

Domestic Policy & the United Nations

Charter Authorizes Promotion of Human Rights & Social Good, But Prohibits UN From Making Domestic Policy for Nations

by Thomas W. Jacobson (2003)

The United Nations was formed in 1945 in the closing moments of World War II primarily to avoid World War III: “to save succeeding generations from the scourge of war”¹; to “maintain international peace and security”²; to “develop friendly relations among nations”³; and to “achieve international co-operation in solving international problems.”⁴ In its Charter, the UN was granted power by its founding governments to *promote* “respect for human rights and for fundamental freedoms,”⁵ and to *make recommendations* to Member Nations and the UN General Assembly on “international economic, social, cultural, educational, health, and related matters.”⁶ But the Charter prohibits the UN from making domestic policies for nations, and enforcing those policies upon them. Indeed, in Article II, under “Purposes and Principles,” the Charter states:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any (nation) or shall require the Members to submit such matters to settlement under the present Charter.⁷

In its early years, the UN and its Member Nations adhered to the Charter and did not intervene in the domestic affairs of nations. Gradually, however, the UN and delegations from Member Nations drifted beyond the legal parameters of the Charter, and increasingly made and imposed domestic policies upon nations. To the extent they did, they subverted the rule of law because Member Nations did not follow the Charter’s amendment process to obtain permission to increase the UN’s powers and functions. Since 1994, domestic policy has dominated UN international conferences.

The great danger is when government officials and judges view these international domestic policies as *customary international law*, and use them to trump national and local laws. Doing so violates the sovereignty of nations and the principle that no civil authority can be legitimately exercised without the consent of the governed, thus stripping entire peoples and their rulers of their God-given right to govern their own affairs.

The Primary Purpose of the United Nations

The primary purpose for which the 52 founding national governments formed the United Nations was given in the opening statements of the Charter: to prevent future world wars and “unite our strength to maintain international peace and security.” Also, Article 1 states that the “Purposes of the United Nations are ... To maintain international peace and security.”⁸

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The Security Council was entrusted with “primary responsibility for the maintenance of international peace and security.”⁹ The General Assembly was granted power to consider and recommend “general principles of co-operation in the maintenance of international peace and security.”¹⁰ The provisions for International Economic and Social Co-operation were permitted within the context of facilitating conditions “for peaceful and friendly relations among nations.”¹¹ The first basic objective of the trusteeship system—designed to help nations who were not able to govern themselves to become self-governing, especially those devastated during WWII—was “to further international peace and security.”¹²

UN May Promote But Not Mandate Domestic Policies for Member Nations

The UN Charter authorizes the United Nations, its General Assembly and agencies, to study, reaffirm, promote, and make recommendations concerning human rights and domestic matters; and even to work with nations on a voluntary basis to “achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character.”¹³ But nothing in the UN Charter authorizes the UN to make international domestic laws and then impose those laws upon nations, even with the apparent consent of delegations representing those nations. Doing so goes beyond the authority granted in the Charter, and violates the provision prohibiting intervention in domestic affairs.

Here is what the Charter says the UN can do in relation to domestic affairs:

- The General Assembly can *study* and “*make recommendations* for the purpose of ... promoting international co-operation in the economic, social, cultural, educational, and health fields, and assistance in the realization of human rights and fundamental freedoms for all.”¹⁴
- The UN in general and its specialized agencies are charged to “*promote*” [not mandate]:
 - “solutions of international economic, social, health and related problems” ... and
 - “universal respect for, and observance of, human rights and fundamental freedoms.”¹⁵
- The UN’s Economic and Social Council (ECOSOC) was given the function of making “*studies and reports*” and “*recommendations*” on these matters. It may also “prepare draft conventions” and call “international conferences on matters falling within its competence.” Further, it may “co-ordinate the activities of the specialized agencies [e.g., UNICEF, UN Population Fund] through *consultation* ... and *recommendations*.” Finally, it may even “make arrangements with” Member Nations “to obtain reports on the steps taken to give effect to its own recommendations.”¹⁶ (emphasis added)

The powers given to the UN and its General Assembly, Economic and Social Council and specialized agencies were to *study*, *make recommendations* and *promote* human rights and social policies on the basis of the consensus of the Member Nations. Even the reports that ECOSOC seeks from nations cannot be compelled; nations are free to give or withhold reports.

Domestic Policies: Adherence to Charter in Early Years

When the UN began to address domestic matters, it proclaimed the 1948 *Universal Declaration of Human Rights* as “a common standard of achievement for all peoples and all nations.”¹⁷ It promoted human rights, freedom, many good domestic policies and the rule of law. While recommending a standard, in keeping with its Charter it did not mandate that standard upon nations, nor require nations to submit periodic reports documenting their compliance.

In 1956, when ECOSOC wanted human rights reports from Member Nations, the Council did not demand the reports, but passed a resolution formerly requesting the reports.

The Economic and Social Council ... *Requests* States members ... to transmit ... every three years, a report describing developments ... in the field of human rights, and measures taken to safeguard human liberty.¹⁸ (emphasis *not* added)

When ECOSOC wanted more information in 1965, they passed another resolution:

The Economic and Social Council ... *Invites* States Members ... to supply information regularly on human rights and fundamental freedoms.¹⁹ (emphasis *not* added)

Gradual Departure from Charter, But Little Enforcement

The first notable departure from the Charter on domestic policy issues came in 1952, in the *Convention on the Political Rights of Women*. The opening sentence states:

Desiring to *implement* the principle of equality of rights for men and women contained in the Charter of the United Nations”²⁰ (emphasis added).

The shift began from “promote” to pressuring nations to “implement.” For the contracting nations, this Convention mandates that they give women the right to vote, to be eligible for election to any public office, and to exercise any public functions, “on equal terms with men, without any distinction.”²¹ Yet these are domestic matters for individual nations to determine.

The next significant departure came in 1965 when the UN decided it would “*develop and guarantee* political, civil, economic, social and cultural rights,”²² going far beyond “promoting” (emphasis added).

In 1966, delegates from UN Member Nations created two major international covenants: the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*.²³ By calling these documents “covenants” instead of “conventions,” the participating nations made a solemn covenant between themselves to uphold the provisions. The Covenants read like a Bill of Rights, requiring party nations to respect:

- Inalienable rights, such as life, liberty and equal justice²⁴; as well as
- UN/State so-called “rights,” including:
 - “adequate food, clothing and housing,”
 - “fundamental right of everyone to be free from hunger,”

- “enjoyment of the highest attainable standard of physical and mental health,”
- “right of everyone to education.”²⁵

Protecting the lives and liberties, and preserving other inalienable rights of their own people, is the first duty of any civil government, with or without any encouragement from the UN. Yet while the social factors mentioned above are laudable goals, for the UN and nations to give government guarantees to such social rights—“rights provided by the State”²⁶—is *national and global socialism*.

Even so, the UN exercised little enforcement power over domestic and human rights matters. Reports from participating nations, however, were no longer voluntary, but mandatory.

Dramatic & Extensive Departure from Charter, with Increased Enforcement

By its title, the 1979 *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* would appear to be of noble purposes; but, going beyond socialism, it was the most radical departure from the purposes and principles of the UN. CEDAW, instead of encouraging men to love their wives and children, and faithfully provide for them, thus strengthening marriages and families:

- Rejected the family as designed by the Creator by attempting to alter the structures of family and society, and “change ... the traditional role of men ... (and) women”;
- Called for the elimination of “any distinction” between men and women;
- Guaranteed that a woman can choose “a family name,” where to live, and whether to use family planning services (in today’s terms, including abortion), totally apart from the desires or will of her husband and children;
- Envisioned a “new international economic order” wherein all women are working outside their homes and have equal rights, pay and positions with men;
- Sought to redefine the value of a woman based on her having equal decision-making power and leadership with her husband in the home, and with other men in all areas of society and government.²⁷

Full implementation of such misguided policies would set wives against husbands, alienate children from their mothers and deprive them of irreplaceable nurturing care, tear apart marriages and families, destroy respect for authority at home and in society, and deny the God-made differences between men and women, thus negating the unique contributions each may make to stable families and nations.

The Committee on the Elimination of Discrimination against Women was established by CEDAW,²⁸ and takes its enforcement duties very seriously. After nations file their periodic reports, the Committee chastises them if they have not complied with provisions of CEDAW; and is now going beyond CEDAW, ridiculing domestic policies with which it does not agree. In July 2001, when the tiny Catholic nation of Andorra defended its report, the Andorra representative told the Committee that unborn children have the right to life and abortion is a crime in his nation. The Committee responded by interrogating the official to find out how women who wanted abortions could get them, and how Andorra’s Education Office could mandate a government-approved sex education class in the Catholic schools.²⁹ (For a compilation of selected statements made by the CEDAW Committee criticizing nations and

pressuring them to change their laws, see Focus on the Family USA's United Nations Brief 2002-05, titled, "CEDAW Committee Rulings Against U.N. Member Nations.")

Nations Pressured to Comply with UN Policies & Committee Member Views

Directly and indirectly, nations are being pressured to conform their laws to domestic policies created by the UN or at UN conferences. The UN Population Fund and several European nations (who provided donor funding) pressured Max Padilla, the Nicaraguan Secretary of Family, to change a domestic policy on gender or risk losing millions of dollars in aid. He refused. They went to the president of Nicaragua and demanded that Padilla be fired and the policy changed. Padilla was fired and the policy was changed.³⁰

As already indicated, some of the committees that oversee implementation of UN treaties are going beyond the provisions of the respective treaties, attempting to exercise arbitrary power over nations. The UN Committee on the Rights of the Child, which oversees implementation of the 1989 Convention on the Rights of the Child (CRC), claims that all children should be given access to reproductive health information and services (which may include abortion), without parental consent.³¹ This goes beyond the provisions of the CRC, violates the laws of many nations, and ignores the responsibilities of parents for their children. In October 2001, this same Committee pressured the small nation of Qatar to withdraw their reservations to the CRC³²—which means the Committee wanted Qatar to enforce the CRC provisions they officially rejected.

Domestic Policy Dominates UN Conferences and Agenda

International conferences organized to make global domestic policies have dominated the UN agenda since 1992.

- 1992: *Rio Declaration on Environment and Development*—Rio de Janeiro, Brazil
- 1993: *World Conference on Human Rights*—Vienna, Austria
- 1994: *International Conference on Population and Development*—Cairo, Egypt
- 1995: *World Summit for Social Development*—Copenhagen, Denmark
- 1995: *4th World Conference on Women*—Beijing, China
- 1996: *The Habitat Agenda*—Istanbul, Turkey
- 1997: Rio+5—New York, U.S.A.
- 1999: Cairo+5—New York, U.S.A.
- 2000: Beijing+5—New York, U.S.A.
- 2000: Copenhagen+5—Geneva, Switzerland
- 2001: *Habitat II / Istanbul+5*—New York, U.S.A.
- 2002: *World Summit on Children (Child Summit)*—New York, U.S.A.
- 2002: Rio+10—Johannesburg, South Africa

More than any other conferences in the UN's history, *Cairo*, *Beijing* and *Copenhagen*, and their 5-year follow-up conferences, as well as the *Child Summit*, focused extensively and almost exclusively on formulating domestic policy in areas such as: