

UNITED NATIONS DAY

24th October



Geneva International Centre *for* Justice

(GICJ)

www.gicj.org

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United Nations Day - 24 October 2017



The United Nations Day on 24 October 2017 marks the 72nd anniversary of the entry into force of the UN Charter in 1945. With the ratification of this founding document by the majority of signatory States, including the five permanent members of the Security Council, the United Nations officially came into existence. This day has been celebrated as UN Day since 1948 to promote the aims and achievements of the United Nations worldwide and to foster support for its work. Through Resolution 2782 of the year 1971, the General Assembly declared the day international holiday and recommended that it should be observed as a public holiday by all member states.

As an intergovernmental organization, the United Nations has the primary responsibility to promote international cooperation and to create and maintain international order. The UN's role encompasses ensuring international peace and security, protecting human rights, fostering social and economic development, protecting the environment, and providing humanitarian aid in cases of famine, natural disaster, and armed conflict.

Traditionally, the UN Day is celebrated around the world with meetings, debates, exhibits, or (inter-)cultural celebrations. International schools across the globe often seize this day to celebrate the diversity of their student body. The commemorations are held differently across the globe. In the United States, for instance, the President has marked the Day with a proclamation since 1946. In Kosovo, the Day is a public holiday under the Interim Administration Mission. In the Philippines, local schoolchildren dress in national costumes of member states, learn about the different countries, handcraft country flags, and gather for cultural presentations and food from across the world.

While commending the UN's immense contribution to the above areas and its efforts to render the world a more hospitable and livable place, Geneva International Centre for Justice would like to seize the occasion to express its support for efforts to foster fuller, more just and effective participation in international decision-making and to render the organization more democratic and equitable.

Although the UN Charter enshrines the objective of the United Nations to jointly build an international order of peace, human rights and development, the process of progressing towards this aim has been rife with asymmetries. Participation in international decision-making is strikingly unequal, with significant imbalances between and within member states as to how they can influence vital decisions regarding peacekeeping, the environment, trade relations, and the common heritage of humankind.

24 October also marks the UN's World Development Information Day to direct attention to development problems and the necessity of strengthening international co-operation to solve them. This is tightly linked to the great promise of the 2030 Agenda for Sustainable Development that is – in spite of a global commitment of fully implementing it – far from being achieved. Whereas the time has been heralded as “era of sustainability”, we instead witness a backlash against climate action, the proliferation of neoliberalism at the expense of basic human rights and the environment, and ever-prospering inequalities.

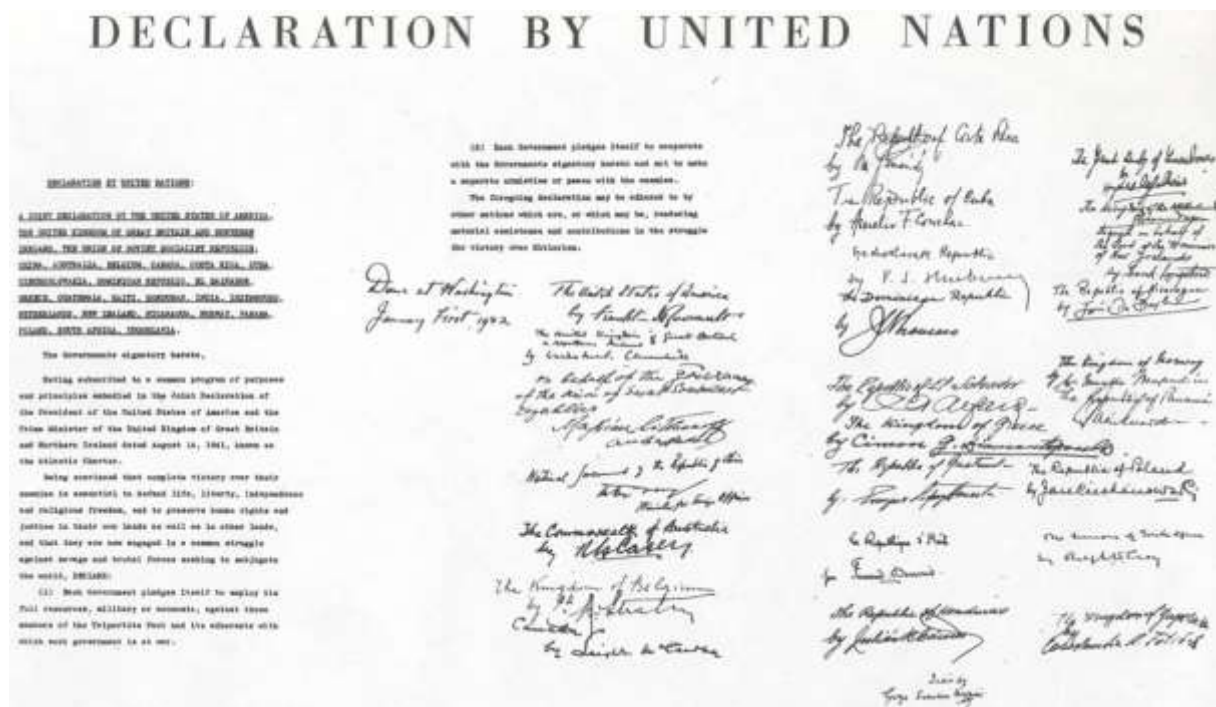
Brief History of the United Nations

In the century prior to the UN's establishment, a number of international treaty organizations and conferences had been inaugurated for the regulation of conflicts between nations, including the International Committee of the Red Cross and the Hague Conventions of 1899 and 1907. The horrors experienced during the First World War gave occasion to the creation of the League of Nations at the Paris Peace Conference, which was assigned the task to maintain harmony between countries. While the League of Nations was able to resolve some territorial disputes and initiate international structure for, inter alia, postal mail, aviation, and opium control, it lacked representation for colonial peoples that accounted for half of the world's population as well as meaningful participation on the part of some major powers such as the US, USSR, Germany and Japan. Its last severe failure became manifest in German expansions under the Nazi regime, which culminated in the Second World War.

As World War II (1939-1945) was waging, the idea of the United Nations was born. Representatives of 26 nations pledged their Governments to continuing their fight against the Axis Powers in the Declaration of 1 January 1942 as the “United Nations”, a term coined by US President Franklin D. Roosevelt. World leaders who had collaborated to bring the war to an end felt the strong need to develop mechanisms that would save succeeding generations from the scourge of war and contribute to peace. This, they realized, was only attainable if all nations cooperated through a global organization – which would come to be the United Nations.



The “Declaration of the United Nations” was composed by President Franklin Roosevelt, British Prime Minister Winston Churchill, and Roosevelt aide Harry Hopkins, and incorporated Soviet suggestions – hence included contributions by four major allies of World War II. On New Year’s Day 1942, Roosevelt, Churchill, Maxim Litvinov (USSR), and T. V. Soong (China) signed the document later to be known as United Nations Declaration. Representatives of 22 other nations added their signatures the following day.



The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of Great Britain dated August 14, 1941, known as the Atlantic Charter,

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world,

DECLARE:

- 1. Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war.*
- 2. Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.*

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

“The United Nations” came to be the official term for the Allies. To become part of them, countries had to sign the Declaration and join the war on the Axis powers. The first negotiations of the future UN were held by the delegations of the Allied Big Four (Soviet Union, the UK, the US, and China) during the Dumbarton Oaks Conference in 1944. The draft of the Charter was elaborated at the UN Conference on International Organization held between April and June 1945 in San Francisco, which was attended by 50 Governments.

The UN Charter was signed by on 26 June 1945 at the conclusion of the conference. Upon ratification by the five permanent members of the Security Council – France, the Republic of China, the Soviet Union, the UK and the US – and by a majority of the other 46 signatories, the UN would officially come into existence and begin operations on 24 October 1945. The first Secretary-General to take office was Norwegian Foreign Minister, Trygve Lie. Laying out the foundations of the United Nations, the UN Charter was signed in San Francisco on 26 June 1945. The founding document evolves around the following core objectives:



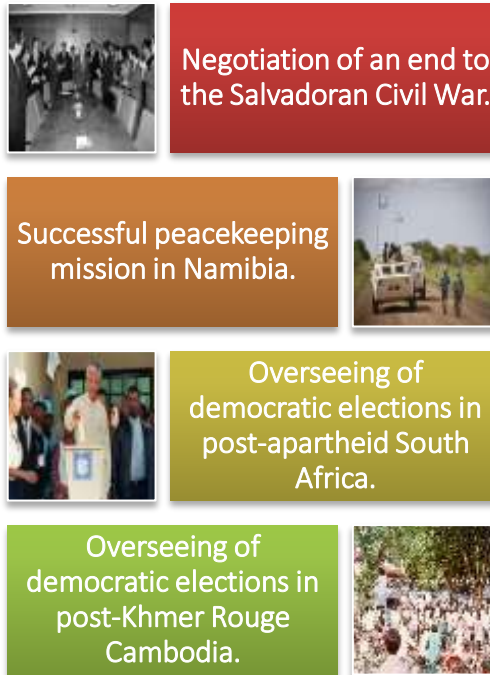
Three years later, on 10 December 1948, the Universal Declaration of Human Rights (UDHR) was laid out as milestone document in the history of human rights. Proclaimed by the UN General Assembly as a common standard of achievements for all peoples and all nations, it sets out, for the first time, fundamental human rights to be universally protected.



In its early decades, the UN’s mission to preserve peace was gravely threatened by the Cold War between the US, the Soviet Union, and their allies. The UN was involved in major actions in Korea and the Congo, and issued a resolution partitioning historic Palestine. Since the partition of Mandatory Palestine and the establishment of the State of Israel in historic Palestine in the year 1948, the UN organs have passed hundreds of resolutions addressing Israeli policies and practices and their dire consequences for the inalienable rights of the Palestinian people, including the right to self-determination and fundamental human rights. As Israel continues to flout its international obligations and all relevant UN resolutions, and as the UN Security Council fails to introduce necessary measures due to the US veto-right, the plight of the Palestinian people continues and prospects for peace seem to elapse.

Following large-scale decolonization in the 1960s, the accession of newly independent nations saw UN membership increase significantly. In 1960 alone, 17 young states joined the UN, 16 of them from Africa. Despite opposition from the US but with overwhelming support by developing nations, the mainland, communist People's Republic of China replaced the Republic of China that occupied Taiwan at the Security Council on 25 October 1971. Developing nations organized into “Group 77” under the leadership of Algeria, which would soon become a powerful force within the UN. In 1975, the UN adopted a resolution declaring

Zionism to be racism – under fervent opposition by the US and Israel. Shortly after the end of the Cold War, the resolution was repealed. In the context of ineffective UN mediation in conflicts in the Middle East, Kashmir, and Vietnam, the UN's focus shifted from peacekeeping to socioeconomic development. With the end of the Cold War, the UN assumed important military and peacekeeping missions across the globe with divergent degrees of success and embarked on at times highly contentious missions.



In 1991, the UN authorized sanctions against Iraq, which were a total financial and trade embargo imposed in 1990 and remaining firmly in force until 2003. While evidence overwhelmingly showed that the sanctions proceeded at the cost of uncountable innocent civilian lives and the complete destruction of an entire country, the Security Council was maneuvered by US and UK interests. The UN, alongside with many Member States, remained largely subservient to Anglo-Saxon ambitions. International human rights and humanitarian law were, as all too often, crumbling in the face of the will of the powerful – at the cost of millions of innocent lives.

With Iraq lying shattered, the 2003 military invasion by the US brought unparalleled bloodshed, destruction and disintegration over the people of Iraq. While high dignitaries such as former UN Secretary General Kofi Annan denounced the invasion as an “illegal act” from which “painful lessons” must be learned, these lessons continue to be neglected. Contrary to International Law, the United States and its allies still do not bear legal responsibility for all committed crimes and violations.

Although the UN Charter primarily entailed provisions for the prevention of aggression between states, the UN was increasingly forced to address serious crises within nations in the early 1990s.



UN Mission in Somalia

- Largely seen as failure given significant casualties in the Battle of Mogadishu and US withdrawal.



UN Mission in Bosnia

- Extreme criticism for indecisive mission in the face of ethnic cleansing.



UN Assistance Mission for Rwanda

- Abysmal failure to prevent Rwandan genocide due to indecision in the Security Council.

Discussing the 1992 UN intervention in Somalia, former Special Representative of the Secretary-General of the UN to Somalia Mohamed Sahnoun argues that the UN missed at least three opportunities to prevent extreme human tragedies. In its delivery of vital humanitarian assistance, the UN was overwhelmingly outperformed by civil society organizations, whose commitment and competence was in stark contrast to the UN's excessive wariness and bureaucratic inefficiency. The last decades of the Cold War bore witness to rising criticism of the UN for alleged corruption and mismanagement, in reaction to which a series of reforms were introduced. In the last decade of the 20th century, international interventions authorized by the UN took on diverse forms.

At the turn of the century in 2000, the Millennium Summit was held to discuss the UN's role in the 21st century. The Summit was the largest gathering of world leaders in history and reached its finale in the adoption by all member states of the Millennium Development Goals (MDGs), a commitment to achieve international development in areas such as poverty reduction, gender equality, and public health. Advancement towards these goals, which were to be met by 2015, was met with obstacles and setbacks. In the 2005 World Summit, the UN's commitment to the promotion of development, peacekeeping, human rights, and global security was reaffirmed. In 2015, the Sustainable Development Goals (SDGs) were instituted to succeed the Millennium Development Goals.



To ameliorate its accountability and democratic legitimacy, the UN has strengthened its engagement with and the participation of civil society. The incumbent Secretary-General António Guterres has vowed to place an emphasis on diplomacy for the prevention of conflicts, more effective peacekeeping efforts, and rendering the organization more responsive and versatile to global needs.

Objectives of the United Nations

Having come into existence in 1945 after the horrors of the Second World War, the central mission of the United Nations has been the maintenance of international peace and security. The UN seeks to do so by working to prevent conflict; by assisting parties to a conflict to find peaceful solutions; by launching peacekeeping missions; and by promoting conditions for the maintenance and flourishing of peace. While the UN Security Council holds primary responsibility in this area, the General Assembly and the Secretary-General also play important roles, alongside other UN offices and bodies.



The promotion and protection of human rights is another key purpose and guiding principle in the UN’s work and is enshrined in its founding Charter. The 1948 Universal Declaration of Human Rights incorporated human rights into the realm of international law. Legal instruments and field activities are core to the UN’s work in this area.



Following another principle purpose enshrined in the Charter, namely the achievement of “international co-operation in solving international problems of an economic, social, cultural, or humanitarian character”, the UN coordinates humanitarian relief operations stemming from natural and man-made disasters in areas beyond the relief capacity of national authorities.



To fulfill its priority to “achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”, the UN today is committed to *sustainable* development. This describes development that promotes prosperity and economic opportunity, greater social well-being, and protection of the environment for all, which is deemed to ultimately improve the lives of people everywhere. Until today, striking inequalities persist within and between states.



Following the objective contained in the Preamble to the UN Charter “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”, upholding international law has been a priority in the UN’s work. It is pursued through courts, tribunals, and multilateral treaties as well as through the Security Council, which can approve peacekeeping missions, impose sanctions, and authorize the use of force in the face of a threat to international peace and security. The UN Charter is core to the upholding of international law as it provides the fundamental principles of international relations that UN Member States as obligated to comply with, *inter alia*, the sovereign equality of States and the prohibition of the use of force in international relations.



Structure, Membership and Funding

Structure

The principal organs of the UN are the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the International Court of Justice, the Secretariat, and formerly the UN Trusteeship, which suspended operations upon the independence of the last remaining trustee territory Palau in 1994. The Human Rights Council, the successor to the UN Commission on Human Rights, is a subsidiary body of the UN General Assembly. The UN's principal officer is the Secretary-General, an office held by Portuguese António Guterres since 2017. Non-governmental organizations may be granted consultative status with ECOSOC and other agencies to participate in the UN mechanisms.



General Assembly

Main deliberative, policymaking and representative organ of the UN

All 193 Member States of the UN are represented

Annual General Assembly session and general debate, which many heads of state attend and address.

Decisions on important questions, such as those on peace and security, admission of new members and budgetary matters, require two-thirds majority.

Decisions on other questions are by simple majority.

Primary responsibility, under the UN Charter, for the maintenance of international peace and security.

15 Members (5 permanent and 10 non-permanent members) with one vote each.

Under the Charter, all Member States are obligated to comply with SC decisions.

Determines the existence of a threat to the peace or act of aggression.

Calls upon the parties to a dispute to settle it by peaceful means; recommends methods of adjustment or terms of settlement.

May resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.



Security Council



Economic and Social Council

Principal body for coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues, as well as implementation of internationally agreed development goals;

Central mechanism for activities in the economic, social and environmental fields, supervising subsidiary and expert bodies;

54 Members, elected by the General Assembly for three-year terms;

UN's central platform for reflection, debate, and innovative thinking on sustainable development.

Principal judicial organ

Role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies.



International Court of Justice



Secretariat

Comprises the Secretary-General and tens of thousands of international UN staff members who carry out the day-to-day work of the UN as mandated by the principal organs

The Secretary-General is chief administrative officer of the Organization, appointed by the General Assembly on the recommendation of the Security Council for a five-year, renewable term.

Responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them;

Discuss all thematic human rights issues and situations that require its attention throughout the year;

Made up of 47 Member States elected by the UN General Assembly;

Replaced former UN Commission on Human Rights



Human Rights Council

The entities below the principal organs include a great number of specialized agencies, research and training institutions, and program and funds. Each primary organ may establish various specialized agencies to fulfill its responsibilities, as foreseen in the UN Charter. UN agencies include the World Bank Group, the World Health Organization, the World Food Programme, UNESCO, and UNICEF.

The UN was awarded the Nobel Peace Prize in 2001, as were several of its agencies and officers in other years. Yet, assessments of the UN's effectiveness and credibility diverge. While the organization is widely seen as important force for peace and human development, others regard it as ineffective, biased, or corrupt.

Membership

Currently, the UN encompasses 193 member states, with the last acceding country being South Sudan on 14 July 2011. These include all undisputed independent states apart from Vatican City.

The rules for membership are enshrined in the UN Charter:

- 1. Membership in the United Nations is open to all other peace-loving states that accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.*
- 2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.*

The UN General Assembly moreover has two non-member observer states: the State of Palestine and the Holy See (which holds sovereignty over Vatican City). The Cook Islands and Niue, freely associated with New Zealand, are members of several UN specialized agencies and retain “full treaty-making capacity”.

A coalition of developing countries established at the United Nations Conference on Trade and Development (UNCTAD) in 1964, Group 77 (named after the number of founding members) seeks to promote its members’ collective economic interests and to strengthen its negotiating capacity within the UN. It has since expanded to include 134 countries.

Funding

The UN receives its funding from assessed and voluntary contributions from its members states. The regular budget is approved by the General Assembly. It also determines the assessed contributions, based on the relative financial capacity of each state, according to its gross national income (GNI), with adjustments for external debt and low per capita income.

*At the time of its founding, the UN comprised **51 member states**. Today, the number has climbed to **193 states**.*

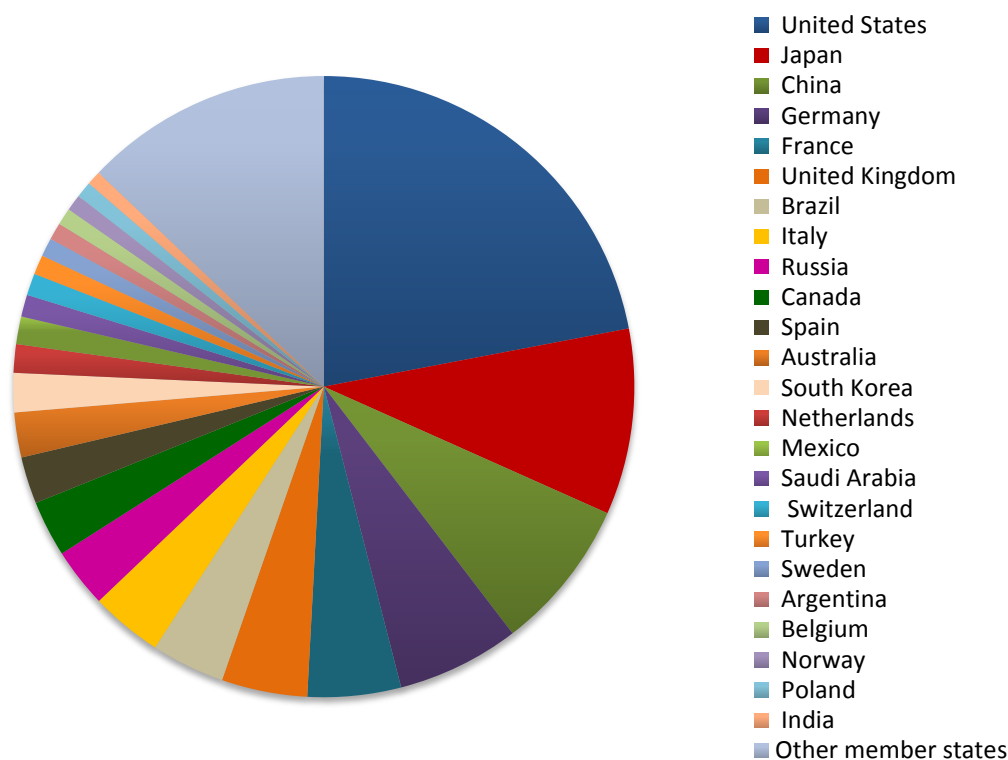
*Headquartered in **Manhattan, New York City**, the UN has further principle offices in **Geneva, Nairobi, and Vienna**. All its premises are designated as **international territory**.*

*It relies on funding by **assessed and voluntary contributions** from its member states.*

*Today, the UN is the **most internationally represented and powerful intergovernmental organization worldwide**.*

*The six official languages of the UN, employed in meetings and documents, are **Arabic, Chinese, English, French, Russian, and Spanish**.*

Member State's Contribution (% of UN budget)



Evaluation

Certainly, the UN – founded in an era of unbridled imperialism, colonialism, and barefaced oppression and exploitation of weaker peoples – set off as utopian construct and has and continues to make significant contributions towards a more peaceful, sustainable, equal and hospitable planet. Its Charter, if adhered to, holds great promises for the achievement of a democratic and equitable international order. Yet, while the Preamble and Articles 1 and 2 of the UN Charter stipulate the objective of the United Nations to jointly build an international order of peace, human rights and development, the process of progressing towards this aim has been rife with asymmetries.

Participation in international decision-making is strikingly unequal, with significant imbalances between States as to how they can affect decisions regarding peacekeeping, the environment, trade relations and the common heritage of humankind. The democratic and equitable international order envisioned by the Charter remains a distant promise. As de Zayas, postulates, “such international order depends on the sovereign equality of States, the right of peoples to self-determination and on a commitment to sharing the riches of the planet in a spirit of international solidarity” ([A/HRC/24/38](#)).

It is economic, political and military might that rules, whereas weaker States are subjected to multiple forms of coercion, threats, sanctions or carrot-and-stick practices. In response to such asymmetry, the Non-Aligned movement and several regional organizations (ALBA, CELAC,

MERCOSUR, OIC) were established by member states seeking to balance out the highly disparate economic and political power of a few nations.

Especially the UN Security Council is undemocratic, as are the Bretton Woods Institutions, i.e. the World Bank and the International Monetary Fund (IMF). These have inequitable voting systems in which the majority of the votes are allocated to developed nations, resulting in the prioritization of elite interests at the expense of the disadvantaged. Similarly, the highest dignitaries of the United Nations all too often have little choice but to submit to political pressure and expediency.

Moreover, entire peoples and groups remain unrepresented. Some states systematically disenfranchise and exclude minorities, indigenous populations, people under occupation, and persons living in extreme poverty. They are denied any right to participate in the political processes and decisions affecting them; are denied their right to self-determination, and are deprived of their traditional environment, and their culture and beliefs (see [A/HRC/24/38](#)). The sovereignty of the people is further violated as member states clamp down on fundamental freedoms and rights, including freedom of expression, peaceful assembly and association, and free and fair elections – with government critics being harassed, intimidated and detained or even killed.

Rather than representing the will of the people, Governments are responsive to the interests of the industrial complex, financial institutions, and transnational corporations. Such dynamics play out in the UN's central mechanisms. As the Independent Expert on the promotion of a democratic and equitable international order, Alfred-Maurice de Zayas, poignantly described:

“In order to test the existence or otherwise of international democracy in recent times, one may ask whether States and peoples, including non-represented peoples, have had a democratic opportunity of participating in decisions concerning important issues, such as war and peace, global warming, the environment, trade relations, access to medicine and the common heritage of humankind. More concretely, would a majority of States approve the application of sanctions regimes selectively and not uniformly? Would they have approved the use of force against Serbia in 1999, against Iraq in 2003 and against Libya in 2011? Should the international community have had a voice in determining whether all avenues of peaceful negotiation had been exhausted? Should civil society be allowed a degree of participation on “technical” decisions on free trade and other agreements that result in widespread unemployment?”
([A/HRC/24/38](#))

Public participation has been lacking in cases in which the voice of the people should have been accentuated. In the meantime, unilateral acts of aggression have repeatedly undermined the last remnants of a democratic international order, leaving behind international, regional, and domestic disarray – often at the cost of innocent civilian lives.

Recommendations

A democratic and equitable international order, as provided for in the UN Charter, necessitates participation of all States and peoples in decision-making processes. Especially the otherwise under- or unrepresented – including women, minorities, indigenous populations, occupied peoples, persons with disabilities – must be provided with an opportunity to be involved in a meaningful way.

To include the voices of those who are most affected by global decisions, the world's citizens must find a democratic platform within the world's governance. One possible platform would be a United Nations Parliamentary Assembly, to be established by the General Assembly or through a new international treaty – an idea that has long been debated. Such assembly could address the UN's democratic deficit by including citizens in global decision-making through elected representatives.

The involvement of people, rather than only states, in UN mechanisms would lend global decisions greater legitimacy and accountability and would facilitate the development of “global democracy beyond States” ([A/HRC/24/38](#)). In the light of this, GICJ recommends to the United Nations:

- To establish a UN Parliamentary Assembly (or World Parliamentary Assembly) by a vote of the UN General Assembly under Article 22 of the UN Charter; or through governments' adoption of an international treaty and subsequent agreement linking it to the UN.
- To reform or replace the Security Council, the International Monetary Fund, and the World Bank – hence institutions whose voting and decision-making processes are deeply undemocratic.

In order to redress deep structural imbalances and inequalities prevalent in the international order and reflected within the UN system, GICJ furthermore recommends to the UN, and in particular to the Human Rights Council:

- To consider self-determination as part of items 3 and 4 of its permanent agenda – as has been recommended by the Independent Expert on the promotion of a democratic and equitable international order in view of the fact that self-determination is core to the Charter and that it has been denied to many peoples;
- To urgently strengthen the relations between the United Nations and civil society by enhancing the role of civil society in the work of the Council, and by providing non-governmental organizations with adequate time and opportunity to meaningfully participate in its work.

In concluding, GICJ would like to emphasize the importance of States' full compliance with their Charter obligations, in particular with regards to strengthening democracy at the local, country and regional levels and ensure meaningful and equitable participation of all persons under their effective control in the political processes and decisions affecting them. It is upon the international community to continue to strive towards achieving the mighty promises of the UN Charter and to fulfill the hopes of its founders and builders.

Geneva International Centre for Justice

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is based in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.



Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies and Special Procedures in order to gain justice for all victims. In particular, GICJ engages extensively with UN human rights mechanisms through active participation in Human Rights Council (HRC) sessions and through the submission of reports, statements and urgent appeals.




Geneva International Centre *for* Justice (GICJ)

Postal address:

P.O. Box: GICJ 598 CH-1214
Vernier, Geneva – Switzerland.

 +41 22 788 19 71

 info@gicj.org

 +41 79 536 58 66

 facebook.com/GIC4J

Office address:

150 Route de Ferney, CH 1211
Geneva 2 - Switzerland

 @Geneva4Justice

 [geneva4justice](https://instagram.com/geneva4justice)

www.gicj.org