The United Nations and the Evolution of Global Values
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CONCLUSION

In 1945, the world had to reinvent itself. After the devastations of the Second World War, the international order had to be reconstructed almost from scratch. This was the purpose of the international gathering in San Francisco, where representatives of approximately fifty States came together, united in their fight against a common enemy, to draft a blueprint for a new world order. This blueprint was published in a small blue booklet, the United Nations Charter. All the States in the world have now subscribed to the values, purposes and principles contained in the Charter. Since 1945, the UN Charter has continued to inspire the international community to continuously improve itself in a never-ending attempt to realize certain fundamental values.

The role of the United Nations in the evolution of global values was the central theme of this study. The following questions were posed:

> 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?

The United Nations started to play its part in the evolution of global values immediately after the Second World War. This war had shown the importance of respect for and the realization of certain core values in international life. These values found their way into the UN Charter in one way or another. A world dominated by war, in which human beings were treated as objects, in which peoples were subjected to dictatorial and foreign rule, in which individuals and peoples could not achieve a basic standard of living, was not a world worth living in. A set of purposes for a new world order was identified, based on these collective experiences of fundamental lacks. Above all, the world needed to

> Avoid the catastrophic wars of the past by maintaining international peace and security;

> Avoid extreme poverty by promoting social progress and development;

Avoid the inhuman treatment of individuals anywhere in the world by universally promoting respect for human rights;

Avoid the exploitation and oppression of entire peoples by promoting the self-determination of all peoples.

These became the general purposes of the United Nations Organization. They are listed in Article 1 of its Charter, as follows:

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 and for fundamental freedoms for all without distinction as to race, sex, language, or religion […]

Normally, the text and *travaux préparatoires* of the UN Charter, as well as the General Assembly's resolutions interpreting the Charter, are not examined as contributions to a global debate about values. Instead, the focus is on the immediate impact of the UN's work on particular disputes and emergencies, or on the binding character of the norms proclaimed by the UN and the effectiveness of the UN's measures to ensure compliance with these norms. This is unfortunate, because the importance of a continuous and global discourse about values and ideas cannot be overestimated. The power of values may be more difficult to measure than the power of particular compliance and enforcement mechanisms, but it is clear that universal agreement on where the world should be heading is crucial, also when specific challenges need to be addressed.

The role of the United Nations in the evolution of global values has been essential. As Pronk pointed out, the United Nations is not merely an organization established to urge all States to respect and comply with their international obligations. The United Nations is, above all, a "value community."[1] Since 1945, the organization has organized an on-going international dialogue which has resulted in a more or less global consensus on shared values, purposes, principles, and norms. This process has not received the attention it deserves. That is why Pronk called for the history of the United Nations to be written from the perspective

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[1] Jan Pronk, "Een nieuwe jas voor de Verenigde Naties" (2007).

of values.[2] Writing this history requires an approach to the documents of the United Nations that is different from a strictly political or legal approach. It means looking in detail at the minutes of the discussions that preceded the adoption, both of the United Nations Charter itself, but also of all subsequent declarations based on the Charter. It also means that the Assembly's declarations have to be read as part of a larger story, as stepping stones in the continuous evolution and crystallization of a discourse on values. The research into the discussions, and especially the declarations that were the products of these discussions, must examine not so much whether States can be "bound" by statements made by their representatives during a specific meeting, or whether States have to abide by certain provisions in a particular declaration. Instead, the research must examine the substance of the provision itself, its context and relationship with other provisions, the arguments made in support of that provision, and the objections made against these arguments. Instead of analysing the power politics – which have certainly had an influence on the debates – it is necessary to see what happened to a particular line of argument. Why did one argument "defeat" another? What was the relationship between one argument and another, possibly made in a different context? These are the questions which arise when writing a history of ideas.

To write this history of UN values it was necessary to start at the very beginning. The first step was to come up with a suitable definition of the term "global value". In international law scholarship, there are many references to global values and the fundamental norms derived from them.[3] At the same time, very few scholars of international law have attempted to define the term "value," as though its meaning were self-evident. It seems Walzer's suggestion to "never define your terms" was followed; in his view, defining one's terms was unnecessary, and would only lead to trouble.[4] Although the importance of definitions should not be overemphasized, this study attempted to define global values. Scholars of various other disciplines – sociology, psychology, philosophy – have made earnest attempts to define the concept of "value." Although they were operating in a different context, largely defined by the basic principles of their own particular discipline,

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[2] *Idem.*

[3] This is especially in the case of *jus cogens* norms, which supposedly are all value-based norms. See *e.g.*, Takeshi Minagawa, "Essentiality and reality of international jus cogens," (1984), p. 4; Andreas L. Paulus, "Jus Cogens in a Time of Hegemony and Fragmentation: an Attempt at a Re-appraisal," (2005), p. 299; Jochen Frowein, "Jus Cogens" (1997), p. 67; Antonio Gómez Robledo, "Le *Ius Cogens* International : Sa Genèse, Sa Nature, Ses Fonctions", (1981), p. 93. Kolb, who does not fully agree with the suggestion that *jus cogens* norms are by definition value-based norms, has gathered an impressive series of references to values/interests as basis of *jus cogens*. See Robert Kolb, *Théorie du ius cogens international: Essai de relecture du concept* (2001), pp. 73-74, and continued on pp. 74-75 in footnote 224. For more recent examples (since 2001), see Santiago Villalpando, *L'émergence de la communauté internationale dans la responsabilité des Etats* (2005), p. 89 (see also the page long footnote 299, on p. 89, with a list of literature relating values to *jus cogens*.)

[4] See Marcel Becker, "In gesprek met Michael Walzer" (2008), p. 36.

their findings have helped define the concept of value as used in this study. Based on this interdisciplinary exploration, a definition was found, derived mainly from the work of Rokeach, a well-known social psychologist. In this study, global values have been defined as

> A set of 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.

Some of the most important elements in this definition required closer examination. For example, the definition presents "value" as a relative notion. It does not refer to an ideal world, but to a preferable world. The principal role of the discourse on values is to inspire the international community to continuously improve itself. Even though these efforts cannot be characterized as a Sisyphean endeavour, it is clear that they will never be completed. Perhaps the world is making progress, but it is not moving towards a clear and stable ideal. It is not only the world, but the discourse on values itself that is continuously evolving. Thus values serve as a carrot dangling just in front of the donkey, and urging it to continuously move forward. However, the carrot does not lead the donkey towards any previously determined final destination. And there is no chance that the donkey will ever grab the carrot, eat it and lose all motivation to continue its perpetual march.

Another important element in the definition was the idea that global values were globally shared beliefs, and that such beliefs should be defined from the perspective of the life of all human beings. This suggests that there are certain beliefs that all human beings subscribe to. These beliefs do not overlap simply by chance. They overlap because all human beings have something in common. The realization of these common beliefs is in everyone's interests. This presupposes that despite the existence of groups with competing desires, values and interests, international society is looking for more than ways and principles which allow these groups to coexist together. It presupposes that all individuals in this world together constitute a single body. This body could be referred to as the global community. The question remains how literally this idea of a global community, or global neighborhood, should be taken. Clearly, people do not actually interact with all the other individuals in this world. But that is equally impossible in all States, even in most cities. The important thing is that people feel the need to justify their behaviour at a global level, and there are signs that this is happening. Cosmopolitan theories were used to explain and justify this sentiment. Moral imperatives follow from this need for the global justification of particular behaviour, and also aim for a global reach. According to Singer, as "the revolution in communications has created a global audience [we] feel a need to justify our behavior to the whole world."[5] One

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[5] Peter Singer, *One World: The Ethics of Globalization* (2002), p. 12.

cannot justify one's behaviour if there is no common moral language in which to do so. This study suggests that the common moral language is the language of global values.

Thus the assumption is that the inhabitants of this global community all share certain values, certain beliefs about a preferable world. The only way to discover these beliefs is through a global gathering of that community, a "town meeting of the world." Only a continuous discussion, in particular a discussion between people from different ways of life, will reveal which values are universally shared, and which are not.[6] Any process that can define the world's values, defined as globally shared beliefs, has to be sufficiently inclusive: it has to include the views of all the individuals of the world in some way. There is no better place for the evolution of global values than in a deliberative organ where the views of all the world's citizens are represented. Apart from the inclusive character of the discussion, two further conditions which any value-defining process had to meet were added. These conditions together ensure the relevance for global decision making of the global discussion about values. First, any meaningful discussion about global values must be a genuine discussion. It should not consist of continuously conflicting value systems and interests. Instead, all the participants must bear the global interest in mind, and show consideration not only for themselves and for their own lives, but also for others, ultimately for the global community as a whole. This should not be understood to mean that, as soon as all the participants have the global interest in mind, there will be no more conflicts about values. Practice shows that the opposite is true. In addition to the challenge of reconciling the global language of values with the language of all the local communities of this world – with their own culture, traditions and language of values – there is an equally formidable challenge of resolving the conflicts between the *global* values themselves. These conflicts are probably unavoidable; they constitute "an intrinsic, irremovable element in human life."[7] The challenge, which was beyond the scope of this study, is therefore to find an "uneasy equilibrium" between conflicting global values, an equilibrium that is "constantly threatened and in constant need of repair."[8] The global discussion about values must also be action-oriented. It must be able to motivate the international community to act, to make certain short-term sacrifices in order to realize more ambitious goals in the long

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[6] Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (2006), p xxi.

[7] Isaiah Berlin, *Liberty: Incorporating Four Essays on Liberty* (2002, original of 1969) p. 213.

[8] Isaiah Berlin, "On the Pursuit of the Ideal" (1988). Although these clashes between global values themselves have not been analyzed in detail in this study, some clashes have been uncovered, such as the clash between the promotion of the value of self-determination of peoples organized as a State and the promotion of the respect for human dignity of individuals within that State. See section 2.2 of Chapter VII.

term. The potential of international law as the language in which the values and ensuing obligations are expressed, was analyzed in this context.

Does such a process of value-based, authoritative decision making exist already? Is there a value-making process which is sufficiently inclusive, genuine and action-motivating? This study sees the United Nations as the most suitable candidate to provide such a process of value-based, authoritative decision making. The San Francisco Conference of 1945 and the annual meetings of the General Assembly are qualified in this study as global discussions about values. Do the United Nations and especially its General Assembly have a formal mandate to facilitate a global discussion about values? Did the "founding fathers" gathered in San Francisco grant it that role? Even though the word "value" was mentioned only a few times in San Francisco, and did not end up in the UN Charter, it is not far-fetched to qualify the discussions about the reconstruction of the international (legal) order as value-based discussions. According to the UN Charter, the Organization and its Member States have to act in accordance with certain principles or rules of action in their pursuit of certain common purposes, or aims of action. Although the Charter does not make this explicit, all of the purposes are without exception defined as the realization of a particular value. As Part II of this study showed, the Assembly has in actual fact played the role of facilitating a global discussion about values since it was established.

With regard to the inclusive character of the UN's discussions, it is true that representatives of colonial peoples, the Axis powers, and those States that refused to declare war against these Axis powers, were all absent in San Francisco. However, this lack of inclusiveness was corrected in subsequent years, when all States ratified the UN Charter, thereby adhering to the UN purposes, principles and values. The most fundamental "flaws" in the Charter were amended in practice later on. The cursory references to human rights and self-determination, for example, were interpreted broadly and flexibly, allowing the Charter to also play a key role in those fields which had been largely neglected by the "founding fathers" in 1945. These examples also show the practical importance of the inclusive character of the debates: it was only when the developing States became Members that the Assembly concentrated intensively on international development assistance. And it was only when some of the liberated peoples were admitted, that the Organization became seriously engaged in the decolonization process.

Once the Charter had entered into force and the United Nations Organization was established, the global discussion about values continued in the General Assembly. Every year, all the world's States send their representatives to the UN Headquarters in New York to collectively seek global solutions for global challenges. The UN Charter is used as the constitutional framework. This explains the central role played in those Assembly discussions by the values and value-based norms defined in that document. As regards the genuine character of the discussion, it must be acknowledged that the sincerity of the statements made in the Assembly

452

is often questioned. Do they really mean what they say? Do they act accordingly? Are those grandiose statements not examples of hypocrisy? How does the United Nations ensure that States are actually encouraged to do more than pay lip service to the norms and values mentioned in the General Assembly's declarations? There are various ways in which promises made in Assembly resolutions can have consequences. First of all, the United Nations invests a great deal of energy and many resources in publishing its work. Various non-governmental organizations and the global media closely scrutinize what is going on in the Assembly. It is increasingly difficult for any State representative to make a promise in the Assembly, and assume that no one has heard it or cares about it. In 1951, the instrument of "naming and shaming" had already been described by the President of the International Court of Justice as being more powerful than most legalistic methods of "enforcement"; and this is even more the case sixty years later.[9]

With regard to the capacity of the UN's discussion to motivate action, the emphasis has been placed on the many multilateral treaties that have resulted from the Assembly's work. But Assembly declarations which have not been translated into the language of multilateral treaty law have been just as effective in influencing State policy.[10] These declarations have had such a significant effect precisely because they are seen as authoritative interpretations of the norms contained in the UN Charter. These norms themselves are binding on all States. As the Charter norms are formulated in general and often ambiguous terms, their authoritative interpretation by the Assembly can in fact amount to legislation. The General Assembly is ideally suited to interpret these norms and principles on behalf of all States party to the UN Charter. At the same time, the declarations of the Assembly can serve as "evidence" of the development of customary international law. This is particularly the case if States act in accordance with the norms they have proclaimed in the resolutions adopted by the General Assembly. Thus the Assembly is much more than a debating society: there are various ways of ensuring the legal and political relevance of the value-making process taking place in the General Assembly of the United Nations.

When the role of the Assembly is characterized in this way – as a global discussion about values – various possibilities can be suggested to strengthen the

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[9] See Alvarez, Separate Opinion in the ICJ's Reservations to the Genocide Convention Advisory Opinion, 28 May 1951, p. 52.

[10] For the value of peace and security, reference can be made to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, General Assembly resolution 2625 (XXV), adopted on 24 October 1970; for the self-determination of peoples the Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolution 1514 (XV), adopted 14 December 1960; for social progress and development we can refer to the United Nations Millennium Declaration; and for human dignity the Universal Declaration of Human Rights, General Assembly resolution 217 (III), adopted on 10 December 1948.

capacity of the Assembly. For example, the Assembly could be made more democratic to improve the inclusive character of the debates. The Assembly delegates could be selected on the basis of popular elections, similar to the European Parliament. Possibly larger countries, such as China, could be given more votes than smaller States, such as Nauru. To prevent States from preaching one thing in the Assembly, and practising an entirely different policy back home, the "legal force" of Assembly declarations could be clarified. For example, in its declarations the Assembly could explicitly note when it intends to interpret a UN Charter principle. Assembly declarations containing rules which derive directly from Charter principles constitute an authoritative interpretation of those principles. Therefore they are binding, not only on the Assembly itself, but also on Member States. Such clarity would increase not only the genuine character of the discussion, but also the capacity of Assembly declarations to motivate action. Moreover, as there is still uncertainty about whether the Assembly can interpret the Charter, not only on its own behalf but also on behalf of the Member States, this "power of interpretation" of Assembly declarations could be acknowledged formally and explicitly by the Member States themselves.

After examining the term "global value" and describing the role of the United Nations in the evolution of these values, Part II analyzed the actual evolution of the global values through the normative work of the United Nations. The documents of the San Francisco Conference, the UN Charter itself, and the Charter-based Assembly resolutions were extensively studied to write a history of the United Nations as a community of values. The intention was to find reflections of a global consensus in those documents, regarding the continuously evolving meaning of the values indirectly outlined in the UN Charter itself: peace and security, social progress and development, human dignity, and the self-determination of peoples. These are the most fundamental global values referred to in the United Nations Charter, and therefore the values analyzed in this study.

The cross-fertilization between the work of the United Nations and the debate on values taking place in scholarship was a major theme in this study. Some examples of fruitful cooperation were described, and some potential examples uncovered. To facilitate further development in this direction, a summary is provided here of some of the major ideas developed by the UN and presented in this study, which can be explored in the literature in more detail. In addition, some of the ideas explored in the scholarship are presented which the UN can use in its future work. All these suggestions together also provide a brief summary of Part II of this study.

The value of peace and security was discussed first. The United Nations has made some attempts to define peace in general terms, for example, by referring to the culture of peace. From the start, the problem with such positive definitions of peace was that they ended up describing a peaceful world as a perfect world, thus making the value of peace and security indistinguishable from other values. It is

454

perhaps for that reason that the United Nations mainly busied itself identifying various specific threats to and breaches of international peace and security. A peaceful world, then, is a world without such threats, *i.e.* without inter-State and civil wars, without attacks by mercenaries and terrorists, and without the arms race and the development of various weapons of mass destruction. These have all been labelled by the UN Security Council and the Assembly as direct threats to international peace and security. Climate change, diseases of mass destruction and poverty also affect peace and security, but they do so indirectly. To label them as threats to the peace would, once again, lead to a value of peace which lacks conceptual clarity. Thus the United Nations preferred to refer to them as "root causes" of threats to the peace. As with all values, the UN has also promoted a human rights-based approach to peace and security. The UN has suggested that peace must be defined from the perspective of individual human beings, and not only from a State perspective. This change of perspective, if adopted by the international community, would drastically alter the definition of peace and security. From a State-centred perspective, it is possible to distinguish the root causes of threats to the peace from the threats themselves. But poverty poses just as much of an immediate threat to the life of an individual as the development of an atomic bomb, or the start of an inter-State war. How should a threat to human security then be defined, taking into account that threats to human security should somehow be distinguishable from other types of threats? This new approach has not yet been fully explored. The concept of "human security" was first introduced in the Human Development Report of 1994, as requiring both "safety from such chronic threats as hunger, disease and repression" and "protection from sudden and hurtful disruptions in the patterns of daily lives."[11] Since 1994, human security has been discussed extensively in the literature. Perhaps this will one day lead to a coherent theory which the UN can implement in its work.

The second value is social progress and development. The Assembly has adopted more resolutions on this value than on any other value. In those resolutions, the UN focused largely on international programmes and plans for development, rather than on defining the notion of development itself. The aim of all these plans and programmes was to engage in collective action in order to improve the international economic order by tackling the rising inequalities in the world, as well as by responding to the marginalization and absolute lack of development in certain parts of the world. The Assembly has consistently stressed the primary responsibility of States for their own development. But it has also recognized the duty of all States, especially the developed ones, to assist developing States in their development. These plans and programmes have been compared, wherever possible, with scholarly theories of global social and distributive justice. The main

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[11] Mahbub ul-Haq, *New dimensions of human security* (Human development report 1994), p. 23.

question then was: "Who is entitled to what?" The developing States, which have a strong majority in the Assembly, claim that they suffer because of the international economic order set up by the developed States. They ask for that order to be corrected, and until the corrections have been made, for compensation for the damage caused to them by the existing order. These demands are clearly based on principles of distributive justice, especially the basic principle that all participants deserve an equal share of the goods, unless there are convincing moral reasons to justify a different arrangement. In the scholarship, a distinction is made between claims based on (distributive) justice and claims based on an absolute duty for those capable of doing so to come to the aid of those in dire need. Following this distinction, the UN's efforts to coordinate emergency relief aid and those to improve the system for the provision of official development assistance have been treated separately. Apart from calling for an equitable distribution of the goods among the present generation, the United Nations also acknowledged that future generations already have a claim to some of the same goods. One of the success stories has been the UN's role in promoting the idea of "sustainable development," defined as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. This definition has been embraced both in scholarship and by the UN and its specialized agencies. The UN has also concerned itself with a human rights based approach to development. The Assembly has proclaimed a right to development, defined as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. However, it is as yet unclear whether the (human) right to development has been unambiguously embraced, either in UN parlance or in the scholarship.

The third value is human dignity. The development of this value, in the language of human rights, has been the biggest success story of the United Nations. The Assembly has been very consistent and explicit in its use of human dignity as the source of all human rights. It started with the adoption of the Universal Declaration of Human Rights in 1948, which stated that "all human beings are born free and equal in dignity and rights." The idea that human dignity constitutes a universally shared foundation of the human rights movement has also been accepted in the literature. But what is human dignity? The concept is often given a religious connotation, but this option is not available to the United Nations, which does not adhere to any particular religion. The UN uses a highly intuitive approach to human dignity. All individuals in this world have inherent rights, which do not depend on their recognition by others. Individuals have these rights simply by virtue of being human. This claim has universal validity: all human beings, wherever they are, whoever they are, and in whatever circumstances they find themselves, are entitled to respect for their intrinsic dignity and the rights that derive from it. The same

456

intuitive approach is used to derive human rights from this value of human dignity. All human beings are able to tell which specific rights constitute the core of rights derived directly from human dignity. Because we are all human beings, the core of the catalogue of rights does not depend on one's background, religion or culture. From the very beginning the Assembly busied itself defining this core of universally valid human rights norms based on human dignity. Some philosophers have proposed other less intuitive theories. The work of Beitz and Griffin, in particular, comes to mind.[12] Griffin used the UN's work as a starting point, and then criticized the Assembly's application of its own theory. He believed that some universally recognized human rights should not be recognized as such, because they could not be based on human dignity. Such discussions are fruitful in developing the potential for cross-fertilization between philosophers and the UN.

The last value on the list is the value of the self-determination of peoples. The importance of this value is largely due to the UN's success in overseeing the process of decolonization. When the value was applied to the colonies, not much conceptual thinking was needed. It was clear who the colonial peoples were, and who the colonial powers. The conceptual challenges started to emerge when the principle was applied outside the colonial context. There appears to be a consensus in the United Nations that the principle of self-determination protects peoples against all forms of oppression. There is no reason to suggest that the principle applies only when the oppression is in some ways "foreign," as was the case in the colonial context. A group of individuals can just as easily be targeted, as a group, by its own leader. There are minority peoples, including indigenous peoples, who suffer from being oppressed by the majority. Or an entire population can be oppressed by its own dictatorial Government. Interpreted in this way, the value has not only motivated calls for secession, but it has also inspired the participatory processes in many States in a positive way. When a people has realized its right to control its own destiny with the creation of its own independent State, there is still a danger that other States could come and oppress it by interfering in the group's internal affairs. Challenges to the sovereign independence of States thus also challenge the full enjoyment of the right to self-determination of peoples. Despite many debates and resolutions, it is still unclear what "peoples" are, and exactly what they are entitled to. The UN has provided a wealth of ideas and possible applications of the value, but it has made very few of the hard choices that have to be made. The UN proposed a human rights approach to the value of self-determination of peoples. Article 1 of both classic human rights covenants proclaims that all peoples have the right of self-determination, and that by virtue of that right they may freely determine their political status and freely pursue their economic, social and cultural development. The inclusion of this right in the human

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[12] Charles R. Beitz, *The idea of human rights* (2009); James Griffin, *On human rights* (2008).

rights covenants has led to extensive discussion, both in the United Nations and in the literature. Is it a human right? Or is the right to self-determination a prerequisite for the enjoyment of human rights? The debate is far from over.

It is interesting to compare the different approaches used by the UN in its work on the continued evolution of these four global values. The UN mainly developed a long list of (potential) threats to peace and security. It left the value itself largely undefined, although it has come up with some highly influential new concepts and ideas, such as "human security." With regard to social progress and development, the General Assembly focused on drafting a long series of action plans, comprising various commitments to assist developing nations in their development. As the UN did not provide a substantial definition of the value itself, it is not always easy to understand what the ultimate goal of all these plans is. Thus they mainly served as ammunition for economists, who could discuss and criticize specific policy elements. Because there was no ultimate goal, moral philosophers, on the other hand, had little to work with. The UN's work on the value of human dignity has yet another character. There, the UN did not restrict itself to defining a list of threats to dignity, nor did it limit itself to designing various action plans to promote human dignity globally. The UN produced a long list of human rights which States must respect to promote the value of human dignity. The UN has given various "hints" about the meaning of the value itself and has consequently significantly influenced scholarly debate. Self-determination is probably the vaguest of all four values. We do not even know who is entitled to self-determination, and what they are entitled to exactly, and in what circumstances. All we know is that it is based on the desire of various communities to freely control their own destiny, without any outside oppression. Here, the UN is in need of some help from the scholarly community.

In the research into the history of the United Nations as a community of values, one is struck by an unusual characteristic of the United Nations debates. The debates, both in San Francisco and in the Assembly, all have a highly abstract and philosophical character. This in itself distinguishes the debates from the usual political discourse, where a concrete global challenge has emerged and State representatives urgently come together to collectively find a solution and divide the tasks. At the same time, the San Francisco and Assembly debates are not purely philosophical debates. Those participating in the debates all represent a particular State, with its own special interests, and its own cultural peculiarities and historical traditions. Many of the representatives receive instructions from home, and merely read out the statement prepared and approved beforehand at the Assembly. This makes actual interaction rather difficult, but it allows the other States – and researchers – to get an impression of a State's opinion on a specific point. The UN debates examined in this study were always organized for a particular purpose: the drafting of fundamental principles or norms. Each and every time, the main aim of all the representatives was therefore to find a global compromise. This was the case

in San Francisco in 1945, and it has been the case for the Assembly since its establishment. In a way, what the representatives ought to do is reflect the general spirit prevailing in their State, and try very hard to ensure that this spirit is in turn reflected, as far as possible, in the treaty text and the declarations that are ultimately adopted. Of course, whether representatives genuinely attempt to reflect this general spirit differs per country. Because of the consistency of their positions on various issues on the Assembly's agenda, many states have acquired a certain personality, rather like individual persons. At the same time, there is no reason why States, like individuals, cannot change their minds. The UN documents are examined as reflections of these global conversations, they contain a wealth of information and a wealth of arguments. Even when at key moments, the result of these discussions is an empty compromise – many of the most important issues have been left undecided – the road leading to this empty compromise can be interesting to examine.

Furthermore, when the importance of the debates themselves is acknowledged, it becomes even more interesting to think of ways to improve the quality of the debates themselves. One way would be to exploit the potential of the cross-fertilization between the UN and the academic community further. This could be done, first of all, by publishing and promoting the UN documents, especially the San Francisco proceedings and the Assembly's resolutions and debates. The proceedings of the debates resulting in the most important declarations and legal texts of the international community could be disseminated and then studied widely. The United Nations has already realized the importance of the wide dissemination of its work. It is investing a great deal of energy and resources in facilitating this process. It has made many of its documents available online free of charge, and it has developed various ways – mainly online – to present the key documents in the field of peace and security, development, and human rights, in an accessible way. It has also devoted a section of its website to the promotion of the UN's values and ideas through the language of international law. Increasingly, the Organization makes use of the internet to link scholarship to the work of the United Nations. The Audio-visual Library of International Law is an example of this. [13] All these developments are promising, and will increase the exposure of the work of the United Nations, facilitating the cross-fertilization between the UN and the academic community, increasing its relevance, and ensuring that all the world's citizens can identify better with the work done in New York. Hammarskjold, the second UN Secretary-General, famously compared the United Nations Organization with a painting. In his view, everything would be all right if the world's people would stop thinking of the United Nations as "a weird Picasso abstraction and see it as a drawing they made themselves." The world population has to identify with the

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[13] See http://www.un.org/law/avl/.

values and purposes, first proclaimed in the UN Charter, and then developed in more detail, on their behalf, by the General Assembly. This has been the aim since 1945. For example, even during the San Francisco Conference, Gildersleeve of the US delegation had already suggested that the preamble "should be hung up in every peasant's cottage throughout the world," as a source of inspiration.[14]

The process of cross-fertilization between the United Nations and the international community, especially researchers and specialists, should also be "institutionalized" in some way. Ideally, the most influential individuals in the public debate could be invited to participate in the debates at the General Assembly. The delegates of all the States in the world can then ask these experts for their opinion, and they can choose to adopt a certain idea or theory, or not. In this way, the global consensus reached at the Assembly will be firmly based on ideas developed in scholarship, as well as on political compromise. That would be the ideal. Such debates have taken place. The debate on the responsibility to protect comes to mind.[15] Unfortunately, instead of showing the potential of such debates, that debate mainly revealed the pitfalls. First of all, the initiative could be criticized for a lack of sincerity. After all, the debate was organized by a strong and outspoken opponent of the idea which was to be discussed, and the discussion was organized to raise doubts about the universal agreement reached earlier. Secondly, the scholars and experts who had been invited strongly disagreed with each other. This is the norm in essentially any debate in scholarship. One wonders how the international community, as represented in the Assembly, can learn from scholars if they disagree so fundamentally with each other. Thirdly, it showed that the Assembly did not need a fully-fledged definition of a particular concept. It needed only an intuitive understanding of a particular concept that was sufficiently profound to be able to inspire action. These experiences and pitfalls make one wonder whether the continued evolution and codification of global values in the language of international law actually benefits from a bigger role for experts. Ultimately, only practice will provide an answer to this question, by proving or disproving the strength of ideas that have been fully worked out. Past experiences of cross-fertilization between the UN and the academic world could be used to improve and perfect the model. The present problems might turn out to be no more than teething troubles, obstacles that can be overcome in the future.

This study has examined how moral values determined the founding of the United Nations Organization in 1945, and the evolution of its purposes, principles and policies since then. A detailed examination of the *travaux préparatoires* of the United Nations Conference on International Organization has shown that the

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[14] Minutes of Twenty-First Meeting of the United States Delegation, April 27, 1945, in FRUS, *1945, General:* Volume I, p. 478. See also First Session of Commission I, June 14, 1945, UNCIO, vol. 6, p. 19.
[15] See section 5.3 of Chapter VII.

drafting of the United Nations Charter was significantly influenced by global moral values, *i.e.* globally shared beliefs distinguishing right from wrong, good from bad, the current from a preferable state of the world. A common desire to eradicate war, poverty, inhuman treatment, and the exploitation of peoples, have led to an affirmation of the values of peace and security, social progress and development, human dignity and the self-determination of all peoples. All these values ended up in the UN Charter. This study also analyzed how the United Nations continued to influence global morality through its own contributions to the debate on values, and its contributions to the "translation" of these values into the language of international law. It has been demonstrated that, since 1945, moral values have continued to influence the work of the United Nations, especially that of the General Assembly. By interpreting the values embedded in the Charter in its many declarations, the Assembly has guided the evolution of these values. The Assembly's declarations taken together, with the UN Charter as their backbone, constitute a particular system of values and principles of conduct, distinguishing between the current world and a "better world." In this way, they are clear examples of contributions to a moral discourse. Their link with the UN Charter also gives them legal significance, and the fact that they are the result of inter-State negotiations gives them a political foundation as well.

In a position somewhere between high-flown moral principles, legal norms, and down to earth political compromise, Assembly declarations are rather like giraffes. As Thomas Franck explained, this animal shows that it is "perfectly possible to have one's head in the clouds while keeping one's feet firmly planted on the ground."[16] All the General Assembly's declarations together constitute the last wild herd of giraffes, leading us through the dusty desert to the nearest oasis. Just like giraffes, there is always a danger that Assembly declarations relate mainly to each other, ignoring the obstacles on the ground. Lowe warned the Assembly not to use its declarations to build a castle in the sky. The search for "coherence with other principles" should not be considered more important than a real link with State practice and policy.[17] Otherwise the Assembly would engage in an exercise of UN Charter exegesis, focusing on explaining the "meaning and significance of earlier 'authoritative' texts" while becoming more and more detached from political reality.[18]

Clearly one of the most formidable challenges for the future is to find ways to compel all States to take the value-based declarations of the Assembly more seriously. States should be motivated to acknowledge that the Assembly's words need to be translated into concrete action, *i.e.* meaningful financial and political commitments, robust enforcement mechanisms, and so on. In order to succeed, the

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[16] See Thomas M. Franck, "Tribute to Professor Louis B. Sohn" (2007), p. 24.
[17] Vaughan Lowe, "The principle of non-intervention" (1994), p. 73.
[18] *Idem*.

Assembly must restrict itself to tackling the global challenges, and to providing common responses to them. It should not set out to replace the colourful diversity of local traditions and policies in the world with a single global culture and policy. Like any truly cosmopolitan institution the Assembly's powers are limited: it can go only as far as to promote an abstract ethic – a set of values – and norms based on these. It can never provide a real and concrete "refuge" for people. This is something which only local communities can provide. [19] If the Assembly overreaches itself, if the discourse on global values is dominated too much by cosmopolitan (and benign) elites, and if the opposing forces are ignored, a counter-reaction could continue to grow, and the world could witness a rise of local values and a growing tendency for people to define their political identity in terms of their connection to a particular ethnic or religious group rather than on the basis of modern constitutional citizenship.

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[19] The formulation is based on Martha C. Nussbaum, "Patriotism and Cosmopolitanism" (1994), as cited in section 2.3 of Chapter II of this study.