

**UN RESOLUTIONS AND THE EMERGENCE OF SUBSIDIARY AGENCIES IN THE
20TH CENTURY**

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Abstract

Arguably, the United Nations has always been looked at as ‘the most competent and credible international platform’ that has continued to effectively exist, so to say, to initiate meaningful actions towards tackling the multivariate challenges confronting the international system and humanity in general since its inception in 1945. The organization, inundated with this enormous but no less intriguing task, has on many occasions, with the instrumentality of its diplomatic machinery, passed noble ‘resolutions’ in form of purposive recommendations to ensure committed collaboration, corporation, and consensus among states in areas of critical international concern. Thus, these resolutions that bring nation-states into a common undertaking in specific areas of global interest consequently usher in regimes in those areas with emergence of ancillary or subsidiary agencies to the UN. It is against this backdrop that this paper, taking the path of the functionalist theoretical construct as the relevant framework of analysis, attempts to examine the circumstances and the underpinning variables that informed the emergence of these subsidiary agencies to UN, and the dynamics that predicate their continued international existence. Although, it is strongly contended that their emergence is functional to peace and stability universally, their inherent drawbacks cannot be vaguely denied. Therefore, the advocacy is that states should put in more diplomatic commitments and international sacrifices devoid of ‘high politics’ and less consideration of ‘sovereignty bigotry’ in order to improve on universal peace and global understanding.

Keywords: Resolution, Regimes, Concensus, Funcitonalism, Sovereignty.

1.0 Introduction

No doubt, the Treaty of Westphalia of 1648 accorded nation states their status with the concept of inviolability of territorial sovereignty as a major defining parameter. However, as these emergent nation-states began to enjoy their sovereign existence, the protection and defense of this very sovereignty became strategically inevitable. Many nation-states, in fragrant disregard of 'mutual co-existence' of one another, had often been embroiled in wars and other forms of conflicts that have been at heavy cost to international peace and security. As Holsti (2002:38) notes, "war and threat of it have become a fashionable instrument states resort to in achieving their policy goals in international arena". Thus, the preoccupation of states in war and conflicts denies them the needed attention to engage themselves meaningfully in compromise and consensual cooperation, hence there are mutual but challenging grounds that require cooperation and diplomacy other than war and conflicts. Thoughtfully, the emergence of the United Nations at the end of World War II in 1945 was primarily occasioned by the vagaries of war and the need to maintain global peace and security.

No sooner the UN began to man this arduous task of preventing further war and maintain international security for global peace and stability than it came to the realization and identification of other challenging problems, other than war, that constitute major threat to universal peace, which if unaddressed could plunge the international system into a web of insecurity and wars, and mar the very foundation and mission of the UN. "This broadening of the mandate and oversight capacity of the UN", according to Benneth (1988:26) "came with the understanding that many challenging problems faced by states in this interdependent world cannot be resolved by sovereign independent state action only anchored on the vestiges of 'traditional sovereignty'. Rather, there is the overriding need for concerted efforts of these states in form of international consensus and cooperation with great commitments. Brown (2005:120) enumerates these critical areas other than war itself to include issues of human rights, global environment, international trade and world economy, disarmament and weapons proliferations, migration and refugee question, development and democracy issue, outer space and sea resources, terrorism, and so on.

The United Nations, in trying to coordinate and regulate the behavior and actions of states in these areas of international concern has adopted several ‘resolutions’ and ‘conventions’ in many organized fora to ensure commitments and co-operation of states thereof. Many of these UN resolutions and conventions are today part of international law, and some of them have metamorphosed into institutionalized subsidiary agencies of the UN. Hence Umozuruike (2005:6) notes:

Resolutions and conventions serve as international morality and agreements which are left on the moral will of the states to be obeyed or not to be obeyed; thence constant usage and further diplomatic protocols on them transform them into part of the working document of international law or/and, existing operational agencies of regulatory character.

That is to say, many of the UN resolutions have established regimes in different areas of international engagement. However, it is important to point out that not all resolutions and conventions of the UN have been institutionally transformed into working agencies. Many of them are still subsisting as ‘mere international morality’ and some as existing document of international law that have not, and may not emerge as subsidiary institution of the UN. In this light, how the institution of UN and her resolution instruments predicated the emergence of subsidiary international organizations and agencies engages this study. However, this cannot be done effectively without a relevant theoretical framework of analysis.

2.0 Theoretical Foundation

For better understanding of the background and the rationale behind the emergence of the United Nations subsidiary agencies as international institutions, functionalist theoretical tool of analysis becomes most appropriately relevant framework. It emerged in the international political scholarship in the 1940’s, and was developed by David Mitrany. It has attracted many other scholars like Joseph Nye, Ernest Hass, J.P Sewell, Paul Taylor, A. J R Groom, John Burton, Christopher Mitchell and Banks.

Functionalism assumes that a ‘working universal peace is constructed by encouraging forms of co-operation among states which by-passed formal, but

traditional, sovereignty and, limits the capacity of these states to act as sovereigns. 'Ordered, stable, and peaceful world is a function of cooperation among severing states on several specific 'issues-areas' which are of common interest to them' (Mitrany, 1985). Thus, there are technical problems that challenge the continued existence of sovereign states, and which are beyond their individual capacity to curb. In this context, cooperation of states with an 'institutional character' is imperative. Taylor and Haas (1998:113) contend that the functional institutions must exchange information of technical nature, and be vested with power of decision to gradually transcend the states' sovereignty. In otherwords, the underlying assumption is that the problems functional cooperation is supposed to solve are essentially 'disaggregated' and technical, and need a technical solution. This heavily borrows from the pluralist and complex interdependent schools that see relationship as a 'disaggregation' rather than as one 'whole'. The contention is that different 'issue-areas' such as security, finance, environment, human rights, or terrorism display different modes of mutual dependence among nations, (Keohane and Nye, 1987).

The proponents of functionalist school see progress made in any specific but disaggregated 'issue-area' in international system as a direct function of collaboration and commitment of states in moderation of their sovereignty (Olson, 2000). Thus, the intention of functionalism is to achieve 'global stability' and 'order' through 'global governance' and not 'global government'; hence, the 'debordering of states' that is sought by globalization is crucial here.

Nevertheless, this analytical construct as an effective tool of analysis bears some inadequacies in its rationale of assumptions: (a) its rationality that states would always be willing to compromise their sovereignty and cooperate with others; (b) the assumption that the administration of technical problems by functional and collaborative institutions is devoid of national politics of states; (c) and its firm belief that every cooperation produces functional institution that cuts beyond states 'boundaries'. However, it still remains most elaborate and ambitious attempt made not just to understand the growth of international institutions, but also to plot their trajectory into the future, and to come to terms with the implications.

3.0 UN Resolutions and the Emergence of Subsidiary Agencies

It is obvious, since its creation in 1945, the United Nations has diplomatically established many subsidiary ‘agencies’ in response to many challenges confronting the world, and which demand serious attention. ‘These agencies, so to say, are ‘collaboratory’, ‘advisory’, and ‘regulatory in character, and operate on either ‘permanent’ or ad hoc’ basis. They are created to take charge of, and address issues in specific areas and ensure international diplomatic cooperation thereof, (Harret, 2000:86). In otherwords, they are specific purpose oriented and they ensure diplomatic compliance, cooperation and commitment of states in their areas of operations. As a matter of focus and convenience, the paper cannot discuss all the subsidiary agencies that took their establishment from the United Nations ‘resolutions’ but rather select some cases in the issues-areas of ‘disarmament’, ‘environment’, human rights’, and trade in terms of their emergence and continued existence.

3.1 Disarmament Question

Apparently, there is a mutual relationship between ‘arms control’ and ‘disarmament’ on one hand and ‘international peace’ and ‘security’, on the other hand. This is recognized and acknowledged in the United Nations Charter by its founding fathers. It is against this backdrop that Article (11) of the United Nations Charter charges the General Assembly with ‘the responsibility for considering principles of cooperation relating to the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments’, and making recommendations with regards to such principles to the members of the security council, or to both’. Secondly, the Security Council is charged with ‘the responsibility of formulating plans to be submitted to the members of the United Nations for the establishment of a system for the regulations of armaments’, (www.un.org/charter.documents).

However, the destructive acquisition of lethal weapons by states that culminated to the devastating second world war, and the regrettable utilization of the Manhattan Project (atomic bombs) by the United States against Hiroshima and Nagasaki in Japan in the immediate aftermath of the war, coupled with the Soviet Union’s test of her atomic bomb in early 1947 seriously called the attention of the nascent United Nations institution on how best to pursue disarmament.

Responding to these threatening challenge, the United Nations on 24th January 1946 passed a ‘resolution which called for the establishment of an Atomic Energy Agency to put forward proposals for the elimination of, from all national armaments, atomic weapons and all other weapons qualified for mass destruction, (Dunne, 2006). After much diplomatic heat raised by the competing forces of ‘United States-sponsored Baruch Plan’ and ‘Soviet Union-sponsored Gromyko counter Plan’, the United Nations, in much favour to the Baruch plan, established ‘the Atomic Energy Commission in July, 1946.

On December 14, 1946, the United Nations adopted resolution 41(1) which called for Security Council’s consideration of a ‘draft convention’ for the creation of an international system of control and inspection, and for the prohibition of atomic weapons and other weapons of mass destructions. This led to the emergence of ‘the Commission of Conventional Armaments in 1947. However, on 11th January, 1952 the United Nations’ General Assembly adopted ‘resolution 502(vii) merging the Atomic Energy Commission and the Commission on Conventional Armaments into one agency known as ‘the Disarmament Commission. As Vogts (1980) argues, “the ideological rivalry between the United States and the Soviet Union derailed the efficacy of this commission”. The Disarmament Commission ceased to exist in 1956, and ‘the Ten Nations Committee on Disarmament supported by the General Assembly’s resolution 1378(xiv) of 20th November, 1959, came up. In 1962, the Ten Nations Committee on Disarmament was increased to Eighteen Nations Committee on Disarmament.

From November 1962, when the General Assembly adopted ‘resolution 1762A(XVII) that prepared the way for the negotiation of ‘Partial Test Ban Treaty’ in 1963, to 1973 when two important resolutions-3093A and 3093B were adopted by the United Nation calling on the permanent Security Council members to reduce their military budgets by 10 percent, many resolutions were adopted by the United Nations in her pursuit of world disarmament. The striking example in this period was the one that informed the negotiation of ‘Nuclear Non-Proliferation Treaty of 1968’. In 1975 Conference on the Review on Non-Proliferation Treaty, the need for a comprehensive test ban became obvious once again, and the adoption of ‘resolution 3484(XXXX) became necessary, calling for views of member states on the strengthening of the role of the United Nations in the field of disarmament. This led to the setting up of Conference on the Committee on Disarmament in February, 1976.

Today, there is Disarmament Commission and the International Atomic Energy Agency, taking charge of general disarmament, and weapons verifications and nuclear investigations respectively. United Nations continues to adopt resolutions on the question of global disarmament in order to manage world security. Stone (2005) thus, contends that United Nations efforts towards disarmament would only be effective and enforceable when powerful and nuclear club nations will commit their loyalty to the process.

3.2 The Challenge of Global Environment

No doubt, the need for global sustainable development has, since the 1958 Law of the Sea Conventions, influenced the activities of the United Nations. Several 'resolutions' adopted by the General Assembly on matters of environmental protection and safety have formed the basis for the emergence of World Commission on Environment and development: an agency of the United Nations set up in 1983 to propose advisory opinions and recommendations on issues bordering on world environment.

The race in space technology between the Soviet Union and the United States in the 1950s and 1960s drove the United Nations to pass some resolutions emphasizing the need to protect the outer space to ensure environmental safety, (Umozuruike, 2005). In 1961, resolution 1721(xvi) predicating that international law applies to 'outer space', and the outer space and celestial bodies are not subject to national appropriation. Resolution 1962(xviii) and 1885(xvii) of 1963 further declared the legal principles governing the activities of states in the exploration and use of outer space. These two resolutions also exhort states not to orbit nuclear weapons around the earth surfaces. Thus, the Nuclear Test Ban Treaty of 1963 prohibits the explosion of nuclear weapons in outer space if it would cause radioactive debris outside the territory of the state exploding it. In 1972 came the United Nations Convention on International Liability Damage Caused by Space Objects, and the Convention on Registration of Objects Launched into the Outer Space in 1976.

In 1970, resolution 2749(xxiv) declared the 'deep seabed' was 'the common heritage of all mankind, and laid down the principles of its future exploitation. The first international attempt to deal with the environment came at the Stockholm Conference in 1972. The Stockholm conference offered the ground for

the systematic extension of international cooperation, and the current practice of recommendations and directives for the utilization of rivers and oceans, control of pollution, and military uses of the environment, (Machowsky,1982). Thus, the United Nations Environmental Programme (UNEP) became established in 1972 with Governing Council of 58 member states, an Environmental Co-ordination Board, and a small Secretariat based in Nairobi, Kenya. It facilitates and promotes the development of international law on environmental protection and preservation. All these efforts reflected in different United Nations' resolutions in protection and preservation of the environment led to the establishment of World Commission on Environment and Development in 1983. Earlier in 1982, the United Nations Convention on the Law of the Sea made for the establishment of 'International Seabed Authority'. The authority would manage and control the exploitation of the resources in the interest of all mankind. The Montego Bay Convention envisioned the Authority to be based in Kingston, Jamaica while the Tribunal would be in Hamburg, Germany.

However, the World Commission on Environment and Development, as a subsidiary agency of the United Nations, made its first report in 1987 setting out goals and recommendations in its area of mandate. Moreso, the Vienna Convention for the Protection of the Ozone Layer in 1985; and both the Montreal and London protocols on the same subject in 1987 and 1990 respectively are of major relevance thereafter. With the Earth Summit of 1992 in Rio de Janeiro, Brazil and Kyoto Protocol of 1997 calling for drastic reduction of emissions of carbon dioxide by 5.2 percent from the 1990s level, there is big hope for the emergence of a more effective agency in this direction, the failure of Copenhagen Summit in 2010 notwithstanding.

3.3 Human Right Issues

The 1948 Universal Declaration on Human Rights was a clear recognition of the need to safeguard and guarantee the rights of individuals against the arbitrariness of their states by the United Nations. More in this direction were the 1958 Geneva Convention on Human Rights and the 1968 Tehran Conference on Human Rights. In 1966, the General Assembly adopted the International Convention on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights through its 'resolution' 2200A/63 that came into force in 1976. The covenant set up a '18-man Human Rights Committee'. The committee studied

reports submitted to it by states and gave expertise opinions to parties. It transmitted its reports and comments to the Economic and Social Council (ECOSOC) of the United Nations. As refugee question has become a major threat to human rights in conflict situations and disaster periods, the United Nations responded in this direction in 1974 with the adoption of resolution 3274(xxix) mandating the United Nations High Commissioner for Refugees to offer diplomatic protection to stateless persons (Fabunsi, 2000). It should be noted that the International Refugee Organization (IRO) was set-up under the United Nations but could not make much progress as a result of cold war rivalry. However, it was dissolved and the office of the United Nations High Commissioner for Refugee was created to take its place with extended powers, after the 1951 United Nations Convention on Refugees. Today, United Nations Human Rights Commission, and the Office of the Higher Commissioner for Refugee are subsidiary agencies of the United Nations. According to Alli (2000), the OHCHR is guided in its work by the charter of the United Nations, the Universal Declaration of Human Rights, subsequent human rights instruments, and the 1993 Vienna Declaration.

On the issues of the human rights as it relates to international law and humanitarian intervention, the United Nations has through its resolutions established international regimes against human rights abuses in form of crimes against humanity, genocide, rape, torture, and many other war crime related offences. Specifically on the war crimes, the United Nations in 1993 set up the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Hague. A year later, the International Criminal Tribunal for Nuremberg was established and the tribunal derived its precedent from the criminal tribunal for Japanese war leaders (NewAfrican, 2009). Also established was the International Criminal Tribunal for Rwanda (ICTR). The ICTY and the ICTR were specifically drawn up to redress the atrocities and human rights abuses perpetrated in the former Yugoslavia in the early 1990s and the genocidal killings in Rwanda in 1994 respectively. For effective trial and dispensation of justice the statutes of these special war crime tribunals were incorporated into the International Criminal Court (ICC) statutes in the Rome Treaty of 2000. ICC, as a subsidiary agency of the United Nations, started its operation in 2002. And there has been another special war crimes tribunal established in 2002 at Sierra Leone to try culprits of Liberia-Sierra Leonean human rights abuses.

Looking at the humanitarian intervention angle of safeguarding human rights internationally, the United Nations right from the 1950 'uniting for peace resolution 377A' in the Korean peninsula, has taken a major and sustained leap in establishing ad hoc intervention agencies or missions in troubled spots around the world where human rights are severely threatened. Several resolutions have been adopted by the United Nations in responding to crisis, leading to establishment of intervention missions in places like Somalia, Cambodia, former Yugoslavia, Liberia, Sierra Leone, Congo, Burundi, Rwanda, Sudan, Kosovo, Pakistan, Iraq, and Kuwait. However, from the indications observed at the 1993 Vienna Human Rights World Conference that led to the establishment of the Office of United Nations High Commissioner for Human Rights, it seems that one day the United Nations may establish a permanent military intervention force with a strong mandate to safeguarding international human rights.

3.4 The Politics of Trade and Development Matters

The role of the United Nations in the emergence of subsidiary agencies in trade and economic development matters globally cannot be easily left out in this nature of discussion. Since the creation of the United Nations, it has gone beyond the primary idea of maintaining peace and security to embrace challenges emanating from global economic inequality and trade imbalances. Initially, her efforts in this area were coordinated by Economic and Social Council, (ECOSOC). However, the emergence of newly independent states as members of the United Nations in the 1960s, mostly in the camp of Non Aligned countries, brought pressure to bear on her to go beyond the 'mere coordination efforts of ECOSOC' in addressing problems of economic nature. Although affiliate international organizations to the United Nations like the International Monetary Fund (IMF) and the World Bank (IBRD) were making contributions in this area, the new demands of the third world nations needed genuine but radical shift in actions.

Having recognized this new demand, the United Nations promoted the General Agreements on Tariffs and Trade (GATT) in 1947, after an earlier attempt to establish International Trade Organization failed, to negotiate trade terms between the developed nations and developing nations. The resolution adopted by the United Nations in 1964, which was strongly pushed by the block of 77 nations from the non-aligned camp, led to the establishment of United Nations Conference on Trade and Development (UNCTAD) which is often called the

G77. In 1965, the United Nations decided to merge the United Nations Special Fund (SUNFED) and Expanded Programme on Technical Assistance (EPTA) into one body known as United Nations Development Programme (UNDP), as one of her subsidiary agencies, (Benneth, 1988). In the 1970s, the third world countries still demanding for “economic relations founded on equity and common interest of all states”, according to (Machowski, 1982), influenced the United Nations to adopt resolution 3201(S-V1) on May 1, 1974 entitled ‘Declaration on the Establishment of a New International Economic Order’ (NIEO). In December, 1974 the United Nations adopted the ‘Charter on Economic Rights and Duties of States’.

Nevertheless, after many ‘rounds of trade negotiations’ by GATT since its establishment without much successes as a result of divergent interests of the developed and developing nations, it wound up in 1995 after the Uruguay round of trade negotiations, and became replaced with world Trade Organisation (WTO) in 1995. It is important to note that the need to fashion an equitable criteria for global economic relations is still very much dominant as the activities of most of the international economic and financial organizations are still met with protest march and stiff resistance from developing countries. However, the declaration of ‘Development Decades’ from 1960 to 1980s by the United Nations General Assembly and the harsh economic realities faced by the developing nations in the 1960s and 1970’s further accentuated their vehement urge for equity-ruled global economy and trade relations.

4.0 Conclusion

It is very clear that United Nations play important role in ensuring diplomatic cooperation in many ‘issue-areas’ other than its initial thrust of maintaining peace and global security. In doing this crucial but multivariate function, the United Nations makes ‘recommendations’ and ‘declarations’ in form of ‘resolutions’. These resolutions may transform into operational ad structural functional subsidiary agencies while some cannot go beyond ‘mere international morality or ‘conventions’ as part of international law, (Umezuruike, 2005). The subsidiary agencies, so far created, can either be of international or ad hoc in structure and operation. The emerging agency may be envisioned to take diplomatic overtures in a given area or to add to, modify, further define, or broadening an already existing agency in that area of specificity. In most cases the United Nations

resolutions have encouraged the emergence of not only subsidiaries of universal character but also regional agencies; hence, the emergence of regional economic commissions, human right commissions, and charters attest to this claim. These agencies outside regimes, operate through ‘persuasion’ of, and ‘recommendation’ to states. They do not necessarily possess more power to enforce decisions on states.

However, the subsidiary agencies of the United Nations have not smoothly and progressively tackled the problems they came to resolve. The reason may not be far-fetched. The vested interest of states especially the advanced nations has sometimes derailed the efficacy of those agencies and the strict observance of the resolutions. Thus, there is the prevalence of states pulling out of ‘treaties’ and repudiating ‘agreements’ once entered into, when their interest runs contrary to them. This has gone a long way to reducing the states’ capacity in mobilizing both technical and financial support these agencies need to maintain their continued effective operations. Despite these draw backs, with the presence of viable international civil societies and public opinions, ‘the epistemic communities’, the continued emergence of these agencies that seek diplomatic cooperation, collaboration, and consensual commitment of states will diminish the prevalence of conflicts in the world.

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