



Colombo Model United Nations 2023

Committee: Security Council	Country: The United States of America
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Agenda: Amending the UN Charter

Foreign Policy Statement

1. Does my country support this topic?

Recent uprisings that have severely disturbed the international community have brought the purpose of the United Nations and its leading body- the United Nations Security Council (UNSC), to question as International Peace and Security has constantly been held at stake. In numerous conflicts like the Syrian crisis, the inability of the UNSC to take action has resulted in dire humanitarian crises. Having recognized the urgency of this issue, the United States of America (U.S.), citing **Chapter XVIII, Article 108 of the Charter of the United Nations** (UN Charter) ^[1], will willingly participate in discussions based on the agenda.

2. What has my country done about this topic in accordance with my stance?

The U.S. been at the forefront of expressing concerns over the need to propel reform within the United Nations starting off with the UNSC. The U.S. had identified and voiced its concerns over the following **structural problems** within the UNSC:

- a) Minute number of states represented in the UNSC
- b) Lack of diversity among permanent and non-permanent members
- c) Abuse of the veto power by certain P5 nations

First and foremost, the U.S. believes that the UNSC could accommodate a greater number of states, specifically nations from Africa, Latin America and the Caribbean who have been under-represented in the Council. Members of the G4 such as India, Brazil, Germany and Japan also remain as strong candidates for a permanent membership seat in the UNSC ^[2]. However, the U.S. remains deeply concerned over the misuse of the veto by the Russian Federation during their invasion of Ukraine in 2022. A very pertinent example remains the use of their veto power to fail the SC Resolution on Russian Aggression towards Ukraine ^[3]. Yet, the enactment of the **Uniting for Peace Procedure** for the **13th time** in the history of the UN was strongly supported by the U.S. following the adoption of the procedural resolution



2623 by the Council- from which the vote against by the Russian Federation had no effect ^[4]. The passing of **A/RES/ES-11/1** with a vote of 141 to 5, inclusive of 35 abstentions, will remain a vital moment in international politics as a clear majority was able to express their views on the unlawful invasion by the Russian Federation ^[5].

Nevertheless, on the basis that those who exploit the veto need to be held accountable for their actions, the U.S. co-sponsored the landmark United Nations General Assembly (UNGA) Resolution (**document A/77/L.52**) ^[6] requiring any permanent member who exercises the veto to convey their sentiments defending the grounds upon which that veto was legitimate in the UNGA ^{[7][8]}. The U.S. believes that this **Explanation of Vote** system creates a necessary deterrence for those who wish to misuse the veto in any given circumstance.

In addition, it must also be noted that the Russian Federation's excessive use of the veto in instances such as the Syrian Conflict are only further putting the legitimacy, credibility and efficacy of the UNSC in question ^[9]. This also paves the way for discussions regarding the very legitimacy of the Russian Federation's permanent membership seat ^[10]. As pointed out by Sergiy Kyslytsya, the Permanent Ukrainian Representative to the UN, after the USSR was dissolved in 1991, the council never voted on the admission of the Russian Federation. This further extends to the question of the rarity of coercive action within the framework of the UN. The Korean War in 1950, for instance, was one of the few instances in which joint action could be taken by the UNSC due to the absence of the USSR from the council as a protest at the seating of the Nationalist Chinese Representatives. While the U.S. concedes to the possibility of arguments against this matter- i. e. the largest of smaller states that have been dissolved to be termed the rightful successor of the dissolved state in accordance with Customary International Law ^[11], it must also be acknowledged that the UNSC will continue to face international condemnation due to the Federation's biased actions.

Moving on, abiding to the parts of International Law excluding specified reservations is a strategic tool that will enhance unity among member nations. The U.S. believes that, as a proactive measure, parties engaged in any form of conflict must adhere to **Customary International Law** as specified in the **Geneva Conventions**; with the exceptions of **Additional Protocol I (API)** and **Additional Protocol II (APII)**, and importantly the Common Article 3^[12]. This also extends to **The Hague Conventions**, more prominently, the **1980 Hague Convention on the Civil Aspects of International Child Abduction** ^[13].

As the principle Judiciary body of the UN, the **International Court of Justice (ICJ)** is flawed in its miscalculated accusatory decisions. The Court had ruled that the U.S. had failed to fulfil its duties under the Vienna Convention on Consular Relations in 2005 following the ruling against the U.S. on Nicaragua war reparations in 1968. The U.S. still stands strong on its disagreement to the Court's rulings and believes that a more inclusive judicial system is to be implemented for the court to have a stronger foothold on judicial matters governed by the UN^[14]. While the U.S. is not a party to the Rome Statue and recognizing that the **International Criminal Court (ICC)** is independent from the UN, the U.S. would strongly



assert the need for this body to ensure that its jurisdiction does not overlap with the domestic jurisdiction provided by any state. The same principle would also apply to the ICJ and facilitating reform in both of these bodies would set a more credible precedent of international rulings to the whole community.

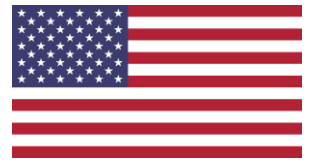
With regard to issues concerning territorial waters and naval forces, the U.S. has recognized the **United Nations Convention on the Law of the Sea** (UNCLOS) as a codification of Customary International Law but has not ratified it ^[16]. The UNCLOS was ineffective in solving the territorial dispute within the Arctic Circle in a just manner, as countries like the U.S. was not entitled to utilize the respective resources under their lawful territory. The U.S. also remains deeply concerned by the Russian militarization of the Arctic Circle- more prominently the rebuilding of run down Cold War bases ^[17]. Moreover, rising tensions within the **East China Sea** (ESC) and **South China Sea** (SCS) have been alarming. Under the Senkaku dispute, the U.S. has pledged its support to the nation of Japan through its commitments to the **Treaty of Mutual Cooperation and Security between Japan and the U.S.**, where under Article V, the U.S. will not hesitate to defend its long standing ally ^[18].

In addition, unregulated nuclear programs across the global community housed by countries like the Islamic Republic of Iran, and the Democratic People's Republic of Korea (DPRK) against the will of numerous international powers are extremely concerning and need to be addressed by the UN Charter. The passing of the UNSC Resolution 2231 (**S/RES/2231**) in 2015 ^[19] brought the **Joint Comprehensive Plan of Action** (JCPOA), out of which the U.S. withdrew when the council failed the U.S. resolution to extend the embargo on Iranian Arms Trade ^[20].

3. What does my country plan to do regarding this topic in accordance with my stance?

Keeping in mind the multitude of problems that remain unsolved to this day in the International Arena, the U.S. proposes that several amendments need to be made to the UN Charter, the founding principles of the UN, to reform the entire body in time to come.

First and foremost, the U.S. believes that the UNSC should adopt resolutions to expand the member nations within the council by proposing an amendment to Chapter 5, Article 23, sub clause 2 of the UN Charter. This includes a preference for the G4 countries obtaining permanent membership seats in light of their contributions towards the body. Moreover, the U.S. calls for Liechtenstein's Veto Initiative to be mentioned in Chapter 5 of the UN Charter as a procedural amendment within the UNSC. While the legitimacy of the Russian Federation's permanent membership seat is still up for debate, the U.S. hopes that extended discussion on this matter would serve as a deterrent to the Federation's abuse of the veto power.



While many countries have reservations to International Humanitarian Law (IHL), the UN Charter must specify the very grounds upon which violating the very core principles of it will lead a state to be held accountable. This also extends to Conventions under Customary International Law like the Geneva, Hague and Montevideo Conventions.

Furthermore, the Statute of the ICJ must be reformed to provide inclusive rulings and/or referred to another body such as the **Permanent Court of Arbitration** (PCA) (assuming that the PCA has jurisdiction for that matter) to be a mediator between both parties in a dispute ^[21]. While this court simply bears observer status in the UN, its mandate could be expanded to become a more inclusive decision making body that takes up unresolved disputes from the ICJ.

Moreover, to address the UN Charter's need to incorporate specifications relating to the use of nuclear weaponry, the U.S. recommends that an amendment to the UN Charter is made so that all willing nations are able to formulate a protocol with the standards set by the **International Atomic Agency** (IAEA) similar to the **Protocol to the Agreement Between The United States of America and The International Atomic Energy Agency for the Application of Safeguards in the United States** to keep nuclear programs regulated ^[22]. The U.S. would also like to emphasize its incompliance towards a **No First Use Policy** as this renders as a threat to one's national security. As an alternative, a **First Strike Policy** would serve as a good deterrent to countries like the DPRK who refuse to comply with international standards with regard to their nuclear programs and fail to maintain transparency. Yet, the U.S. strongly reaffirms its commitments to ensuring to the best of its potential that a similar chain of events to the First Cold War does not take place.

“[After all], A nuclear war cannot be won, and must never be fought ^[23].”

Furthermore, with regards to the Arctic Circle Crisis, the U.S. calls for an amendment to Part VI of the UNCLOS, Article 76 to alter the definition of the continental shelf so that it now also takes into account resources that need to be allocated on a preferential basis beyond the 200 nautical miles from the baselines at which the breadth of the territorial sea is measured ^[24]. In addition, the U.S. hopes to amend the UN Charter to authorize the use of **FNOPs** in the SCS and ECS disputes to monitor the construction of islands that serve as military based for the People's Liberation Army (PLA). The U.S. sees it to be the role of the UN and its member states to shield Japan and Taiwan from Chinese aggression. More specifically, this extends to all countries who have laid claims on the SCS as well.

Moreover, as the largest funder of the Department of Peace Operations which oversees UN peacekeeping, the U.S. recognizes its role in reviving and characterizing the purpose of these forces to be vital ^[25]. To do so, the nation would be willing to propose an amendment to the UN Charter which includes adopting a standardized definition for “**the United Nations Peacekeeping Organization**” (**UNPKO**) after it passes in the 6th United Nations General Assembly (UNGA6). Furthermore, the U.S. also pledges to provide a set of standardizations



that all International Peacekeeping Organizations must follow which would include the primary rules of:

- a) Impartiality
- b) Consent of the host country
- c) Use of force as a last resort

This may also include mechanisms to cooperate and maximize output when the mandate of two Peacekeeping Forces overlap to avoid the diffusion of responsibility. All of these standardizations would be reviewed by the UNGA6 before being brought to the UNSC for voting.

Last but not least, it must be taken into account that the UN Charter has thus far been a valuable tool that has and will continue to shape the premises upon which International Law evolves. It is the very existence of the Charter that has brought us to question the efficacy of itself and the body governed by it. For that reason, it is truly remarkable. Yet, it is a tool like any other and henceforth needs to change with its time. As a container for the founding principles of the UN itself, amending the UN Charter is a task that requires great precision and dedication collectively. The U.S. will by all means remain supportive of altering this prestigious document for the betterment of the International Community.

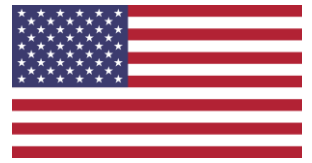


[After all], We chose liberty. We chose sovereignty. We chose principles to which every party to the United Nations Charter is beholdng.

PRESIDENT OF THE U.S., JOSEPH R. BIDEN, JR ^[26]



In God We Trust



Citations

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