



International Utopia MUN'20

United Nations General Assembly

Reviewing provisions of the United Nations Charter with special emphasis on
the affirmative vote

ABOUT THE COMMITTEE

The UNGA is the main deliberative policymaking and representative organ of the United Nations (UN), comprising of all 193 Members of the UN. Additionally, non-Member States, non-governmental organizations, and intergovernmental organizations have received invitations to participate as observers in the sessions and work of the UNGA. It provides a unique forum for multilateral discussions on the full spectrum of international issues covered by the Charter of the UN. Mandate of the UNGA is outlined by Chapter IV (Titled ‘The General Assembly’) under the Charter of the UN.

Apart from the UNGA Plenary (which majorly decides the agendas for meetings and ratifies resolutions adopted in the other Committees) its work is distributed to its six main Committees, each examining different topics that affect the international community:

The First Committee examines topics pertaining to international security and peace; the Second Committee examines economic and financial topics; the Third Committee examines social, cultural, and humanitarian affairs; the Fourth Committee examines special political questions and decolonization, the Fifth Committee handles administrative and budgetary issues of the United Nations; and the Sixth Committee examines legal questions in the General Assembly.

In addition to the six Main Committees of the General Assembly, a number of Boards, Commissions, Committees, Councils, and Working Groups work to support the advancement of the General Assembly’s mandate.

Functions and Powers

Functions and Powers of the UNGA are outlined specifically within Article 10 – 18 under the Charter of the UN.

Some key points to be noted are –

1. Under Article 10 the UNGA has the power to discuss any issue or matter within the scope of the Charter or relating to the powers and functions of any organs provided for in the present charter, except as provided under Article 12. It can also make recommendations to the Members of the UN or to the UN Security Council or to both. Hence resolutions adopted on issues or matters making recommendations to the Member States by the UNGA are not legally binding under the International Law;

however they have significantly helped in tackling global issues and affected lives of millions of people.

2. Under Article 11(2) the UNGA may discuss any issue on maintenance of international peace and security brought before it, except as provided in Article 12.
3. Under Article 12(1) when the UN Security Council is discussing and deliberating any dispute or situation as per its assigned function under the Charter, the UNGA cannot make recommendations on that dispute or situation unless the UN Security Council so requests.
4. Under Article 13 the UNGA is tasked with initiating studies and making recommendations to promote international cooperation in the political field, encouraging the development of international law, promoting the implementation of cultural, social, and human rights, and promoting fundamental freedoms free from discrimination.
5. Under Article 15 the UNGA receives and considers reports issued by the other principal organs established under the Charter as well as reports issued by its own subsidiary organs and bodies.
6. Should the UN Security Council fail to address a breach of international peace and security due to deadlocks between its permanent five members, the UNGA can consider the matter immediately, laid out in Article 11, but further codified with the adoption of UNGA resolution 377(V) (1950) entitled “Uniting for Peace.”

EVIDENCE IN COMMITTEE

Evidence or proof is from the following sources will be accepted as credible in the committee:

1. REUTERS – Any Reuters’ article which clearly makes mention of the fact stated or is in contradiction of the fact being stated by another delegate in council can be used to substantiate arguments in the committee. (<http://www.reuters.com/>)
2. State operated News Agencies – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, they can be denied by any other country in the council. Some examples are, RIA Novosti (Russia) <http://en.rian.ru/> IRNA (Iran) <http://www.irna.ir/ENIndex.htm> Xinhua News Agency and CCTV (P.R. China) <http://cctvnews.cntv.cn/>

3. Government Reports: These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information. Some examples are, Government Websites like the State Department of the United States of America <http://www.state.gov/index.htm> or the Ministry of Defence of the Russian Federation <http://www.eng.mil.ru/en/index.htm>, Ministry of Foreign Affairs of various nations like India (<http://www.mea.gov.in/>) or People's Republic of China (<http://www.fmprc.gov.cn/eng/>).
4. Permanent Representatives to the United Nations Reports <http://www.un.org/en/members/>(Click on any country to get the website of the Office of its Permanent Representative.)
5. Multilateral Organizations like the NATO (<http://www.nato.int/cps/en/natolive/index.htm>), ASEAN (<http://www.aseansec.org/>), OPEC (http://www.opec.org/opec_web/en/), etc. are considered are credible information or evidence for the Executive Board.
6. UN Bodies like the UNSC (<http://www.un.org/Docs/sc/>) or UNGA (<http://www.un.org/en/ga/>).
7. UN Affiliated bodies like the International Atomic Energy Agency(<http://www.iaea.org/>), World Bank (<http://www.worldbank.org/>), International Monetary Fund (<http://www.imf.org/external/index.htm>), International Committee of the Red Cross (<http://www.icrc.org/eng/index.jsp>), etc.
8. Treaty Based Bodies like the Antarctic Treaty System (<http://www.ats.aq/e/ats.htm>), the International Criminal Court (<http://www.icc-cpi.int/Menu/ICC>)

NOTE: Under no circumstances will sources like Wikipedia (<http://www.wikipedia.org/>), Amnesty International (<http://www.amnesty.org/>), Human Rights Watch (<http://www.hrw.org/>) or newspapers like the Guardian (<http://www.guardian.co.uk/>), Times of India (<http://timesofindia.indiatimes.com/>), etc. be accepted as PROOF/EVIDENCE. But they can be used for better understanding of any issue or even be brought up in debate if the information given in such sources is in line with the beliefs of a Government.

Voting

Each member of the UNGA is entitled to one vote as per Article 18(1) of the Charter. The decisions on matters in the UNGA are decided by a simple majority, i.e. 50% +1 affirmative votes. However, as per Article 18(2) decisions on important questions shall be made by a two-thirds majority of the total number of affirmative votes. These questions or matters include recommendations with respect to international peace and security, the election of non-permanent member of the UN Security Council, the admission of new members to the UN, suspension of rights and privileges of the members, expulsion of members etc. The decision to adopt an important question in itself requires a simple majority procedurally.

Links:

1. <http://www.un.org/en/>
2. <http://www.un.org/en/documents/charter/>
3. <http://www.un.org/en/ga/>

HISTORY OF THE UN CHARTER

The United Nations Charter is the bedrock on which the United Nations is established. It lays down the foundational principles, objectives, organisation, and powers of the UN and its organs.

The history of the UN Charter goes back to 1941, when President Roosevelt of the United States of America and Prime Minister Churchill of the United Kingdom issued a joint declaration now known as the Atlantic Charter. It was an affirmation of “certain common principles in the national policies of their respective countries on which they based their hopes for a better future for the world”.

In 1942 representatives of 26 countries signed the Declaration of the United Nations, a document drafted upon the principles established in the Atlantic Charter. Following several conferences in Moscow, Tehran, and Yalta, the USA, UK, France, and Russia (known then as the Big Four) sponsored the San Francisco Conference in 1945. At this conference, 46 nations subscribed to the Declaration of the UN. This conference, formally called the United Nations Conference on International Organisation (UNCIO), also had the primary objective drafting a charter for the newly established United Nations.

While there were several contentious points during the drafting of the Charter in the UNCIO, there was major consensus on the founding principles and objectives of the UN. Therefore, the preamble to the Charter was written along the lines of ensuring fundamental human rights for all people, and most importantly with the objective of preventing another major war.

OVERVIEW OF THE CONTENTS OF THE UN CHARTER

The Charter of the United Nations establishes the purposes, governing structure, and overall framework of the UN system, including its six principal organs: the Secretariat, the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice, and the Trusteeship Council. The charter outlines maintenance of international peace and security, upholding international law, and universal respect for, and observance of human rights and fundamental freedoms without distinction as to race, sex, language, or religion, as its primary objectives.

The Charter, due to its nature as a constituent treaty of the United Nations is legally binding on all member nations of the UN, and has come to be accepted as an integral part of customary international law.

The UN Charter consists of 19 chapters, each with a focus on different organs or objectives of the UN. For discussion on the agenda at hand, the following chapters are relevant, as they form the bulk of the substantial provisions that are either relevant or contentious:

Chapter I: This chapter establishes the basic principles of the UN along with its overarching objectives and purpose. Reviewing and amending any provision of the UN Charter must always be in line with the objectives set forth in this chapter.

Chapter III: This chapter of the UN Charter establishes 6 organs of the United Nations. It also touches upon the basic powers of the United Nations General Assembly (which is further elaborated upon in Chapter IV).

Chapter IV: This chapter explains in detail the powers, composition, voting, and procedures of the United Nations General Assembly.

Chapter V: This chapter explains in detail the powers, composition, voting, and procedures of the United Nations Security Council.

Chapter VI-VII: These two chapters may be read in conjunction and they establish the UN's plan of action in case of disputes and the powers of the Security Council in intervening in these disputes. Chapter VI focusses on peaceful means of settlement of dispute and sets forth how disputing parties shall conduct themselves and at what point they are required to refer the matter to the UNSC. Chapter VII is one of the most important chapters in the charter and it enables the United Nations Security Council to take active military action to resolve threats and breaches to peace. It is the only chapter of the UN Charter that warrants the use of military force as a means to uphold values of the UN Charter. It also explains *how* such military action is to be taken and the role of member states of the UN. This chapter also contains one of the most contentious provisions of the charter: Article 51, which gives countries the right to military self-defence.

Chapters XI-XIII: These chapters were included in the UN Charter to provide a framework to handle the challenges that were created due to decolonisation of occupied territories after the Second World War. While some articles are invoked even today, their usage is extremely rare and thus their relevance and suitability in the current system of world politics has been called into question.

THE VETO POWER AND NEED FOR REVIEW

While the voting procedures in most committees of the UN is fairly simple, the United Nations Security Council follows a unique and a highly disputed form of voting. The voting procedure of the UNSC is given in Article 27 of the UN Charter. Article 27 of the UN Charter provides 5 countries: The United States of America, The United Kingdom of Great Britain and Northern Ireland, The Russian Federation, The French Republic, and Peoples Republic of China, with a veto power on all substantial matters in the UNSC. This power also extends to the UNGA in matters of amendments to the UN Charter. A veto power means that the country which has veto power can unilaterally reject a decision even if it commands approval of the majority. This rejection is called a 'veto'.

Since this veto power is provided to only 5 states, the provision of the veto has drawn considerable criticism, especially since it allows the 5 countries to unilaterally reject action even if the rejection contradicts the furtherance of the objectives of the UN. Broadly speaking, there exist 3 main arguments against the veto power:

1. The first and most important criticism is that it undermines democratic principles of international organisation and thus directly undermines Article 2 of the UN Charter. It is argued that the veto power unfairly concentrates power into the hands of the few and thus destroys the base required for democratic decision-making.
2. The second point of criticism has been that the provision of the veto power to the 5 powerful countries inhibits global development and undermines developing countries. It is argued that the UNSC is made largely politically and geographically unrepresentative, due, in part, to the veto power. For example, not a single African country is provided the veto power. Another point of argument here is that the veto power is not representative of global power politics in the present as it was at the time of formation of the United Nations.
3. The third point of criticism is that the veto power has on several occasions prolonged and even escalated international conflicts. There are in fact several examples of this happening. Many resolutions to address the humanitarian situation in Syria were vetoed by China and/or Russia. Several resolutions for action in the Middle East North Africa (MENA) Region have also failed with a vote of 14-1 i.e. 14 affirmative votes and 1 veto.

In spite of the several criticisms the veto provision has drawn, there is some consensus on the argument that some form of veto power is required in the UNSC. Therefore, there are also some advantages to keeping the veto power in the UNSC. They are as follows:

1. One of the main arguments in favour of the veto power is that some form of it is absolutely necessary for the sustenance of the Security Council. There are several reasons for this. Firstly, the P5 (5 countries holding veto power) are some of the largest financial contributors to the UN and taking away the veto power may cause them to reduce the funding. Secondly, the USA and the UK agreed to join the UN on the condition that they are provided the veto power. Therefore, there exists a possibility that if they lose the veto power, they may also leave the UN. Therefore, it is argued that the veto was provided as an effort to give members of the UNSC a reason to stay at the table and is key in keeping those members together.

2. The second argument in favour of the veto power is that it drives and incentivizes consensus in the primary decision-making body of the United Nations. Any resolution to pass in the UNSC must have multilateral support across political blocs, making it a truly international action.

OTHER ARTICLES OF THE UN CHARTER THAT MAY BE CONSIDERED FOR REVIEW

1. Article 25 and 47: The establishment of a Military Staff Committee and its composition
2. Article 42: The power of the UNSC to use military force to pacify disputes, threats, or aggression.
3. Article 51: The Right of Self-Defence and its conditions.
4. Chapters XII-XIII: The establishment of and International Trusteeship Council and Trust Territories.

QUESTIONS TO CONSIDER

1. Which provisions of the UN Charter are not in keeping with the principles of the UN established under Article 2?
2. Is the existence of the veto power a necessity and can it be abolished, substituted or reformed?
3. How can the veto power realistically be reformed considering the fact that amending it requires the affirmative vote of the P5?
4. Is it practical to expand the veto power to more than 5 countries?
5. Can the veto power be extended to countries on a temporary and/or rotational basis?

6. If the veto power is to be awarded to countries by election, what will the eligibility criteria be?
7. Can a framework to regulate use of the veto power be developed so as to limit countries from acting in self-interest and in ignorance of the principles of the UN Charter?
8. What, if any, is the role of intent in using the veto?
9. How can the composition of the UNSC be amended so as to increase representation in international decision-making?
10. Are certain provisions of the charter such as the Trusteeship Council of any relevance in the current political landscape?
11. What, if any, are the conditions in which Article 51 should be invoked?
12. Does Article 51 require further explicit clarification so as to define what constitutes self-defence and at what point in time can an action be considered to be in self-defence?