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75 YEARS AFTER THE WAR. THE UN CHARTER: NO ILLUSIONS

The year 2020 has become a landmark year for the world; unfortunately, it has brought grief and hundreds of thousands of deaths as a result of the spread of a pandemic to which health care system, economy of states and society itself were unprepared. The pandemic has exacerbated long-standing problems in international relations that had accumulated over decades, ranging from human rights violations to unresolved conflicts and outright disregard for international law, especially humanitarian law.

Despite all the challenges and human grief, however, this time is a window of opportunity for elaboration, coordination and implementation of changes. The need for them became urgent a decade ago, but their realization was postponed for various reasons, especially because of notorious political ambitions for world domination.

The same thing happened with the United Nations, which celebrates its 75th anniversary this year. In the meantime, the UN has come a long way in its institutional development, the Cold War, decolonization, the post-Cold War period, the collapse of the Soviet camp and the USSR itself. The number of the Organization's Member States has increased from 50 in 1945 to 193 states today.

At the same time, the United Nations has not yet faced the unprecedented challenges posed by the pandemic. The mechanisms, procedures, agreements and experiences, that had been applied in the UN for decades, proved to be inapplicable at a time when the rapid and effective actions were highly in demand in the world.

On 26 June 2020, Member States celebrated the anniversary of the signature of the Charter of the Organization. 75 years ago in San Francisco, the victors of World War II and those most affected by Nazism signed a constituent document of the United Nations. The new international organization was to unite all the countries of the world and was based on the principles of multilateral decision-making. The Charter, elaborated in the aftermath of World War II, laid the foundation of an international order based on rules, and preserved guidance for a peaceful settlement of possible global conflicts in future. However, it also established a new world order, in accordance with the interests of several superpowers.

Avoiding recurrence of the two world wars, progress in protection of human rights at the global level and ensuring sovereignty and equality of states in international relations, as well as raising the standards of living in the world are indisputable achievements of the Organization. The whole system of UN peace-keeping operations is also a great achievement. Today, the United Nations is an incredibly extensive network of specialized agencies, which assist in solving socio-economic and humanitarian problems, including those arising from the Russian aggression in Eastern Ukraine.

No period of history has been characterized by such a rise in the standards of human life as we observe in the time of the United Nations.

From the very beginning, however, the Security Council implemented the membership formula and mechanisms for decision making, which were agreed in advance by the major powers at the Yalta Conference. It was the 'Yalta formula' proposed by the United States that formed the basis for the membership and voting procedure in the Council. The Security Council is the only UN body, which retains an exception to the principle of sovereign equality of all Member States.

The 'Yalta formula' can be viewed as an attempt to avoid mistakes made while establishing the League of Nations. At the same time, it has legitimized the exclusive rights of the great states to divide the world. Promoting the idea of establishing a new world order based on freedom and equal rights, the founders of the Organization actually violated the principle of equality and introduced so-called 'veto' in order to protect their national interests from any encroachment.

The vote on 28 July 1945 in the US Senate, when the overwhelming majority of 89 to 2 ratified the UN Charter, clearly defines what is mentioned above. At the same time, the vote to join the League of Nations, which enshrined the principle of equality of all member states without exceptions, failed with the result of 28 to 53, despite the fact that its founder was also the US President.

Agreements on the special status of major powers in the Security Council were reached despite protests from small countries participating in the Yalta Conference. 'We shall have the little fellows yapping at our heels, and it won't be too easy. Of course one could crack the whip at them and say that if they don't like our proposals there just damned well won't be any World Organization,' said one of the British diplomats on the eve of the meeting in San Francisco on the voting procedure in the Council.

It should also be mentioned that, at the Conference, the very name of the Organization was the subject of intellectual debate, including the proposal of US President Franklin Roosevelt to name it 'United Nations'. The interesting fact is that the countries, which opposed such name feared that there could be a conflict between the united nations in the future and the name 'United Nations Organization' would not correspond to reality.

The Ukrainian representative in San Francisco responded to the following concerns: '[...] We should not have such a pessimistic view of the future of our Organization: it should be built in such a way as to avoid the possibility of any division or conflict between nations.' He also insisted that every nation that became a member of this Organization should fully share and fight for the principles that united the nations during the war.

This statement by the representative of Ukraine remains fully relevant.

Rejecting all the political motivation of the USSR leadership and having no illusions about the involvement of the Ukrainian SSR in the foundation of the UN, in my opinion, it is important to recall the arguments for the mentioned involvement.

Following the Crimean Conference, which approved the decision to hold a meeting in San Francisco to establish a world international organization for the purposes of maintenance of international peace and security, Ambassador of the Soviet Union to the US Andrii Hromyko, referring to the relevant decision, wrote to the United States Secretary of State:

'During the conference on the (establishment) of a world international organization, the delegates of the United Kingdom and the United States will support the proposal to grant membership to two Soviet republics, namely the Ukrainian and Belarussian.'

In the information bulletin of the USSR Embassy in the United States had a statement of the Ukrainian SSR dated 10 April 1945 concerning the desire to join the future UN as a founding state. The statement specified, among other things, that the Ukrainian SSR, as a country against which military aggression had been repeatedly carried out in order to seize its territories, was interested in ensuring security against attacks by aggressors. The whole world is aware of the contribution of the Ukrainian people, at the cost of numerous human lives and all material resources, to defeat the enemy. Ukrainian soldiers made up one-fifth of all Soviet armed forces. It was further emphasized that Ukraine would be able to do a lot to consolidate peace and for maintenance of security.

From the very beginning of the Conference, the Ukrainian delegation took an active part in its work, in particular, in development of the purposes and principles of the UN Charter, which essentially set red lines in relations between nations, including the prohibition or threat of force against territorial integrity and political independence of other states.

And can we say that 75 years after at the San Francisco Conference, the UN Charter has lived up to all the expectations of each of its members? It was 'ab initio' not about the equality of all states, not about the sacred ideals of their free development, but included provisions on the interests of the victors, enshrined their privileged position and distribution of influence on the political map of the world.

It should be remembered that the Head of the USSR delegation acted at the Conference upon the instructions of the criminal and dictator Joseph Stalin. That was upon the instructions of the country, which six years before had signed the offending Molotov-Ribbentrop Pact, which remained secret at the time of signature of the Charter.

Pushing aside the pathetic attitude to the Charter from the nowadays vision, we should recollect what the world was like some 70–100 years ago. Most of it was in the status of colonies, basic human rights instruments were not approved, and a number of war-torn countries needed physical and economic recovery.

We must get rid of illusions about the Charter and the Organization as a whole, because until recently we had considerably pathetic and pious attitude towards this institution. To solve today's problems, 'like those who drafted the Charter, we must look without illusion at today's injustices, their roots and the suffering they engender,' UN Secretary-General A. Guterres said in a speech, marking the anniversary of the Charter.

Therefore, the major victors took care of themselves in the first place, trying to prevent direct armed confrontation with each other in the future, which would lead to the beginning of another and, perhaps, the last world war for humanity. By the way, this main goal of the Charter has been achieved, although the die-hard disputes regarding the division of spheres of influence after its signature remain to this day.

The significant event in terms of the intentions of the superpowers is that on 26 June we celebrate not only the day of signature of the Charter, but also the Day of the Crimean Tatar flag. The UN Charter was the result of agreements reached in Yalta, Crimea, from which Crimean -Tatars had been deported six months earlier. Those world leaders who gathered in Yalta actually thought about how to divide the world according to their interests. Besides, the irony is also that, today, the provisions of the Charter they concluded must be followed by themselves alongside with other Member States.

Less than a year after the San Francisco Conference, on 22 February 1946, G. Kennan, the US Chargé d'Affaires in Moscow, described very aptly Moscow's attitude to the United Nations in his Long Telegram to the United States Department of State. He pointed out that 'Moscow sees the UN not the mechanism for a permanent and stable world society founded on mutual interests and aims of all nations, but as an arena in which aims just mentioned can be favorably pursued. As long as UNO is considered here to serve this purpose, Soviets will remain with it. But if at any time they come to conclusion that it is serving to embarrass or frustrate their aims for power expansion and if they see better prospects for pursuit of these aims along other lines, they will not hesitate to abandon UNO. Thus Soviet attitude toward UNO will depend largely on loyalty of other nations to it, and on degree of vigor, decisiveness and cohesion with which those nations

defend in UNO the peaceful and hopeful concept of international life, which that organization represents to our way of thinking. I reiterate, Moscow has no abstract devotion to UNO ideals. Its attitude to that organization will remain essentially pragmatic and tactical.'

Kennan's assessment of Moscow's attitude to the UN is also interesting because he is sometimes considered and called a Russophile.

It is difficult to disagree with such a description of Moscow, to which I would only add audacity and cynicism acquired by Russia for these 75 years. This is a demonstration of a purely consumerist approach to the UN and its Charter, which Moscow preserves today, as evidenced by statements of Russian officials about the non-acceptance of the rules-based international order.

As a representative of a country that fought for the name of the United Nations and called for optimism, and a representative of a country that is a victim of ongoing military aggression by a permanent member of the Security Council, I can ask a fair question: have we made the right choice and lived up the expectations of the UN founders?

This issue is especially relevant while there is no unity between nations, the wars are waged between UN members and the old and new democracies strive to ensure unity at the national level. It must be the unity based on democracy, human rights, the rule of law and social cohesion.

The biggest humanitarian crises and bloodiest conflicts of today, the ones in Ukraine, Georgia, Syria, Libya, are spurred and fueled by Russia. Among the 22 cases of resorting to veto since 2010, 19 times were carried out by Russia. Out of them the draft resolutions on the Russian-Ukrainian conflict (on the illegal referendum in the Autonomous Republic of Crimea in 2014 and the establishment of an international tribunal on shooting down MH-17 in 2015) and 15 draft resolutions on the Syrian conflict were vetoed.

This indicates that Russia has continued the practice of the USSR to use the veto for its national interests, to defend its foreign policy and to promote certain important issues of its agenda.

All the time after the collapse of the Soviet Union, Russia has been trying to regain the lost recognition by continuing to live in the euphoria of victory in World War II and viewing less influential countries, at least in terms of military power, through the prism of gaining control over them. These are approaches the Russian Federation demonstrates in its relations with the former Soviet republics under the guise of a cover story of 'restoration of historical justice', as exemplified by the aggression against Ukraine.

On 10 July 1919, Woodrow Wilson personally submitted to the Senate a treaty on establishment of the League of Nations. As history shows, this, unfortunately, did not facilitate its ratification due to the enshrined imperfect mechanisms of the League. Later, the 'Yalta formula', despite the just displeasure of the 'lit-

the guys' (the number of which in Organization equates to 188), provided an opportunity for the UN to emerge and operate as the only world organization responsible for maintaining international peace and security and preventing another world war. A little over a hundred years after President Wilson's 40-minute speech in the Senate, the question arises again: in today's reality, can the 'Yalta formula' be considered a relic of the doctrine of international law of force that was common for the last centuries? Can it play a deterring and, at the same time, unifying role in the Security Council, or is it used only to satisfy the national interests of the permanent members? Behind the undoubted success of avoidance, thanks to the establishment of the UN and the implementation of the 'Yalta formula', of the Third World War and new large-scale human casualties, there is an unprecedented number of local and regional conflicts, which continues to grow.

It can also be stated that the viability of UN Charter as a factor of curbing the geopolitical ambitions of the permanent members of the Security Council in the 21st century is increasingly dubious. Only in recent years the youngest unelected member of the Security Council, Russia, which, incidentally, is not mentioned in the UN Charter (read Article 23 of the current version where the USSR still appears) has surpassed the Soviet Union in the number of wars it waged against its neighbors and in other parts of the world.

In my opinion, what is important is the issue of reforming the Security Council, especially in order to arrange and regulate the use of the right of veto, as well as further strengthen the role of the General Assembly that is gaining more and more weight and responsibility in the face of the Security Council's inability to respond adequately to all current challenges to international peace and security.

Unfortunately, the world and the UN Charter remain imperfect, as they were 75 years ago. At the same time, this constituent instrument continues to play an important role of a single recognized 'constitution of the entire international community' and a key international instrument for maintaining peace and security. Ukraine will continue to uphold the principle of steadfast adherence to its provisions, which are the pillars of an international rule-based system.