

IN THE LONDON COURT OF LAWS

TWO PEOPLE

- v -

THE UNITED NATIONS

**DEFENCE CASE
STATEMENT**

1. The UN's most ardent supporters would not pretend that it has realised its vision of peace, development and human rights for all. But its considerable achievements are testament to its continuing importance.
2. To suggest that the UN should be abolished is irresponsible. What would happen to the millions of people for whom it is, literally, the difference between life and death? Do we really believe that the current complement of global leaders would be capable of producing more "promising" frameworks, projects and institutions to take forward the UN's life-saving work?
3. The UN is not a world government. It is a tool for governments that is too often, abused, neglected and ignored. It does not exist in a vacuum but reflects political realities – if we don't like what we see in this mirror, we – governments, civil society, universities, the public – need to do more to improve it. It is only as good as governments make it, and our governments will only do so if they think their voters care. It is

much easier to blame an institution than to accept that the UN is a shared endeavour and responsibility.

I. COUNT 1: THE INSTITUTION

4. In Count 1, the Prosecution mounts a mishmash of allegations, that the UN lacks democracy, has a poor HR policy, and mistreats its interns.
5. The UN is the structural consequence of a vision of global governance based upon sovereign equality and democracy. The Prosecution offers no alternative, and yet it cannot prove its allegation without doing so. Undeterred, the Prosecution goes on to advocate the termination of the UN and its replacement by a vague unspecified set of “frameworks, projects and institutions”.
6. On the allegations regarding the old, there are three times as many staff in their early 30s than in their early 60s. On the allegations regarding the young, UN officials have repeatedly stated their wish to pay interns. They know that they are missing out on talented individuals who cannot afford to work for free. States are to blame: they adopted a resolution in 1997 forbidding the payment of non-staff members.

II. COUNT 2: WAR

7. The accusation levelled in count 2 is that the UN has legitimised war and made violence more acceptable to voters. War is regrettably a feature of sovereign equality, and the illusion of ‘just war’ a feature of international law long before the birth of the UN. Indeed, the UN has done more to disrupt that notion – in both structural and substantive terms – than any global actor.

III. COUNT 3: ANTI-TERRORISM

8. Count 3 alleges that the Security Council “is partly responsible for the rise of a post-rights state” but fails to even mention the central issue: the post-national nature of contemporary global governance. In this context, the state could never realistically uphold rights alone. The Prosecutor’s Westphalian worldview is antiquated and implausible.

IV. COUNT 4: CRIMINAL JUSTICE

9. In Count 4, the Prosecutor – apparently without irony – alleges that a criminal justice system that has not eradicated crime is a criminal justice system that has failed. All crimes – whether domestic or international – are to some significant extent rooted in deep structural problems in the society concerned.
10. The International Criminal Court is not a UN body. Leaving that aside, the Prosecutor also takes issue with the basis for selecting cases in international criminal law. In a system of justice that could not, *and should not*, attempt to prosecute all of those who might be responsible for ‘criminal’ acts, the international tribunals have developed a highly sophisticated mechanism of case selection. Sovereign equality cannot be ignored, and the UN cannot be blamed for it.

V. COUNT 5: POVERTY, WEALTH & DEATH

11. The Prosecution accuses the UN of ‘presiding’ over a world in which there is both (i) poverty and premature death and (ii) fantastic accumulations of hyperwealth. The UN certainly does not ‘preside’ over the world.
12. UN anti-poverty initiatives, such as the Millennium Development Goals, have driven development gains, through research, programmes

and funding. As a result, the number of people living in extreme poverty declined by more than half between 1990 and 2015, and the number of people in the working middle class has tripled, now making up around 50% of the workforce in developing regions. Maternal and child mortality has also plummeted.

13. Disparities in wealth are the product of neo-liberal economics, and the centrality of markets. The UN is a counterpoint to this – albeit one that states have done much to undermine, through their own economic policy and planning.

14. Fundamentally, the UN represents our attempt, however imperfect, to learn from the horrors of the Second World War and to build an international community that works together to solve global problems. Despite the constraints imposed by its member states, the UN has had a transformative impact on the lives of millions of people, from supporting decolonisation to eradicating deadly diseases, to building a system of international laws that benefits us all. In the words of one of its Secretaries-General, it was not created to take humanity to heaven but to save us from hell.