

Causes of Failure to Ensure Equal Rights & Self-Determination in UN Member Nations

Introduction

Chapter 1, Article 1 of the UN Charter outlines its four central purposes: collective measures that support international peace and security; friendly relations based on equal rights and self-determination of peoples; cooperative solutions for international problems; and being a center for harmonizing actions to reach these goals (U.N. Charter art 1, para 1-4). In item two, it specifies that these purposes are "based on respect for the principle of equal right and self-determination of people." In Article 2, it goes on to specify that "The Organization is based on the principle of the sovereign equality of all its members" (U.N. Charter, art 2., para 1). While member nations, in joining, have agreed to be bound by the ideals of the UN, they may not necessarily have identical views on what constitutes their obligation regarding and interpretations of those ideals. Beyond this, it is often the case that nations that have the will to foster conditions of equal rights and self-determination lack the capacity to do so. (Engelhardt, 2009). Because not all nations and individual actors within a nation have the same interpretation of or invested domestic interests in equal rights and self-determination, nor do they always have the same capacity to ensure them, nations may fail to "respect...the principle of equal rights and self-determination of peoples" due to failure by interpretation, interests or capacity.

This lack of will or capacity cannot be seen as simply a choice or a condition that exists within the present, but rather it must be understood that these choices are constrained by not only the value systems of individuals as group members but also by the institutions that have arisen as a result of historic conditions. Simply put, even states with expansive political power within their own borders find themselves bound by the actions of the past and the value systems that characterize their citizens. Political, economic and social conditions often shape the ways in which a nation defines and implements equality and personal freedom.

Causes of Failure to ensure Equal Right and Self-Determination

Failures by Interpretation

The fundamental understanding of sovereignty that characterizes a nation's foundations may view its own power as the priority of governance either as the most effective means to express the rights of its citizens, or simply as its foundational approach to international relations, in which case *any* attempts at curtailment of domestic behavior will be met with resistance. These distinctions are often viewed as a realist rather than liberal view of international relations. Nations that subscribe strongly to a realist view and particularly those that tend to engage in politics from the zero-sum perspective may participate in the UN not because of a particularly strong alignment with its stated mission and goals, but rather in an effort to advance their own interests internationally. They may seek to increase their control of the behaviors and economics of other nations while seeking to cede as little of their own control as possible.

This failure by interpretation may unintentionally be reinforced by the structure of the UN itself, as evidenced by the invasion of Ukraine by Russia in 2022. As a nation that enjoys privileged status as one of the five permanent voting members of the security council, Russia was able to exert its own interest in re-acquiring specific territory despite that action's clear infringement on Ukrainian rights to self-determination, without fear of facing any real consequences from the

body itself. Russia's ability to unilaterally veto any Security Council action effectively removed any threat of the use of force by the UN against its military forces in defense of Ukraine. Essentially, Russia has been able to enjoy the increased international power its membership in the UN provides while skirting its responsibilities to the organization by prioritizing its own right to self-determination and exploiting the underlying principle by claiming to be upholding that very mission by providing access to such rights to a minority group within the borders of another nation. Failures of interpretation differ from failures in capacity in that they are intentional behaviors that seek to find legitimation for actions which are contrary to the tenants of the larger mission of the UN rather than the product of a situation of path dependency or inability to influence outcomes.

Failure by Interests

Failures by interest are often driven by domestic conditions and practice and result when actors within a state choose to politically capitalize on the infringement of equal rights and self-determination of minority groups of citizens by interpreting those actions as the rightful expression of those rights by the majority group. As an example of a failure of interest, the intentional politicization of religion as a means to galvanize power starts as an argument for the right to religious freedom for a majority group which becomes the justification for the oppression of marginalized groups. This practice has often been associated with authoritarian regimes, particularly in the middle east, such as the sectarian violence between Sunni and Shia factions in Iran and Syria, or the current repression of women in Afghanistan (Ahmadi, 2023; Pew Research Center, n.d.; Council on Foreign Relations, 2023). However, it is increasingly characteristic of democratic states. Increases in violence against immigrants in the US are often attributed to the rise of Christian Nationalism spawned by the Moral Majority (Siaya & Manchanda, 2024; Burton, 2018; Graves-Fitzsimmons & Siddiqi, 2022). In India, Prime Minister Narendra Modi has successfully capitalized on the Hindutva movement in his rise to power doing little to discourage rising violence against non-Hindu citizens both at home and abroad (ACLEDE, 2024; Amnesty International, n.d.).

While this phenomenon may appear to simply be political machinations which willfully disregard the human rights consequences in favor of increased power for an elite group, it is important to note that they cannot occur without a majority or elite group's willing participation. These movements may be coming to the forefront under modern charismatic leaders, but the conditions which they are capitalizing on have been cultivated over time, intentionally tying a person's religious expression and self-determination to political power in a zero-sum game. They have become entrenched in party platforms and as those parties assume power, they result in political action that further curbs the rights and freedoms of the opposition. The specific political actors that capitalize on these circumstances are rarely solely responsible for the creation of the sentiment, rather they see opportunities to realize political gains utilizing institutionalized oppression and rising or prevailing sentiment.

Failures of interest may also be driven by national interests in a broader context. For example, they may arise from economic conditions which incentivize exploitation of labor as a means of development. It may be in a nation's interest to exploit specific groups in an effort to improve the circumstances of the population as a whole, or of majority groups. For example, in 2023 the US House Select Committee on the Chinese Community Party found that China intentionally used

political violence to force minority group Uyghurs to work in factories in order to produce clothing for retailers at artificially low labor costs and secure their world position as a leader in fashion production (n.d.).

Failure by Capacity

Failures by capacity are indicative of current political and/or economic constraints. These constraints can occur due to recent events, such as natural disaster effects or regime change, but are often attributable to historic conditions such as colonial legacies, economic dependencies such as an industrial path dependency, political structures in foundational documents, social norms and perceptions of international relations and globalization effects on domestic outcomes. Even when there is an active interest in protecting the equal rights and self-determination of individuals, a nation may not have the capacity to create conditions which ensure these rights. For example, while conditions in Somalia certainly include components of interest failure, current problems, both economic failures and conflict between ethnic groups, are the result of historic conditions. Such circumstances can be extremely difficult or impossible for administrations with lower levels of political and economic domestic power to meaningfully address. These failures of state are one of the primary responsibilities of the UN as a body of international governance.

Solutions:

As outlined above, this paper views nation failures to respect equal rights and self-determination as the product of three distinct sources: failures by interpretation; failures by interests; and failure by capacity. Just as the reasons for failure vary greatly, so do the solutions. The solution must be driven by the rational and goals of the failure in order to effectively address the issue. Failures by interpretation should be broadly addressed by adjusting the UN itself to increase its capacity to exert punitive actions against willful failures by nations to convey their commitment to respecting equal rights and self-determination. Failure by interest should be broadly addressed by increased international awareness and pressure by other member nations to comply. Finally, failures by capacity should be addressed by increased support in the form of economic and expertise/manpower support for programs designed to improve domestic conditions and progress towards effective governance that respect equal rights and self-determination.

For failures by interpretation, the UN should consider removing the unilateral veto power of the five permanent members of the security council. While there is no doubt be a great deal of pushback by the existing members, the invasion of Ukraine placed the power imbalance that the current system creates on the international stage. In order to address the disparity of power that directly conflicts with the concepts of international equality that the UN espouses, and the perceptions of elitism within the organization that this imbalance creates, this system must be modernized. The world in which the UN was formed sought a level of checks and balances among the larger powers, however, the retention of this mindset does not meet the expectations and interpretations of fairness in a modern world, rather, it now serves mostly as a focal point for criticism of both the UNs perceived role in maintaining the interests and extractive nature of colonial powers and it lack of ability to actively exert its authority through action rather than speech.

For failures by interest the UN should continue to increase the effectiveness of its international awareness and solutions bodies such as the Human Rights Council and the Office of High Commissioner for Human Rights. Bringing attention to such matters works to curtail failures of intention by increasing domestic and international pressure to avoid violating minority rights. Domestically, groups that were not participatory to these behaviors are often not the target of the political positioning and may be unaware of the violations. Making them aware of such behaviors encourages them to solve the issue through domestic politics, thus weakening the incentive structure for the violations to occur. Additionally, awareness can be particularly effective on the international stage by enlisting the target consumer country's citizens through name and shame campaigns that seek to undermine the economic incentives to exploit minority groups by reducing the market incentive of sales.

For failures by capacity, the UN should increase its effective enforcement capacity and economic and advisory support programs for nations seeking to improve their respect for equal rights and self-determination. It must continue to aid countries that have been historically forced into systems that institutionalized the exploitation of specific groups or which failed to address existing tensions within the area of control of a nation. It must continue to financially assist those nations which were shaped by extractive practices which stunted their economic development, leaving them with lower levels of infrastructure, making governance overall more difficult.

It is also important to note that just as there were overlaps in the causes of failure, such as the foundational international relations perspective of a nation contributing to both failures by interpretation and failures of capacity, the solutions will also often require a combination of approaches to target the specific causal overlap.

Conclusion

While all member nations agree to the UN Charter's purposes, including the key tenant of respect for equal rights and self-determination, nations may implement these ideals differently due to varying capacities, interests, and interpretations. Political, economic and social conditions influence how nations define and realize these obligations. Just as the motivations vary from nation to nation, time to time, and situation to situation, so do the solutions. Understanding the nature of the discrepancy between viewpoints is a key step in arriving at real solutions that further the stated goals and mission of the UN to ensure peace and improved human conditions across the globe.

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