> months elapsed between the invasion of Kuwait by Iraq, and the military response by a coalition of UN members.
>
> A particularly acute variation of this problems occurs when the United Nations secures a cease-fire, perhaps with a UN force to oversee the cease-fire – but does not succeed in obtaining the withdrawal of the invading forces. Does the UN cease-fire, and the passage of time (during which the position of the intervening forces becomes entrenched) really preclude the invaded country from liberating its territory? The decision of the Croatian troops on 22 January 1993 to march across UN lines into Serb-held territory within Croatia graphically illustrates the dilemma. it is hard to see that the United Nations' inability to secure the objectives of its agreed plan[11] after a year should extinguish a suspended right of self-defence.[12]

The US Secretary of State, Daniel Webster, gave the classic definition of self-defence in the *Caroline* case (1841)[13] following a British military raid on a US port to seize and destroy a ship, *The Caroline*, which had been used to supply anti-British rebels in Canada. The raid took place at night and without warning; The Caroline was set on fire and allowed to drift over the Niagara Falls. Following the attack, the US authorities arrested the British leader of the raid, McLeod, and charged him with murder and arson. The UK sought the release of McLeod arguing that the action had been one of self-defence. In the course of an exchange of diplomatic notes between the USA and the UK Webster wrote:

> .... it will be for Her Majesty's government to show upon what state of facts, and upon what rules of national law, the destruction of the Caroline is to be defended. It will be for that government to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation. It will be for it to show, also, that the local authorities of Canada, even supposing the necessity of the moment authorised them to enter the territories of the United States at all, did nothing unreasonable or excessive; since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the person on board the Caroline was impracticable or would have been unavailing; it must be shown that day-light could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current, above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fill the imagination with horror. A necessity for all this, the government of the United States cannot believe to have existed.

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11 Return of certain lands to Croatia, demilitarisation of Krajina and its placing under UN supervised autonomy; and the return of refugees to their homes. See SC Res 743 (1992) establishing UNPROFOR, and approval of the associated UN plan in SC Res 740 (1992).

12 Rosalyn Higgins, *Problems and Processes: International Law and How We Use It*, 1994, Oxford: Clarendon Press at pp 239–41.

13 29 *British and Foreign State Papers* 1137–38; 30 *British and Foreign State Papers* 195–96.

The test for self-defence proposed by Webster was accepted by the UK and has since been regularly referred to as an articulation of the conditions under which the customary law right of self-defence can be exercised.

> It is, of course, the case that the doctrine of self-defence in international law is a very restrictive one. The classic formulation ... is that self-defence is justified where there is 'a necessity of self-defence instant, overwhelming, leaving no choice of means and no moment for deliberation'. In more modern parlance, we would take the view that the right to resort to self-defence arises where there is a serious threat or actual danger, where there is no other means of averting it or bringing it to an end, and that the action taken in self-defence must be limited to what is necessary and what is proportionate.[14]

Clearly, if a crisis can be avoided by diplomatic representations, or if the 'danger' is so remote as to be nothing more than a feeling or suspicion, self-defence is not justified. Similarly, an attack on a naval vessel cannot be used as an excuse for a full-scale occupation of the territory of the offending state, for this would not be a proportionate response. However if these flexible conditions are satisfied, the customary right of self-defence permits the use of force in any of the following circumstances:

(a) force is lawful in self-defence against an ongoing armed attack against state territory;

(b) force is lawful in anticipatory self-defence, so that a state may strike first, with force, to neutralise an immediate but potential threat to its security;

(c) force is lawful in self-defence in response to an attack (threatened or actual) against state interests, such as territory, nationals, property and rights guaranteed under international law. If any such interests are threatened, then the state may use force to protect them;

(d) force is lawful in self-defence even if the 'attack' does not itself involve measures of armed force, such as economic aggression and propaganda. All that is required is that there is an instant and overwhelming necessity for forceful action.

It can be seen that the customary right of self-defence is not a narrow exception to the general ban on use of force. It allows the use of force in a variety of situations, so long as there is some element of 'defence' of the 'state'. Importantly, customary self-defence may go beyond the right guaranteed by the Charter and for this reason it is important to determine whether customary self-defence has survived the Charter. In many of the recent examples of the use of force, the invasion of Grenada in 1983 by the US, the bombing of Libya by the US in 1986 and the destruction of the Iraqi nuclear reactor at Osarik by the Israeli airforce in 1981, the customary right of self-defence has been in part used as a justification by the state resorting to force.

However, under the restrictive approach to the use of force, it is argued that this wide right of self-defence is no longer available. Article 51 stipulates that

14 Sir John Freeland (then Legal Adviser to the Foreign and Commonwealth Office) to the Foreign Affairs Committee of the House of Commons, quoted in Mann, 'Inviolability' and the Vienna Convention' in Mann, *Further Studies in International Law*, 1990, Oxford: Oxford University Press at p 334.

nothing 'shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations'. If Article 2(4) prohibits all armed force, then the only right of self-defence available if the right found in Article 51. Customary law is superseded and a state may only resort to self-defence 'if an armed attack occurs' but not otherwise. Specifically, the right of anticipatory self-defence is not available, of the four situations outlined above, only (a) remains lawful.

Many states argue, however, that the customary right of self-defence still exists. It is argued that Article 51 was never intended to be a conclusive statement of the right to self-defence. Indeed, the *travaux préparatoires* of the San Francisco Conference suggest that Article 51 was included in order to clarify the relationship of regional organisations to the Security Council, rather than to define self-defence. Thus, regional organisations may take armed action, without Security Council authorisation, if it is a matter of self-defence and not 'enforcement action' (discussed at 14.6.2). It is also argued that the customary rights are specifically retained by the use of the word 'inherent'. This is taken to mean 'pre-existing in customary law'. It is also pointed out that Article 51 does not say that self-defence is available *only* if armed attack occurs. This permissive view of self-defence is supported by writers such as Bowett, McDougal and Stone.

One aspect of the right of self-defence which was discussed in the *Nicaragua* case (1986) was the question of what constitutes an 'armed attack'. The ICJ, quoting with approval the Declaration of Principles of International Law 1970, found that it included:

> ... not only action by the regular armed forces of a foreign state across an international border but also 'the sending by or on behalf of a state of armed bands, groups, irregulars, or mercenaries, which carry out acts of armed force against another state of such gravity as to amount to an actual armed attack carried out by regular forces' or its substantial involvement therein.

Writers favouring the restrictive view have argued that 'armed attack' carries a clear and specific meaning which is distinct from a 'use or threat of force' or a 'threat to the peace, breach of the peace or act of aggression' that falls short of actual armed attack.

The major area of controversy surrounding the use of self-defence concerns so-called anticipatory self-defence. Those supporting the restrictive view argue that it no longer exists and they are opposed by advocates of the permissive view. The matter has not been considered by any authoritative international tribunal. In the *Nicaragua* case (1986) the ICJ noted that the issue of a response to an imminent threat of armed attack had not been raised and therefore did not discuss the issue. Judge Schwebel, who gave a dissenting opinion, did express support for the permissive view of self-defence, although some allowance may be made for the fact that he was and is the US judge at the ICJ giving an opinion in a case in which the USA was the defendant. state practice on the issue is divided. Israel claimed the anticipatory right of self-defence when attacking the Iraqi nuclear reactor in 1981 which it claimed was to be used to produce nuclear weapons that could be used against Israel. In the debate which took place at the UN Security Council following the attack the majority of delegates condemned

the attack and a number discussed the right of anticipatory self-defence in more general terms. Opinion as to whether such a right existed was divided, delegates from Pakistan, Guyana, Syria, Spain and Yugoslavia clearly supporting the restrictive view; delegates from Sierra Leone, Uganda, Malaysia, Niger, and the UK supporting the permissive view. Other examples follow a similar pattern. It seems to be correct to state that while there is no consensus among state practice recognising a right of anticipatory self-defence, there is certainly no consensus supporting the restrictive view. Given the general principle that the subjects of international law are free to do everything that is not specifically prohibited it would seem correct to state that the right of anticipatory self-defence remains pending the introduction of an authoritative rule prohibiting it.

Two final points should be noted with regard to the right of anticipatory self-defence. Firstly, the general rules applicable to self-defence still apply. In other words the threat of attack must be imminent and overwhelming and the action taken in self-defence must be proportionate to the perceived threat. Secondly, it should be noted that an attack may occur before troops actually cross the border, as when a missile is launched or aircraft deployed. Action taken in such circumstances would clearly fall within Article 51.

14.5.2 Invitation and civil wars

In traditional international law it was quite clear that the principle *volenti non fit injuria* applied to the effect that a state was free to allow another to use force in any form in its own territory. The question arises as to whether the principle survives the UN Charter. In other words, is consent one of the exceptions to the prohibition on use of force? There seems little doubt from state practice and interpreting Article 51 that international law permits states to use armed force to assist another state to assert its rights to self-defence if an express request is made. Thus Kuwait was able to ask for assistance from outside states in asserting its rights to self-defence against Iraq. The only rationale for such organisations as NATO is that an attack on one member state constitutes an attack on all members.

The more problematic area is where armed assistance is requested by a state in the putting down of an internal insurrection. A large number of states have argued that use of armed force is legitimate if requested by a government even if it is to put down an insurrection. In 1958, the UK sent troops to Jordan to assist the Jordanian government to put down a rebellion. However, a number of writers have argued that international law has been gradually restricting such rights of intervention. First, it was not always easy to be certain that assistance had genuinely been asked for, and secondly, where intervention resulted in armed force being used against an insurrection which had widespread popular support, there were possible conflicts with rights of self-determination. Examples of intervention besides the Jordanian illustration are: USSR interventions in Hungary (1956), Czechoslovakia (1968), Afghanistan (1979); USA intervention in Lebanon (1958), in the Dominican Republic (1965) and Grenada (1983).

Arend and Beck[15] in their study of the use of force suggest that the following four types of internal unrest can be identified and distinguished, each of which will give rise to different rights of foreign intervention:

Low Intensity Unrest: this is the least serious form of internal conflict and would be characterised by scattered riots or limited terrorist action. Organised opposition groups may exist but the objectively viewed purpose of such groups would not be the complete overthrow of the state.

Civil War: a civil war is characterised by the existence of a group or groups that seeking to overthrow the existing government and establish themselves in its place. The classic example would be the Spanish Civil War of the 1930s and more recent examples are provided by Afghanistan, Iran and Sri Lanka. In the case of civil wars a further distinction is often drawn between a state of insurgency and a state of belligerency. The distinction is principally based on the degree of recognition accorded to the rebels. A situation of insurgency exists when the rebels have received little international recognition and becomes a state of belligerency when it is acknowledged that both rebels and government have a similar degree of legitimacy and exercise a similar degree of authority over the population of the territory. Such a situation may well give rise to recognition of separate *de facto* and *de jure* governments.

Wars of Secession: such wars occur when a particular ethnic, religious or racial group seeks to break away and form a new separate state. The two main examples of a war of secession are the Biafran war in the late 1960s and the Bangladesh war in 1971. To some extent recent events in former Yugoslavia have had the characteristics of a war of secession.

Wars of Unification: such wars may be characterised as double wars of secession. They arise where a particular group lays claim to an area of territory which crosses international borders. The particular group wishes to unite to form its own new state. The principal examples of potential wars of unification are provided by the situation of the Kurds (who at present live in Turkey, Iraq and Iran) and the Armenians (who live in Iran and the territory of the former USSR).

In practice, of course, situations do not always neatly fit into one of the four categories. For example, how is the situation with respect to actions taken by the IRA in Northern Ireland and the British mainland to be categorised? Often the particular categorisation given to a particular situation of internal unrest will depend upon the political allegiance of the one carrying out the categorisation. Nevertheless, the four categories provide some assistance in identifying the degree of foreign intervention that is permitted.

The traditional view was that states had a wide liberty to provide armed assistance to foreign governments but that has been changed with the recognition of the right to self-determination. The use of force to support assertions of self-determination is discussed at 14.5.4. The position with regard to intervention would seem to be as follows: states may now only intervene to

15 Anthony Clark Arend and Robert J Black, *International Law and the Use of Force: Beyond the UN Charter Paradigm*, 1993, London: Routledge.

assist a foreign government experiencing low level civil strife and only in such situations where the consent of the foreign government is freely given. Subject to the rules relating to self-determination, states may never give assistance to rebels since to do so would contravene the prohibition on interference in the domestic affairs of another state.

Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty 1965[16]

The General Assembly ... solemnly declares: ...

1 No state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements, are condemned.

2 No state may use or encourage the use of economic, political or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no state shall organise, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another state, or interfere in civil strife in another state.

3 The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and the principle of non-intervention.

4 The strict observance of these obligations is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter of the United Nations but also leads to the creation of situations which threaten international peace and security.

5 Every state has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another state.

There was discussion of the question of intervention in the *Nicaragua* case (1986). In that case Nicaragua argued that the US was in breach of international law by providing armed support for the *contras*. The US argument, although not formally presented to the ICJ, was that it was using force in the collective self-defence of El Salvador, since Nicaragua had previously been providing armed assistance to rebels in El Salvador. The Court discussed the principle of non-intervention in the internal affairs of another state and found that customary international law:

16 Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty 1965 – adopted by 109 votes to nil with 1 abstention (the UK – which accepted the fundamental propositions set out in the Declaration).

> ... forbids all states or groups of states to intervene directly or indirectly in the internal or external affairs of other states. A prohibited intervention must accordingly be one bearing on matters in which each state is permitted, by the principle of state sovereignty, to decide freely. One of these is the choice of political, economic, social and cultural system, and the formulation of foreign policy. Intervention is wrongful when it uses methods of coercion in regard to such choices, which must remain free ones. The element of coercion ... is particularly obvious in the case of intervention which uses force, either in the direct form of military action, or in the indirect form of support for subversive or terrorist armed activities within another state.

It went on to state:

> The Court therefore finds no such general right of intervention, in support of an opposition within another state, exists in contemporary international law.

The Court did, however, recognise a right of third states to intervene where one state has unlawfully intervened in the affairs of another state. The situation was said to be analogous to the right of collective self-defence with the attendant requirement of proportionality.

14.5.3 Protection of nationals and property abroad

On several occasions since the Second World War states have used armed force without the consent of the territorial state to protect their nationals and property in danger in the foreign territory. One of the earliest examples is the Anglo-French invasion of Egypt in 1956. UK and French troops occupied positions along the Suez Canal. France did not seek to justify its actions on the basis of a right to protect nationals abroad, but the UK government repeatedly asserted that nothing in the UN Charter abrogated the right of governments to use force to protect the lives of nationals abroad. In the debate in the House of Lords that followed the invasion the Lord Chancellor, Viscount Kilmuir, argued that the right to protect nationals abroad was an extension of the right of self-defence stating:

> Self-defence undoubtedly includes a situation in which the lives of a state's nationals abroad are threatened and it is necessary to intervene on that territory for their protection.

Viscount Kilmuir then set down three conditions for the use of such protective action to be legitimate:

(1) the nationals must be in imminent danger of injury;

(2) there must be a failure or inability on the part of the territorial sovereign to protect the nationals in question;

(3) the measures taken must be strictly limited to the object of protecting the nationals against injury.

The invasion was heavily criticised by other states and in fact in the UN debates which followed, the UK relied little on a right to protect nationals and instead sought to justify the action on the basis of the need to safeguard international navigation through the Canal.

Since 1956 there have been a number of other examples of action taken to protect nationals. In 1960, Belgian paratroopers landed in the Congo, purportedly to protect foreign nationals on the grounds that the legitimate

government of the Congo was no longer capable of affording protection. In fact, Belgium argued it was acting to protect the lives not only of Belgian nationals but of 'human lives in general' which would seem to bring it within a humanitarian intervention (discussed at 14.5.4).

In 1976 Israeli forces landed at Entebbe airport in Uganda to free 96 Israelis who had been taken hostage when the aircraft in which they were flying had been hijacked. The Israelis did not seek the prior approval of Uganda for the action, during the course of which 10 Ugandan military aircraft were destroyed and a number of Ugandan soldiers were killed. The Israeli action was discussed by the UN Security Council in which Uganda condemned the action and demanded full compensation from Israel. The Israeli delegate argued that Uganda was itself in breach of international law for failing to protect foreign nationals on its territory. Furthermore he stated:

> The right of a state to take military action to protect its nationals in mortal danger is recognised by all legal authorities in international law.

He quoted with approval a passage from Brierly's *Law of Nations* which suggests that normally action should be taken by the UN but where the UN is unable to act in time, unilateral action taken by a state would be legitimate. The reaction of other states was mixed, with only the USA positively supporting the right to protect nationals abroad. Interestingly, two years after the Entebbe raid Egypt intervened at Larnaca airport in Cyprus to protect Egyptian nationals taken hostage by Palestinian commandos. The Egyptians had prior permission from Cyprus to land but they had been forbidden from using force. The Egyptians did use force to free the hostages and during the fighting a number of Cypriot nationals were injured. The Cypriot authorities captured and detained the Palestinian commandos and a number of Egyptian soldiers whom they refused to hand over to Egypt, claiming a violation of its sovereignty.

Some of the more recent examples of intervention have involved the USA. In April 1980 US forces entered Iran in an unsuccessful attempt to release US nationals held hostage in the US Embassy in Tehran. In 1983, following a coup in Grenada, President Reagan authorised an invasion partly to protect US nationals who were believed to be at risk. The invasion was also carried out 'to restore democracy' and at the request of the Organisation of Eastern Caribbean States. Nevertheless, on 2 November 1983 the UN General Assembly voted 108 to nine to condemn the US action as a violation of international law. In December 1989 10,000 US forces entered Panama following General Noriega's decision to annul the elections which had been held there. The US seized Noriega and he was subsequently charged with drug trafficking offences in the USA. USA President Bush stated that the action was taken 'to safeguard the lives of Americans, to defend democracy in Panama, to combat drug trafficking and to protect the integrity of the Panama Canal Treaty': as such, the USA argued, it was consistent with international law. Most other states, however, condemned the invasion as a violation of international law. Finally, in 1990 the USA intervened to protect its nationals in Liberia in August 1990 a day after the rebel leader had ordered the arrest of all foreigners in Monrovia, the capital city.

Contrary to the claim made by the Israeli UN delegate following the Entebbe incident, the majority of writers seem to believe that use of force to protect

nationals abroad is not permissible under present day international law. This view is consistent with statements made by the majority of states and two major UN resolutions: the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States (1965) and the Declaration of Principles of International Law (1970). However, one point which should be remembered here relates to the formation of customary international law. As was discussed in Chapter 3, in evaluating state practice 'actions speak louder than words'. The interventions that have taken place have been carried out by those states which have the military power to do so. It might be argued that statements of the law made by states which are unable to mount intervention carry less weight than the actions of states which have the necessary power. This point is stressed by those writers who adhere to the permissive view of the use of force. Writers such as Bowett, McDougal, Reisman and Waldock argue that intervention can be justified by an extension of the right of self-defence on the basis that an injury to a national in a foreign state which does not or cannot afford adequate protection is tantamount to an injury to the state itself. Such writers accept that use of force to protect nationals abroad is restricted by the three conditions outlined by Viscount Kilmuir following the Suez invasion.

14.5.4 Humanitarian intervention

Humanitarian intervention can be distinguished from action taken to protect nationals in that it applies to action taken to protect non-nationals. As has already been seen the distinction is not always a clear one in practice and states often claim to be protecting both their own and other nationals when intervening in foreign states. The topic being discussed here must also be distinguished from humanitarian intervention authorised by the organs of the UN which will be discussed at 14.6.3. What is to be discussed here is the situation where a state or group of states use armed force to protect the inhabitants of the target state from large-scale human rights violations.

There are a number of cases where states have partly justified their use of force on the grounds of humanitarian intervention. The most cited example is India's invasion of East Pakistan in December 1971. In elections held in 1970 a party pledged to achieving autonomous status for the region gained the majority of seats in East Pakistan. The Pakistan government responded to the result by imposing martial law and subsequently East Pakistan announced its intention to secede from Pakistan. In March 1971 the Pakistan army attacked Dacca, the capital of East Pakistan and there followed a period of intense fighting during which the population of East Pakistan was subject to indiscriminate killing and torture. Up to ten million refugees crossed into India and in December 1971 Indian forces moved in. After 12 days of fighting the Pakistan army surrendered and the new state of Bangladesh was recognised. At first India justified its actions on the basis of humanitarian intervention but subsequently claimed that the invasion was in response to a Pakistan attack on India. Many writers have attached significance to the fact that India changed the basis of its justification and argue that this was because India recognised that no right to humanitarian intervention existed in international law. Some writers have suggested, however, that India changed its argument more on the basis that a claim of humanitarian intervention would be difficult to sustain on the

facts given India's own self-interest in seeing the emergence of an independent Bangladesh.

Indeed the bulk of state practice seems to deny a right of humanitarian intervention. When Biafra attempted to secede from Nigeria in the late 1960s the Nigerian army acted with considerable brutality that received world-wide condemnation yet no state felt it had the right to intervene. In 1979 Tanzania intervened in Uganda, following several years of atrocities committed against the population by the Amin regime, yet Tanzania did not seek to justify its action on the basis of humanitarian intervention but rather based its action on somewhat spurious claims to be acting in self-defence. When Vietnam invaded Cambodia in 1979 to overthrow the Pol Pot regime which had been responsible for acts of genocide, the invasion was condemned and little support was found for the right of humanitarian intervention that was asserted by Vietnam

More recently military action taken to provide humanitarian assistance has been authorised by the UN, the main examples being the protection of the Kurds in northern Iraq and action taken in Bosnia, although in the case of northern Iraq the extent of the authority given was not completely clear. It would appear that it is for regional and international organisations to intervene on humanitarian grounds and that no right exists for individual states to act on their own.

14.5.5 Self-determination

The use of force to achieve self-determination and for the assistance of national liberation movements has increasingly been claimed as legitimate in recent years, on the ground that it furthers the principles of the UN Charter.

The issue may arise in three ways. First, may the colonial power use force to suppress self-determination movements? This would seem to be unlawful being contrary to customary and to Charter law. According to the Declaration of Principles of International Law, 'every state has the duty to refrain from any forcible action which deprives peoples of their right to self-determination and freedom and independence'. Similarly, Article 2(4) prohibits the use of force in any manner inconsistent with the purposes of the UN and this may have been designed specifically to protect peoples who have not yet achieved statehood.

Secondly, may national liberation movements use force to overthrow the colonial power and thereby achieve self determination? This is more problematic, although many developing countries argue that such a right is implicit in the Declaration on Principles of International Law. Generally speaking the use of force within a state will remain an internal matter and will thus not be a concern of international law, although as will be seen in Chapter 15, there are now rules of international law governing the actual conduct of hostilities in non-international conflicts.

Thirdly, can an established state use force to assist a national liberation movement in its fight for self-determination, as was partly claimed by India in respect of its invasion of East Pakistan. Once again, several states have argued that the obligation in Article 2(4) does not prohibit force for this beneficial purpose and further that it is implicitly recognised in a number of UN resolutions. Yet, as has already been seen at 14.5.2 and 14.5.4, if the struggle for

self-determination is an internal affair states are generally under a duty not to intervene.

14.6 Collective use of force

14.6.1 The United Nations – a brief introduction

The term 'United Nations' was first used shortly after the USA entered World War Two in 1941. On 14 August 1941 Churchill and Roosevelt met in mid-Atlantic and issued a declaration of common principles known as the Atlantic Charter on which was based their hopes for a better future for the world. These included the eventual abandoning of the use of force, territorial changes and forms of government to be based on the expressed wishes of the peoples concerned and economic co-operation between all nations with the object of securing for all improved labour standards, economic advancement and social security. On 1 January 1942 a Declaration by the United Nations was made and adhered to by all those states at war with the Axis Powers. This was followed by the Moscow Declaration of 30 October 1943 in which the USA, the USSR and the UK committed themselves to forming a new world organisation for the maintenance of international peace and security. Proposals for its Charter were drawn up in 1944 at Dumbarton Oaks in the USA, by the USA, USSR, UK and China and the following year the three major powers agreed on voting procedures for the Security Council at the Yalta Conference. The amended Dumbarton Oaks Proposals formed the basis of the 50-nation conference held on 25 April in San Francisco and on 26 June 1945 the Charter of the United Nations was formally signed. It contained 111 articles which defined the purposes, principles and methods of the new organisation and set up its structure. The main purposes of the UN are set out in Article 1, and Article 2 sets down the fundamental obligations of member states. Membership of the UN is open to all peace-loving states which accept the obligations contained in the Charter and which, in the opinion of the UN, are able and willing to carry them out.

The UN has six principal organs – the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat. The General Assembly consists of all members of the UN, each of which has equal voting rights. It may discuss any matter within the scope of the Charter unless it is already under discussion in the Security Council and it may make recommendations. It has no mandatory powers. Major decisions are taken by a two-thirds majority, less important ones by a simple majority. Amendments to the Charter require a two-thirds majority including the concurrent votes of the five Permanent members of the Security Council. The Assembly meets once annually in regular session from September to December. Special sessions and emergency sessions may be called by the Security Council or a majority of members to discuss particular issues. The work of the Assembly continues all year, however, through the special committees and subsidiary organs such as the United Nations Conference on Trade and Development.

The UN Security Council has primary responsibility for maintaining international peace and security. It has five permanent members (the USA,