

The U.N. at 75: A Time for Compliance

Posted by Joan Russow
Saturday, 29 August 2020 11:28 -



By [Joan Russow](#) |

GLobal Compliance Research Project,

A PRPRINT FROM UN at 70 BECAUSE IT IS STILL A TIME FOR COMPLIANCE



If states comply with these many instruments, the global community will have more respect for the rule of international law, and more faith in the United Nations, including for the compliance with and implementation of the SDGs. Credit: UN Photo/Joao Araujo Pinto

At key anniversaries of the U.N., there have been calls for compliance with international

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instruments.

In 1995, Secretary-General Boutros Boutros-Ghali indicated support at the 50th anniversary of the U.N., in San Francisco, and, at the 55th Anniversary, Secretary-General Kofi Annan urged states to sign and ratify international instruments.

Human welfare, ecology and negotiation must be a priority over global supply chains and "profit-driven" development through coercion.

In 2015, with the confluence of the Sustainable Development Goals (SDGs) and the 70th anniversary of the United Nations, COP 21, and the launch of International Decade for People of African Descent, there is an opportunity to again call upon states to sign and ratify international instruments, to determine what would constitute compliance with these and to undertake to comply with them through enacting the necessary legislation.

This could also be the time to advance and reinforce the concept of peremptory norms as stated in Article 53 of the Vienna Convention on the Law of treaties:

“A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purpose of the present convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of states as a whole.”

Peremptory norms have been described as those derived from treaties, conventions and covenants which have been ratified by all states or by most states representing the full range of legal systems and the major geographical regions. Also, peremptory norms could be derived from U.N. General Assembly Declarations and Conference Action Plans.

Ratifying key legally binding agreements

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International Covenants such as on Civil and Political Rights (ICCPR) and its protocols, on Economic, Social and Cultural Rights (ICESCR); Conventions such as Law of the Sea (UNCLOS), on Torture (UNTC), on Biological Diversity (CBD) and its protocols, on Endangered Species (CITES), on Climate Change (UNFCCC), on World Heritage Convention / WHC), on Desertification (UNCCD), on Ozone (MP), on Rights of the Child (CRC), on Women (CEDAW) and its protocols, on Racial Discrimination (ICERD), on Genocide (CPPCG) on Rights of Migrant Workers, on Labour (ILO), on Transnational Organized Crime and the Protocols Thereto (CTOC) on Persons with Disabilities(CRPD); Declarations such as Rights of indigenous Peoples UNDRIP; peace Treaties, such as NPT, Comprehensive Test Ban Treaty (CTBT), Anti_Personnel-Mine-(APM), Cluster Munitions (CCM), Arms Trade (ATT). Respect for the jurisdiction and decisions of the ICJ, and the ICC Rome Statute are paramount.

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If states comply with these many instruments, the global community will have more respect for the rule of international law, and more faith in the United Nations, including for the compliance with and implementation of the SDGs.

Eradication of poverty and the provision for food security coalesced U.N. members behind the SDGs. Ratifying these instruments would be a step toward achieving all of the Sustainable Development Goals, as these instruments will further true security.

At Rio 2012, states were reluctant to address the need to determine what would constitute adhering to key Rio Declaration principles, including the precautionary principle and principle of differentiated responsibility, which needs financial investment in developing economies.

“Innovative financing” for implementation of the SDGs

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From the 1969 to 1992, U.N. States affirmed the need to move towards disarmament and the reallocation of military expenses for the benefit of humanity and the ecosystem.

In 1969, member states of the U.N. called for the achievement of general and complete disarmament and the channeling of the progressively released resources to be used for economic and social progress for the welfare of people everywhere and in particular for the benefit of developing countries (article 27 (a) XXIV of 11 December 1969 Declaration on Social Welfare, Progress and Development); and in 1992,

They made a commitment to reallocate resources at present committed to military purposes (Article 16 e, Chapter 33, "Innovative financing", of Agenda 21, UNCED).

Furthering true security, common security

The SDGs need to redefine what constitutes "true security."

True security is common security, not militarised security, collective security or "human security that has been used as a pretext for war: so-called "human security" (Iraq 1991, "Humanitarian intervention" (Kosovo, 1999), "Responsibility to Protect" (Haiti, 2004, Libya, 2011), "Article 51-self-defence" (Afghanistan (2003) and Syria (2015)).

In 1982, Olaf Palme, in the Commission Report on Disarmament and Security, introduced the concept of common security which could be extended to embody the following objectives:

To achieve a state of peace, and disarmament, through reduction of military expenses;

To create a global structure that respects the rule of law;