



The Role of UN General Assembly in the Development and Creation of Humanitarian law

Mohammad Taghi Ghassemzadeh; Mohammad Reza Hakak Zadeh

Faculty of Humanities, Islamic Azad University, Qom Branch, Iran

<http://dx.doi.org/10.18415/ijmmu.v8i11.3232>

Abstract

The United Nations as one of the most important international organizations has an important role in securing human rights. The UN General Assembly as the principal organ of this organization, regarding the duties and powers considered for it, can also improve humanitarian law among state members. The role of the UN General Assembly has been investigated through an analytical-descriptive method in this article. An important and special role has been given to the UN in the new international order. One of the organs of this organization is the General Assembly which has found more importance in expressing the thoughts and values of the Third World countries since the Third World countries can express their views against the developed industrialized- countries through this organ. Assigning missions such as mediation and good office to the Secretary General of United Nations in the times of crisis, as it has been discussed in this article, indicates that UN General Assembly has taken advantage of all available mechanisms to create humanitarian law and prevent international conflicts in international relations. The position of the General Assembly against violence and extremism becomes more apparent when we know that almost all human rights institutions are considered as subsets of the General Assembly and that their job is to monitor human rights violations done by governments. This issue is important for this reason that the violation of human rights regulations in long run will lead to devastating violence in the international arena as well as among governments; an issue that will eventually lead to terrorist measures and behaviors.

Keywords: *UN General Assembly; The United Nations; Human Rights and Humanitarian Law*

Introduction

The United Nations as the most important international organization which was born in the ruins of the World War II has been considered as one of the most important and cohesive international organizations. The advent of the United Nations with its three principle organs: The UN General Assembly, The Security Council and The International Court of Justice has brought cohesion to international community and the rights that govern it. One of these cases was the explanations of the sources of international law in the article 38 of the Statute of the Court in which customary laws, treaties and general legal principles as the main sources as well as judicial precedent and doctrine as secondary sources were given to the Court to be able to fulfill its mission, which is the peaceful settlement of the

international disputes. Contemplation in these sources and deep thinking in the structure of the international community contain some thought-provoking tips.

The UN General Assembly is the only place, among the five main constituent bodies of the United Nations, where all members of the United Nations are present. The other four main UN bodies include the Security Council, the Economic and Social Council, the Secretariat and the International Court of Justice. According to the UN Charter, the function of the General Assembly is to discuss, review and make recommendations on a wide range of issues related to international peace and security including development, disarmament, human rights, international law, and peaceful arbitration between conflicting nations. It also elects non-permanent members of the Security Council and the other bodies such as the Human Rights Council. The General Assembly is the most comprehensive body of the United Nations and has broad powers. According to Article 10 of the Charter, the Assembly may discuss any issue or matter that falls within the framework of the Charter or in connection with the powers and duties of one of the elements provided for in the Charter, and may issue a recommendation on them. The only restrictions on the competence of the General Assembly are:

- None-interference with matters that are inherently within the internal competence of governments.
- None-interference with the dispute or situation that the Security Council is considering unless the Security Council itself requests the intervention of the General Assembly.

Accordingly, one of the most important goals of the pillars of the United Nations, including the General Assembly, is to strive to combat war and extremism. Although the UN General Assembly has more limited powers in comparison with the Security Council but, in terms of influencing public opinion and collective legitimation, it has an acceptable position among countries. Therefore, this study seeks to identify the General Assembly and answer this question that in what ways and based on what legal mechanisms the UN General Assembly deals with war and that concerning its legal authorities if it has been successful in this regard. Also, how and through what means can it promote humanitarian rights among the members of the United Nations?

1. The Acts of the General Assembly and Practical Solutions to Create Humanitarian Rights

War and terrorist acts are a phenomenon that the UN General Assembly has not been watching them from afar, but has actually reacted to them with the ratification of numerous declarations and resolutions. In fact, although the UN General Assembly does not have the "exclusive" duty to maintain international peace and security, and this is the responsibility of the Security Council, but it has countered war and terrorist acts in a variety of ways including "Participation in financing peacekeeping operations", "making recommendations to the Security Council" and "facilitating the communication of other elements of the United Nations" in the fight against war and terrorist acts and most importantly in entrusting some missions to the Secretary-General of the United Nations. (Ziaee Bigdeli, 2008: 46)

The activities of the UN General Assembly to combat the spread of war and terrorist acts can be classified into several important activities which we will discuss below.

1.1. The Issuance of Resolutions and Declarations

The issue of human rights is more related to the General Assembly and the Economic and Social Council. The General Assembly votes on resolutions are obtained through the support of governments. In general, they are symbolic statements that cover global issues. The Commission on Human Rights as a subset of the Economic and Social Council is considered as one of the seven functional commissions of the Economic and Social Council (one of the main bodies based on the Charter of the United Nations in the field of human rights). The General Assembly has issued resolutions almost on all international issues through bringing together member states. The fight against war and terrorist acts also is not out of this.

Depending on the severity and the extent of international issues, the General Assembly has acted or encouraged countries to condemn it. Some of the most important UN resolutions on war and terrorist actions include:

1.1.1. Universal Declaration of Human Rights

For the first time since World War II, with the founding of the United Nations, the organization explicitly incorporated human rights law into international law. Exactly two years after the establishment of this organization, the Declaration of Human Rights was approved by the General Assembly on December 10, 1948. In addition, the United Nations, in accordance with the conditions governing the international community, started to create a body to monitor the implementation of human rights in its member states. Accordingly, political bodies including the Human Rights Council and before that the Human Rights Commission were established. Based on the UN actions on the ground of Human Rights as a basis for promoting tolerance and thus combating extremism, three basic tasks can be outlined: "The standardization of human rights regulations", "The establishment of an element to monitor Human rights activities of governments "and" The implementation of human rights regulations ". (Javidzadeh, 2013: 123)

In 1966, many of the fundamental rights crystalized in the Universal Declaration of Human Rights were explicitly described and explained in the two legal instruments of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Political and Civil Rights. Among the collection of human rights documents drafted by the UN General Assembly, these three documents have been of great value. The division of the Universal Declaration of Human Rights into the above two Covenants stems from two necessities due to the dynamic nature of international law and human rights: One is the classification of rights and their value in the Universal Declaration of Human Rights, and the other is the divisions resulting from the Cold War between the two superpowers. (Snyder, 2014: 125)

1.1.2. The Establishment of Human Rights Institutions and Bodies Supervising Human Rights by the General Assembly

Another action taken by the UN General Assembly in the fight against war and terrorism was the establishment of bodies to monitor the implementation of human rights. These bodies have been created, in general, in accordance with the provisions of the Charter of the United Nations or some international treaty has created them. The supervising bodies, which the United Nations Charter has issued their establishment permit, are those in which the representatives of all governments are members.

In other words, these bodies are of a political nature, established on the authority of the General Assembly or other elements of the United Nations. However, the bodies established by treaties are often composed of human rights experts based on independent individual competencies. Both of these bodies are supported by the Office of the High Commissioner for Human Rights.

1.1.3. Monitoring the Implementation of Human Rights Regulations and Instruments at the International Level

One of the causes of wars and terrorist acts is the "non-implementation of human rights regulations" by governments. The non-implementation of human rights regulations and the interpretation of these regulations by governments on the one hand, and the widespread dispersion of its implementation methods on the other hand, are considered to be fundamental human rights challenges today. In the long run, both of these factors will not only weaken the status of human rights regulations, but also their failure to be implemented by governments will lead to grounds for distrust of these regulations. The General Assembly has employed several mechanisms to enforce human rights regulations.

Monitoring the implementation of human rights as a mechanism to combat wars and terrorist acts by the General Assembly is carried out in various ways, including: the public announcement of the name

of the government that violates human rights. The public announcement of the name of the government violating human rights provides an introduction to a scrutinizing review of the situation of the offending government. In other words, this announcement provides an opportunity for other human rights bodies and governments that are parties to these treaties to reconsider their international relations with the violating country. The power of this method to influence is to the extent that no government is willing to be put in such a situation. In 2001, for example, the Chinese government held intensive negotiations with the Human Rights Commission to prevent his name from being listed as the violators of human rights. (Gopalan, 2007: 178)

1.1.4. Recourse to Force (Alliance for Peace)

The use of force by countries and the United Nations often takes place in situations in which gross human rights violations by the government are so widespread that they can in no way be ignored.

Such violations endanger international peace and security, and therefore other governments resort to military force to prevent such behavior within the framework of UN orders. The use of military means to protect human rights, referred to in international law as "humanitarian intervention", is only legitimate if it is authorized by the Charter of the United Nations Charter and by the Security Council.

Up to now, the Security Council, relying on the powers specified in paragraphs 39 and 42 of the Charter, has repeatedly resorted to humanitarian intervention in support of human rights. UN troops intervened in Iraq in 1991, in Somalia in 1992, and in Haiti in 1994. The use of military force against governments that violate human rights is not simply limited to the United Nations. If domestic violence in any part of the world threatens the peace and stability of neighboring countries, neighboring governments may, with the legal permission of the Security Council, resort to military force against the government violating human rights (under Article 53 of the Charter). To date, the UN Security Council has played an effective role against the governments violating human rights by delegating its executive powers to international regional organizations.

The use of military force to regulate and restore the rule of law within human rights-violating governments has faced basic challenges because the use of force is within the competence of the Security Council alone, and it is the Council that decides whether to prescribe humanitarian intervention or not. Due to the nature and the composition of the members of the Security Council, decision-making in this area depends primarily on depends on political aspirations and goals of its permanent members.

In 2005, the UN General Assembly declared that every UN member state has a responsibility to protect its citizens from "racial discrimination", "gross human rights violations", "war crimes", "racial and ethnic cleansing" and "Crimes against humanity".

The Security Council is responsible for overseeing this responsibility, but in the event that the Security Council fails to do so, the General Assembly may, with the consent of two-thirds of the States Parties, issue binding resolutions such as the "Alliance for Peace" resolution. In fact, acting in the form of an alliance for peace to prevent the situation from deteriorating can be considered one of the functions of the General Assembly in the face of wars and terrorist acts. If the Security Council is unable to reach a decision, no practical alternative work other than unity for peace.

1.1.5. Referral to the International Criminal Court

The International Criminal Court, compared to other criminal courts, has paid attention significantly on the administration of justice rather than on the demands of the Security Council. Of course, this does not mean that the International Criminal Court does not interact with the Security Council (Savari, 2011: 123,) but rather it means "delays" and "politicization" of the establishment of international criminal courts by the Security Council has disappeared with the establishment of the Criminal Court International (Javidzadeh, 2013: 365) and that this issue, to us as the writers of this article, is due to the initiative of the UN General Assembly in creating this newly established court. The

establishment of the International Criminal Court should be named as the first international action to combat the "impunity" of criminals which itself is one of the most important factors in the spread of wars and terrorist acts.

2. Financial Contributions to "Peacekeeping Operations"

Although the Charter of the United Nations considers the initiation and the decision of the "Peacekeeping Operations" as one of the powers of the Security Council, but its financing is the responsibility of the member states of the United Nations. Pursuant to paragraph 1 of Article 43 of the Charter of the United Nations

“All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.”

Therefore, after the start of peacekeeping operations or military operations by the Security Council, each member state will also pay for UN peacekeeping operations based on its contribution to the United Nations.

The UN General Assembly, in addition to contributing to the financing of international peace and security often funded by the "compulsory" budget of the organization, provides grounds for promoting tolerance and cooperation in the international community by encouraging governments to play a role in providing optional budgets. In this way by establishing institutions such as “the United Nations Development Program”, “the United Nations Environment Program”, “the United Nations Children's Fund” and “the United Nations Development Fund for Democracy”, it calls on member states to contribute to their funding. However, these contributions are voluntary by governments and do not impose any legal obligations on them, but active participation in them can also contribute to the international goals of the sponsoring country and paint a positive image of that country in the international community. (Savari, 2011: 73)

2.1. Funding and Equipping “Institutions Preventing War and Violence”

The UN General Assembly pursues a kind of "preventive" goals on crisis issues to combat war and terrorist acts and thus to strengthen international peace and security. In this regard, financing and allocating funds to programs such as "fight against terrorism", "fight against the production and accumulation of weapons of mass destruction", "prevention of regional wars and civil wars", "fight against poverty, infectious diseases and environmental catastrophes" and "relief from war and natural disasters" have been among the actions of the UN General Assembly in this regard.

2.2. Allocate Financial Resources to Reduce the Human Effects of Violence

Another practical action of the General Assembly in the fight against war and terrorist acts is to "send financial and humanitarian aid to displaced and crisis-stricken groups" after a crisis (war or natural disaster).

The General Assembly, in addition to allocating funds annually to deal with natural disasters or unpredictable situations, calls on member states to allocate their humanitarian financial assistance to critical areas in the event of such a situation.

The General Assembly seeks the help of other specialized UN bodies to achieve its humanitarian goals in the aftermaths of a crisis. Due to the necessary expertise in these organizations, each of these specialized UN bodies will be responsible for the tasks assigned by the Security Council or the General Assembly. (Mohammadi, 2015: 61)

3. The Interaction of the General Assembly with the Human Rights Council and the Security Council to Establish Humanitarian Rights

Unlike the Human Rights Commission which is considered as a subsidiary of the UN Economic and Social Council, the Human Rights Council became one of the elements of the UN General Assembly. One of the differences between the Human Rights Council and the Human Rights Commission is its legal character. The council was formed to defend human rights. In this regard, although it has been more effective than the Human Rights Commission, in the end with its political stance on some issues, the council has not been able to reach its main goal which is to protect human rights.

The above-mentioned Council, in accordance with the principles of universality, neutrality, objectivity as set forth in General Assembly Resolution 251/60 shall, be as follows:

1. Conduct periodic global review based on objective and reliable information to fulfill the human rights obligations of all countries and the principle of universality and based on interactive dialogue with the full participation of the country concerned.
2. Participate in the prevention of human rights violations through dialogue, cooperation and quick reactions in emergencies. (Browne & Marjorie Ann, 2013: 40)

Of course, one of the principles of the mechanism in periodic review is to examine the equality of the human rights situation of all countries based on their human rights obligations. According to paragraph 14 of the Council Institutional Document, the human rights situation of all countries will be examined over a four-year period so that in accordance with a regular periodic program, human rights commitments and commitments of all countries in the world can be reviewed and evaluated once every four years. (Martin, Ian, 2001: 17)

According to the founding resolution, the Human Rights Council is responsible for human rights cooperation with governments, regional organizations, national human rights institutions and civil society organizations. Therefore, unlike the Human Rights Commission which focused most of its communications and contacts on governments, the Human Rights Council, in addition to governments, will be in constant communication and contact with national human rights bodies, NGOs, specialized agencies, and other civil society organizations. This means reducing the role of governments and the extent of their sovereignty and it is considered as the salient features of the new international system. Another negative point of the founding document of the Human Rights Council is the fulfillment of the human rights status of a country alongside with the system of global periodic review. Accordingly, the Human Rights Council is responsible for creating new missions, prolonging the past state of affairs or stopping them. Widespread violations of human rights and fundamental freedoms and the lack of necessary and continuous cooperation with the global periodic review system could lead to the proposal for a national resolution and the subsequent appointment of a special national rapporteur. One of the main threats of the Human Rights Council is to isolate the target countries in the international decision-making process aimed at preventing the participation of such countries in laying the groundwork for the implementation of the strategic threat and will be established through measures such as making criteria for membership and the history of the suspension of the membership of the member countries of the said Council. (Thomas & Raju G. C, 2003: 58)

3.1. Recommendation to the Security Council

The General Assembly has the authority under Article 11 of the Charter of the United Nations to make recommendations to Members or to the Security Council or to both, on the principles of cooperation for the maintenance of international peace and security including the principles governing "disarmament" and "the regulation of armaments". In fact, the General Assembly may consider any matter, referred to it for discussion, relating to the maintenance of international peace and security by any of its members or by the Security Council or, in accordance with paragraph 2 of Article 35, by a State

which is a Member of the United Nations and may, except as provided in Article 12, make such recommendations to the State or States concerned or to the Security Council or to both. The powers of the General Assembly to discuss and issue recommendations on international peace and security necessarily include the "authority to initiate investigations." This authority, which has been delegated to the General Assembly in accordance with the Charter, puts the Assembly in a position to be able to perform the duties set forth in the Charter.

To initiate such investigations, the Assembly has often set up committees or commissions dedicated to the subject matter. For example, in 1946 with the establishment of a committee to review the situation in Palestine, in 1956 with the establishment of the Commission of Inquiry into the Hungarian Situation and in 1958 with the establishment of the United Nations Monitoring Group in Lebanon, it made practical efforts to reduce the risks to international peace and security. Upon receiving the report of the committees, the General Assembly may be informed of the situation and take preventive measures including requesting the Secretary-General to intervene in the crisis.

Accordingly, it is the UN General Assembly that examines the internal situation of the member states, and in the event of widespread violations within the states, alerts the Security Council to the relevant threats. The General Assembly has been able to interact with governments more easily and acceptably in the face of threats to international peace and security including human rights abuses in internal (inland) crises and in the absence of the Security Council. In such cases, most of the recommendations and reports of the General Assembly are accepted and favored by other governments. For example, in 1956, in examining the situation in Hungary, the General Assembly did not accept the claim that human rights are within the internal competence of states and are therefore governed by the paragraph 7 of the Article 2 of the Charter (and UN should not enter into it). (Hossien, 2008:45)

Another example of the General Assembly being able to intervene in domestic crises leading to human rights abuses without facing opposition from other governments was the issue of apartheid (early 1950s). In this case, most of the member states of the Assembly believed that the adoption of a policy of racial discrimination by the South African government was not only within the internal competence of the government, but that apartheid had effects that could jeopardize international peace and security. In this regard, the General Assembly has repeatedly condemned apartheid in its resolutions and advised the Security Council to consider the matter. Finally, in 1977, the Security Council adopted a series of resolutions declaring that the policy of racial discrimination, under Article 39 of the Charter, has endangered international peace and security. (Hossien, 2008:56)

Although the Security Council has no legal obligation to accept and consider the recommendations of the General Assembly, it has shown in practice that it has considered many of the recommendations of the General Assembly and has taken decisions based on the recommendations accepted. In fact, the Council has noted that the Assembly's recommendations are highly legitimate because they are supported by a majority of governments, and will not be opposed by governments if a binding decision is taken by the Security Council. (Sharifzadeh, 2016:17)

4. The Role of the Assembly in Creating the Emotional Rules of Conflicts Law

Human beings, in addition to their varied differences, tastes, and inclinations, have come together in various dimensions and formed communities to meet common needs and get rid of harms and disasters, as well as to achieve spiritual unity. Coexistence with peace, security and tranquility is the ultimate goal of 5 communities. Therefore, inevitably, every society must be governed by rules and norms that protect public values and interests.

4.1. A Theoretical Reflection on Human Rights and Armed Conflicts

Today, the concept of human rights is recognized as a universal concept and it can be seen in the Declaration approved by the Vienna World Conference on Human Rights in 1993 and the resolutions

adopted by the United Nations on the occasion of the 50th anniversary of Universal Declaration of Human Rights in 1988. (Sarooshi & Dan, 2000: 48)

The international human rights movement was strengthened when the UN General Assembly adopted the Universal Declaration of Human Rights on December 10, 1984. For the first time in human history, this Declaration explained and determined the fundamental civil, political, economic, and cultural rights that all human beings should enjoy. The Universal Declaration of Human Rights, together with the International Covenant on Civil and Political Rights and its two Additional Protocols and the International Covenant on Economic, Social and Cultural Rights, constitute the so-called International Human Law.

In addition, other international and regional instruments on human rights have been adopted, the most important of which are:

European Convention on Human Rights 1950, American Convention on Human Rights 1969 and African Charter on Human Rights and Nations 1891, Arab Charter on Human Rights 1994, American Declaration of Human Rights and Duties 1948, Convention on the Prohibition and Punishment of Massacre Killing 1948, International Convention on the Elimination of All Forms of Racial Discrimination 1965, and Convention on the Prohibition of torture and other cruel, Inhuman or degrading treatment or stigmatic punishment and ...1984. Each of these documents has a special role and place in the propagation, development and promotion of human rights.

Professor Charles Rousseau called the war an international event that is an intergovernmental event. In fact, war (the traditional name for armed conflict) was originally devoted to fighting between two states, but today new types of armed conflict have developed in which the two sides of it are not necessarily governments. In addition, in the past, the existence of war in the legal sense depended on the official declaration of war. Because it was virtually impossible to declare war officially in World War II, the 1949 Geneva Convention used the "armed conflict" of armed forces instead of the word "war" to the exert humanitarian rights whenever the armed forces fought each other. Any use of the armed forces of one state against another between the two states leading to the intervention of the armed forces is an armed conflict and it does not matter how many people are killed or how many forces are involved in this conflict. (Joseph & et al, 2010: 67)

4.2. Non-international Armed Conflicts

The International Criminal Tribunal for the Former Yugoslavia (ICTY) "considers domestic armed conflict to be a long-term armed violence between government forces and organized groups or similar groups within the territory of a state".

The proposed definition of the Court not only covers the classic example of an armed conflict between a state on the one hand and a non-governmental entity on the other, but also another mode of armed conflict in which no governmental entity is present because two or more NGOs are at war with each other.

Concerning this criterion, there is no minimum predetermined period of time during which conflicts must take place in order to be recognized as an armed conflict. The International Criminal Court (ICC) has ruled in Katanga & Chui's case that there is sufficient evidence that an armed conflict has broken out in Ituri territory between local organized groups between August 2002 and May 2003. As a result, a period of nine months will suffice to identify an armed conflict. The same court ruled in Bemba case that a five-months period, during which the armed conflict took place, would be sufficient to conclude that the conflict was long-lasting.

Another criterion used to identify non-international armed conflict is the severity of the conflict which has been addressed in various cases. Factors related to severity assessments include, for example,

the number of fighters, the type and number of weapons used, population displacement, and the involvement of the Security Council and other international actors in the ceasefire effort.

The third criterion for determining the existence of a non-international armed conflict is the organization of the parties to the conflict. Armed conflict involves two or more organized armed groups and that violence perpetrated by a terrorist who acts essentially alone or unorganized mass riots are not armed conflicts. (Berdal & et al, 2007: 67)

5. The Role of the UN General Assembly in the Development of Humanitarian Rights

The gradual formulation and development of human rights, which is one of the most important missions of the UN General Assembly, has a very important role to play in consolidating and sustaining peace and establishing the rule of law in the international community. Pursuant to Article 13 of the Charter of the United Nations, the General Assembly provides for studies and recommendations on the following matters:

-To promote international co-operation in political affairs and to create appropriate conditions for the gradual development and formulation of international law.

Accordingly, the General Assembly, without becoming an international legislator, prepares the text of resolutions or drafts of international treaties with continuous studies and detailed expertise and submits them to governments for approval.

During the sixty-five years of the life of the United Nations, the General Assembly, relying on its subsidiary bodies in particular the International Law Commission, has succeeded in codifying various sections of international law and taking steps to develop it. Now, thanks to the General Assembly a wide range of international treaties have covered areas such as outer space, seas and oceans, diplomatic and consular relations, international organizations, fight against terrorism, human rights, international humanitarian law, international criminal law, treaty law, judicial immunity of governments and so forth. The existence of these international treaties has significantly contributed to the transparency of international law and the reduction of international disputes or the facilitation and acceleration of international disputes. (Ibid: 19)

5.1. Emotional Solutions

5.1.1. Global Peace and Human Rights: Humanitarian Actions in the Modern Age

Achieving peace and tranquility has long been one of the highest human aspirations; even in the formation of a new international community based on the Charter of the United Nations, the preservation of peace was stated as the first goal of the United Nations to the extent that respect for human rights and fundamental freedoms is also seen as a means for the realization of this end.

Such an attitude is also reflected in the preamble to the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). Before justifying the list of rights contained in these documents for reasons such as justice, human dignity and human worth, this view of the General Assembly has been reflected that recognizing the inherent dignity of all members of the human family and their equal and non-transferable rights constitutes the basis of freedom, justice and world peace. The word and term of peace has always been interpreted as the absence of war and armed conflicts and that in such a sense peace has been narrowly considered that is referred to as negative peace. (Wakil, 2004: 118)

Until the resolution of the "UNESCO General Conference" states that basically the term peace cannot exclusively mean the absence of armed conflict, but in addition to that, peace includes the process of development, justice and full respect between nations, and so on. In this way, a broader concept was used in the form of positive peace. But the term right to peace, known as the third generation of human

rights, was first coined in 1976 by the Human Rights Commission. The next step was taken when the General Assembly in 1978 issued the declaration of readiness of the communities to live in peace. The same (peace) that will be discussed here is the peace in the sense of the latter term, the right to peace, which is included in the category of collective rights and is called the rights of nations, or so-called third generation human rights. (Goodman & et al, 2004: 230)

The set of human rights rules is a branch of public international law that has been created to protect the life, health and dignity of individuals, of course, in different circumstances. It is a set of principles and rules according to which individuals or groups enjoy certain standards of behavior or authority simply because they are human. (Martin, 2001: 87)

5.1.2. The Role of Non-Governmental Organizations in Promoting Humanitarian Measures

NGOs are also playing a new role in humanitarian issues through ongoing peacekeeping missions. These organizations are increasingly being considered in UN relations and others are seeking to establish friendly relations with members of the Security Council in order to coordinate their activities when necessary.

Both the number of NGOs and their participation in national and international decision-making, especially after the second half of the 20th century, has increased dramatically. At the time of the founding of the United Nations in 1945, there were about 2,865 international non-governmental organizations. In 1990, compared to 3443 intergovernmental organizations and 200 nation-states, the number of non-governmental organizations increased to 13591 organizations.

NGOs are known for issues related to human rights, development, the environment, and disarmament because of the role they have played in influencing policy-making in the United Nations and in the nation-states. These types of organizations are also important in irreconcilable conflicts. In this regard, the role of non-governmental organizations has several dimensions from what conflict settlers do as diplomacy to election monitoring, disarmament and human rights. Mary Anderson emphasizes the importance of both aspects of NGO work (humanitarian to resolve disputes) and, more importantly, on their being harmless. (Anderson, 1999:235)

International NGOs use their advisory role with the United Nations in various ways to influence endless conflicts. They seek to convince the general assembly and other parts of the United Nations to pass resolutions on disarmament issues, development, human rights and other issues that are among the main causes and roots of the conflict. These organizations have greatly contributed to the development of new UN institutions and treaties. They have sought to include new issues such as the environment, the rights of women and children in the area of UN competence. Through the International Court of Justice, they have made requests to the members of the United Nations for weapons and disarmament issues and have been of great import in the development of the International Court of Justice and also they have played a role in humanitarian assistance, debt repayment and communities that are recently active to prevent conflicts.

NGOs monitor human rights violations for criminal purposes by preparing and compiling reports for both domestic and international judicial bodies and during the Bosnian genocide, for example, human rights NGOs, through lobbying with the United States and the United Nations, persuaded them to set up an international tribunal and provide the necessary evidence for that tribunal and other tribunals.

For another example, in the International Court of Justice program that began in New Zealand in 1986, NGOs were given the responsibility of presenting their views and opinions to the World Health Organization and the General Assembly on nuclear weapons and the environment. The World Organization of Physicists Against Nuclear War, which was successful to obtain The Nobel Peace Prize in 1985, issued a statement in support of the 1988 World Summit resolution. A plan was also sent to

countries by the Office of the Co-operation of Lawyers against nuclear weapons and it was supported by newspapers so that the whole world could take action.

Using Article 66 of the UN Charter (which allows other sections to attend the General Assembly to express the observational views requested by the International Court of Justice), the World Organization of Physicists Against Nuclear War convinced the World Health Organization to adopt a resolution on the mentioned subject on 14 May 1993.

The two above-mentioned organizations put forward proposals in September 1993, after the case went to court, which were accepted by many countries. During 1994 and 1995, the International Court of Justice was processing citizens' petitions and the documents of citizens' attorneys.

Conclusion

The UN General Assembly has been successful in discussing violence and extremism regarding its limited powers in comparison with the Security Council. A study in this regard shows that the General Assembly, as one of the main elements of the United Nations, has a special interest in the area of "preventing the spread of violence and bellicosity", although there is no single definition of it among governments. Financial participation and equipping the resources and facilities of the missions of this organization around the world is considered as one of the most important actions of the General Assembly in the discussion on combating violence. Because the UN General Assembly brings together all member states, regardless of their economic or political power, its actions have enjoyed acceptable legitimacy among states. This issue has led governments to see the recommendations of this body with respect and obedience.

Assigning missions such as mediation and good office to the UN Secretary-General in times of crisis, as discussed in this article, shows that the General Assembly has used all available mechanisms to reduce violence in international relations. The position of the General Assembly in the face of violence and extremism becomes even more apparent when we know that almost all human rights institutions are part of the General Assembly and that their job is to monitor human rights violations done by governments. This is important because long-term human rights violations lead to devastating violence internationally and also within governments; an issue that will eventually lead to terrorist acts and behaviors.

The human rights elements affiliated with the General Assembly, by mentioning the name of the offending government in public including in the court of the General Assembly, are in fact seeking to correct the conduct of that government; this in itself can play an important role in "prevention of violence." Finally, tackling violence and extremism in its broadest sense has always been on the agenda of the UN General Assembly. This issue has been reflected in the form of numerous announcements and the financing of non-violent organizations.

References

- Berdal, Mats and Economides, Spyros (2007), *United Nations Interventionism, 1991–2004*, Cambridge University Press.
- Browne, Marjorie Ann, (2013), *United Nations System Funding: Congressional Issues*, available at: 4. <https://www.fas.org/sgp/crs/row/RL33611.pdf>.
- Chesterman, Simon (2007), *Secretary or General? The UN Secretary-General in World Politics*, Cambridge University Press, UK.
- Goodman, Ryan and Jinks, Derek (2004), *How to Influence States: Socialization and International Human Rights Law*, *Duke Law Journal*, V.54, N. 3.

- Gopalan, Sandeep (2007), *Alternative Sanctions and Social Norms in International Law: The Case of Abu Ghraib*, Michigan State Law Review.
- Hossien, Kamrul (2008), *the Complementary Role of the United Nations General Assembly in Peace Management*, Review of international law and politics, Vol: 4, issue 13.
- Javidzadeh, Hamidreza (2013), *UN Criminal Policy: Challenges and Approaches to Combating Genocide*, Tehran, Mizan Publications, First Edition.
- Joseph, Sarah and McBeth, Adam (2010), *Research Handbooks on International Law*, Edward Elgar Publication, UK.
- Martin, Ian (2001), *Self-Determination in East Timor: The United Nations, the Ballot, and International Intervention*, Lynne Rienner Publishers, USA.
- Perez Dequier, Javier (2000), *Towards Peace*, translated by Hamid Reza Zahedi, Tehran, Information Publications, first edition.
- Sarooshi, Dan, (2000), *the United Nations and the Development of Collective Security: The Delegation by the UN Security Council of its Chapter VII Powers*, Available at: <https://global.oup.com/academic/product/the-united-nations-and-the-development-of-collective-security-9780198299349?cc=us&Lang=en&#>.
- Savari, Hassan (2011,) *Violence of justice and peace in the International Criminal Court in the light of the case of Omar Al-Bashir (Sudan)*, Strategy Quarterly, 20th year, No. 58.
- Snyder, Sarah B. (2014), *Human Rights and the Cold War: Did Anyone Care?* Available at: https://networks.h-net.org/system/files/contributed-files/e114_0.pdf.
- Thomas, Raju G. C (2003), *Yugoslavia unraveled: sovereignty, self-determination, intervention*, Lexington Books, UK.
- Ziaei Bigdeli, Mohammad Reza et al. (2008), *Advisory Opinions of the International Court of Justice*, Tehran, Allameh Tabatabai University Press, First Edition.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).