

UN Charter Day, 26 June 2022

Graduate Institute of International and Development Studies (IHEID) Geneva

Discussion: The UN Charter and the Prevention of Wars and other Existential Threats

SUMMARY

Is the current UN Charter fit to serve its stated main purposes? On the occasion of Charter Day, a group of international experts and think tank representatives met to discuss this and related questions, at a working session on the margins of the annual meeting of the Academic Council on the United Nations System (ACUNS).

The Russian invasion of Ukraine in February 2022 and the subsequent use by Russia of its Security Council veto to avoid condemnation, has starkly underlined key weaknesses in the international security architecture. The invasion by a P-5 member against a peaceful neighbor, coupled with evidence of war crimes and threats to use nuclear weapons, led Ukrainian President Zelensky to compare the veto right with the “right to die.” Questions as to whether the UN Charter is currently "fit for purpose" also arise out of previous repeated failures to save human lives in Syria, Myanmar, Yemen, Gaza and elsewhere. The UN Security Council likewise remains hamstrung over statements and possible constructive leadership on existential planetary climate/ecological threats.

The expert group engaged in forward-looking brainstorming on the future of the UN System. It began to identify and discuss key provisions of the Charter which might be subject to possible progressive changes, exploring prioritization of improvements. Could beneficial changes be done within the current UN framework -- perhaps by initiating a smaller set of focused and strategic amendments to the UN Charter, or deeper transformations -- or should another organization be created to gradually replace the UN, due to the substantial changes needed to ensure a workable international security architecture?

Article 109(3) of the UN Charter foresaw the holding of a general Charter review conference within the first ten years of the Charter's life -- an event which never took place. The experts discussed whether it may be time for such a conference to be finally held. Even if all or some of the P5 may not want to see the Charter amended for fear of losing their prerogatives, a Charter review conference could still be convened by a decision of two-thirds of the General Assembly

(and any nine members of the Security Council). Whatever may be decided at such a conference, the recommended changes will have to be ratified by all of the P5. Past UN Charter amendments increasing the membership of the Security Council and ECOSOC were initially opposed by P5 members who eventually later ratified them. But will the P5 ratify an amendment that eliminates the right of veto? If not, will not the only remaining option be to dismiss the UN and establish a new organization?

There was a two-thirds majority that voted for all the UN General Assembly resolutions condemning Russia's aggression in Ukraine. This majority constituency of states could initiate either a Charter review conference, or an establishment of a new organization.

It was suggested that, to date, UN reform efforts have often been initiated by countries from the Global North. Some experts suggested that it would be beneficial for the future of multilateralism if in this case a key reform initiative came from developing countries, or, in the alternative, that these countries had positive proposals to make within the Our Common Agenda framework and/or an eventual Charter review conference.

The expert group intends to continue discussions on this theme over the coming months.