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**Historical, Legal, Political and Humanitarian Aspects of Involvement
O.N.U. in the Conflict in Ukraine**

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Abstract: In the 21st century, non-governmental organizations play an increasingly important role in international relations, and their considerable advancement is crucial in solving many global problems, especially those specialized in environmental or human rights. The United Nations, through its fundamental status - the UN Charter - is a consequence of a specific period in the evolution of international relations and, which reflects the balance of power and the specifics of the period of World War II. Today, O.N.U. it is also a process in which the dynamics of the contemporary world is reflected in its evolution towards a better and more secure international framework by successfully overcoming the major politico-military crises.

Keywords: non-governmental organizations; international relations; international relations

The evolution of international relations is a consequence of the development of a whole complex of interests that have appeared over time between people, states, nations or different types of organizations. From this perspective, the concept of international organization has undergone substantial transformations today, understanding by this concept both the governmental organization model and the non-governmental organization model. In general, the role of international organizations can be summarized in the following fundamental ideas:

- enhancing cooperation between states in areas of common interest;
- harmonizing the national interests with the general interests of the international society;
- the establishment of cooperation decisions and the mechanisms for monitoring their application in international relations;
- maintaining international peace and security through international organizations.

The different approaches in identifying an optimal direction in discovering the connotations and meaning of the term is facilitated by the text of the Vienna Convention (May 23, 1969) which stipulates that the phrase “international organization” means an intergovernmental organization (Carpinschi & Margarit, 2011, p. 14). Although they are considered subjects of public international law, International Organizations have a major impact in international relations, representing a way for states to cooperate in the direction of international collaboration.

The 20th century represented an exponential growth at the level of international organizations, the foreground being taken by organizations that have a political, but also an economic pattern, registering

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the jump from the system of political-military alliances to that of multistate or superstate bodies. Besides these, more and more organizations of a technical, scientific or other nature are becoming individualized, aimed at coordinating the efforts of mankind towards well-being and progress. In the 21st century, an increasingly important role is played by non-governmental organizations, their considerable advance being decisive in solving numerous global problems, especially the bodies specialized in environmental issues or human rights defense.

The United Nations and its fundamental act - the UN Charter - are the product of a specific period in the evolution of international relations, reflecting the balance of forces and the specifics of the period of the Second World War. At the same time, the UN represents a process in which the dynamics of the contemporary world are reflected in the progress its ascendant towards a better and safer international framework. As a result, it is a consequence of the efforts started after the First World War. The authors of the Charter and of the United Nations wanted to fulfill the deep desire of the peoples for peace, and after the Second World War, the states together they will be able to achieve a stable world peace.¹

The first attempt to create a general and permanent organization of states was the League of Nations. The idea of establishing such an organization with a universal vocation appeared in several countries during the First World War as a reaction to the sacrifices and great disasters caused by the war. The great human losses and material destruction left by the war determined the intensification of the concerns of politicians and other private persons for the establishment of organizations that serve to maintain international peace and security. Thus, between 1914-1918, several projects were developed in the private sector, by the League for the strengthening of peace on the initiative of the USA and the League for the League of Nations in Great Britain.²

The projects and initiatives sought to find solutions for preserving peace after the war. The project of such an organization was drawn up in 1916 by the American president Woodrow Wilson. The United Nations is the successor of the League of Nations; It is the most important organization in the world whose mission is to ensure world peace, respect for human rights, international cooperation and respect for international law.

The initiative to establish the United Nations Organization, as in the case of the League, belonged to the great powers, namely the United States of America and Great Britain. The first commitment regarding future peace and the establishment of a new international organization was the Atlantic Charter, signed on August 14, 1941 by British Prime Minister Winston Churchill and American President Franklin D. Roosevelt. The document was a declaration of principles to which other states, including the Soviet Union, adhered, and which established an open and permanent system of general security. They expressed their desire to get all nations to collaborate in the economic field. Also, they envisioned “a peace that would ensure all nations security within their own borders” and that all nations “abandon the use of force.”³

On January 1, 1942, with the participation and broad participation of the USA, USSR, Great Britain and China, 26 allied states signed the “United Nations Declaration” expressing their obligation and desire to continue the war by all means against the Axis and especially against Germany, Italy and Japan until the final victory. At the same time, they expressed their agreement to the goals and principles proclaimed by the Atlantic Charter, as well as their support for their achievement. Each of these 26 signatory states

¹ UN Charter art.1 alin.1

² The Commission for the League of Nations was formed by the delegations of the great powers USA, Great Britain, France, Italy and other small states that requested the enlargement of the competence of the Commission by accepting four more small states, including Romania.

³ United Nations Charter Art. 1.

has committed to using all of them the financial and military resources at their disposal against the Axis and its associates and not to conclude an armistice or separate peace with them. Later, 22 more states joined this declaration. The name “United Nations” was introduced by the US president, Franklin D. Roosevelt and used for the first time in the Declaration of the United Nations of January 1, 1942. At the initiative of the American side, plans for the establishment of the international organization began to take shape quickly.

The idea of creating the U.N. is officially launched by the declaration signed in Moscow on October 30, 1943 by the foreign ministers of the USA, USSR, Great Britain and China¹. The **Conferences at Dumbarton Oaks (September 21-October 7, 1944)**, which took place in stages, between the Anglo-Saxons and the Russians and between the Anglo-Saxons and the Chinese, laid the foundations for the future organization. The parties agreed on a number of issues:

- The United Nations was to be composed of a General Assembly, a Security Council, a Secretariat, an International Court of Justice and an Economic and Social Council.
- Two issues remained in suspension: that of the vote and that of the admission of the 15 constituent republics of the USSR as separate entities.

The Yalta decisions: Ukraine and Belarus were admitted as members of the Organization, and the vote of the member countries in the Security Council was to have effect in all cases. In Yalta, the big three introduced, in their project, provisions that guaranteed the maintenance of their preeminence. The League of Nations was paralyzed by the principle of unanimity. The new organization was led by a directorate of great powers, permanent members of the Security Council who had the right of veto. The Big Three agreed to convene a **Conference in San Francisco on April 25, 1945**, to prepare the Charter of this organization. The UN was definitively founded by the Charter of San Francisco, signed on June 26, 1945, by 50 states. It was about creating an effective organization, truly representative and endowed with broad competences.

The UN Charter created a new world order that must be respected. He consecrated the directorate of the great powers, which is a necessary evil. The UN is not a world gendarme. No nation, be it bigger and stronger, can turn itself into a world gendarme. The current world order established by the UN Charter creates prospects for progress and civilization, for their coexistence and cooperation, for all states and not for confrontation. Being an organization with a universal vocation, the UN presented itself to all states as “peace-loving who accept the obligations of this Charter and who, according to the Organization's assessment, are capable and willing to fulfill them”. It contains 19 chapters and 111 articles, in which the principles are defined and the goals of the Organization, then the different bodies are described and their operation.

The essential goal was to maintain international peace and security, through effective common measures. Peace is not the only goal, the signatories proclaiming faith in fundamental human rights, in the dignity and value of the human person, in equal rights between men and women, as well as between large and small nations; they are supporters of fundamental freedoms for all, regardless of race, sex, language or religion. The right of peoples to decide their own fate was reaffirmed. In order for freedom to have solid foundations, the UN was determined to favor social progress and establish better living conditions, in greater freedom”, the best method being international cooperation for solving international economic, social and intellectual problems or humanitarian. They were declared members of the United Nations:

¹ United Nations Charter Art. 61.

1. all the states participating in the San Francisco Conference (that is, those that had declared war on Germany and Japan);
2. all other states that accept the obligations of the charter.

On January 10, with the occasion of the inaugural meeting, the United Nations Assembly included 51 members. The structure of the United Nations Organization:

- The General Assembly of the United Nations;
- United Nations Security Council;
- United Nations Secretariat;
- The Economic and Social Council (responsible for cooperation, in all areas, related to the material and cultural standard of living of the people)
- International Court of Justice.

Goals and Principles of the U.N.

The United Nations appeared as an organization with a universal vocation, both in terms of its entities - sovereign states - and the fields in which it is involved, its main purpose being the maintenance of international peace and sovereignty. It is not a supranational organization, it does not have the competence of a global authority, but represents an organization of sovereign states, functioning as “a center in which to harmonize the efforts of nations towards the achievement of common goals and objectives. The general goals of this organization were formulated in the preamble of the UN Charter. Such purposes are:

- the deliverance of future generations from the scourge of war;
- reaffirming faith in fundamental human rights;
- the equality of rights of large and small nations, the creation of the conditions necessary to maintain justice and respect the obligations arising from treaties and other sources of international law;
- favoring social progress and establishing better living conditions in greater freedom (Poede, 2005, p. 132).

To achieve these goals, the member states of the United Nations will practice tolerance and live in peace with each other as good neighbors, they will join forces to maintain international peace and security, they will accept principles, institutions and methods that guarantee that the armed force does not it will be used other than in the common interest and they will use the international institutions to favor the economic and social progress of all peoples. Precisely in this sense, according to the Charter, chapter 1. art. 1. the main goals of the UN (Pâlşoiu, 2006, pp. 87-88) are:

- 1) to maintain international peace and security and, for this purpose, to take effective collective measures in order to prevent and strengthen threats against the peace and to repress any acts of aggression or other violations of the peace and to carry out by peaceful means, in accordance with principles of justice and international law, settling or resolving disputes that could lead to a breach of the peace.
- 2) to develop friendly relations between nations, relations based on respect for the principle of equal rights and self-determination of peoples and to take any other measures aimed at consolidating world peace.

3) to achieve international collaboration, solving international problems of an economic, social, cultural or humanitarian nature, developing and encouraging respect for human rights and fundamental freedoms for all, regardless of race, sex, language or religion

4) to be a center in which to harmonize the actions of nations in achieving common goals.

In achieving the proposed goals, the United Nations bases its entire activity, for the general benefit of the states and peoples of the world, on the following principles inscribed in the founding document in chapter 1, art. 2:

1) the organization is founded on the principle of sovereign equality of all its members,

2) all members of the organization, in order to ensure everyone, the rights and advantages arising from their membership, must fulfill in good faith the obligations assumed according to this charter,

3) all members of the organization will resolve their international disputes by peaceful means, in such a way that international peace and security, as well as justice, are not endangered,

4) all members of the organization shall refrain in their international relations from resorting to the threat of force or its use either against the territorial integrity or political independence of any state, or in any other way incompatible with the purposes of the United Nations,

5) all members of the United Nations shall give it full assistance in any action taken by it in accordance with the provisions of this Charter and shall refrain from giving assistance to any State against which the Organization is taking preventive or coercive action,

6) The organization will ensure that states that are not members of the United Nations Organization act in accordance with these principles to the extent necessary to maintain international peace and security.

7) nothing in this charter shall authorize the United Nations to intervene in matters which essentially belong to the national competence of a state, nor shall it oblige its members to submit such matters for resolution on the basis of the provisions of this charter¹.

Since the UN Charter, as the constitutive act of this organization, represents an international treaty, we can assume, at least theoretically, that the principles enshrined in the Charter have binding force. From the moment of ratification, the principles represent fundamental obligations for any member state, a homogeneous body of general rules of conduct, with the objective, in the last analysis, to guarantee world peace, the ultimate goal of the United Nations Organization².

In order to achieve its goals and tasks, the United Nations has a large complex of structures established in a functional system. It functions as specified in art. 1 of the Charter as “a center in which to harmonize the efforts of nations towards the achievement of these common goals”. Concretely, the UN functions through its six main bodies (art. 7 of the Charter): The General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the Trusteeship Council, the International Court of Justice and the Secretariat with their subsidiary bodies. (Appendix no. 1 Main bodies of the UN). Apart from these bodies, the UN is a theoretical concept only, an abstract notion, practically non-existent (Popescu, 2004, pp. 44-48).

¹ United Nations Charter, Art. 17.

² We consider that the UN has the quality of a derivative subject of international law, with limited legal capacity, a capacity granted to it by the member states. The fact that the UN is a derivative subject of international law results, on the one hand, from the provisions of the constitutive act as an instrument for organizing collaboration between sovereign and equal states, and on the other hand from the privileges and immunities enjoyed by the organization and its representatives, on the territory of the member states

Subsidiary bodies (art. 7 paragraph 2 of the Charter) are established as needed by the main bodies. They help the main bodies in their attributions and have a competence delegated by the main body. They can be composed either of representatives of the member states, or of persons participating in a personal capacity (e.g. the UN International Law Commission. Also, the UN also includes a number of specialized institutions or agencies (art. 57 of Chapter IX of the Charter), whose activity is coordinated through the Economic and Social Council. The activity of these specialized institutions, created through interstate conventions, aim to strengthen economic, social and cultural collaboration in international life. These specialized institutions are each a separate organization, they have members, their own budgets and headquarters, have a legal personality distinct from that of the UN.

The General Assembly of the United Nations is the main assembly of member states that deliberates on the various topics on the agenda of its sessions, whether they are regular sessions or emergency sessions. It is led by a president and 21 vice-presidents and the recommendations are approved in the proportion of two thirds of the number of votes, each state having the right to a single vote, in cases that concern global peace and security, the admission or suspension of some members, etc. Proposals for resolutions can also be made by the committees and commissions of the General Assembly.

The United Nations Security Council is considered to be the most powerful structure of the UN. According to the Charter, art. 24, he is responsible for fulfilling the central objective of the organization, in maintaining international peace and security and removing their violations. In order to fulfill these prerogatives, the Charter gives the Security Council special attributions in terms of decisions and actions aimed at preventing and solving any type of international conflicts, and the UN member states “accept to execute the decisions of the Security Council” made in accordance with the provisions of the Charter in art. 25. The Security Council is composed of 15 members. Five of them: China, France, Russia, Great Britain and the USA, are designated by the Charter, hold a privileged position as permanent members - the great allied powers in the Second World War, their cooperation representing a guarantee of maintaining peace and security in the post-war period. Regarding the other ten non-permanent members of the Security Council, they are elected by the General Assembly for a period of 2 years.¹ The decisions of the Security Council are known as Security Council resolutions and are binding.

The General Secretariat of the United Nations is led by the Secretary General of the United Nations Organization, who also has the capacity of spokesperson of the organization and its leader. It provides the support for conducting studies, gathering information, and facilities absolutely necessary to the subsidiary bodies of the United Nations. At the same time, he takes over and performs duties from the Security Council, the General Assembly, the Economic and Social Council, etc.

The International Court of Justice is the main judicial structure of the United Nations, and it is composed of 15 judges who hold office for 9 years and are appointed by the General Assembly, each having a different nationality. The Court takes decisions regarding disputes between member states and issues decisions that must be fulfilled by member states or the parties in the process.

The Economic and Social Council advises the United Nations General Assembly in promoting global economic and social cooperation and development. ECOSOC has 54 members, who are elected by the General Assembly for three-year terms. The President is elected for one year from the small or medium

¹ Common foreign and security policy, Legal Resources Centre, Bucharest, 2004. The term League or League of Nations appeared as early as 1908 when Leon Bourgeois proposed a new system of organizing international relations. The idea was taken up and supported by groups and associations from France, Great Britain, USA, where presidents Roosevelt and Taft supported the formula of a security system in which the aggressors would automatically receive economic and military sanctions from the international community. In June 1915, a League for the Promotion of Peace, supported by Taft, campaigned for a Society of Nations based on collective security and the strengthening of international law.

powers represented by ECOSOC. The Council has an annual meeting in July, held in New York or Geneva. Seen separately from the entities it coordinates, ECOSOC's functions include gathering information, advising member states and proposing recommendations.

Starting from January 1, 2017, Antonio Manule de Oliveira Guterres is the Secretary General of the United Nations, being the 9th person to hold this position in the history of the United Nations. Currently, the political agenda of the UN, in the file of the conflict in Ukraine could be built around several converging directions of intervention for conflict resolution. First of all, by identifying and establishing temporary pauses in the fighting, in several localities considered vulnerable, with the aim of protecting civilians and favoring humanitarian assistance. From this perspective, the breaks could be monitored by a group of United Nations observers, with a mandate from the Security Council. The proposal regarding the sending of international monitors is accepted by a significant part of the international public opinion, except Russia, China, Belarus, North Korea, etc.

Second, maintaining a standing call, repeated until heard, for the cessation of hostilities and for the acceptance of a mediation process coordinated by the UN, which could include the preparation of a conference on a new framework for cooperation and security in Europe. Thirdly, through the continuous reiteration of the Geneva Protocols regarding the limits of war, the general situation of the civilian population represents the great concern among the United Nations. Indiscriminate bombings are prohibited; acts of military violence to create terror are a war crime; infrastructures essential for the survival of communities must be spared - energy, utilities, infrastructure, etc. - certain types of ammunition are strictly prohibited, including cluster bombs, chemical and biological weapons.

Also, the international rules regarding the treatment of prisoners of war (the case of the defenders from Mariupol who surrendered to the Russian troops, but not only) is eloquent regarding the situation in the conflict in Ukraine. This capitulation represents a special event both political and symbolic, which requires a special mention, in defense of the rights of prisoners of war even if Russia maintains that it is only carrying out a special military operation in Ukraine. The essential thing is that the fact that the UN is already engaged in documenting possible war crimes and that it will seek, as far as possible, to increase its efforts in this regard. Fourthly, considering the existing dissensions within the Security Council and appreciating that this military conflict, or this aggression from Russia, is the biggest threat since the Second World War, the Secretary General could try formation of a Contact Group regarding the conflict. Such an initiative would bring together several countries with greater decision-making capacity and influence, which would be in permanent contact with the United Nations secretariat in search of solutions. Increasing the intervention capacity of the Secretary General and creating a circle of support to protect him from political attacks with the stated ultimate goal of putting an end to the conflict by allowing public opinion to realize that this crisis has an international dimension, and not only European. Fifthly, the possible threat of triggering a humanitarian crisis in third world countries, in particular, due to the obstruction of grain exports in the world (Ukraine and Russia being responsible for over a third of grain exports) represents an acute problem on the agenda UN. The discussions are at a true deadlock, both sides of the conflict accusing each other of obstructing grain exports through the Ukrainian Black Sea ports.

Conclusions

A signal of the fact that civil society also tends to go beyond the sphere of national interest, becoming more and more involved in global issues, is represented by the major interest of public opinion in solving the various global problems of humanity brought to our attention through the mass media. We can thus consider the fact that international organizations and bodies are today a necessity of contemporary society, in which the challenges addressed to humanity acquire new values compared to two decades ago. The United Nations Organization through its fundamental statute - the UN Charter - represents a consequence of a specific period in the evolution of international relations and, which reflected the balance of forces and the specifics of the period of the Second World War. Today, the UN it is also a process in which the dynamics of the contemporary world is reflected in its evolution towards a better and safer international framework by successfully overcoming major political-military crises. The United Nations appeared as an organization with a universal vocation, both in terms of its entities - sovereign states - and the fields in which it is involved, its main purpose being the maintenance of international peace and sovereignty.

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