



Investigating how the United Nations General Assembly Plays a Role in the Development of Human Rights

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Abstract

Human rights are one of the important components that various international organizations seek to develop and promote. The United Nations General Assembly is one of these institutions. Considering the course of organizational development in the United Nations General Assembly in human rights issues, which has been analyzed, the relevance of the issue related to the global expectations and demands for the development and formulation of human rights has been emphasized. Of course, this right to development is an indisputable human right by which the United Nations General Assembly participates in it on behalf of various governments, whereby all human rights and fundamental freedoms are fully respected regardless of the structure of the countries without the power component approach. can be realized and this clarification of the language of contemporary human rights. At the same time, this effective approach is a prelude so that all societies can benefit from economic, social, cultural and political development, and it also helps to ensure that human rights institutions are vital for the effective implementation of their roles and responsibilities. have it The type of research method in this article is descriptive-analytical and based on the library method.

Keywords: General Assembly, United Nations, Human Rights, Development

Introduction

Almost all the legal schools that have been formed throughout history and have tried to recognize and establish human rights have played a role in cultivating the honorable concepts that are considered the main basis of human rights in the contemporary world. In fact, the Universal Declaration of Human Rights and related covenants and conventions are the product of the intellectual efforts of all thinkers who have human concerns and have tried to develop human rights and establish human dignity. The importance of human rights has caused various organizations to take steps towards its expansion. The General Assembly, as one of the important pillars of the United Nations, has made many efforts in recent years to help expand human rights. This institution examines and monitors compliance with the



United Nations human rights documents. Among the duties that the United Nations Charter assigns to the United Nations General Assembly is "encouraging the gradual development of international law and its formulation" in order to prepare the ground for this, the Assembly "provides the necessary studies and recommendations" in the years First, the activity of the United Nations, the Assembly assigned this responsibility preferably to the International Law Commission composed of independent legal experts. However, the increasing sensitivity of the governments towards the political dimensions of the gradual development process and the formulation of international laws and the new issues of international laws led the Assembly to gradually assign a greater role to the political elements consisting of representatives of the governments.

The globalization of human rights

Today, international law regarding the protection of human rights has expanded to such an extent that it necessarily causes international commitment and solidarity towards its implementation, and the principles of non-interference and the sovereignty of states have taken a step back against it (Sharifian, 2013: 7-8). At present, people's rights are protected and guaranteed internationally as individuals and not as citizens of a state (Mehrpour, 1372: 32). There are many evidences that indicate the decline of the efficiency of governments, the reduction of their authority and the expansion of the jurisdiction of international organizations, a jurisdiction that goes beyond the claims of governments to have full jurisdiction in the field of their internal affairs. In this way, it can be said that the erosion of national sovereignty and the modification of the principle of non-interference in the internal affairs of governments is the introduction to the globalization of human rights.

Today, human rights is a consolidated part of international law with an institutional structure (including basic definitions of human rights and the mechanisms of implementation of these rights) and the scope of global application. Every single country has ratified at least one treaty that includes obligations to protect human rights. Accordingly, human rights as a set of laws have become part of the discourse of the international community. The field of human rights contains universal values and principles, and in this sense, it can be considered as a basis for coordination. What "Steiner" considers to be part of the discussion of globalization. The beginning of this movement and transformation should be considered 1948 AD. In that year, the Universal Declaration of Human Rights was adopted as a general global standard for the future of human life and as the starting point for the flourishing of international human rights in the following years. The adoption of the Universal Declaration of Human Rights can be considered as the beginning of the process of globalization of rights (Marti, 1378: 105).

The United Nations has carried out basic and fundamental actions in 5 stages regarding the development and advancement of the issue of human rights. The first stage, which covers the period between 1945 (the adoption of the United Nations Charter) and 1948 (the adoption of the Universal Declaration of Human Rights), is the stage of establishing the human rights system. The second stage between the years 1949 and 1966 is devoted to the progress and development of human rights in the form of moving towards the acceptance of covenants. In the third stage (1967 to 1993), the implementation of the human rights system was considered. The most important period of human rights, i.e. the fourth period of the development of the human rights system, with the participation of 172 countries, took place in the Vienna Conference from 1993 to 1995. In this conference, the former Secretary General of the United Nations (Petros Ghali) stated regarding human rights that the international language of human rights has become relatively uniform, even though some countries are not compatible with it (Tawhidi, 2006:



90). I believe that human rights laws should be universal and apply equally to all people. Based on this, in Article 8 of the first part of the Vienna Declaration, it was emphasized that all assumptions of human rights are universal (Mosfa and Ebrahimi, 2017: 24). The move towards new executive guarantees in the field of human rights is considered the fifth stage of human rights since 1995 (Sharifian, 2010: 820).

Currently, the test of the hypothesis of the universality of human rights is measured based on the degree of acceptance of human rights documents by countries (Zhakarian, 2007: 96). For example, until 2002, out of a total of 200 countries in the world, 155 countries are in the Covenant of Civil and Political Rights, 152 countries are in the Covenant of Cultural, Social and Economic Rights, 180 countries are in the Convention on the Elimination of All Forms of Discrimination Against Women, 150 countries are in the Convention on the Elimination of All Kinds of Racial Discrimination, more than 110 countries have joined the Convention against Torture and 192 countries have joined the Convention on the Rights of the Child. This kind of confirmation of human rights shows the globalization of human rights. Rights that are inseparable, interdependent and in complete connection with each other. The international community must implement these rights in its entirety, fairly and on the basis of equality.

The argument of most of the experts who are optimistic about globalization for human rights is that with the closeness and unity of the nations of the north and the south, the gap between the backwardness of the nations of the south is reduced, and it leads to better conditions for their growth and development and they set an example. Just as the unification of the German states caused the backward part to get help from the financial and technical power of the advanced part and eliminate the backwardness, globalization will also play such a role.

In fact, globalization creates an opportunity for third world managers to solve many of their root problems (economic, social, political, etc.). The existing statistics of world trade also support this claim, in the way that in the current globalization of all the nations of the world, the share of their trade exchanges has increased, including the nations of the third world, from 33% in the 80s to 43% in 1996, and this The figure has reached 50% in 2000 (Basiri, 2001: 130).

Therefore, in the global trend, all the nations of the North and the South will get a greater share of the global income and human rights will improve in general.

In this way, it can be said that in the process of globalization, the current weak human rights of the southern countries such as the right to education, health, nutrition, employment, women's rights and children's rights will be improved as a result of this development and their economic, social and political status will be improved. ; Especially in most countries of the south, where the power structure and relationships are more patriarchal, and at least economic, political and social rights are given to women, globalization has disturbed this inequality, changed the national-local power structures and defined the rights of men. It transforms the patriarchy and brings equal human rights for men and women.

Opponents of globalization believe that globalization is in fact a complement to old and new colonialism, which is advertised with a logical and beautiful appearance, that such a phenomenon has led to the limited and deeper domination of the northern countries over the southern countries, and finally, the existing minimum human rights of the southern countries. destroys The experts against globalization with a negative attitude believe that this process leads to the transfer of the wealth of the southern states to the north, which brings more economic, social discrimination, instability and weakness of the human rights of the southern states and completes the process of old and new



colonialism. Munir Safiq, an Arab commentator in Al-Sharq Al-Awsat newspaper, says: "Globalization leads the South to the destruction of culture and identity and sends their capital and wealth to the Northern countries." (Basiri, 1381: 130-133).

The role of international institutions and organizations in the development of human rights

International institutions and organizations play an important role in the development of human rights. The problem and credibility of international organizations after the Second World War has become extremely important, so that a number of these organizations were assigned the power to decide on important issues, the League of Nations and the International Labor Organization, which after the Second World War as organizations Collectives were created and became extremely important, that is, organizations that had a life and independence in front of their members.

International organizations, like all political and administrative institutions at all levels, tend to strengthen their authority day by day in their operational and limited sphere of influence and gradually turn into independent decision-making centers in this process. The decisions and approvals of these organizations, especially important international organizations such as the United Nations, will undoubtedly lead to the creation of procedures among governments and ultimately to the creation of customary rules, which are one of the important sources of international law.

For example, along with other international organizations and institutions and authorities that are directly in charge of human rights affairs, the Security Council is extremely important in this field, because in addition to being considered a significant weight politically at the global level, it can According to Article 25 of the United Nations Charter, by adopting an appropriate and fair procedure as well as a decisive position in new situations, it will contribute greatly to the promotion of human rights and guaranteeing its implementation within national borders.

The power of the Security Council was confirmed by the International Court of Justice in its decision dated April 14, 1992 (Requesting Provisional Measures against the United States of America), indicating that the obligations of countries to the Charter take precedence over their other obligations. Of course, this vote can be criticized in many ways, which we will not discuss due to lack of connection with the issue.

Regarding human rights and any issue that is related to international peace and security and affects it, the Council can send fact-finding groups and delegations, mediators, etc. invite political, judicial and arbitration authorities and can also suggest peaceful settlement rituals. But the main discussion that needs to be investigated is whether the Security Council can intervene in the internal affairs of a state based on humanitarian considerations in case of flagrant violation of basic human rights. Before answering this question, the evolution of the duties of the Security Council in the field of human rights should be analyzed.

In the January 31, 1992 meeting of the Security Council, which was held at the level of the leaders, there were many discussions about the fact that the Council should assume more and more serious responsibility in maintaining international peace. Some of the participants were interested in the council taking on a decisive role in the issue of human rights, while others, on the contrary, were against interfering in the internal affairs of governments and expressed their opinion that the council should, as



in the past, devote itself to peace and international security and play its role prudently in the case of human rights.

In this meeting, Mr. Mugabe's and Mr. Li Peng's statements are interesting. Mr. Mugabe comments as follows: "In the era we are living in, the responsibility of the council has become much more important and appears to be double, and it should intervene effectively in conflicts and armed conflicts. The dire and unfortunate humanitarian situations caused by internal conflicts can be a threat to international security and expand the duties of the council. However, one should be very careful that this issue does not become an excuse in the hands of great powers to intervene in weak countries and destabilize their government. It is necessary to develop general and guiding principles in this regard with detailed studies and integration of the rights of governments and individuals.

Mr. Lei Peng, Chairman of the State Council of the People's Republic of China, stated: "The issue of human rights is basically within the framework of the sovereignty of each government, and China is against interfering in the internal affairs of other governments using the issue of human rights as a pretext."

Despite the difference of opinion among the participating members, all of them were of the opinion that it is time for the Council to intervene in the internal conflicts of the countries that cause human rights violations on a very large scale, and more interestingly, the participants seriously stated in this meeting, that even situations other than conflict and battle, such as acute economic-social and environmental crises, can be a potential threat and danger to international peace and security. For this reason, on the threshold of the 21st century, this institution has gone beyond its traditional and classic duties and intervenes decisively even in internal conflicts.

Today, despite the many uncertainties about the internal jurisdiction of governments, it is gradually accepted that gross violations of human rights can threaten international peace and security. Regarding the issues that are basically within the internal jurisdiction of the states, the Institute of International Law has stated that "the scope of the internal jurisdiction of the states depends on international law; An issue is within the internal jurisdiction of the government if that government is not bound by international law. As we can see, this definition is vague and ineffective, but in general, it can be considered that the issues related to legislation and implementation and recognition of rules are basically within the national competence of countries.

Governments generally consider goals for international organizations, which on the one hand lead to the development of international law and human rights, and on the other hand pave the way for their generalization and significant expansion. Traditionally, since time immemorial, the main goal of international law has been to "regulate relations between governments" according to this definition of international law, it is known as "the set of regulations of state time". In this regard, while the main goal of the United Nations is to establish international peace and security, at the same time, it wants to achieve progress in other fields by attracting international cooperation and participation, the best example of which is progress in the field of It is human rights. In other words, considering that the activities of the United Nations have been completed by some of its specialized agencies whose purposes are more technical and as a result, in the general sense, they are not always free from political aspects, so the purpose of the United Nations is a broader definition and has found a more complete one, which is "supporting men and women against backwardness, hunger, social injustice, ignorance, disease, etc." These goals are also considered by a number of regional organizations that are active in



different parts of the world. be The practical result of the above development and progress is the significant development of the content of international law. In a way that until then, such issues were under the jurisdiction of national governments, and now it has entered the field of international law.

The role of the United Nations General Assembly in the formulation of human rights

The General Assembly can truly be called the dynamic pillar of the United Nations. According to some, including Falk, the General Assembly is a semi-legislative body, and according to others, it is a quasi-legislative and consultative body. The General Assembly is based on the liberal democratic principles of political equality and majority rule and functions much like a Congress or Parliament. For several reasons, the General Assembly has been able and can follow the globalization of international law in the dimension of human rights:

1) the structure of the General Assembly; Since today all the countries are members of the United Nations and the General Assembly is the only pillar in which the representatives of all of them have the right to attend and have the right to vote, on this basis they have given the name "World Parliament" to this pillar, which represents a It is an effective place to express the opinions of the world community. For many years, the United Nations was deprived of the honor of globalization (due to political differences between the East and the West), because its membership was subject to special conditions and had to be done through a special method. (Asadi, 1389: 54) .

2) The broad and universal duties and authority of the General Assembly according to the United Nations Charter and the procedures of the Assembly itself and the advisory opinions requested from the International Court of Justice, including according to Article 10 of the Charter, the General Assembly can discuss any issue or matter within the limits of this Charter or related to discuss the powers and duties of each of the organs stipulated in this charter and make recommendations to the members of the organization or to the Security Council or both about any of those issues and matters, or according to Article 13 of the charter, the assembly is responsible for the following matters Conducting studies and issuing recommendations provides:

Promoting international cooperation in political, economic, social, cultural, educational, health matters, encouraging the gradual development of international law and its formulation, helping to realize human rights and basic freedoms for all without discrimination in terms of race, sex, language and religion.

Despite the fact that the primary responsibility for maintaining international peace and security rests with the Security Council, the General Assembly can discuss any issue related to the maintenance of international peace and security and, if necessary, make recommendations to the members or the Security Council (Article 11 of the Charter).

3) It is the General Assembly that can best achieve the goals of the United Nations (Article 1 of the Charter) and implement the principles of the United Nations (Article 2 of the Charter) in the implementation of said goals. The goals and principles that have definitely become universal today. In general, the Charter of the United Nations is a very general and high covenant in the hierarchy of international law rules and its goal is globalization.

4) Preparation and regulation of general treaties with the help of the International Law Commission and other relevant institutions.



5) The General Assembly, with its decisions, plays a fundamental role in identifying and confirming the customary nature of the rules of general international law. In other words, the decisions of the assembly can imply customary international law.

6) The decisions of the General Assembly (even advisory resolutions) become international customary records. Even according to some, including Bin Cheng, the resolutions of the General Assembly are binding as customary international laws of the people.

7) The General Assembly, directly or with the help of the advisory opinions of the International Court of Justice, has the authority to officially interpret the rules of the Charter and general international law.

8) The General Assembly has even been able to play a role in new issues of international law. Among the most important resolutions of the Assembly in the field of international space law from 1975 until now can be considered "Declaration 1962 dated December 13, 1993 concerning the legal principles governing the activities of countries in the exploration and exploitation of outer space, the moon and other celestial bodies". The Assembly's resolutions in approving the principles of the Nuremberg Charter and the Universal Declaration of Human Rights and the Declaration of Indignation against Colonialism are also worth mentioning.

On the other hand, despite the clarity of the provisions of the United Nations Charter, the division of the decisions of the General Assembly into mandatory and advisory is not a very correct division and does not reflect the reality, because when the representatives of all the countries of the world unanimously or by majority vote or by consensus, regulations are approved, then we are facing a new phenomenon that is not included in the above divisions (i.e. binding and recommendatory measures) and as a result, it should be considered as an authentic and legal expression of the international community. The countries that vote positively for these types of approvals are the guarantors of their implementation, especially the decisions that the Assembly adopts based on consensus, manifest a sociological interpretation of the concept of obligation in international law, and this itself is a conceptual evolution.

Additionally, as declarations of public law, Assembly resolutions often form the basis of hard international law, which is established through treaties.

The statement that recommendations of the General Assembly are not, as a rule, binding on member states does not mean that they have no legal effect. Recommendations may be a strong argument for a proper interpretation of the UN Charter to confirm the general basis of international law.

9) Finally, the resolutions of the General Assembly itself are among the most important sources of international law rules, which today are called "soft international law".

In some resolutions regarding the activities of the organization in the territory of the member states, the General Assembly has emphasized, explicitly or implicitly, the observance of the principle of prohibition of the organization's interference in the internal affairs of the members. The Assembly, among other things, in its recent resolutions regarding urgent humanitarian aid as a result of natural disasters that have caused a large presence of the United Nations in the territory of the member states, based on the organization's principle of cooperation between the organization and the government affected by the natural disaster and the request of that government for The presence of the organization emphasizes.



The intervention may be done according to the request or demand, or it may be based on the exercise of the right and authority that has already been established, or it may be done arbitrarily.

The action based on the aforementioned paragraph 7 is accompanied by the prior consent of the member states at the time of ratification or accession to the charter. In addition, based on paragraph 6 of Article 2 of the Charter, the organization will ensure that the non-member governments of the United Nations act according to these principles as far as it is necessary to maintain international peace and security. In other words, by ignoring the principle of consent in treaties, the above paragraph provides a basis for the organization's intervention in matters that non-member states have not expressed their consent to, and "goes against the conventional rule that the jurisdiction of an international authority depends on consent." (Najatian, 2015: 36).

Powers of the General Assembly in codifying human rights

The General Assembly, as a general and inclusive pillar, has the authority to deal with and issue recommendations on all matters and issues raised in the Charter to the credit of the United Nations, except in cases that are primarily assigned to the Security Council. In this case, the text of Article 10 of the Charter is clear: "The General Assembly can discuss any issue or matter within the scope of this Charter or related to the powers and duties of any of the elements stipulated in this Charter, and except for the case mentioned in Article 12, may make recommendations to the members of the United Nations or to the Security Council or to both about any of the issues and affairs".

The General Assembly can discuss and comment on any of the issues listed in the UN Charter on human rights issues. Of course, he does not have the right to interfere in issues related to the competence of the Security Council. However, in cases where the Security Council is unable to make a decision due to the veto of the members, upon the request of the majority of the members of the Assembly or the Secretary General or the Security Council itself (with the consent of 9 members, without the right of veto), the General Assembly will make the decision instead of the Security Council. It does, like the decision of the General Assembly in the confrontation between England, France and Israel against Egypt in 1956, which was constantly faced with the veto of the permanent members of the Security Council, it ordered the warring parties to cease fire and created the United Nations Relief and Works Force to fight the fire. Just monitor. According to Article 12, the Security Council can, at any time, delegate any issue it deems necessary to the General Assembly without being required to deal with it first.

Duties of the General Assembly in the development of human rights

The General Assembly is the most inclusive pillar of the United Nations and has wide jurisdiction. Other organs must submit their studies and reports to it annually. This pillar, while reviewing these reports and approving the budget, supervises all the activities of the organization. According to Article 10 of the charter, the assembly can discuss any issue or matter that falls within the framework of the charter or is related to the powers and duties of one of the bodies provided for in the charter, and issue recommendations on them. The only limitations to the authority of the General Assembly are:

- 1- Non-interference in matters that are inherently within the internal jurisdiction of governments.
- 2- Non-interference in the dispute or situation that the Security Council is dealing with, unless the Security Council itself requests the intervention of the General Assembly.



3- Referring all issues related to maintaining international peace and security that require practical action to the Security Council because only the Security Council can decide on practical actions.

Apart from the contribution of the United Nations General Assembly in the process of norm-setting in the field of human rights, the General Assembly has been in the executive capacity for more than three decades, issuing resolutions under the title of human rights, case-by-case and specifically examining the human rights situation in states that in their land, human rights are severely and widely violated along with the program. The beginning of this action of the General Assembly can be considered the review of the human rights situation in El Salvador following the internal events of this country in the late 1970s. In the resolution on the situation of human rights and fundamental freedoms in El Salvador, the General Assembly considers the repression of the opponents of this government and its failure to prevent serious violations of human rights and fundamental freedoms by militant groups to be a cause of great concern, and calls on the said government to take measures through internal mechanisms. Do what is necessary to stop killings and enforced disappearances and other violations. The issuance of this resolution became an incentive for the General Assembly to issue case-by-case resolutions on the state of human rights in countries where human rights are severely violated, in order to prevent what it considers to be arbitrary behavior. . The peak of the Assembly's activity in this field should be seen in the mid-sessions of the last decade of the 20th century, in such a way that the General Assembly examines more than ten human rights situations in each of its forty-seventh to fifty-third sessions. (Abdali, 1389: 47).

It is obvious that no government is willing to consider its record in respect of human rights in an international authority, the same institution that is more or less influenced by political tendencies, because it considers it to be in conflict with its sovereignty, as a possible result. In cases where he feels that his sovereignty is threatened, he expresses his opposition in some way. For example, between 2004 and 2007, the ruling military party of Myanmar not only strongly opposed cooperation with the UN special rapporteur who demanded free access to the entire territory of this government, but also prevented him from entering Myanmar.

This group of governments believe that such investigations and scrutiny of their human rights situation in the United Nations, which take place without their consent, are contrary to paragraph 7 of Article 2 of the Charter and are considered interference in their internal affairs. These, especially the governments of the Middle East region, believe that although human rights are universal, the principles of sovereignty and prohibition of interference in the internal affairs of governments should still be respected. This opinion is not immune to criticism, because the universal concept of human rights is the equal implementation of international human rights in all states. This means that the will of the government no longer determines the state of human rights in its land, and unconsciously the sanctity of the principles of sovereignty and the prohibition of interference are overshadowed. In fact, the universality of human rights will lead to changes in the principle of prohibition of intervention and state sovereignty, in line with the developments of the present era regarding the human-centeredness of international law, which "does not eliminate the sovereignty of the state, but simply puts it in its place." As mentioned, the violation of human rights and the maintenance of international peace and security are related to each other, and the Charter has placed the primary responsibility of maintaining international peace and security on the Security Council, but the procedure of the General Assembly is based on the fact that when rights are violated in the absence of an armed conflict, human beings should bear the primary responsibility and exercise the right to intervene that the organization has according to paragraph 7 of



article 2 of the Charter. The consultative vote on the compensation of the damages caused to the UN employees also confirms this understanding of the Charter. According to the International Court of Justice, "the rights and duties [of the United Nations] depend on its specific purposes and functions, which are implicitly or explicitly inferred from the founding documents, however developed in practice." (emphasis added). It seems that except for the states whose human rights status is being investigated and some states that still adhere to the principle of sovereignty in its old sense, other states are not interested in this way of inferring from the United Nations Charter that emerged through the procedure of the General Assembly. is, they have no objection and the acceptance of such an understanding of the charter by the governments is increasing. For example, in the vote on the February 24, 2009 resolution on the human rights situation in North Korea, only 22 governments opposed its issuance; Governments that do not have a successful track record in respecting human rights, but in a similar vote regarding the March 26, 2010 resolution, the number of dissenting votes was reduced to 20 votes. Resolutions on Myanmar's human rights situation in 2009 and 2010 have also seen a decrease in opposition votes.

The supreme human rights goals of the General Assembly

1- Monitoring the implementation of human rights regulations

Monitoring of the implementation of human rights by the General Assembly is done in various ways, including: 1. Public announcement of the name of the government that violates human rights: The public announcement of the name of the government that violates human rights provides an introduction to the scrutiny of the state of the guilty government. In other words, this announcement provides a basis for other human rights bodies and governments that are parties to these treaties to reconsider their international relations with the violating country. The influence of this method is so great that no government wants to be in such a situation. For example, in 2001, the Chinese government conducted intensive negotiations with the Human Rights Commission in order to prevent its name from being included in the list of human rights violators. After the revelations made in Bagram and Abu Ghraib prisons, the American government started extensive lobbying to prevent the publication of its massive human rights violations.

Applying this method against governments that violate human rights will not only cost that country in terms of international prestige, it will also impose undeniable practical consequences on the guilty government. Such a situation will encourage internal groups active within the borders of the wrong government to intensify criticism and sometimes public disobedience. In addition, being caught in such a situation can expose the international allies of the country that violates human rights regulations, who have supported such a situation, to criticism and put pressure on them to end their support for the violating government. Although the public announcement of the name of the government that violates human rights regulations is considered a mild form of "sanction", it is clear that relying on this method alone, especially when a country does not attach much importance to the observance of human rights regulations, does not work.

Another issue that has made the mechanism of announcing the name of the government that violates human rights is not effective is that some countries consider such an approach to be tainted with political and biased issues. 2. Resorting to coercive power (Union for Peace): Resorting to coercive power by countries and the United Nations is often done in situations where gross violations of human rights by the offending government are so widespread that they cannot be ignored in any way. Such a violation



endangers international peace and security, and therefore other governments resort to military force to prevent the continuation of such behavior within the framework of UN orders. The use of military tools to protect human rights, which is referred to as "humanitarian intervention" in international law, becomes legitimate only when it is prescribed by the Security Council based on Chapter 7 of the United Nations Charter.

In 2005, the United Nations General Assembly declared that each member state of the United Nations has the responsibility to protect its citizens from "racial discrimination", "gross violations of human rights", "war crimes", "racial and ethnic cleansing" and "crimes". support against humanity. The authority to supervise this responsibility is placed on the shoulders of the Security Council, but in situations where the Security Council cannot fulfill this responsibility, the General Assembly can issue a binding resolution such as the "Union for Peace" resolution by obtaining the consent of two-thirds of the member states. In fact, action in the form of unity for peace, which is done to prevent the deterioration of the situation, can be considered one of the functions of the General Assembly in the face of violence and extremism. If the Security Council is unable to make a decision, there will be no practical alternative other than unity for peace. 3. Referral to the International Criminal Court: The establishment of the International Criminal Court is the result of the efforts made by the United Nations in relation to human rights and humanitarian rights.

2- Global participation of the General Assembly in the development of human rights

The expansion of human rights is recognized as one of the important goals of the United Nations General Assembly. In its recent resolutions, the General Assembly has gone further and by identifying the root causes of severe human rights violations, it explicitly asks the governments to amend some of their internal laws and regulations or to implement some reforms in their governing bodies. Or he asks them to refrain from implementing programs that cause severe human rights violations, even if it is related to their ruling ideology. Here, for the sake of brevity, only one of the recent approvals of the General Assembly in this field is mentioned.

Review of the human rights situation in North Korea: The human rights situation in North Korea has been repeatedly reviewed by the General Assembly. In its recent resolutions, the Assembly goes beyond what it demanded from North Korea in the past. In the resolution of March 26, 2010, after declaring its concern about severe violations of human rights, including restrictions on freedom of expression and free access to information, illegal arrests, arbitrary repressions and public executions, it directs its demands to the economic system of North Korea. As we know, the foundation of the economic system of North Korea and the ideology of its government is based on communism. Criticizing the allocation and improper use of natural resources and the restrictions on cultivation and food trade, the assembly requests this government to remove such restrictions as soon as possible and take compensatory measures in this regard. With a little precision, we find out that in this way the General Assembly directly targets the economic ideology on which the foundation of the Korean communist government is based, because according to the general theory of this ideology, "Private ownership of the means of production should be transformed into social ownership."

Also, following the said government's refusal to fully cooperate in providing access to aid workers to deliver humanitarian aid to the victims of the crisis caused by this government's economic policies, the Assembly asks it to provide "full and safe access" to carry out humanitarian operations. Although in the resolution of the achievement of the world meeting approved by the summit of the member states, the



idea of including the concept of responsibility to support the victims of humanitarian crises was not approved by the General Assembly, but in this recent resolution related to North Korea, it implicitly expressed its initial tendency to practically expand the scope of the concept of responsibility. It shows support for humanitarian crises, because the doctrine also has the responsibility of supporting the implementation potential for humanitarian disasters. Although in the 2001 report, the scope of the concept of the responsibility to protect is limited to the protection of the population of a state against genocide, crimes against humanity, war crimes and ethnic cleansing, but "the international legal system has taken significant steps towards a legal system since then. "Human-centered has come a long way." As UN Secretary-General Ban Ki-moon says, "Action to protect people against man-made or natural disasters is at the center of the goals and principles of the United Nations", because imposing extreme conditions on the population of a land "in the 20th century First, it is completely intolerable and unacceptable." It is on this basis that the resolution of the assembly says that now that the North Korean government is unable to take the necessary measures to end the humanitarian crisis, it should not throw stones on the way of the arrival of humanitarian aid.

3- Standardization of human rights regulations

By recognizing the fundamental human rights in the Universal Declaration of Human Rights, the United Nations has in fact re-emphasized the fundamental rights of mankind, in the sense that, from the point of view of many international lawyers, human rights are not established in a vacuum, but Rights have existed throughout history; But due to the tense conditions prevailing in the international community, it has not been possible to plan it. Anyway, during the approval of this declaration and the accession of governments to it, no government opposed its provisions. The Universal Declaration of Human Rights was again emphasized and approved by the governments in the "Vienna Declaration and Plan of Action" which was formed following the World Conference on Human Rights. The process of standardization of human rights by the United Nations after the formulation and approval of the Universal Declaration of Human Rights in general and the end of the Cold War in particular, has also brought other institutional innovations.

These innovations have been established after the plan at the international level and have become a new norm. For example, by approving the "International Convention on the Elimination of Racial Discrimination" in 1966, the United Nations General Assembly introduced a set of new human rights regulations into international law; The regulations that required countries to eliminate racial discrimination, created grounds for the promotion of tolerance within national borders and at the international level. With the joining of countries freed from colonialism to the United Nations General Assembly, a new wave of countries' participation in drafting new human rights standards was created. The first effect of the newly established countries' presence in the General Assembly was the issuance of the "Declaration Granting Independence to Colonized Countries and Societies" in 1960. This declaration, while condemning the colonialism of governments in the international arena, has placed special emphasis on the right to determine the fate of nations and condemning "apartheid".

In 1966, many of the fundamental rights crystallized in the Universal Declaration of Human Rights were clearly described and explained in two legal documents, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Political and Civil Rights. Among the set of human rights documents compiled by the United Nations General Assembly, these three documents have been very valuable. The division of the declaration of human rights into the above two covenants



due to the dynamic nature of international law and human rights comes from two necessities: one is the classification of rights and their value in the declaration of human rights and the other is the divisions caused by the Cold War between the two superpowers.

The governments belonging to the Eastern Bloc tended to support and favor the International Covenant on Economic, Social and Cultural Rights. This was while the countries belonging to the Western bloc were strongly in favor of the spread and expansion of the International Covenant on Civil and Political Rights. Although the governments have taken into consideration the ratio of the covenants of special interests and interests, but the General Assembly has managed to approve numerous conventions in both fields. This development, along with the issuance of numerous declarations, has caused the United Nations to encourage the member states of the United Nations to implement the provisions of these declarations by standardizing and clarifying human rights.

4- Establishment of human rights monitoring institutions and bodies

Another action and goal of the UN General Assembly in the field of human rights development has been the effort to establish institutions and bodies to monitor the implementation of human rights. By establishing these bodies, the General Assembly has paid attention to the fact that merely issuing declarations and resolutions and urging countries to observe and respect human rights, without being able to impose legal obligations on them, is not effective, and the Assembly must act practically and Monitor their activities. Based on this, the Assembly has established bodies overseeing the implementation of human rights at different points in time. These pillars are generally established either based on the provisions contained in the United Nations Charter or an international treaty has established them. Observing bodies authorized by the United Nations Charter are bodies in which representatives of all governments are members.

In other words, these organs have a political nature that were established based on the powers of the General Assembly or other organs of the United Nations. Meanwhile, The bodies established by the treaties are often composed of human rights experts and based on independent individual competences. Both of these pillars are supported by the Office of the High Commissioner for Human Rights.

5- Attention to the promotion of human rights

In the United Nations system, the General Assembly has played a special role in the promotion of human rights, which deserves to be examined and studied. Basically, the activities of the General Assembly in relation to the development and promotion of human rights can be divided into three main parts:

- 1- Attention to situations of humanitarian rights violations in armed conflicts,
- 2- Initiatives related to strengthening the international criminal law system, especially dealing with war crimes and crimes against humanity.
- 3- Initiatives related to extending the fundamental rules of human rights to armed conflicts.

In many cases, the General Assembly paid attention to the situations caused by armed conflicts between the member states of the United Nations or the conflicts that happened in the territory of one of them, and to Farakhor regarding the observance and implementation of the rules of humanitarian rights, especially the observance of the rights of prisoners of war and the protection of non-combatants. IDPs



have also made prescriptions. Thus, in the first category, there are resolutions or decisions in which the General Assembly implemented the provisions of humanitarian rights in a specific situation.

Perhaps, among the conflicts and international situations, the General Assembly has paid the most attention to the conflicts between the Arabs and Israel. Since 1948, the United Nations Assembly has issued several resolutions regarding the various aspects of the Arab-Israeli conflicts, and in them, it has diligently demanded the implementation of humanitarian rights rules by the parties involved, especially the Zionist regime. The Assembly's request to the International Court of Justice to issue an advisory opinion regarding the legitimacy of building a barrier wall can be included in the same category of actions. Of course, the legal consequences of documents issued by the Assembly about a specific situation are not necessarily limited to that situation and may indirectly affect the entire set of humanitarian law rules. For example, the General Assembly, in several resolutions it issued regarding the anti-racial discrimination struggles in Southern Rhodesia and South Africa, declared the legitimacy of such struggles and, in a general ruling, demanded the implementation of the provisions of the Third Geneva Convention against the anti-colonial and racial discrimination fighters. became. Also, in many cases, the General Assembly demanded the extension of the provisions of the four Geneva Conventions of 1949 and the Hague Rules of 1907 to armed conflicts that had a non-international nature. This action of the General Assembly goes beyond the limits of the intended situation and can be considered as the customary extension of the provisions of these treaties to internal conflicts, because the aforementioned treaties were compiled for international conflicts and only Article 3 of the four conventions is common to non-international armed conflicts. It is obvious that the detailed examination of these effects depends on the research on each of the situations and the prescriptions that the Assembly has made about them.

The General Assembly has strengthened the implementation of humanitarian law by measures such as enumerating the principles of international law recognized in the Nuremberg Charter, defining war crimes as international crimes in the set of rules for crimes against the peace and security of humanity, and excluding war crimes from the scope of the statute of limitations. However, the extension of the fundamental rules of human rights to the armed conflicts of the Assembly added to the content and richness of the rules of humanitarian rights. Relating human rights and humanitarian rights is practically in order to increase the legal rules governing situations of armed conflict.

In terms of historical sequence, two groups of cuckoos are placed along each other. The General Assembly's emphasis (in the 1940s, 1950s, and early 1960s) on expanding the rules of international criminal law and strengthening cooperation mechanisms between governments to try war criminals goes back to the experience of the post-World War II era, especially the trial of some criminals at the Nuremberg Trials and national courts. . This work was considered part of the organization's mission to eliminate war, while the organization's subsequent actions to develop humanitarian rights and strengthen the victim protection system (in the 1960s and 1970s) were not only a result of the prevailing human rights attitude in the international community, but also a sign of acceptance. War was also a reality in human life. This realism, as we will see, made the assembly play an influential role in the international scene and could direct the development process of humanitarian rights towards more protection for the victims of armed conflicts.

6- The importance of teaching human rights

Although such a development in human rights at the level of the United Nations appears in the form of codification and changes in international laws, but increasingly at the levels of local and national



societies by individuals, groups, and social forces that seek to achieve human rights. Equality and justice are fighting in their societies, it is formed.. Since the establishment of the United Nations, the role of non-governmental organizations in the process of developing and promoting human rights has been gradually growing; Now small and large, local and international non-governmental organizations reflect the voices and concerns of social classes and groups in international forums and the United Nations. Although international agreements are accepted by the General Assembly, which consists of representatives of governments, and governments also approve them, but non-governmental organizations try to influence governments and UN organizations at different levels by using various tools and techniques. For example, in the 1990s, non-governmental organizations, in cooperation with affected communities, led efforts to create a treaty banning the use of landmines in the United Nations.

In 1993, the World Conference on Human Rights in Vienna reaffirmed the importance of human rights education, education and public information, calling it "to promote and achieve stable and harmonious relations between societies and to foster mutual understanding, tolerance and peace, "Essential" declared. In response to the request of this world conference, the United Nations General Assembly declared the period 1995 to 2004 as the United Nations Decade for Human Rights Education.

For various and numerous reasons, such as making it possible for them to demand citizenship rights by themselves, preventing the formation of tyranny and autocracy, and even in order to promote virtue and form a moral and law-abiding society, we have no choice but to educate everyone about rights. Based on the aforementioned legal foundations, the United Nations implemented a special program and course for public law education. The story is that in 1993, the World Conference on Human Rights in Vienna once again emphasized the importance of human rights education, education and public information. Following this world conference, the United Nations General Assembly declared the years 1995 to 2004 as the United Nations Decade for Human Rights Education and invited the member countries to take effective action in this field. The program of the United Nations, and specifically UNESCO, in this regard, as well as the record of some countries in public human rights education, can be accessed on the United Nations website and other websites. Books have been published about this and some of them have been translated into Farsi (Ziaei, 2009: 24).

The General Assembly, when announcing this matter in December 1994, defined human rights education as: "a permanent and continuous process by which people at all levels of development and all strata of society respect the human dignity of others and use tools and methods to guarantee This respect is learned in all human societies.

The assembly emphasized that the responsibility of human rights education is on all elements of society, the government, non-governmental organizations, professional associations and all other parts of civil society, as well as individuals. In addition to the fact that education in general, and law education in particular, is among the rights of all citizens, due to completely understandable reasons, law education to children has been specially emphasized. This is an important point that should not be neglected. In this regard, Article 7 of the Universal Declaration of the Rights of the Child approved by the United Nations Assembly stipulates:

The child should benefit from an education that is aimed at promoting and developing his general culture and be so constructive that he develops his own moral and social responsibility in the conditions of equality of opportunities, abilities, the power of judgment and individual evaluation, and become a useful person for the society. to be



Article 10 of the same declaration, in the explanation of the desired education, says: "... the child should be educated in the spirit of understanding, tolerance and tolerance, believing in friendship between people, peace and global brotherhood, and with the knowledge that his ability and talent should be devoted to serving his fellow men. be cultivated

Since the adoption of the Universal Declaration of Human Rights, the United Nations General Assembly has asked the member states and all sections of the society to work hard in promoting and educating this fundamental document. The assembly emphasized that the responsibility of human rights education rests with all elements of society - the government, non-governmental organizations, professional associations and all other parts of civil society, as well as individuals. The action plan of this decade (1995 to 2004) defines human rights education as follows: "Education, publication and communication with the aim of creating a common culture of human rights through the sharing of knowledge and skills and the formation of attitudes aimed at:

- strengthening respect for human rights and fundamental freedoms;
- Full development of human personality and respect for it;
- Promoting understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, and racial, national, ethnic, religious, and linguistic groups;
- To enable all people to participate effectively in a developed society;
- Strengthening and advancing the activities of the United Nations to maintain peace.

7- Development and evolution of human rights culture

The development and gradual development of human rights is not separate from the definition and general concept of the development and gradual development of international law. In article 13 of the above reference of the charter and paragraph 1 of article 1 of the statute of the International Law Commission, this is foreseen and then following it in article 15 of the statute of the International Law Commission, it is defined as follows: Compilation of international law means "precise and scientific explanation" The rules that exist in custom, the practice of countries and doctrine, and turning them into contractual rules" and the gradual development of international law is "the preparation of draft treaties that have a new subject and have not been dealt with in the subject or customary international law before. » It seems that the United Nations General Assembly has followed both ways in different areas of human rights. As a result, it should be noted that the issue of codification and regularization and gradual development of human rights is possible both through international treaties and through other documents or soft rights.

8- Turning into the rule of mandating human rights

One of the important goals pursued by the United Nations General Assembly is to enforce human rights. In a broad view, governments are obliged to observe the norms of human rights in their relations with all human beings (both citizens and non-citizens) on the one hand, and the norms of citizenship rights in their relations with citizens on the other hand. This difference in the obligations of governments creates a basis for behavioral duality, or to be more precise, "discriminatory behavior" of governments towards human beings. Many governments do not respect some examples of human rights under the



pretext that these rights belong to the space of citizenship rights and therefore can only be applied in the relations between citizens and the government towards non-citizens and foreign nationals.

In order to face this challenge, in the space of international law and specifically human rights, an approach called global citizenship was created. In other words, in line with globalization and diminishing the shadow of the national sovereignty of governments on human rights, all human beings (regardless of which government they are citizens of) are considered members of the international community and, as a result of this membership, enjoy various rights. In this direction and in the direction of designing and providing a set of legal standards and norms to guarantee more and better human rights, the concept of fundamental human rights was introduced in the literature of international law and specifically international human rights.

According to the approaches of the United Nations General Assembly, one of the important characteristics of fundamental human rights is that they are mandatory. To put it more simply, the aforementioned rights are considered as one of the important examples of the concept of mandatory rules in the literature of law and international relations. From the Assembly's point of view, the mandatory rules create absolute obligations for governments in the space of international law; In other words, governments must implement the aforementioned rules absolutely in their internal and external relations. In fact, these rules cannot be waived under any circumstances, that is, governments cannot consider fundamental human rights limited to the realm of citizenship rights and refuse to apply them to non-citizens.

9- Trying to expand the international regime of human rights

The most important role of international regimes is in establishing cooperation between governments; That is, regimes, as a tool and mechanism, grease the wheel of cooperation between governments, they make the factor of uncertainty and uncertainty that exists in the international system decrease. For this reason, those realistic views that exist in the prisoner's puzzle game are revised. That is, if there is a regime between two prisoners and assures both prisoners that the other has not confessed, cooperation between the two prisoners takes place and none of them confess, and the judge, who has no evidence against them, is bound to release them. But the realists bring up those two prisoners in the absence of the regime, and that is why the cooperation between the two prisoners becomes vulnerable. Therefore, the information between two prisoners is important, that is, if the information reaches both prisoners, cooperation will take place. In fact, the international regimes provide that information in the international system, causing the governments to review their interests.

After establishing cooperation, international regimes contribute to the order and stability of the system. In fact, the study of international regimes helps to study the stability of the system, but since no phenomenon remains constant forever, the regimes are not constant forever, but change. What factors cause the change of international regimes is one of the main debates in this literature. There are different approaches to changing international regimes, for example, Hegerd and Simons divide the literature related to regime creation and change into four categories: structural theories, game theories, functionalist theories, and finally cognitive theories. Each of the above four schools have their own views on regime change, for example, for realists, the main causes of regime change are the power structure and war. Structuralists consider the change of regime dependent on the change of power in the international system. Based on the theory of stability based on domination, which we will explain



separately below, these authors argue that the formation of regimes, the continuation of regimes and the change of regimes or the weakening of regimes are power-dependent factors. (Rezapour, 2014: 63).

When we talk about the international regime of human rights, we mean a set of decision-making procedures, rules, principles and norms based on which governments cooperate with each other in the field of human rights.

they agree This regime specifies the existence of general concepts of human rights and how to move towards their implementation. It has also created mechanisms to monitor the implementation of these rights. In other words, the governments have agreed to cooperate with each other on the implementation of the general concepts of human rights and the monitoring of its implementation, so that a generous life based on human identity is maintained, societies do not suffer chaos and unrest, and international peace and security are not likely to be endangered.

When we talk about the identity of a person, we mean a phenomenon that is partly related to his body, such as height, hair or eye color, etc. Another part is the social and cultural identity that the society of his birth and upbringing gives him. Therefore, the generous life of every human being involves maintaining a social and cultural identity that has shaped his non-physical identity. Of course, this identity is not a fixed thing and changes over time due to social and cultural changes. Therefore, a generous life also changes its meaning with this change, and the previous procedures should be changed according to this change, otherwise human rights have not been respected. But as long as a person derives his identity from a specific culture, observing it is a part of respecting human rights, and trying to change it without the consent of the individual and the society is considered a violation of human rights.

Based on the approaches and objectives of the United Nations General Assembly, the common chapters related to human rights and monitoring their implementation can form the international human rights regime, which is based on an agreement between governments based on observing the social and cultural characteristics accepted by the societies of these governments. In general, it has been achieved. In other words, observing the principle of universality regarding the general concepts of human rights and monitoring their implementation and observing the principle of relativity in the field of social and cultural characteristics of specific peoples are the main foundations of the international human rights regime.

Basically, the rules of human rights regulate the relations of people with each other, as well as the relations of governments with people located in the territories under their jurisdiction, and in many cases are outside the field of international relations. In other words, issues related to human rights are mainly classified as internal affairs. But since the non-respect of human rights can cause unrest and social upheavals that have effects beyond the boundaries of a country and affect other societies and even their security, it has become an area that has created the need for international cooperation. . Therefore, the international human rights regime is not something that can only be talked about, but actually exists. The rules and norms and principles set in the international arena and the institutions that have been formed to monitor their implementation have created the international regime of human rights.

But this regime is different from other regimes such as the regime regulating diplomatic and consular relations between governments or the regime governing telecommunications. In the recent regimes, a



series of rights and obligations for the persons of international law towards each other arise. In other words, rules, norms and principles are implemented between governments. While in the international regime of human rights, a series of objective rights for individuals, individually and collectively, are regulated, and every government within the framework of such a regime is obliged to provide those rights for the individuals under its jurisdiction.

10- Issuing human rights resolutions and documents

The resolutions of the General Assembly can be influential in the formation and development of general legal principles. For example, the Assembly's resolutions regarding the Nuremberg principles, racial discrimination, genocide, outer space, friendly relations, and the seabed have been proposed as declarations of general principles. Also, the Universal Declaration of Human Rights is considered as a summary of domestic constitutions. According to Article 9 of the Statute of the International Court of Justice, the judges of the Court are the representatives of the main legal systems of the world and are in a position to identify the common legal principles between these systems and apply them if necessary. The General Assembly, whose members are the representatives of all the member states of the United Nations, and accordingly, there are representatives of all legal systems among them, according to the goals and functions of the jurists of the sixth committee of the Assembly, it can be said that the Assembly is in a similar position. . "Therefore, a resolution of the Assembly which expresses the importance that a legal principle is accepted in all legal systems, can indicate the recognition of a rule in the legal systems of all member states of the Assembly."

Although when examining the resolutions of the General Assembly, a deep look at the United Nations Charter as the founding document of the United Nations will be very useful, but the importance and impact of the resolutions of the Assembly cannot be summarized only within the framework of the Charter. The General Assembly, as an institution made up of all the members of the United Nations, has played a decisive role in resolving many important international issues, and thus has the ability to prevent the occurrence of many disturbances at the global level.

The parties to an international treaty can, with their consent, make the resolutions of the assembly binding on themselves. "One of the important examples in this regard is related to the peace treaty with Italy, according to some articles of that treaty, the General Assembly was given the authority to decide on the future of the Italian colonies." The General Assembly resolutions adopted in this particular case are: Resolution (IV) 289 dated 21 November 1949 and Resolution (V) 387 dated 17 November 1950 regarding Libya, Resolution (V) 390 dated 2 December 1950 regarding Eritrea, Resolution (V) 442 of 2 December 1950 regarding Somalia, Resolution (VI) 515 of 1 February 1952 regarding Libya, Resolution (VII) 617 of 17 December 1952 regarding Eritrea and Resolution (XIV) 418 of 5 December 1959 regarding Somalia. Also, such cases can be seen in some guardianship agreements. In these agreements, the countries managing the territories under the trusteeship committed to apply the recommendations of the assembly in the territories under their trusteeship. "Among these agreements, we can mention articles 7 and 16 of the Tanganyika Agreement, article 6 of the Togo Agreement and articles 3, 5, 12 and 16 of the Somalia Agreement" (Mahdavi, 2018: 94).

It is difficult to assess the extent to which the General Assembly has influenced the behavior of states to act against human rights because many elements come into play. A closer look at the behavior of governments shows that, for example, major terrorist events, especially those that happen near a government, have a far greater impact on the willingness of that government to pay attention to terrorism



than the resolutions of the General Assembly; It is also clear that the attention of governments varies and increases, but it is difficult to assess to what extent these changes depend on the occurrence of a terrorist incident. Whatever the political situation, General Assembly resolutions on terrorism explicitly and multilateral conventions on illegal acts implicitly compel states to refrain from the threat or use of armed force against another state in response to terrorist events. One of the primary signs of governments' readiness to be tough on terrorists is the ratification or accession to multilateral conventions that declare violent acts illegal or propose prevention-based solutions. Ratification of multilateral conventions is often a long procedure, but the significant occurrence of an issue raised in a convention accelerates this process. However, the approval step was taken before September 11 and it shows that the issue of international terrorism was already on the agenda of governments. A commitment is a promise to act in a certain way. In many countries, practice needs to proceed with constitutions or statutes that incorporate treaty provisions into domestic law. General Assembly resolutions on the elimination of terrorism require states to report on domestic constitutional changes related to acts of terrorism, and most states report at least some detail on domestic laws. Many governments also need to build executive capacity in order to implement their new commitments. The United Nations has addressed this need in a limited number of ways. In 1999, the Terrorism Branch was established separately within the International Crime Control Office, which has undertaken a number of activities, including organizing workshops for domestic law enforcement agencies (<http://www.odccporg/terrorism>). Terrorism requires the member states to cooperate in prosecuting and punishing the accused according to the mechanism provided in these conventions and to act in such a way that there is no safe place for terrorists, but the enforcement systems in the anti-terrorism conventions Predictably, they have not been successful in the fight against terrorism.

11- Paying attention to the discourse of human rights

The General Assembly has always been trying to create a discourse on human rights. This is especially evident when human rights are violated in some countries. In general, a breach occurs when there is a breach of an obligation. But severe violation is a type of violation that is serious in itself according to its scope and nature, firstly, it should be caused by violation of the mandatory rule of international law, secondly, it should indicate the extent of the violation. Describing a rule as a mandatory rule has certain effects, such as the fact that it will act beyond all existing treaty rules, it will also affect domestic law, and it will invalidate any action inconsistent with the law. Also, other governments are required to cooperate with each other to prevent and end the violation of such a rule. Severe violations of human rights are qualitatively and quantitatively different from normal violations and are used in the case of norms that the international community is particularly sensitive to respecting and observing. From the point of view of great jurists, today there is no doubt that the rules of international human rights have taken on the character of absolutes and there is almost an inherent relationship between absolute rules and human rights." The International Court of Justice also points to the absolute nature of fundamental human values in the case of genocide. On the other hand, as stated correctly in the International Law Commission's proposal on the responsibility of states, the violation of the rule of law that threatens the life of the people of a state or basic human values is an intolerable violation of rights It is intolerable for humans to be severe. This insufferability can be interpreted as the permissibility of actions and the relative disregard of governments. In other words, violations are intolerable and it is permissible to act against them.



The procedure of the General Assembly in examining the human rights situation also seems to be based on the same idea. It follows from the performance of the General Assembly that the Assembly investigates the situation of human rights and creates discourse if the violations are "severe" in nature.

Therefore, the threshold of "severeness" of human rights violations for creating discourse and intervention of the General Assembly seems to be lower than the threshold of severity for committing some international crimes, which is also a violation of human rights. Despite these situations that the General Assembly has examined, they have usually been situations in which some cases of severe human rights violations have led to the commission of international crimes, but as mentioned in the investigation of the violations of the relevant government, the Assembly He criticizes all cases of violations, because he considers it his duty to be fully aware of all cases of human rights violations.

In terms of what kind of rights must be at risk for the Assembly to intervene, it must be said that the intervention of the Assembly today includes all examples of human rights; But in order for the intervention of the Security Council to take place in its humanitarian (military) sense, it is necessary that the right to life and physical integrity are at risk. The practice of governments also confirms this claim.

12- Recommendation to the Security Council in special cases

Based on Article 11 of the United Nations Charter, the General Assembly has the authority to advise the members or the Security Council or both on the principles of cooperation to maintain international peace and security, including the principles governing "disarmament" and "weapons regulation". . In fact, the General Assembly can discuss any issue related to the maintenance of international peace and security that has been referred to it by any of the members or the Security Council, or by a country that is not a member of the United Nations, according to paragraph 2 of Article 35. And except for the case stipulated in Article 12, he can make recommendations to the country or related countries or to the Security Council or to both regarding such issues. The powers of the General Assembly to discuss and issue recommendations in the field of international peace and security necessarily include the "authority to initiate investigations". This authority, which is entrusted to the General Assembly based on the Charter, puts the Assembly in a position to perform the duties stipulated in the Charter.

In order to start such investigations, the assembly has often established committees or commissions specific to the subject in question. For example, in 1946, with the establishment of a committee to investigate the situation in Palestine, in 1956, with the establishment of a commission of inquiry into the situation of Hungary, and in 1958, with the establishment of the United Nations observer group in Lebanon, efforts were made to reduce risks in the field of international peace and security. has done Upon receiving the reports of the committees, the General Assembly can be informed of the situation governing the issue and take preventive measures, including requesting the Secretary General to intervene in the crisis.

The opinion that the relationship between the Security Council and the General Assembly in maintaining international peace and security is a "competitive relationship" does not seem correct, but the interaction of these two important organs of the United Nations is to facilitate each other's activities in maintaining peace and security. The duty of the General Assembly is to present recommendations to the Security Council based on its interpretations of situations that may endanger international peace and security, of which violence, extremism and terrorism are a part. The existing procedure in the United



Nations and the Security Council when dealing with Article 2, paragraph 7 of the Charter, which is related to "intra-territorial violence", indicates that the Council avoids entering into the issue when faced with such situations; Because most of the governments take a stubborn stance towards it and consider it a kind of intervention of the Security Council in their internal affairs (Mehrpavoor, 2017: 44-45).

Based on this, it is the UN General Assembly that examines the internal situations of the member states and in case of widespread violations within the governments, he informs the Security Council about the relevant threats. In the face of situations that threaten international peace and security, including human rights violations in internal (intra-border) crises and in the absence of the Security Council, the General Assembly has been able to interact with governments with greater ease and acceptability. In such cases, most of the recommendations and reports of the General Assembly are accepted and favored by other governments. For example, in 1956, in the review of the situation in Hungary, the General Assembly accepted the claim that human rights are within the internal jurisdiction of governments, and as a result, Clause 7 of Article 2 of the Charter governs it (and the organization should not enter into it). did not give

Another example in which the General Assembly was able to investigate internal crises leading to human rights violations, without facing the opposition of other governments, was in the issue of apartheid (early 1950s). In this case, most member governments of the forum believed that the adoption of racial discrimination policy by the South African government is not only within the internal authority of the said government, but apartheid has effects that can endanger international peace and security. In connection with this issue, the General Assembly condemned the policy of apartheid many times in its resolutions and advised the Security Council to investigate the matter. Finally, in 1977, the Security Council, by passing a series of resolutions, announced that the policy of racial discrimination, according to Article 39 of the Charter, has endangered international peace and security.

Although the Security Council does not have any legal obligation to accept and review the recommendations of the General Assembly, it has shown in practice that it has considered and reviewed many of the recommendations of the General Assembly and made decisions based on the accepted recommendations. In fact, the council has paid attention to the fact that the council's recommendations have a lot of legitimacy due to the fact that the majority of governments support them, and in case of a binding decision by the Security Council, they will not face opposition from the governments.

- Supplying and equipping human rights institutions

The United Nations General Assembly pursues a kind of "preventive" goals to fight violence and extremism and, as a result, strengthen international peace and security. In this regard, financing and allocating funds to programs such as "fighting terrorism", "fighting the production and accumulation of weapons of mass destruction", "preventing the occurrence of regional violence and civil wars" and "fighting poverty, infectious diseases and environmental disasters" and helping the "evacuees from war and natural disasters" have been among the actions of the United Nations General Assembly in this field.

14- Financial participation

Although the United Nations Charter considers the initiation and decision-making of "peacekeeping operations" as one of the powers of the Security Council, it is the responsibility of the member states of



the United Nations to provide for its expenses. According to paragraph 1 of Article 43 of the United Nations Charter, "all members of the United Nations in order to participate in the maintenance of international peace and security" undertake to provide armed forces and facilities, including the right of passage necessary to maintain international peace and security, upon the request of the Security Council and based on provide that council with an agreement or specific agreements." Therefore, after the start of peacekeeping operations or military operations by the Security Council, each of the member states will also pay the costs related to the UN peacekeeping operations based on their contribution to the United Nations.

Of course, the participation of member states of the General Assembly in financing peacekeeping operations is accepted by the states when the Security Council prescribes such an operation based on its legal and legitimate powers and in accordance with "justice and international law". In this case, the International Court of Justice stated in its advisory opinion on July 20, 1962: "When the costs include the costs of maintaining international peace and security that are not otherwise provided for, it is the General Assembly that has the authority to distribute the final amounts among the members. . None of the provisions determining the duties and powers of the Security Council and the General Assembly support this view that in this distribution, the authority to finance actions related to the maintenance of international peace and security is outside the powers of the General Assembly" (Bigdali et al., 1387: 181). .

The United Nations General Assembly, in addition to participating in the financing of the costs of maintaining international peace and security, which is often provided from the organization's "compulsory" budget, by encouraging and encouraging governments to play a role in providing discretionary budgets, provides grounds for promoting tolerance and cooperation in the international community. makes In this regard, by creating institutions such as the United Nations Development Program, the United Nations Environment Program, the United Nations Children's Fund, and the United Nations Development and Promotion of Democracy Fund, it asks the member states to participate in their funding. . Although these contributions are voluntary by the governments and do not impose any legal obligations on them, active participation in them can help the international goals of the sponsoring country and paint a positive image of that country in the international community.

In general, the UN General Assembly is engaged in financing programs and advancing its goals in two dimensions; One is through the training of "tolerance" at the level of countries before the occurrence of violence (prevention) and the other is the provision of funds for the periods when violence has occurred, which timely and appropriate financial support can reduce the human consequences of the disaster (reduction of the impact of violence).).

In addition to annually allocating costs to deal with natural disasters or unforeseen situations, the General Assembly asks the member states to allocate their humanitarian aid to crisis areas in case of such situations. Of course, in addition to urging the governments to help the crisis-stricken areas, the Assembly asks them to reduce the effects of human and environmental disasters, as well as the effects and dimensions of internal conflicts, by developing scientific programs and investing in increasing public awareness.

In one of the resolutions of the General Assembly that was issued on January 15, 2007, the member governments have been asked to monitor and prevent natural disasters by using satellite facilities. This shows that the United Nations has paid attention to the occurrence of natural disasters and the



consequent occurrence of violence as the reason for the lack of food resources. Based on this, governments will describe the progress of these programs with their voluntary financial contributions. It is worth noting that there is no distinction between humanitarian aid in the set of regulations of the General Assembly. In other words, the General Assembly's goal of humanitarian support is to reduce the pain and suffering of people caught in a crisis, regardless of the origin of the crisis. Adopting such an approach by the General Assembly, three basic criteria or rules can be seen in the existing guidelines for the provision of humanitarian aid, which are: "Altruism", "Neutrality" and "Non-favour of specific groups".

In order to realize its humanitarian goals after the crisis, the General Assembly also seeks help from other UN specialized institutions. Due to the necessary expertise in these organizations, each of them will be in charge of the tasks assigned by the Security Council or the General Assembly. Finally, by providing financial resources from the member states, the General Assembly provides the grounds for reducing violence or crises that can lead to the occurrence of violence and extremism.

conclusion

Just as the General Assembly has initiated the formulation and gradual development of international law in various political fields - and this is one of the successful fields of this pillar of the United Nations - it has also brought significant success in the field of human rights.

In this regard, the General Assembly has taken the initiative and regulation of human rights documents both directly and through its subordinate institutions or indirectly through the Economic, Social and Cultural Council, which in the end all the activities of such institutions have come from the General Assembly. Based on Article 22 of the Charter and 161 of its internal regulations, the General Assembly has the right to establish sub-organs if deemed necessary, and in this way, it has initiated the establishment of various sub-organs that play a role in the field of human rights.

The General Assembly, as the first and most comprehensive body of the United Nations, has a "quasi-legislative" role in the light of various articles of the Charter, including Articles 10 and 13, and it is clear from the studies that a majority of prominent legal scholars The international community, including Mr. Mohammad Bejawi, the former president of the International Court of Justice, also believes this. We also saw that in the general discussions of international law, for example, international space law, the General Assembly, through Copius, started to organize several treaties on how to use space, which is not hidden from anyone for its legalization, or by issuing declarations such as "Prohibition of Colonialism" and ... has also started to play its "quasi-legislative" role.

Such a conclusion is also true in human rights issues. The General Assembly has made this role well-manifested by organizing and drafting dozens of international human rights treaties and issuing hundreds of declarations and law-based decisions, as well as creating functional and effective sub-organs in important global issues. For example, organizing and drafting the Universal Rights Charter The child, which is accepted by all the members of the United Nations (192 countries have accepted it), confirms such a claim, or the Universal Declaration of Human Rights, which, according to a number of scholars of international law, as well as the approval of international judicial procedure, is the form of "general legal principles accepted by nations." "Civilized", everything tells about the prominent role of the United Nations General Assembly. Also, in terms of the supervisory role of the General Assembly, as mentioned, the performance of the special committee on decolonization can be mentioned.



On the other hand, the close relations established between specialized organizations and the General Assembly through OKSOC, such as the International Labor Organization, the World Health Organization, UNESCO, etc., undoubtedly confirm the credibility of the General Assembly on such a position.

However, such a perception may not be approved by the exclusive Western experts who believe in the centrality of the five world powers in the Security Council.

Considering the limited powers it has compared to the Security Council, the United Nations General Assembly has been successful in discussing human rights. The study in this regard shows that the General Assembly, as one of the main pillars of the United Nations, has a special interest in the field of "development of human rights" even though there is no single definition of it among the governments. Financial participation and equipping the resources and facilities of this organization's missions in all corners of the world is considered one of the most important actions of the General Assembly in the discussion of human rights. Because the United Nations General Assembly brings together all the member states, regardless of their economic and political power, its actions have acceptable legitimacy among the states. This issue has caused governments to respect and follow the recommendations of this organization.

Entrusting missions such as mediation and Jamila's efforts to the Secretary General of the United Nations in times of crisis shows that the General Assembly has benefited from all the existing mechanisms for the development of human rights. The position of the General Assembly in human rights issues becomes more apparent when we know that almost all human rights institutions are considered a subset of the General Assembly; Their duty is to monitor human rights violations by governments. This issue is important because the violation of human rights regulations in the long run leads to devastating violence in the international arena as well as within governments. An issue that will eventually lead to terrorist actions and behaviors. The pillars of human rights related to the General Assembly by mentioning the name of the offending government in public circles

including in the floor of the General Assembly, they are actually seeking to correct the behavior of that government; This issue itself can play an important role in the "development of human rights".

References

1. Abdali, Mohammadreza (2009) The role of the United Nations in the development of human rights. Tehran: Astan Publishing.
2. Asadi, Manouchehr. (1389). The United Nations and human rights. Tehran: Thinkers.
3. Basiri, Mohammad Ali. 1381. The Globalization of Human Rights and the Dialogue of Civilizations, Journal of Faculty of Law and Political Sciences, University of Tehran, No. 56.
4. Tawhidi, Ahmadreza; (1386), Human rights and its developments in the contemporary world, Rowaq magazine. Andisheh, No. 48
5. Zakarian, Mehdi (1377), Human Rights and the Middle East, Middle East Center for Scientific Research and Strategic Studies
6. Rezainejad, Iraj (2014), "Human rights and government sovereignty: an analytical approach based on international documents", Journal of Political and Economic Information, vol. 206-205



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7. Sharifian, Jamshid; (1380). Internationalization of Human Rights, Foreign Policy Quarterly, No. 3
8. Ziyai Bigdali, Mohammadreza. (1389). Laws of international treaties. Second edition. A treasure of knowledge.
9. Marty, May Ray Delmas; (1378). Globalization of Law: Opportunities and Dangers, translated by: Ardeshir Amir Arjamand, Law Journal, No. 24
10. Mehrpour, Hossein, (1372). International Human Rights System, International Human Rights System, Tehran, Information Publications.
11. Nejatian, Mohammad Ali. (2015) The role of the General Assembly in dealing with terrorism and securing world peace. Tehran: Kavash Publishing.
12. English sources
13. [http://www. Odccc Org/terrorism](http://www.Odccc.org/terrorism)