenging to come to an agreement on some subjects because of the large number of nations represented in the UN General Assembly and their various national interests. Additionally, it is well recognized that UN General Assembly resolutions lack legal force, making it difficult to put them into practice.

4. The International Court of Justice

ICJ's primary duty is to resolve international legal disputes. It is qualified to consider matters submitted to it by independent nations. The parties to the case have a responsibility to abide by the ICJ's decisions. The ICJ is responsible for the application of international law, including treaties, customary international law, etc., in the cases brought before it. The ICJ has jurisdiction over disputes concerning immunity from national jurisdiction. It has the authority to rule on issues related to a state's immunity from another state's courts' authority and provide guidance on the principles governing such immunity. The ICJ can deal with disputes concerning the interpretation of international treaties. When a state suspects another state of breaking a legal agreement, it can provide a legal interpretation of the agreement and establish who is legally responsible. ICJ has a number of methods of dispute resolution, the main method being adjudication. The Court hears the arguments of the parties, examines the evidence, and issues a binding judgment in accordance with applicable international law, and this judgment is final and not subject to appeal. Secondly, the ICJ will also use mediation as an alternative method.

The Court facilitates negotiations between the parties in order to reach a mutually acceptable solution. The ICJ applies customary international law, which encompasses a wide range of state practice that is accepted as legally binding. It will examine state conduct to determine the existence and content of customary rules. *Nicaragua v. The United States* is a classic example of the ICJ reconciling two countries. Nicaragua sued the United States in 1986, claiming that the country was to blame for the illegal military actions taken against Nicaragua. The United States continued to contest the complaint, but the ICJ accepted the case and had jurisdiction. Due to the fact that the United States had broken the pertinent customary international law.

The Court concluded that the United States' use of force against Nicaragua could not be justified by collective self-defense. Article 51 of the *UN Charter* provides that if a state is attacked militarily, then nothing in the *UN Charter* shall impair the right of individual self-defense. That is until the Security Council takes the necessary measures to maintain international peace and security. Measures taken by a state to exercise its right to self-defense need to be reported to the Security Council [13].

According to the *UN Charter*, the ICJ has also found that the United States' collective self-defense is wrong in using force against other nations. So, the ICJ ordered the U.S. to cease its actions and pay compensation to Nicaragua. The United States and Nicaragua signed the "Managua Agreement" and settled. This agreement was an agreement to pay reparations. This case is crucial because it illustrates the ICJ's ability to settle international conflicts and serves as an example of the court's ability to mediate. For example, the ICJ has no mechanism for enforcement and has no authority to impose sanctions or take direct coercive measures against non-compliant states [14].

In 1973, the ICJ tried a case called Nuclear Testing. It was an Australian case against France over a nuclear weapons test that France proposed to conduct in the atmosphere of the South Pacific [15,16]. The final ICJ ruling was to stop France from conducting nuclear weapons experiments in the atmosphere of the South Pacific region [17]. This is a trial example of ICJ that represents their overall perspective and opinion of nuclear weapons tests in public areas.

Although there has been a question of bias within the ICJ, such as a certain level of national bias among the judges, with a tendency to vote in favor of their home states [18-20]. The majority of the nations and their organizations still believe that the decision-making process of ICJ contains objective perspective and gives the care of national interests without preference.

5. Discussion Part

Of the three UN institutions, two create the ability to bind the state legally. The first is the Security Council, which is assigned the ability to bind states legally. Under the framework of the *UN Charter*,

the Security Council can frame and sanction countries in terms of economic and diplomatic domains. ICJ promoted the idea that countries can better comply with international regulations by proposing resolutions and wanting them to follow them. But because such resolutions are not mandatory, they rely more on the will and consciousness of the state. The advantage is that the UN General Assembly is a "forum" where countries can join together to address important societal events. The last institution is the ICJ. It is legally binding because the main function of the ICJ is to rely on the *UN Charter* to judge the correctness of a state's actions. So, the benefit of the ICJ lies in the fact that states have to abide by international law.

However, the UN General Assembly also has a role to play, and even if the resolutions advocated are good, the UN General Assembly cannot force countries to implement them if they do not want to. This is because the UN General Assembly is not legally binding, which is the only factor that allows states to disobey resolutions. The Security Council is legally binding, and it has the power to impose economic and diplomatic sanctions on countries in accordance with the powers given to it by the *UN Charter*. Therefore, all countries will comply with the council's resolutions. And it also binds peace between countries very well. ICJ, also under the *UN Charter*, has the ability to bind countries legally and can very well bind countries and reconcile two countries. *Nicaragua v. United States* is a good case where provisions of the *UN Charter* compelled the United States to comply with the orders of the ICJ, despite its misgivings about the proceedings in the early stages. Overall, of these three bodies, the UN General Assembly is the only one that is weaker in terms of legally binding power. Although the UN General Assembly has the ability to influence politics, the lack of legally binding authority means that compliance with its proposals is dependent on the will of countries. The UN General Assembly should cooperate more with the Security Council and the ICJ so that proposals can be implemented by the Security Council. The ICJ can judge right and wrong between two countries based on the proposal. Although these are three institutions, if they cooperate more, they can make up for the part of the UN General Assembly that is not legally binding.

In addition, the UN General Assembly can improve legal rights. If the premise is that there is no strong will between these three institutions to want to keep working together. As stated before in this article, this body is not legally binding, and countries can choose whether they want to comply or not. Therefore, another suggestion is to increase the power of it. For example, if it adopts some resolutions, every country should follow and comply with them. If they don't comply with the resolutions, there will be some punishment for them. According to the *UN Charter*, the UN General Assembly also has some of the rights of the Security Council and ICJ. For example, the UN General Assembly can impose diplomatic sanctions or economic sanctions on countries that do not comply with the resolutions, etc.

6. Conclusion

In summary, UN institutions, including the UN General Assembly, the Security Council, and the ICJ. They played a key role in promoting national compliance with international law. The Security Council has enforcement powers and the advantage of ensuring compliance through sanctions and military action. At the same time, the UN General Assembly relies more on voluntary compliance and the will of states to comply with international law. The UN General Assembly has the advantage of being able to convene all member states and address important global events, but resolutions lack legally binding force. In order to strengthen national compliance with international law, there is a need for greater cooperation between these UN institutions to ensure the implementation of resolutions. ICJ can provide legal judgments based on recommendations made by the General Assembly, and the Security Council can enforce state compliance through resolutions. By building on the strengths of these bodies and strengthening their cooperation, the effectiveness of the UN system in improving

state compliance with international law can be enhanced. Also, people can make some laws and let the UN General Assembly have more power to make resolutions.

All in all, getting countries to follow international law is an easy thing to do now that the United Nations has a better system and the international legal system is well established. Although countries may or may not follow the UN General Assembly, they generally follow the resolutions of it because they have a lot of influence in making decisions. Therefore, if the UN is to be reformed, it is necessary to focus on the legal rights of the UN General Assembly or the cooperation of the three institutions to provide a more effective way for countries to comply with international laws.

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