

# NOTICE AND DECLARATION TO THE UNITED NATIONS

PUBLIC PARTICIPATION

URGENT

DATE: 1/09/2024

## 1. Notice of Urgent Declaration of Invalidity

on the Summit of the Future, Pact for the Future, And Annexes

due to lack of public knowledge, participation, and informed consent

## 2. Notice of Urgent Statement of Dispute

On the standing authority the United Nations is unlawfully appropriating

to manage real or engineered emergencies, outlined in its 'Common Agenda'

## 3. Notice of Urgent Objection to a United Nations Declaration

A political declaration on pandemics, announced at the UNGA 78,

which ignored the 11+ countries that broke the silence, in writing

Date: 3 September 2024

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CC: Member State Representatives and Civil Society Internationally

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## **A. Rule of Law and International Law**

1. The United Nations (UN) system is intended to operate on the principle of the Rule of Law, as outlined in the UN's own official documentation. According to this principle:

- All persons, institutions, and entities (public and private) are accountable to laws that are:
  - Publicly promulgated
  - Equally enforced
  - Independently adjudicated
  - Consistent with international human rights norms and standards

This principle is intended to ensure transparency, accountability, and respect for human rights in all UN activities and decision-making processes. There are no exceptions.

2. During the Covid-19 chapter, the UN was fully aware of human rights abuses around the world. This includes draconian lockdowns, state violence, poverty and destructive social crisis. The UN failed to highlight and emphasize the international law criteria that the World Council for Health outlined in its legal brief: *Preventing The Abuse of States of Emergency*.

Prior to the declaration of a state of emergency, the onus is on any government to show that the alleged public health crisis 'threatens the life of the nation' - and that this threat meets the following international law criteria: The threat to the life of the nation must:

1. Be Actual or Imminent
2. Involve the whole nation;
3. Place the continuation of the organised life of society at risk of extinction; and
4. Be so extraordinary that ordinary measures for protecting public health and order are clearly inadequate.

## **These criteria were not met for Covid-19. International law was knowingly violated.**

3. The United Nations must be aware of threats made against member state delegates at the World Health Assembly 77 in May 2024. According to several witnesses, delegates were intimidated into agreeing with amendments to the International Health Regulations 2005. To date, there has been no public condemnation by the United Nations or efforts to investigate and sanction those who are responsible. This deepens distrust in the UN.

### **B. Summary and Call to Action**

The United Nations and member state delegates are obligated uphold public participation in decision-making, complete transparency in processes, human rights such as dignity, fundamental freedoms such as free speech, and established tenets of international law.

Due to a lack of comprehensive public participation about the UN Secretary-General's Common Agenda document, and the Pact for the Future, which may be discussed and adopted at the Summit of the Future, We The People insist that this a) Declaration of Invalidity, b) Statement of Dispute, and c) Urgent Objection are included in the discussions of and report on the Summit of the Future, intended for 20-23 September 2024.

The Pact for the Future is being negotiated alongside the Declaration on Future Generations and the Global Digital Compact. All references to the Pact herein also include the latter two documents, which the United Nations intends as annexures to the Pact for the Future.

The silence procedure on the Declaration on Future Generations has been broken. The UN has not made transparent which countries voiced objections to the Declaration. Civil society has a right to know which countries have objected. The only information available:

*"In this regard, Member States are invited to note that silence was broken on the following paragraphs:*

- *Preamble: paragraphs 2, 3 and 9*
- *Guiding Principles: Chapeau, and paragraphs 13, 15, 16 and 17*
- *Commitments: paragraphs 22, 24, 25, 26, 27, 28, 29, 30, 32 and 34*
- *Actions: paragraphs 35, 37 and 38"*

We demand that both the Pact for the Future+ and the Common Agenda are withdrawn at the upcoming Summit for the Future. Should this not happen, member state delegates, who answer to the people of the countries they represent, must reject these documents outright. They must not be intimidated for doing so, as was the case at the WHO's World Health Assembly 78 in May this year with regards to International Health Regulations 2005.

### **C. Participation in Decision-Making**

#### **According to the United Nation's staff and documents:**

1. *"People wish to be heard and to participate in the decisions that affect them. Institutions could establish better ways of listening to people whom they are meant to serve and taking their views into account, especially groups that are frequently overlooked, such as women, young people, minority groups or persons with disabilities." António Guterres, Secretary-General of the United Nations. Our Common Agenda. 2020.*
2. *"Participatory approaches to decision-making and policy discussions help to forge a positive dynamic relationship between people and their governments, where peaceful protests and grievances can be addressed and settled by responsive and accountable administrations: this significantly reduces the risk of fragility, crisis and violence, thereby making societies safer and more resilient and policymaking more effective and legitimate."*
3. *"Conversely, the absence of dialogue is likely to exacerbate social and political tensions. Repeated attempts to restrict civic space, and excluding individuals and groups from expressing their views, assembling freely, creating associations and participating in decision-making are often a prelude to a general deterioration in the political situation and to further human rights violations, and therefore a clear early warning sign. Engaging people also makes for more legitimate and effective decisions, more widely supported and more likely to be successfully implemented."*
4. *"The UN must promote community empowerment, participatory approaches, and multi-sectoral collaboration to engage civil society. The UN must encourage member states to involve communities in vision, policy development, program planning, and service delivery to ensure interventions are responsive to local needs"*

**Despite the above, the United Nations faces legitimate criticism for consistently falling far short of these legitimate expectations and demands. This includes ongoing secretive negotiations on the Pact for the Future+, and Common Agenda. There has been little to no meaningful public participation at United Nations and member state level. There is therefore growing international resistance. The UN also faces criticism for, inter alia:**

- **Top-down approaches:** For decades, observers and civil society have raised distressed concerns about the UN's autocratic decision-making processes and bureaucratic

structures, which serve to hinder meaningful engagement with local communities and grassroots organizations. Critics argue that top-down approaches overlook community perspectives and preferences, leading to the implementation of one-size-fits-all interventions that are not appropriate nor value ethics, rights or laws.

- **Political and economic influences:** The UN operates within a complex geopolitical landscape, where political considerations and power dynamics influence its agenda-setting and decision-making process. Critics accuse the organization of prioritizing the interests of powerful member states or donors over the needs of marginalized communities, compromising its ability to advocate for human rights and peace.

### **5. The Highest Aspiration. A Call to Action for Human Rights (2020). Quoting the UN:**

*The UN highlights "The "three P's": participation, protection and promotion".*

*"On the occasion of the 75th anniversary of the United Nations and building on positive participation by civil society in climate negotiations and the Sustainable Development Goals, (the UN must)*

- *Launch a dialogue on more systematic participation of civil society in United Nations bodies and agencies, with special attention to women's rights organizations and young people.*
- *Design a system-wide strategy on civic space and adequate guidance to UN leaders in the field along with mechanisms to: (i) positively engage with interlocutors to promote and protect civic space; (ii) respond to undue restrictions on civic space; and, (iii) protect space for different stakeholders to express views.*
- *Review and strengthen United Nations tools that aim to empower civil society, protect civic space and encourage participation by all groups in democratic processes.*
- *Ensure that Resident Coordinators, UN Country Teams and heads of United Nations peace operations develop partnerships with civil society organizations to contribute to an enabling environment for civic space, including for women's organizations and women's rights defenders.*
- *Increase UN support at field level for the promotion of laws and policies that protect the right to equal participation and civic space, including a free and independent media – a foundation of open, democratic societies and most critical at a time when citizens demand accountability*
- *Support Member States to ensure that human rights principles inform implementation of the 2030 Agenda, including empowering people and creating avenues for civil society participation, as well as taking human rights-sensitive, non-discriminatory approaches to data collection, monitoring, and reporting. This is the surest way to bring the benefits of the ambitious and far-reaching agenda to all, leaving no one behind."*
- *Protecting and promoting civic space and ensuring increased consistency across the system. It is anchored in international law, in existing policies under the United Nations pillars of development, peace and security and human rights, and in its humanitarian*

*work. The Note outlines key steps that United Nations entities can take individually or jointly to strengthen civic space engagement, taking into consideration the role, capacities and programming approach of each one."*

- 6. *And in the same document. "RECOMMENDED ACTIONS FOR THE UNITED NATIONS SYSTEM (in accordance with relevant mandates)":*
  - *Develop new or implement existing policies on free and equal access to information, ensure they are publicly available in local languages, and use accessible and suitable communications channels.*
  - *Develop or implement existing policies on inclusive and effective participation in United Nations processes and partnerships;*
  - *Regularly assess the effectiveness of participation channels, and enable feedback loops for civil society. '*
  - *Use safe and user-friendly online and digital platforms to allow for diversity of civil society actors to participate in virtual and online meetings organized by the United Nations.*
  - *Reach out to diverse civil society actors, with a focus on those at risk of being left behind, including communities at the local and grassroots levels and women's organizations.*
  - *As UN intergovernmental bodies define their own rules, the Note applies to all processes under the authority of the Secretary-General.*
  - *Explore avenues for civil society to challenge restrictions on participation and on access to information.*

7. These undertakings have not been achieved by the UN. The UN has failed to uphold its commitments in general, and in particular, in relation to the Pact for the Future, the Declaration on Future Generations, the Global Digital Compact and the Common Agenda.

8. The UN is fully aware that it is only a select group of civil society organisations that interact with the UN or that have a seat at the table. Even these organisations continue to complain about the lack of inclusion, transparency and respect afforded to them by the United Nations and its agencies, including the World Health Organisation and the IMF.

9. Civil society NGOs have expressed discontent with the United Nations' (UN) transparency and lack of inclusion, particularly in the accreditation process for NGOs seeking consultative status with the UN. Here are some key issues:

- **Bias in the ECOSOC Committee:** NGOs accused the UN's Economic and Social Council (ECOSOC) Committee on NGOs of exhibiting bias against certain organizations, often

citing procedural or arbitrary reasons for rejecting applications.

- **Lack of transparency in decision-making:** The Committee's decision-making process has been criticized for being vague and opaque, with NGOs complaining about unclear criteria for accreditation and inconsistent application of rules.
- **Restrictive criteria:** NGOs have argued that the UN's criteria for consultative status are overly restrictive, requiring organizations to demonstrate a level of "substantive competence" or "authority to speak" that can be difficult to meet, particularly for smaller or newer organizations. This results in monopoly.
- **Limited representation:** NGOs have expressed concern about the lack of representation from diverse regions and issues, with some arguing that the UN's focus on traditional NGOs and advocacy groups marginalizes smaller, community-based organizations and those focused on specific issues like indigenous rights.

10. In the Report of the United Nations High Commissioner for Human Rights, titled '**Procedures and practices in respect of civil society engagement with international and regional organizations**' ([A/HRC/38/18](#)), the following is relevant:

- *"Furthermore, the prohibitive costs linked to participation in events in certain places, such as Geneva and New York, and restrictions on gaining entry to those events, might have the effect of disproportionately excluding representatives from the Global South, women, the poor, young people and other groups. Community-based organizations, often working to defend women's rights, were particularly unaware of the international/regional forums and removed from funding opportunities."*
- *"Contributors reported that the increasing presence of government-organized NGOs had distorted and diluted the voice of civil society, thereby limiting the actual space for the distinct contribution of groups not connected to Governments.<sup>41</sup> States had reportedly used them to occupy some of the limited space allocated to civil society, for example by having them submit shadow reports with increasing regularity and crowding out other civil society actors, including by granting them Economic and Social Council accreditation. Certain civil society organizations were said to play an active role in limiting the space for others."*
- *"At the same time, numerous obstacles to the full and effective participation of civil society remain, including: (a) the lack of access to timely and clear information about channels of engagement and about specific themes and topics to be addressed; (b) opaque and cumbersome accreditation processes without impartial review mechanisms in cases where accreditation is denied; (c) complex and inconsistent rules governing attendance and speaking rights at meetings and forums; (d) prohibitive costs and visa barriers in gaining access to certain locations; (e) a lack of accountability for decisions that restrict access; and (f) underrepresentation of some segments of civil society."*

- *“Particularly disturbing are reprisals against civil society for cooperation with international and regional organizations, not only because of the individual human rights violations they generally constitute, but also because they risk undermining the effectiveness of the system as a whole.”*

## **D. Dispute and Resolution**

Member states and civil society are empowered to raise disputes or concerns with the United Nations. The UN, its employees, and/or member state representatives, have an obligation to respond through the following mechanisms, including, but not limited to:

- Direct communication with the Secretary-General or relevant UN departments.
- Participation in meetings, such as the General Assembly and Summit of the Future
- Engaging in diplomatic negotiations and consultations with other member states
- Requesting formal mediation or arbitration within the UN structure / independently
- The UN Constitution and related legal instruments provide a framework for addressing disputes and conflicts among member states, emphasizing diplomacy, dialogue, and consensus-building to achieve resolution

### **1. Declaration of Invalidity: Pact for the Future and related annexes**

1.1. Member States are not authorized, pursuant to their Constitutions and/or the legal systems of the Member State, to delegate legislative and/or executive powers to the Secretary-General of the UN or his/her designated delegate/s,

1.2. The Secretary-General cannot direct, manage, instruct or require any measures to be taken by the Member State, nor punish them for acting in their best interests, by using coercive measures such as sanctions and media exposure

1.3. The General Assembly is not authorized to adopt any agreement, granting the self-authorizing executive powers to the Secretary-General of the UN because this exceeds the powers of the World Health Assembly and is acting ultra vires.

### **2. Statement of Dispute: Common Agenda and Emergency Platform**

2.1. Adequate review time is essential for each state party to assess national, financial, legal and human rights implications of UN documents. By minimising and/or ignoring this rule, the UN disproportionately discriminates against and civil society with fewer resources to rapidly assess the inevitable consequences.

2.2. The emergency platform proposed in UN Secretary General's Common Agenda document is a threat to national sovereignty. The United Nations wants exponential powers and global governance, using multilateralism, to address what they vaguely and controversially define as international emergencies

2.3. UN Secretary-General Antonio Guterres' [Common Agenda](#) report arises from a UN declaration on the commemoration of its seventy-fifth anniversary. This report states "All proposed actions are designed to *accelerate* the achievement of the Sustainable Development Goals. Our Common Agenda is intended to advance the 12 themes of the declaration."

2.4. In March 2023, UN secretary-general Antonio Guterres released a related [policy brief](#): *To Think and Act for Future Generations – OUR COMMON AGENDA – Policy Brief 2 – Strengthening the International Response to Complex Global Shocks – An Emergency Platform*.

2.5. One of this policy brief's 12 key themes is 'Being Prepared', which includes:

1. An Emergency Platform to be convened in response to 'complex global crises' (when invoked, giving the UN more power than governments)

2. A Strategic Foresight and Global Risk Report by the United Nations every five years

3. On global public health:

a) Global vaccination plan (which is void for vagueness)

b) Empowered WHO (which is void for vagueness)

c) Stronger global health security and preparedness (which void for vagueness)

d) Accelerate product development and access to health technologies in low- and middle-income countries (which leads to more loans and crippling neo-colonial debt)

e) Universal health coverage and addressing determinants of health (conflicts of interest)

## **2.6. Under the topic of addressing major risks, Guterres states:**

**98.** An effort is warranted to better define and identify the extreme, catastrophic and existential risks that we face. "*We cannot, however, wait for an agreement on definitions before we act.*"

**99.** Learning lessons from the COVID-19 pandemic, we can seize this opportunity to better anticipate and prepare to respond to large-scale global crises. This requires stronger legal frameworks, better tools for managing risks, better data, the identification and anticipation of future risks, and proper financing of prevention and preparedness. Importantly, however, any

new preparedness and response measures should be agnostic as to the type of crisis for which they may be needed. *We do not know which extreme risk event will come next. It might be another pandemic, a new war, a high-consequence biological attack, a cyberattack on critical infrastructure, a nuclear event, a rapidly moving environmental disaster, or something completely different such as technological or scientific developments gone awry and unconstrained by effective ethical and regulatory frameworks.*

**101.** Secondly, I propose to work with Member States to establish an *Emergency Platform* to respond to complex global crises. The platform would not be a new permanent or standing body or institution. It would be *triggered automatically* in crises of sufficient scale and magnitude, *regardless of the type or nature of the crisis involved*. Once activated, it would bring together leaders from Member States, the United Nations system, key country groupings, international financial institutions, regional bodies, civil society, the private sector, subject-specific industries or research bodies and other experts. The terms of reference would set out the modalities and criteria for the activation of the platform, including the scale and scope of the crisis; funding and financing; the identification of relevant actors who would form part of it; the support that it would be expected to provide; and the criteria for its deactivation. The platform would allow the convening role of the Secretary-General to be *maximized* in the face of crises with global reach.

2.7. The emergency platform would be activated during any event that is deemed to have a global impact, and would provide the UN the authority to *actively promote and drive an international response*. Antonio Guterres, UN secretary-general, declared: "I propose that the General Assembly provide the Secretary-General and the United Nations system *with a standing authority to convene and operationalize automatically an Emergency Platform in the event of a future complex global shock of sufficient scale, severity and reach.*"

2.8. The policy further argues that such authority would "*Ensure that all participating actors make commitments that can contribute meaningfully to the response, and that they are held to account for delivery on those commitments.*" While the policy states that the emergency authority would have limited duration, it also states that the UN would be able to extend its own powers if it decides to do so. These powers would effectively render public consensus unnecessary, democracies obsolete, and the role of politicians largely irrelevant.

## **2.9. These all encompassing areas of expanded emergency powers relate to:**

1. pandemics
2. wars and nuclear events
3. climate or environmental events, degradation or disaster;
4. accidental or deliberate release of biological agents;
5. disruptions in the flow of goods, people, or finance;

6. disruptions in cyberspace or “global digital connectivity;”
7. a cyberattack on critical infrastructure
8. a major event in “outer space;”
9. “unforeseen risks (‘black swan’ events)
10. technological or scientific developments gone awry – and unconstrained by effective ethical and regulatory frameworks.

**2.10. Through the Pact for the Future, Common Agenda and Emergency Platform, the UN is establishing a One World Government through the monopoly of national sovereignty.**

### **3. Objection: United Nations 2023 Political Declaration on pandemics**

1. The U.N held its [SDG Summit](#) and its 78th General Assembly during September 2023. At the top of its agenda for the 19th and 20th, was, inter alia, the adoption of a [high level political declaration](#) on pandemic prevention, preparedness, and response. Very little about this declaration is known to the public, if at all.

2. The declaration was due to be adopted via ‘[silence procedure](#)’: If a country’s delegate did not object to the declaration, they would be deemed to accept it in full. This silent procedure is a tool that is clearly a dangerous and undemocratic practice.

3. Dated 17 September 2023, 11 countries sent a [three page letter](#) to the UN GA president Dennis Francis and UN secretary-general Antonio Guterres, objecting to [unilateral coercive measures](#) and violations of human rights and international law.

4. Ignoring the official letter to the United Nations, the WHO Director-General Adhanom Tedros Ghebreyesus said “As you know, the *193 Member States of the United Nations approved the political declaration on pandemic prevention, preparedness and response*”

5. Meanwhile, unperturbed by what 11 member states delegates communicated in the letter, UN Secretary-General Antonio Guterres said “By next year’s World Health Assembly in May, I *urge all countries to deliver a strong, comprehensive pandemic accord, focused on equity, as well as amendments to strengthen the International Health Regulations. And I urge you to support the World Health Organization, including by honouring the commitment to increase assessed contributions to half of its budget, and supporting the proposed investment round.*

**By violating its own silence procedure, the UN is acting against international law.**

## **E. Conclusion: No lawful authorisation to vote on the Pact for the Future, Declaration for Future Generations, Global Digital Compact, and the Common Agenda**

1. Robust objections by member states, politicians and civil society, with objections to the UN's Pact for the Future, and Common Agenda will likely not be recognised.
2. What these initiatives will require is billions in financial commitment and extractive loans from the IMF / World Bank for countries who cannot otherwise commit.
3. This will lead to an increasing distrust in the United Nations and possible withdrawal from the unelected body during the course of 2024 and before 2030.
4. In light of all the above, we call on the UN to immediately cease and desist with non-compliance with its own Rules of Procedures and with international law.
5. The adoption of all related instruments must be cancelled, safeguarding the international rule of law and procedural and outcome fairness, by allowing deliberation, dissent and rejection. This must include comprehensive public participation
6. If the vote proceeds, civil society will advocate to vote NO to the adoption of all instruments. Further, we will not support ratifying these agreements nationally. In addition, we will mobilise to withdraw from the United Nations immediately.

**We anticipate your cooperative response upon receipt of this Declaration of Invalidity, Statement of Dispute, and Notice of Objection by Friday 6 September 2023.**

Regards,

**Signature / Organisation**

### **References:**

- <https://www.un.org/en/chronicle/article/participation-consultation-and-engagement-critical-elements-effective-implementation-2030-agenda>
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