



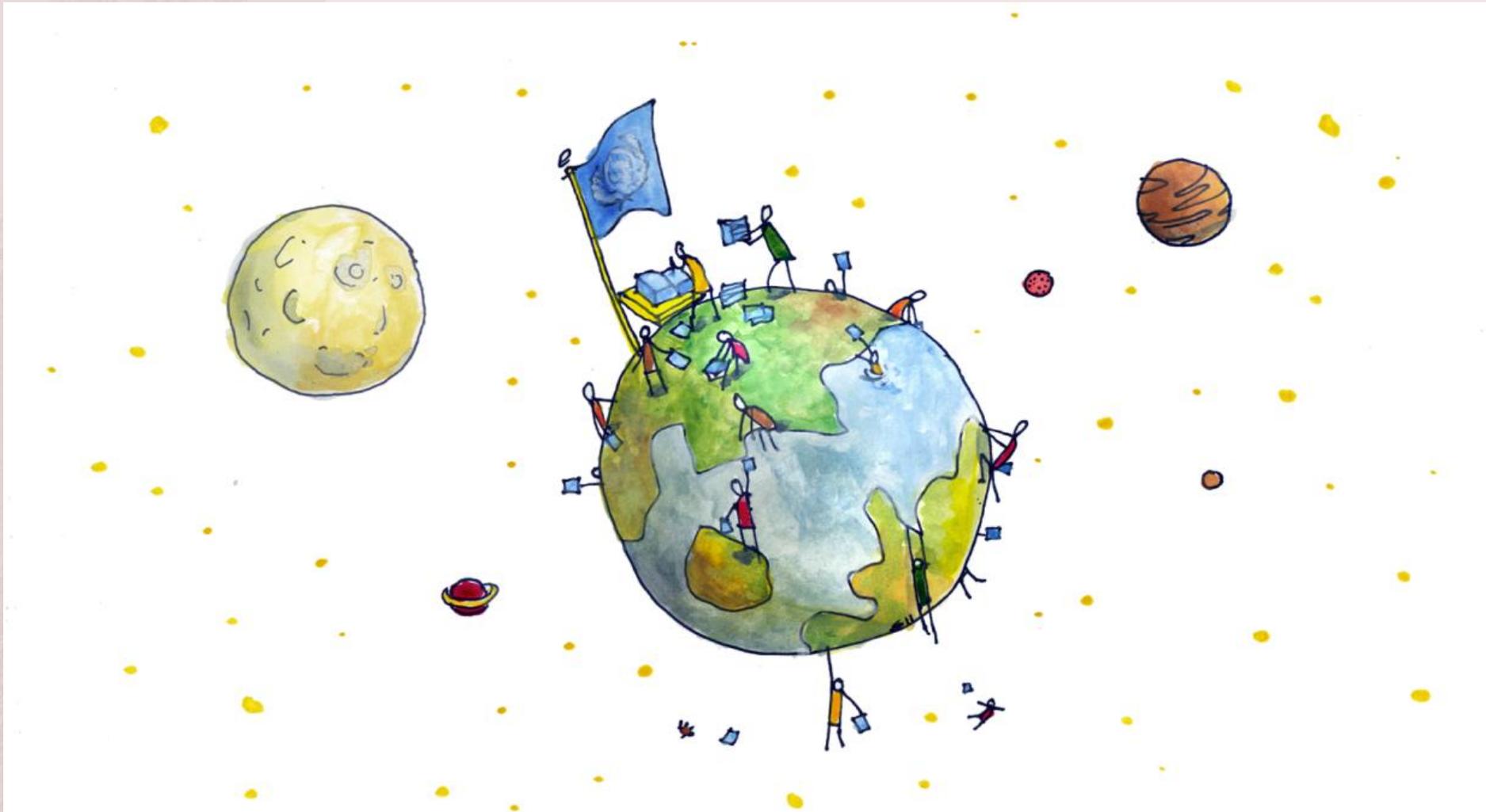
# The Value of the United Nations

Studium Generale  
Wageningen University  
Wednesday 22 February 2017

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- UN as an ethical global player
- Birth of UN in 1945
- Enduring role of UN Charter in promoting global values
- Role of UN General Assembly
- Look into the future





# 111<sup>th</sup> ASIL Annual Meeting

April 12-15, 2017  
Washington, DC

*What International Law Values*

- This year's Annual Meeting will consider the normative basis of international law and how its goals are realized in practice.
- Does international law reflect the values of the international community?
- How do these values affect the practice and theory of international law?
- Should international law reflect the international community's values?
- What constituencies ought to be considered in determining what those values are?



# UN as an ethical global player

- What does it mean to be an ethical global player?
  - Self-identification: the UN presents itself as an ethical leader on the global scene
  - UN has identified certain values as its own
  - These global values are supposed to guide all its activities



# Role of the United Nations



“The United Nations is a value community. Through intensive and continuous international consultations , a global consensus is achieved on principles, norms and values. The results are laid down in charters, conventions and resolutions.”



- What are global values?
  - ‘Global values are enduring, globally shared, beliefs that a specific state of the world, which is possible, is socially preferable, from the perspective of the life of all human beings, to the opposite state of the world.’
- Global values as beliefs
- Global values as preferred possibilities
- Global values as globally shared beliefs
- Evolution of global values viewed as progress
- Global values as action-oriented beliefs





# Contestations and value relativism

- The devil is in the detail: global differences in concretization and application of values discourse
- Suspicion: imposition of typical “Western” values to Asia or Africa? Hidden agenda?
- Differences of opinion within certain “value communities”
- UN hypocrisy: disjuncture between words and deeds



# Strategies for value promotion

- Declare a set of universal values and promote them, by force if necessary
- Declare a set of universal values and promote them, but do it with a sense of modesty and caution, through dialogue
- Use values discourse as a way to perpetuate existing power structures
- Use values discourse to emancipate certain marginalized groups



# Charter of the United Nations

*and Statute  
of the  
International  
Court of Justice*



United Nations

## DECLARATION

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# History of the United Nations

Atlantic Charter, signed 14 August 1941 by US President Franklin D. Roosevelt and UK Prime-Minister Winston Churchill.





# San Francisco Conference

April - June 1945



[Short Documentary \(4 minutes\)](#)



# San Francisco Conference

April - June 1945



[Short Documentary \(4 minutes\)](#)

## PRESIDENT WITNESSES SIGNING OF SECURITY PACT



Mr. Truman looking on as Secretary of State Stettinius affixes his name to the document

## Nation After Nation Sees Era Of Peace in Signing Charter

By LAWRENCE E. DAVIES  
Special to THE NEW YORK TIMES.

SAN FRANCISCO, June 26—A Charter drawn to give the new start on the way to lasting peace was signed today by men and women from fifty nations who had fashioned it

## ASK WORLD RIGHTS TO RAW MATERIALS

French Plan to Press for a Clause in Charter to Allow All States Equal Access

## RUSSIANS DEMAND CURB ON ASSEMBLY OR THEY WON'T SIGN

## 46 NATIONS READY TO ORGANIZE PEACE

Continued From Page 1

places and peoples of the world demand this of us and the Governments represented at this conference must not and will not fail them."

The Russian Vice Premier and Foreign Commissar, Vyacheslav M. Molotov, was less communicative when his plane arrived. He did not speak to the correspondents gathered to meet him, but went at once to the Russian Consulate.

Mr. Molotov is understood to have insisted that the wording of the Yalta communiqué supported his contention that the United States and British Governments accepted the Lublin Government as the essential basis of the Polish Government. He noted that the communiqué said:

"The Polish Government which is now functioning in Poland should, therefore, be reorganized on a broader democratic basis."

On the other hand, Mr. Stettinius and Mr. Eden observed that the Yalta communiqué referred to the formation of "a new government of Poland" and pointed out in support of their thesis that the communiqué further stated that it was only after the formation of the "new" government that the United States and Britain should be expected to recognize it.

About the only point of agreement reached after this discussion, it seems, was that the Yalta communiqué was not well drafted and was open to both the Moscow and the Anglo-American interpretations.

## PART OF THE BRITISH DELEGATION ON THEIR ARRIVAL



Standing beside the plane in which they traveled. Left to right: Miss Ellen Tomlinson, Deputy Prime Minister Clement Attlee, Miss Florence Horsbrugh and William Mabane. Associated Press Wirephoto



"After you."

## 'A New Kind of League, a New Kind of World'

THE hopes of the people of the war-stricken world are bound up inextricably with the Charter of the

San Francisco. The statesmen assembled at San Francisco to build both. They have not dared to fail.

great, with a few exceptions, was not rampant. Compromise was sometimes difficult but always certain. The demand from the people of the world for an



# UN put to Sea

“When, in the early summer of 1945, the United Nations Charter was drawn up in San Francisco, it was like the launching of a ship, a ship which a little later put to sea, laden with the hopes and the aspirations for peace of the whole world [...] is now sailing the stormy waters she was expected to encounter, and it does not seem probable that most of the time she will run before a light wind.”

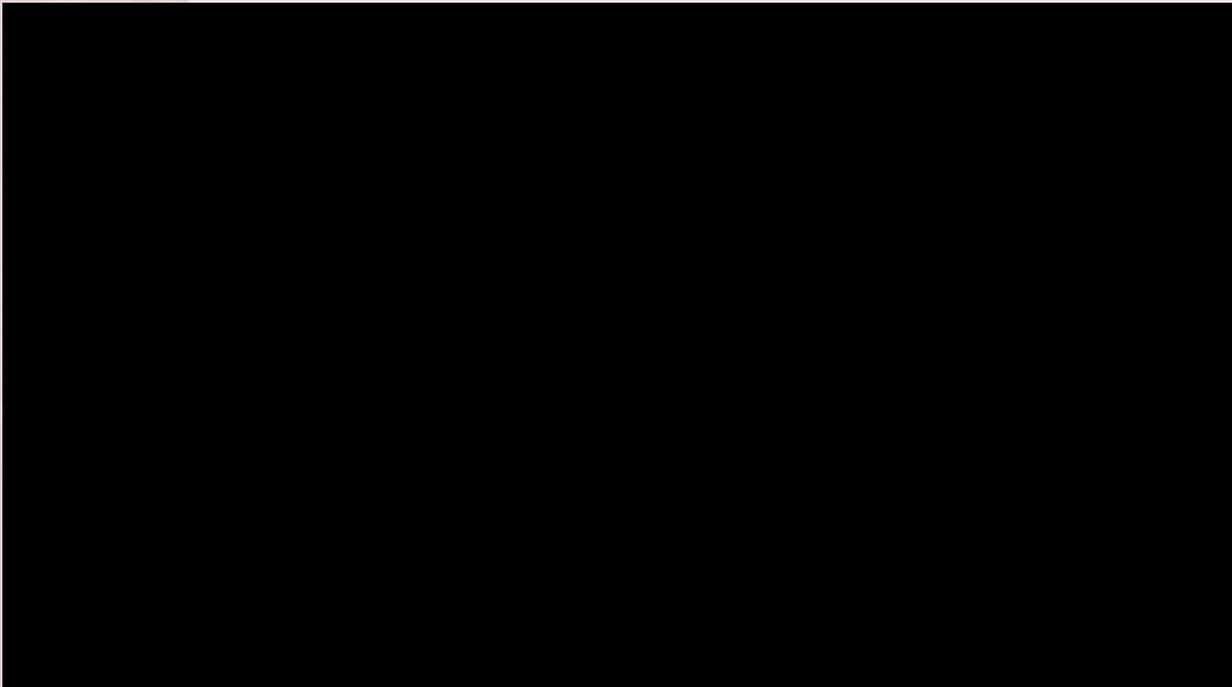
- Eelco N. van Kleffens, leader of the Netherlands delegation to San Francisco Conference





# Enduring role of UN Charter in promoting global values

- “Evolution” of global values:
  - Reinterpretation of “old” values
  - Emergence of new values
  - UN Charter as a “living tree”





# Enduring role of UN Charter in promoting global values

- The “old” values (purposes in Article 1 UN Charter):
  - To maintain international peace and security
  - To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,
  - To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character,
  - And [to achieve international co-operation] in promoting and encouraging respect for human rights



# Enduring role of UN Charter in promoting global values

- The “new” values:
  - Decolonization
  - Peacekeeping
  - Development cooperation
  - Environmental protection
  - Cooperation with civil society and the business community (global public participation)
  - Combating terrorism
  - Post-war peacebuilding
  - Etc.



# UN General Assembly

- The role of the General Assembly in the evolution of UN Charter values
- Translate globally shared values into legally binding international commitments
- Inclusive character of the Assembly's discussions
- Global public participation in the work of the UN General Assembly
- UN General Assembly as “rubber stamp” provider, or as norm entrepreneur



- Town Meeting of the World

Others, however, contended that the clear authorization to discuss "any matter within the sphere of international relations", without any limitation, was important in order that the Assembly might really become the "town meeting of the world". The view was also expressed

- Fifteenth Meeting of Committee II/2, May 29, 1945, UNCIO, vol. 9, p. 108.

SENATOR VANDENBERG said that he and Professor Webster were members of the Technical Committee. Frankly, in his opinion no question of substance was involved. The Four-Power amendment had provided for the discussion of any situation regardless of origin. The Committee had repeatedly been assured that it was free to discuss anything, and that it was in effect the "town meeting of the world." As a matter of strategy and morale he thought to reopen this matter would be a terrific error.

- Minutes of the Twenty-First Five-Power Informal consultative Meeting on Proposed Amendments, June 13, 1945, in FRUS, General, Volume I, pp. 1285



# Influence of moral points of view on UN policies

- Cross-fertilization:
  - How and to what extent have moral points of view, defined in the language of values, determined the founding of the United Nations and the evolution of its purposes, principles and policies?
  - How has the United Nations influenced these moral views through its own contributions to the debate on values, as well as its contributions to the “translation” of these values into the language of international law, particularly by adopting general resolutions, declarations, treaties and other legally relevant texts?



# Influence of UN policies on moral points of view

- Some examples:
  - Identification of “new” threats to international peace and security
  - Human rights-based approach to peace and security, and development
  - Promoting the idea of sustainable development
  - Human dignity as foundation of human rights
  - Intuitive – as opposed to religious - approach to human dignity
  - Principle of self-determination as protection of all peoples from all forms of oppression (beyond colonial context)
- General contribution of UN:
  - Organize intensive and continuous international dialogue,
  - Global consensus on principles, norms and values,
  - “Translation” of this consensus into binding international law



# Look into the Future

- Institutionalization of cross-fertilization between the United Nations and moral debates in scholarship and elsewhere
- How? Invite most influential individuals to participate in the debates at the General Assembly

