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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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# **A Study on Efficacy of United** **Nation in 21 century**

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## **INTRODUCTION**

The United Nations is an international organization founded in the year 1945, currently made up of 193 member States, originally had 51 member states. The United Nations is an intergovernmental organization aiming to maintain International peace and security, develop friendly relations among Nations, achieve International cooperation and be the center for harmonizing the actions of nations. The United Nations has six principal organs: the General Assembly, Security Council, economic and social Council, a Trusteeship Council, International Court of Justice and secretariat. The work of the United Nations reaches every corner of the globe. The Organization works on a broad range of fundamental issues, from sustainable development, environment and refugees protection, disaster relief, counter terrorism, disarmament and non-proliferation, to promoting democracy, human rights, gender equality and the advancement of women, governance, economic and social development and international health, clearing landmines, expanding food production, and more, in order to achieve its goals and coordinate efforts for a safer world for this and future generations.

As the Second World War was about to end in 1945, Nations were in ruins and the world Wanted peace. Representatives of 50 countries gathered at the United Nations Conference on International Organization in San Francisco, California from 25th April to 26 June 1945. For the next two months they proceeded to draft and then sign the UN charter, which created a new international organization, the UN, which it was hoped would prevent another world war. The council is composed of 15 members, five permanent members and 10 non-permanent members. Five permanent members are China, France, Russia, the United Kingdom and the United States. United Nations with all its specialized Agencies like UNICEF, WHO, FAO and development fund as extended scope of action and remained the only international organization with universal membership.



Now more than 75 years later, the UN is still working to maintain International peace and security, give humanitarian assistance to those in need, to protect human rights and uphold International Law, however these 75 years of history also indicate significant weaknesses and failures in fulfilling its purposes. In searching for the role of the UN in the 21st century, there is a pressing demand to clarify the problematic relationship of emerging supranationality and sovereignty. The Security Council which takes important decisions on world affairs is dominated by its permanent members. These countries put their own interest while making any decisions, so the relevance of UNO is that its agencies are playing an important role but its five permanent members are driving world politics to suit their own interests. The realist school view is that “international organizations used by powerful states to implement their power politics more effectively and to pursue self-interest”<sup>1</sup>.

Collective security was a priority of the UN’s agenda post World War II. However, “logic of collective security is contrasted with the difficulties of its application”.

The Kashmir issue between India and Pakistan has been at the United Nations forum since 1948, and still remains to be resolved. The non-implementation of the various UN resolutions regarding the issue reminds one that this August International body is yet to play its full role as far as the issue of Kashmir is concerned.

Yet another important defect of the United Nations was that it did not completely prohibit the war. The covenant of the League of Nations permitted member states to resort to war under certain circumstances. That is to say that, the main restriction imposed by the covenant was that after the failure of the settlement of dispute through arbitration, judicial settlement or enquiry by council, the nations had to wait for three months before resorting to war. One example would be the war between Iraq and Kuwait in the year 1990 which happened after the formation of the United Nations organization.

In spite of the UN’s mediocre success with regards to security, the institution has a lot more to boast concerning peacekeeping and health efforts. The World Health Organization (WHO) is a branch of the UN which helps to promote health and development in areas of extreme poverty and conflict however we could see its failure to identify the root cause for coronavirus during this pandemic and controlling spread of covid 19.

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<sup>1</sup> S.k. Raghuvanshi, Tandon’s Public International Law, 18<sup>th</sup> ed, 2017, Allahabad law agency, Faridabad, p.352-353



The UN has been equally effective in implementing humanitarian rights around the world, as well as raising awareness and legislating environmental practices in most of its member states. The UN has effectively dealt with recognizing and fighting environmental problems such as deforestation and climate change. Furthermore, the UN has made an enormous step in the promotion of humanitarian rights. Article 1 of its charter “promotes and encourages respect for human rights and for fundamental freedoms for all without discrimination as to race, sex, language or religion” (UN Charter, 2012). “For the past century most liberals have strongly endorsed human rights as the best mechanism for providing a life of autonomy”. The UN’s Human Rights Council has been a highly influential means to promoting issues such as homosexuality, torture rights as well as women and child rights. As a result, we have witnessed a massive liberalization in developed countries including the UK, France, and the US etc. who embrace liberal approaches to humanitarian issues discussed in the UN. Due to this successful collaboration, we have witnessed the UN to be an effective institution in the world wide legislation of environmental and humanitarian rights laws. The initiative to seek a legally binding instrument to prohibit nuclear weapons is an outcome of UNO's effectiveness. The Treaty on the Prohibition of Nuclear Weapons (TPNW) includes a comprehensive set of prohibitions on participating in any nuclear weapon activities. These include undertakings not to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons. The Treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any State in the conduct of prohibited activities. There are three United Nations treaties that together form the international law framework of the global drug control regime: the Single Convention on Narcotic Drugs, 1954, as amended by the 1972 Protocol; the Convention on Psychotropic Substances, 1971, and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

The purpose of these treaties is to establish internationally applicable control measures with the aim of ensuring that psychoactive substances are available for medical and scientific purposes, while preventing them from being diverted into illegal channels. The treaties also include general provisions on the trafficking and use of psychoactive substances.

The current level of effectiveness of the UN in global governance is best analyzed through three individual spectrums: its role in maintaining international security, encouraging and facilitating global economic and social cooperation, and contributing to a greater level of environmental sustainability. United Nations is still relevant because it is actively working to maintain peace within the international community. It could prevent the war since 1945 by changing the perception that the neighbouring countries should be seen as potential trading partners.

The United Nations has been ineffective in recent years because of the structure of the Security Council, lack of involvement in important global situations, and the difference in priorities between its actors. While the UN has successfully led a number of peacekeeping missions and promoting peace and security is integral to its mission, it failed to intervene in a timely manner and prevent genocide in Rwanda and Bosnia. Institutional shortcomings contributed to grave UN peacekeeping failures in both Rwanda and Bosnia.

The United Nations' problems can be solved, but it shouldn't be. This is a very pressing issue surrounding the United Nations. If the United Nations is updated to be compliant with today's standards, the stronger members will either cut their cooperation, or they will leave completely. This would cause chaos and may lead to the ultimate demise of the United Nations. The United States alone provides the United Nations with 22% of its budget, having this cut off would be a huge cut in the United Nation, rendering it more ineffective than it already is. The only reason the main players are in the United Nations right now is because they could use it to their advantage, manipulate it, and do it all while little to no consequences. If this were to change, the major players would find that the United Nations isn't providing it anything that they could benefit from, therefore, leaving the United Nations with a smaller budget and far less power. Also, changing its policies would take a large effort from every member state, but not every member is ready to change the United Nations. Even if a change was going to happen, it would require the approval of the entire permanent Security Council member, or a veto could be imminent. Therefore, the United Nations should either stay the same or should be completely dismantled and a new global institution should take its place. The League of Nations was disbanded; the United Nations took its place, which was a huge improvement. If the United Nations were traded in the place of a new global institution, which fixed the problems that the United Nations had, it would be a far more effective global organization<sup>2</sup>.

The United Nations plays a role in the world, but it plays that role very ineffectively. The security council has long been blamed for this ineffectiveness, its 5 permanent members have a veto power which can block anything within it. This causes a lot of turmoil especially when it is a controversial topic, like Russia vetoing any plan to help Syria come to peace. The United Nations also struggles because it cannot get involved in conflicts throughout the world. This is because its Security Council blocks it from doing anything, and its members are very hesitant to get into action and help. It didn't help during the Rwandan genocide, where almost 800,000 people were killed. This was because the Security Council refused to send in more peacekeepers, and the

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<sup>2</sup> K.C.Joshi, International Law & Human Rights, 4<sup>th</sup> ed, Eastern Book Company, lucknow, 2019, p.22-223

Security Council also didn't allow the troops that were already there to engage the killers unless it was for self-defense. This is a huge loss of life, considering the United Nations was created to stop genocide. Along with this inaction, its developed and major powers are lacking when it comes to providing resources to help conflicts like these. A majority comes from the developing countries. Lastly, the United Nations suffers from the difference in priorities and interests of its members. Each and every member makes a decision based on how it would benefit from the outcome. The United Nations is held back from helping because its members control what it does, and the members only want to do what benefits them. Because of these specific problems, the United Nations suffers greatly. The United Nations can change and become better for the world, but it will require a global effort, and the major powers are not ready for change.

The hard truth is that the member states within the United Nations all have different priorities and goals. This is especially evident within the Security Council. Each state would like to get what they want, all without the consequences of the world. The members within the Security Council are split in two. The Western members, The United States, The United Kingdom, and France are capitalist and democratic, looking to spread their ideals all throughout the world. The Eastern members are Russia and China. These members are communist and authoritarian, and they are more concerned with their prosperity of their state. These members all use their power within the United Nations to benefit themselves and their allies directly. These member states are less concerned with issues that do not involve them, and so when a decision is reached within the Security Council, the resolution isn't effective in solving the issue at hand. This upsets the main goal of the United Nations, which is peace and prosperity for all member states. The United States protects Israel through Vetoes because Israel is the ally of the United States. Russia also protects Syria through Vetoes because Syria is the ally of Russia. These powers have used their veto power multiple times for the sake of their ally, but very little of their veto power does any good. A state has different interests because they want to thrive, they want to grow economically, and they would like to protect their core values. In conclusion, the majority of decisions made within the United Nations and Security Council are benefiting the member state who made the decision. It is hard to improve this aspect of the United Nations' problems. Sovereign states will almost all the time be greedy about the decisions they make. If a state does not reap the benefits of a decision, it will more than likely not participate in the outcome. A state will be greedy because a state only wants to prosper. Pouring resources into something the state does not want is not something a state wants without receiving something in return. Also, the Security Council refuses to share its power with the other member states. For these reasons, it is hard to improve this aspect

of the United Nations' problem<sup>3</sup>.

The performances of individual organs of the UN, and its programs and initiatives discussed above have certain implications on the current pattern of global governance. The current level of effectiveness of the UN in global governance is best analysed through three individual spectrums: its role in maintaining international security, encouraging and facilitating global economic and social cooperation, and contributing to a greater level of environmental sustainability.

## **Conclusion**

In order to prevent the recurrence of violence, the international community needs to adopt a comprehensive and multifaceted approach to consolidate peace, an approach that requires significant amounts of resources. The Security Council thus needs to enhance its effectiveness by ensuring the fullest participation and cooperation of those Member States that are both willing and able to assume such responsibilities. The composition of the Security Council should reflect the geo-political reality of the 21st century. It is vital that countries demonstrating both the will and the capacity to assume responsibilities for the maintenance of international peace and security play an integral part in the decision-making process. The present situation in Afghanistan also reminds us about the effectiveness of UNO and the need for the development of effective plans to accomplish its objectives. To the end, institutional reform of the Security Council is essential. The majority of UN Member States supports expansion of the Security Council both in permanent and non-permanent membership.

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<sup>3</sup> S.k. Raghuvanshi, Tandon's Public International Law, 18<sup>th</sup> ed, 2017, Allahabad law agency, Faridabad, p.358-359