UNITED NATIONS VS. HUMANITY

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"International law defines the legal responsibilities of States in their conduct with each other, and their treatment of individuals within State boundaries."
- United Nations

Abstract
The United Nations (UN), as an international body of law, serves to maintain peace and security. Despite the UN’s beginning in 1945, there have been countless genocides and a lack of peace within this world up to the present day. Different countries’ involvement within peace councils, the power to veto, and member state’s personal agendas, have affected the implementation of international law. The current Uyghur Muslims, who are being stripped of their human rights by China, are proof of this unrest and failure to maintain peace and security by the UN. The failure indicated that the UN is unfit to uphold international law or even to demand accountability for a state’s actions outside and within their borders. Thus, it is necessary to push for countries internationally to redefine the structure of the UN or perhaps to replace it with a new system of international law that does not tolerate the violation of human rights.
The United Nations

The United Nations (UN) was established upon the extreme conditions that existed with humanity as a result of the overstepping of ethics related to treatment of the human condition by the German regime during World War II. In 1945, upon the creation of the UN, its first responsibility as stated in the UN charter was:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace...To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and to be a center for harmonizing the actions of nations in the attainment of these common ends.¹

The UN is divided into multiple councils, one of them is the United Nations Human Rights Council (UNHRC), which strives to ensure that rights are not withheld from anyone. Another is the United Nations Security Council (UNSC), which strives to maintain peace and has the power to deploy peace operations. It comprises 193 countries, 15 of whom are seated in the UNSC. Within the Security Council, the USA, UK, Russia, France, and China are all permanent members. These countries were chosen to be permanent and have

the power to veto. Although not explicitly stated, it is implied that the input of these five countries holds more weight than others in most matters of peace operations. The United Nations regular budget is also composed of member countries' contributions. In 2020, China invested 18 million dollars and the United States provided 33 million dollars, making them two of the highest investors in the budget. Therefore, their input and opinion as a member state hold high value within the hearings. The UNHRC and UNSC both were created to uphold the law and maintain peace between or within states. These councils, being international environments that have the potential to cause ripples of change, have powerful nations as members such as China, Saudi Arabia, and Egypt. They all have a say in human rights and security issues when they are all one of the biggest human rights violators, which is a detriment to the possibility of equality and justice for the UNSC and the UNHRC.

The U.S Ambassador, Nikki Haley, defined UNHRC as the United Nations' "greatest failure". The councils have a repeated history of highlighting issues based on private agendas from other countries. Gerald Steinberg, president of Jerusalem-based NGO Monitor, stated, “Human Rights Watch (HRW) issued a report on the HRC that does not condemn the fact that China, Saudi Arabia, and Russia are on the Council and repeatedly overlooks widespread and systematic abuses in those countries.

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For an organization claiming to uphold universal human rights, such bias is particularly unacceptable.\textsuperscript{5} The UN Charter, signed by all member States, is the most widely known instrument of international law. Thus, for member States to use this organization for purposes that benefit their personal needs, is itself a violation of international law.

Another major portion of the United Nations that causes limitations and restrictions to its purpose, is the power to veto. This power, given to the five permanent members of the security council, allows them to stop the continuation of resolutions, secretary-general selection, or in some cases to even solely promote a specific issue. Although this power can be very useful to limit one country's dominance, it has become one of the main reasons for a lack of action in crimes against humanity or war crimes. On August 31, 2020, the United Nations vetoed the resolution proposed by Indonesia which dealt with threats to international peace and security caused by terrorist attacks, because it did not address repatriation.\textsuperscript{6} The United States was the only country to have an objection, while fourteen countries supported the resolution. This, although very useful, can be destructive towards the desires of the majority of States. Another resolution that called for sanctions against Yemen was vetoed by Russia on February 28, 2019, because Iran was a violator of the law.\textsuperscript{7} This was supported by 11 countries, but the Russian


Federation, which has a very comfortable relationship with Yemen and Iran, vetoed the resolution.\(^8\)

There is continued abuse of power that precludes resolutions from passing, despite the majority of countries being in favor of it. This feeds into the continued lack of action during times of humanitarian crisis, such as genocides.

**Genocides and Crimes Against Humanity**

Article II in the Convention on the Prevention and Punishment of Crime of Genocide defines genocide as any of the following:

1. **Killing members of a group**
2. **Causing serious bodily or mental harm to members of the group**
3. **Deliberately inflicting on the group conditions of life calculated to bring physical destruction in whole or in part.**
4. **Imposing measures intended to prevent births within the group.**
5. **Forcibly transferring children of the group to another group.**\(^9\)

These were designed to address the issues that occurred during the Holocaust and set precedent for who would be prosecuted as committing genocide. Crimes against Humanity is defined by the Rome Statute of the International Criminal Court in article 7 as:

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\(^8\) Ramani, S., *Can Russia play a role in ending the Yemeni civil war?* MEI@75, Aug. 12, 2019, https://www.mei.edu/publications/can-russia-play-role-ending-yemeni-civil-war, [last visited April 5, 2021.]

I. Murder

2. Extermination

3. Enslavement

4. Deportation or forcible transfer of population

5. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law

6. Torture

7. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity

8. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.

9. Enforced disappearance of person

10. Crime of apartheid

11. Other inhumane acts of similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.\(^\text{10}\)

These definitions set the precedent for international courts to prosecute those who would violate basic human rights within or outside their countries. Despite these clear instructions given by international law, many genocides and crimes against humanity have continued to occur since the events of World War II. The double agenda of many countries within the UNHCR and

UNSC have caused major violations to be overlooked. For example, during the Cambodia genocide, Khmer Rouge was a key person in the creation of the UN resolution with the United Nations Transitional Authority in Cambodia and refused to be disarmed causing the mandate to be a failure.\textsuperscript{11}

There have been many instances when the countries or diplomats involved in the UN value their political and economic stability more than protecting human rights. Alongside this, the veto power given to the five permanent members of the UNSC has also limited the UN from effectively providing aid and implementing resolutions. This was seen with the Iran hostage crisis when Russia vetoed the resolution that would save the United States citizens.\textsuperscript{12}

There have been many situations when politics have found a place in human rights issues that cause international laws to be manipulated. After ten peacekeepers died in the fight to prevent the Rwanda Genocide (1994), the UN troops were only directed to evacuate foreign individuals and not intervene to prevent the killings.\textsuperscript{13}


ntext=%E2%80%9CTroops%20were%20withdrawn%20when%20they, Ban%20Ki%2Dmoon%20in%202014, (last visited Mar 15, 2021.)
The Kashmir issue between Pakistan and India has occurred for years now.\textsuperscript{14} There are rapes, kidnappings, and mass murders happening within the region while India forcibly controls the Kashmir region with military troops.\textsuperscript{15} It is being overlooked simply because the UN does not wish to overstep their boundaries on the two countries, both of which happen to be nuclear powers. The United Nations has failed multiple times on other occasions as well, including the genocide in Cambodia, the Israel/Palestine issue, the civil war in Somalia, the Iraq invasion, the Syrian civil war, and the crisis in South Sudan.\textsuperscript{16} This is a pattern of dysfunction that causes a serious wound in humanity and paves the way for crimes against humanity to occur.

\textbf{Uyghur Muslims}

There are about 12 million Uyghurs, a Turkish population who now reside in northwestern China, living in Xinjiang.\textsuperscript{17} The group is also seen within Kazakhstan, Turkey, and many other countries.\textsuperscript{18} There has been continued tension between the Uyghurs and the Han people, who happen to be a majority within China, since the first arrival of Uyghurs.\textsuperscript{19} Since then, there has been a continuation of violence, riots, and conflict between the two about political independence, land occupancy, and ongoing discrimination. Xinjiang is a

\textsuperscript{15} Id.
\textsuperscript{17} Dou, E., \textit{Who are the Uighurs, and what's happening to them in China?} Washington Post, 2021, https://www.washingtonpost.com/world/2021/02/11/china-uighurs-genocide-xinjiang/, (last visited April 5, 2021.)
\textsuperscript{18} Id.
\textsuperscript{19} Id.
region filled with a multitude of resources that ranges from oil, gas, and cotton, making it a hub for economic prosperity. This economic benefit is also a reason why China wishes to contain the conflicts occurring within the city. The Uyghurs, the majority of whom are Muslims, have been persecuted since 2014 and began to be detained within education camps in the region of Xinjiang starting in 2017. This massive re-education program seized approximately 1 million Uyghurs. Upon the commencement of the re-education programs, those who were seen practicing their religion, wearing hijabs, growing beards, having multiple children, or any other reason were targets and required to participate in the re-education programs. They were also subjected to being tortured for practicing their religion, forcibly taught the Chinese language, and are now a part of labor trafficking that provides one of the world's largest supplies of cotton. Xinjiang alone produces 80% of China's cotton, and is the country that happens to be second in the world as the largest cotton supplier of major clothing companies throughout the globe. The Uyghurs are being forced not to practice Islam, deprived of food if they do not comply, along with beatings, or solitary confinement. The Xinjiang government has also confirmed that there is a drastic decline in the birth rates.

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22 Id.

23 Id.


of Uyghurs within China, and there has also been the largest surge in sterilizations within Xinjiang specifically.\textsuperscript{26} According to the policy report released by Newlines Institute for Strategy and Policy in March 2021, "China bears State responsibility for an ongoing genocide against the Uyghurs, in breach of the Genocide Convention". \textsuperscript{27} This report also highlights the following items to be occurring:

- Intent of the Chinese government to Destroy Uyghur people
- Mass Internment and Government-Mandated Homestays
- Intentional Mass Birth-Prevention within Uyghurs
- Eradication of Uyghur Identity and Selective Targeting
- Killing or causing serious bodily harm to individuals who identify as Uyghur
- Forced Labor Practices
- Sexual Violence
- Psychological Torture
- Unauthorized Surveillance of citizens \textsuperscript{28}

Upon the release of this report, there was a ripple of unrest amongst the international law community since it became the first report that did not make


\textsuperscript{28} Id.
recommendations, better yet stated facts verified by lawyers and Chinese policies. This speaks volumes on the People's Republic of China which is a member of the Human Rights Council in the United Nations and serves only as a backstep in humanities progress upon the conclusion of the atrocities in World War II.

Gulbakhar Jailova, who spoke out about her sexual abuse, torture, and forced detention within these camps, stated that she was arrested without explanation for 15 months.\(^{29}\) While the government denied her response, she asked for them to show proof of her well-fed and safe within that camp which had 24-hour video surveillance.\(^{30}\) China did not respond. There is evidence of labor trafficking, sexual abuse, forced sterilization, the captivity of an enslaved ethnic group, and more, all of which have been revealed through leaks and individuals who have escaped. According to the definitions of crime against humanity and genocide by international law, what is occurring in China qualifies for the prosecution of this country under the United Nations.

**Lack of Action**

The People's Republic of China has continuously denied these allegations but have provided no adequate proof to back up their statements.\(^{31}\) The response to these violations by China has surprisingly been divided since some supported China's actions. Despite that, China has an evident influence over countries, over the United Nations, and over international law, which may explain why some countries would stand with the State. Countries, specifically with a Muslim-majority, do not speak out for the sake of their own political and economic partnership with China. Instead, they support China and call

\(^{29}\) Id.
\(^{30}\) Id.
these accusations completely false.\textsuperscript{32} Pakistan, a country that found its independence from India in the name of religious freedom, has also supported China in the hopes that their country's stability will not be adversely affected by this battle for humanity.\textsuperscript{33}

China is also second to the United States in its contributions to the regular budget of the UN, making it have a large sway within the organizations and its ability to carry out legal operations.\textsuperscript{34} Other countries though have taken the liberty to warn China and its violations of its citizens. During the 2019 General Assembly’s Third Committee, the committee received two letters from the opposing sides, 39 countries against China while 45 countries supported China’s actions.\textsuperscript{35} The two sides were divided by western and eastern sides, with the majority of the western countries against China. Some have even placed legal limitations upon China to pressure the country to halt its violations. The Uyghur Human Rights Policy Act of 2020, passed by the United States, directed responsibility towards China and its actions in Xinjiang.\textsuperscript{36}


Other countries, such as Canada, the United Kingdom, and France, have all spoken out against China and called for it to respect international laws that provide security for human rights. Despite the response by many countries, the United Nations has not taken any adverse action towards China for violating clear rules and regulations provided by international law for protecting human rights.

Conclusion

Never Again was an international campaign that began with the idea that humanity and its preservation was the most important thing in our world. Despite this, like many other legal systems, international law is infested with politics and bias. These inconsequential politics and competitions between countries have continuously caused additional crimes against humanity to go without the respective actors being held responsible and accountable for their violations. With clear evidence, worldwide acknowledgment, and major sanctions placed by various countries, the Uyghurs within China remain helpless because the UN is not and was not ever equipped to handle genocides. The involvement of countries who themselves participate in crimes against humanity and use the power of the veto for their own agendas has moved this body of international law far from its original purpose. International law should prevent murders, not endorse them.

There should be a reexamination of the member-States involved within the UNSC and UNHRC, while also bringing up the proposal to eliminate the power to veto since both have caused resolutions to freeze. Many of these major countries provide a great budget to the UN and if this may be a reason for the organization to not take action, there should be a call for a new organization that does not benefit member States but only humanity. Council

membership should be bipartisan. The United Nations does not have the privilege to make mistakes, since its mistakes have charged this world thousands of lives and millions of dollars while their purpose is not served. Serious crimes are occurring by nations that violate international law but do not get justice because of the structure and procedures within the United Nations. In an evolving era with room for much growth, every individual on this earth has a moral obligation to hold each other accountable for others rights and freedom. Thus, for an injustice happening in today’s time, there is no excuse for the deprivation of basic human rights for anyone.