

# Need for Urgent Reforms in the United Nations Security Council: Pathways to Equitable Representation

*Prof. (Dr.) Yubaraj Sangroula\**

## Abstract

*The United Nations (UN) has faced growing criticism over time for structural inefficiencies, lack of transparency, and the underrepresentation of diverse voices in critical decision-making processes. This article examines the necessity of reforming the United Nations Security Council (UNSC) with a focus on the controversial veto power wielded by the permanent members (P5). The veto system, has contributed to imbalanced decision-making, undermining the principles of equitable representation, especially for smaller and landlocked nations like Nepal. Analyzing the historical and contemporary practices of the Security Council, the article explores the legal and structural challenges posed by the veto system, its role in perpetuating Western hegemony, and its impact on global peace and security. It proposes actionable reforms, including the professionalization of Council representation, the inclusion of regional players in decision-making, and the decentralization of UN functions.*

**Keywords:** *United Nations, Veto power, UN Security Council.*

## I. Introduction: Failure of the League of Nations

The League of Nations failed due to the uncontrolled, unlimited, and inhuman ambition of European nations to colonize the world.<sup>1</sup> The organization was established with a sense that it would provide a forum where nations could negotiate and settle their disputes but it failed grossly in its purpose. During the 1920s, the League appeared as a modest platform of international diplomacy, where a series of negotiations and discussions occurred and some of them ended successfully, authoring and adopting some multilateral conventions, thus adding to the strength of international law. Yet, the League of Nations did not work badly in its inception and failed in the days to come. By December 1920, 48 states had signed the League Covenant and all of them pledged to eliminate aggression. A series of disputes—between Germany and Poland over Upper Silesia, between Italy and Greece, and between Greece and Bulgaria—were resolved

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\* Prof. (Dr.) Yubaraj Sangroula is the Executive Director, Kathmandu School of Law. The author can be reached at [yubaraj.sangroula@ksl.edu.np](mailto:yubaraj.sangroula@ksl.edu.np)

<sup>1</sup> 'The League of Nations Overview', *IGCSE History*, available at <http://igcsehistory.weebly.com/the-league-of-nations.html>, accessed on 29 April 2018.

under its auspices.<sup>2</sup>

Bearing equal importance, the process of codification and development of international law received advancement with the resolution of the Assembly of the League made on 22 September 1924 envisaging the creation of a standing organ called the *Committee of Experts for the Progressive Codification of International Law*.<sup>3</sup> In 1927, the League Assembly, after certain consultation with national governments, convened the diplomatic conference to codify international laws. The European experts viewed the time had ripened to codify international law in three major sectors, namely (a) nationality, (b) territorial waters, and (c) the responsibility of States for damage done in their territory to the person or property of foreigners.<sup>4</sup> The Conference on Codification, held at The Hague, from 13 March to 12 April 1930, however, could agree only on the subject of nationality. In 1930, the League adopted some important instruments that comprise (a) the Convention on Certain Questions Relating to the Conflict of Nationality Laws,<sup>5</sup> (b) the Protocol Relating to Military Obligations in Certain Cases of (Double Nationality)<sup>6</sup> (c) the Protocol Relating to a Certain Case of Statelessness,<sup>7</sup> and (d) the Special Protocol Concerning Statelessness. Three international instruments, except the last one, are still in force. The codification process initiated by the League formed a basis for the United Nations, subsequently.

Its failures are, however, spectacular. Though initially, it was expected to bring the main civilizations of the world into a platform forming conglomeration and represent the principal legal systems of the world, it failed due to the egocentric attitude of European colonial powers. It also failed in its purpose of evolving norms of diplomatic relations. Most importantly, it failed in its prime objective of pressing nations to sit together and resolve disputes peacefully. The influence of big European powers was predominant and the U.S.A was indifferent. France and the United Kingdom, both vital colonial powers representing imperialism, had been able to create a psychology among others that the League was desperately failing in its mission. It virtually became a hostage of non-cooperation between France and England.

The major idea behind establishing the League was to eliminate four fatal flaws of the old European states, which provided enormous perspectives for continued violence and wars in Europe. These so-called States believed in violence. Ceaselessly competing, the European monarchical empires generated causes for violent competition. The League was created to facilitate this change in which it miserably failed due to non-cooperation of European powers.<sup>8</sup> The secret diplomacy practiced by these war-mongering monarchical empires was supposed to be encouraged by open discussion and resolution of disputes at the forum of the League. The military alliances were common phenomena in those days in Europe. These alliances were created and dismantled on the caprice interests of these violent States. It was considered that the blocs would be dismantled by the League as a system of collective guarantees of security.<sup>9</sup> This was another failure. Finally,

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<sup>2</sup> Charles Townshend, 'The League of Nations and the United Nations,' *History (BBC)*, available at [http://www.bbc.co.uk/history/worldwars/wwone/league\\_nations\\_01.shtml](http://www.bbc.co.uk/history/worldwars/wwone/league_nations_01.shtml), accessed on 29 April 2018

<sup>3</sup> See, League of Nations, *Official Journal, Special Supplement*, No. 21, p. 10, cited in League of Nation Codification Conference, International Law Commission available at <http://legal.un.org/ilc/league.shtml>, accessed on 29 April 2018.

<sup>4</sup> Ibid.

<sup>5</sup> League of Nations, *Treaty Series*, volume 179, p. 89.

<sup>6</sup> League of Nations, (n 5).

<sup>7</sup> Ibid, p. 115.

<sup>8</sup> Charles Townshend, 'The League of Nations and the United Nations,' *History (BBC)*, available at [http://www.bbc.co.uk/history/worldwars/wwone/league\\_nations\\_01.shtml](http://www.bbc.co.uk/history/worldwars/wwone/league_nations_01.shtml), accessed on 29 April 2018.

<sup>9</sup> Ibid.

the League was expected to initiate a mission for agreeing on disarmament, thus preventing the recurrence of the arms race that had plagued international peace and security. None of these expectations and aspirations was taken care of by the Powerful European countries. The European classical culture of secret diplomacy continued, and the European States continued forming blocs and unleashing violence as a means of settling disputes. The European colonial nations were not even a bit interested in granting freedom to their colonies. The League thus became a victim of the vices of European State-culture of violence, secret diplomacy, and ambition of colonization.<sup>10</sup>

## II. Associates of colonialism

As has already been shed light on, the colonial era is a dark spot of human history and a representative of the cruelty that flourished in European culture. George Orwell, a British police officer turned litterateur, said “Imperialism was an evil thing.” He felt disgusted by the inhumanity of colonial rule which he had witnessed when he was stationed in Burma as a colonial officer. He said this in his novel “*The Burmese Days*.”<sup>11</sup> George Orwell, as a young officer in the Imperial Indian Police in the 1920s, lived five years in Burma. In his essay, he has referred to a huge, durable, *jail* in Kyauktada, the sort the English had built everywhere between Gibraltar and Hong Kong.<sup>12</sup> Orwell’s novel reflects the details of the acrimonious atrocity of colonialism.

Despite the League’s establishment, the colonizing people in Asia and other continents continued and became future atrocious, as a culture in Western society. The annals of Western history suggest that the European rulers believed in violence as a legitimate means of gaining power and resolving disputes. Absolutism that prevailed in the past was a major reason behind the State-culture of violence in Europe.<sup>13</sup> This culture of absolutism and violence was the source of colonialism, too. The history of European colonial ambition dates even before the rise of Christianity or the birth of Jesus. Byzantium, the future Constantinople, was founded as a colony as far back as 663 BC by Megara, one of the Greek City-States.<sup>14</sup> The Athenians colonized Melos and killed all the males of the island, then sold women and children into slavery, in 416 BC. The Romans colonized the Etruscan town of Veii beginning a long movement of territorial expansion in 396 BC.<sup>15</sup> These incidents were the precursors of modern European colonialism.

The Arabs followed the footsteps of Europeans to seek colonial control of the World. So that the Arab-Muslims moved eastward in 712 (AD) and seized Balochistan, arrived in Sindh, and held

<sup>10</sup> League of Nations, (n 5)

<sup>11</sup> George Orwell, ‘Burmese Days’, *Adelaide*, available at <https://ebooks.adelaide.edu.au/o/orwell/george/o79b/>, accessed on 29 April 2018.

<sup>12</sup> Sian Powell, ‘George Orwell’s Burmese Days Explores the Dirty Work of Empire’, *The Australian*, 21 December 2013, available at <https://www.theaustralian.com.au/arts/review/george-orwells-burmese-days-explores-the-dirty-work-of-empire/news-story>, accessed on 29 April 2019.

<sup>13</sup> ‘Absolute Monarchy’, *Totally History*, available at <http://totallyhistory.com/absolute-monarchy/>, accessed on 29 April 2018.

<sup>14</sup> ‘Colonialism Timeline’, *History World*, available at [www.historyworld.net/timesearch/default.aspx?conid](http://www.historyworld.net/timesearch/default.aspx?conid), accessed on 28 April 2018.

<sup>15</sup> *Ibid.*

the land under control. In 1000 A.D. Ghazni raided North India and colonized it.<sup>16</sup> He attacked India ferociously—inflicted 17 raids from 997 to 1030. When he succeeded in occupying India, he collected hundreds of thousands of people and sent them as slaves to Afghanistan. It is said that India lost about 2 million people due to slaughter, enslavement, and sale outside India.<sup>17</sup> Acquiring slaves and their trades for profit formed the main purpose behind colonizing. The slavery was a source of income both to the West and Arabs.

The modern European colonialism took steps in the 15<sup>th</sup> century,<sup>18</sup> though this has been acclaimed as the *Age of Discovery and Enlightenment*—truly speaking it was an inception of the *age of genocide and enslavement*. The Portuguese and Spanish invaders reached out to many parts of the World, acclaiming their invasion as an *exploration expedition*. They arrived at the coasts of Africa, the Middle East, India, and East Asia alike. This so-called expedition of exploration was, however, nothing but a zeal of colonizing others for looting, plundering, extorting and killing for wealth and control.<sup>19</sup> The so-called *discovery* while looking for the colonized parts was nothing but an inhuman act of enslaving and atrocity—it was a mission of imposing their culture, language, and religion and destruction of others' civilizations. It was thus virtually a means of slavery.

To explore and colonize the world, the culture of violence and war proved extremely helpful. With their advent, many parts of the world slowly began to fall into the trap of their control. The conversion to Christianity took a mission and the destruction of local languages and the killing of people were adopted as primary strategies. Eventually, they fully occupied the territories and enslaved the native people culturally, linguistically, religiously, and economically.<sup>20</sup> The European powers considered that having hegemony over others was their genuine right. It was the reason Spain and Portugal partitioned the world by signing the *Treaty of Tordesillas* on 7 June 1494.<sup>21</sup> On the other side, the British imperialists conquered America once Christopher Columbus landed in North America.<sup>22</sup> Its empire once expanded to such an extent that it was acclaimed as the Empire, where the Sun never sets off. India was colonized by the Westerners after Vasco da Gama arrived at the Indian coast in 1498. Soon after, the Portuguese installed their trading posts in Goa, Daman, Diu, and Bombay. They were followed by the Dutch and British, who established their first trading post at Surat, Gujarat, in 1619. Each of the colonizers endeavored the best at playing games to divide kingdoms within Indian Territory and bribe them.

The British East India Company rapidly occupied the Indian territories, once it arrived. In 1617, the corrupt and imbecile Indian Mughal Emperor gave the Company an official permission to trade in India. In 1717, the Company obtained permission to have a duty-free trade in

<sup>16</sup> Vincent A. Smith, *History of India: From Earliest to the End of 1911*, Oxford University Press, London, 1976.

<sup>17</sup> 'Islamic Invasion of India: The Greatest Genocide in History', *The Muslim Issue*, available at <https://themuslimissue.wordpress.com/2015/08/31/islamic-invasion-of-india-the-greatest-genocide-in-history/>, accessed on 29 April 2018.

<sup>18</sup> Harry Magdoff, et al., 'Western Colonialism', *Encyclopaedia Britannica*, available at <https://www.britannica.com/topic/colonialism>, accessed on 29 April 2018.

<sup>19</sup> 'The Age of Expansion from 1500 to 1800', *Buncombe Schools*, available at [https://caehs.buncombeschools.org/User-Files/Servers/Server\\_94795/File/Staff/Tellez,%20Frank%20-%20Social/Resources%20for%20Students/chap13.pdf](https://caehs.buncombeschools.org/User-Files/Servers/Server_94795/File/Staff/Tellez,%20Frank%20-%20Social/Resources%20for%20Students/chap13.pdf), accessed on 20 April 2018.

<sup>20</sup> Benedikt Stuchtey, 'Colonialism and Imperialism from 1450 to 1950', *European History Online*, 2011, available at <http://ieg-ego.eu/en/threads/backgrounds/colonialism-and-imperialism/benedikt-stuchtey-colonialism-and-imperialism-1450-1950>, accessed on 29 April 2018.

<sup>21</sup> Ibid.

<sup>22</sup> The Age of Expansion (n 19).

Bengal.<sup>23</sup> With this concession, the British East India Company sieged Bengal's *de facto* reign. This situation led to a bloody battle between the Nawab of Bengal, Sirajud Daulah, and the East India Company—known as the Battle of Plassey, in 1757. After the Battle of Buxar in 1764, the company acquired the civil administration in Bengal and this heralded the formal rule of the British in India. By 1805s, the Company held the reign of the entire India.<sup>24</sup> Nepal, a small kingdom on the foot of the Himalayas unified itself, fearing that it would also be taken by the imperialist power. In 1965, the invaders attacked Nepal without success. Nepal had been able to defend its territory. However, the Indian kingdoms had been unable to unite and fight against the colonizing power.

On the contrary, China was not colonized and ruled directly by the Western countries, though their aggression and influence were immense here too. The Westerners introduced Opium in China that engulfed the vast population into addiction. Thus, in 1839, China fought the first Opium War against Britain.<sup>25</sup> China was, however, defeated and was forced to sign the *Treaty of Nanjing in 1842*.<sup>26</sup> This treaty was anti-national as well as unequal, virtually imposed upon China. Immediately, Hong Kong was seceded from China in favor of the British colonialists. Shanghai and Guangzhou had been opened for free trading and residence of foreigners. The year 1856 saw the Second Opium War and China was defeated again, leading to the signing of another treaty, namely the *Treaty of Tientsin*, in 1858.<sup>27</sup> This treaty compelled the Chinese authorities to open more trading ports and allow foreigners to travel into deeper interior parts of China. Christianity always came to trade as it comes now with their assistance. After these treaties, the Christian institutions obtained permission to conduct religious campaigns and proselytize the Chinese people. Then, the conversion of people occurred phenomenally. Moreover, these treaties caused extreme humiliation to the Chinese people and nation. The Western countries brutally exploited the natural resources of China. Once the U.S. intervened, the major European powers agreed to the policy of *Open Door*. The freedom of commercial access to all and non-annexation of the Chinese territories was somehow guaranteed.<sup>28</sup>

The humiliation of the sovereignty of the Chinese nation and the occupation of the Chinese land by foreigners tremendously sparked anger among the Chinese people. In June 1900, the Chinese people attacked foreigners in Beijing.<sup>29</sup> The Chinese Imperial court was divided in favor and against the foreigners. Qing Empress Dowager opposed foreigners and cut off all diplomatic ties with them, but foreigners explicitly refused to leave China. An army of eight nations attacked the Qing military, but the foreigners were defeated. They reorganized and launched their second expedition and finally arrived at Beijing. The British and French soldiers looted, plundered,

<sup>23</sup> Ethan Carlson, 'Power, Presents, and Persuasion: Early English Diplomacy with Mughal India', *History*, available at <http://history.emory.edu/home/documents/endeavours/volume4/EthanCarlson.pdf>, accessed on 29 April 2018.

<sup>24</sup> Md. Shakeel Anwar, 'Battle of Buxar: Its Causes and Consequences', *Jagaran Josh*, available at <https://www.jagranjosh.com/general-knowledge/battle-of-buxar-its-causes-and-consequences-1443008738-1>, accessed on 29 April 2018.

<sup>25</sup> Harvey R. Carter, 'The Opium War in China –An Analysis of Great Britain's Use of War as an Element of Power', 1990, available at <http://www.dtic.mil/dtic/tr/fulltext/u2/a223325.pdf>, accessed on 29 April 2018.

<sup>26</sup> 'Opium War in China', *Asia Pacific Curriculum*, available at [https://asiapacificcurriculum.ca/system/files/2017-11/The%20Opium%20Wars%20in%20China%20-%20Background%20Reading\\_1.pdf](https://asiapacificcurriculum.ca/system/files/2017-11/The%20Opium%20Wars%20in%20China%20-%20Background%20Reading_1.pdf), accessed on 29 April 2018.

<sup>27</sup> E. H. Parker, *Chinese Account of the Opium War*, Shanghai, Kelly & Walsh Limited, 1888.

<sup>28</sup> Jan Kocvar, 'Germany and the Boxer Uprising in China,' *West Bohemian Historical Review*, volume 2, 2015, pp. 121-167.

<sup>29</sup> Peter D. Perdue and Ellen Sebring, 'The Boxer Uprising I, The Gathering Storm in North China', *Whiting Brothers*, 1901, available at [https://ocw.mit.edu/ans7870/21f/21f.027/boxer\\_uprising/pdf/bx\\_essay.pdf](https://ocw.mit.edu/ans7870/21f/21f.027/boxer_uprising/pdf/bx_essay.pdf), accessed on 29 April 2018.

and burned down the *Old Summer Palace*. Their plunder continued until the Chinese people's revolution abolished Monarchy and China entered a type of Western liberal democracy in 1911, but this led to a civil war and Warlords attempted to capture the power. The abolition of the monarchy entered a long transition and civil war in China.

This flashback of the history of colonialism and imperialism is presented to reflect on the dynamics of world politics at that time, which was fully subdued by the colonial powers, which ultimately led to the outbreak of World War II, thus ending the history of the League of Nations as a failed world body.<sup>30</sup> The colonial powers were still active to keep the world under their control and Hitler was trying to emerge as the master of the World. The colonial powers in Asia, Africa, and Latin America, along with Hitler, plunged the world into the atrocities of the next World War. The surge of public consciousness against colonialism, however, turned the world into an era of revolution of people's liberation and right to self-determination, thus pushing the imperialist power to get out of their lands.

### III. Politics on Charter- The Game of Western Powerful Countries

The United Nations emerged to surpass the earlier failed institution, which was crippled to be dysfunctional and forced to become a puppet of the imperialist powers. The United Nations was supposed to stand on a different footing than the League. Nevertheless, the Western power blocs remained adamantly dominant, and decisive, in many ways, thus largely destroying the aspiration of common people across the world to make this body a platform to ensure or guarantee perpetual peace, happiness, and prosperity.

Understandably, the attempt to conceptualize and establish the United Nations, from the perspective of the imposed failure of the League of Nations, was a process of reviving the international community's faith to eradicate wars in the future. This attempt was symbolic of people's resilience in building peace and preserving humanity. It was a resonance of the dream of a happy life and a search for an organization that could prevent aggression from one country to another. This world organization was imagined to be a guardian of international peace and protecting the lives of a person from the scourge of wars as well as deprivation and hardships of lives. So, in the aftermath of *World War II*, the representatives of a group of 50 countries assembled in San Francisco to promulgate a Charter intending to establish the World Organization of Nations, which was later named the United Nations.

The first draft of the proposal, which reflected fundamental guiding principles, objectives, and structure of the World body and to which the assembled delegates discussed, was prepared by the representatives of China (not PRC), the Soviet Union, the United Kingdom, and the United States at Dumbarton Oaks. The Charter of the United Nations was discussed at the San Francisco Conference and the world body finally came into existence on 24<sup>th</sup> October 1945. The establishment of this world body, indeed, echoed the voice of voiceless people for peace, security, independence, and protection of their basic rights, but the final product was largely a proxy.

Why was the United Nations considered so important for preserving world peace? The

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<sup>30</sup> Townshend (n 2).

straightforward answer would be that World War II was the most brutal war from all perspectives. The aspiration for peace and prosperous life without wars was the common driving force behind the idea of having this body established. The first such effort was carried out in 1941 when the war was further progressing atrociously. On 12 June 1941, a group of representatives from Britain, Canada, Australia, New Zealand, South Africa and representatives of the exiled governments from Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, Yugoslavia and the Free France had held a meeting at London for discussion and to sign the *Declaration of St. James Palace* that pledged their solidarity in fighting against aggression until the victory against the Axis powers was won. Two months after the Declaration, the U.S. President Roosevelt and Prime Minister Churchill held a meeting at the Atlantic Sea. This meeting was the departure of America from its isolationist foreign policy. On August 14, 1941, the two leaders issued a joint declaration which is known as the *Atlantic Charter*. The very Charter is important for several reasons.

*First*, the sixth clause of the Charter declared that ‘after the final destruction of Nazi tyranny, peace would be possible to establish offering all nations the means of dwelling in safety within their own boundaries.’ *Second*, the seventh clause of the said Charter stated that such a peace should enable all men to traverse the high seas without hindrance. *Third*, the eighth clause concluded by emphasizing the need for nations to abandon the use of force. Furthermore, the Charter called for the abandonment of the use of force. It was also realized that the disarmament of nations like Germany and Japan was essential. Fundamentally important point included in the *Atlantic Charter* was the reaffirmation respecting and recognizing the urgency of establishing basic principles of universal human rights. On January 1, 1942, American President Roosevelt, British Prime Minister Churchill, Representative of USSR Mr. Maxim Litvinov and T. V. Soong from China, signed a short document which later came to be known as the Declaration for the Establishment of the United Nations. Twenty-two other nations had signed the document the next day.

What followed next was the *Quebec Conference in August 1943*, where the American Secretary of State Cordell Hull and British Foreign Secretary Anthony Eden took responsibility to prepare a draft of the declaration to establish a World Body intended to preserve the peace. In the draft, they thought for ‘a general international organization, based on the principle of sovereign equality of all nations.’<sup>31</sup> The draft was discussed by the Foreign Ministers’ *Conference in Moscow, in October 1943*. The US President Franklin D. Roosevelt met Soviet Leader Joseph Stalin in Tehran in November 1943 and he proposed an idea of international organization comprising an assembly of all member states and a 10-member executive committee to discuss social and economic issues.<sup>32</sup> The representatives of the U.S., Britain, Soviet Union and China met at Dumbarton Oaks in Washington in August and September 1944 to draft the Charter of the World Body overly emphasizing the principle of collective security. These representatives also recommended for a General Assembly comprising all the member states and a Security Council consisting of the Big Four plus six members chosen by the Assembly. The next meeting was held in Yalta and that had to decide on voting procedures and the veto power of permanent members of the Security Council. This Conference was held in 1945, where Roosevelt and Stalin agreed that

<sup>31</sup> ‘The Formation of the United Nations, 1945’, *History*, available at <https://history.state.gov/milestones/1937-1945/un>, accessed on 28 April 2018.

<sup>32</sup> *Ibid*

the veto would not prevent discussions by the Security Council.<sup>33</sup> Finally, the representatives of 50 nations met in San Francisco during April-June 1945 then passed the Charter of the United Nations.

Yet, the San Francisco Conference was a tumultuous experience for those who assembled there. The conference was divided, dominated and fake. The central issue, which overwhelmed the entire conference period, was concerned and revolved around the status of the great powers. The conference was largely a show business because most issues had been thrashed out in secret negotiations between the United States, Great Britain, the Soviet Union, and China at the Dumbarton Oaks. The Dumbarton Oaks meeting had envisioned a Security Council, which was authorized to mobilize military forces against aggression, but it was placed under a mechanism of veto by any one of these four powers.<sup>34</sup> Jeremy Rabkin, while reviewing the Stephen C. Schlesinger's book *Act of Creation: The Founding of United Nations*, says, "Having agreed among them, these four states offered their plan with the approval of others. The original four powers not only issued the invitations to San Francisco but organized the conference to ensure their control of the agenda there. The conference rules stipulated that no amendment to the Four Power proposals could be adopted without their consent. The great powers' veto did not emerge overnight or by compromise at the U.N.'s founding; it was intrinsic to the scheme from the outset."<sup>35</sup>

In view of the League's helplessness at the end to stop Japan from invading Manchuria and Germany from attacking Russia, the big-powers had become involved in creating the United Nations as a powerful organization than its ill-fated predecessor. The League's Covenant had no provision for direct military action under its own common. The U.N. Charter, therefore, envisioned a military action against the aggressor and provided for a staff committee to organize military enforcement of Security Council resolutions.<sup>36</sup> The League had provision for a system of decision making by unanimity, but the Charter enshrined into a concept of the decision by majority, which could be binding on all members.

Much of the drama written aims to give special status to the hierarchy of states at Dumbarton Oaks went as planned though smaller States kept urging restrictions or qualifications on the veto reserved to the great powers.<sup>37</sup> As opined by Schlesinger, most of the responses to the concerns of the smaller countries regarding veto of big-powers were given by American Senator Tom Connally of Texas, who had been recruited to the U.S. delegation to ensure that the Senate's concerns would be incorporated into the text *before* it ever got to Capitol Hill.<sup>38</sup> Thus, Connally stressed the need for understanding the power realities with the body. He saw that the world is centered around big-powers and believed that the realization of international peace depended on big-powers. He defined this belief of him as the *power reality*. Obviously, he was neither sympathetic nor patient with the concerns of the small countries. As Schlesinger writes in his book *Act of Creation: The Founding of the United Nations* on matters of the big-powers obstinate

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<sup>33</sup> Ibid.

<sup>34</sup> Stephen C. Schlesinger, *Act of Creation: The Founding of the United Nations*, West Press, Colorado, 2003, epilogue.

<sup>35</sup> Jeremy Rabkin, 'No Miracle in San-Francisco A review of Act of Creation: The Founding of the United Nations, by Stephen Schlesinger', *Claremont Review of Books (CRB)*, volume IV: 3, 2004.

<sup>36</sup> Ibid.

<sup>37</sup> Schlesinger (n 34).

<sup>38</sup> Rabkin (n 35).

persistence of keeping their control. He refers to Connally's comments on smaller countries. "These little countries are going to bellyache...no matter what you do about it. We're doing all this for them. We could make an alliance with Great Britain and Russia and be done with it."<sup>39</sup>

As he argued, the smaller states could decide to commit the U.N. to military action—and leave it to outvote larger states to provide the actual fighting power for such action.<sup>40</sup> He went ahead to allege that the most persistent voices against the veto came from States that had contributed almost no military resources to the war against the Axis powers. So, he said, "You may go home from San Francisco—if you wish—and report that you have defeated the veto...But you can also say, "We tore up the Charter."<sup>41</sup> Without the veto, there would be no American participation and without American participation, not much of an organization," he said.<sup>42</sup> The Soviet Union was ultimately convinced by the British foreign minister to agree on Veto plan, which ultimately got rid of smaller countries' voices against Veto. The USA's first cliché is just a resonance of the *power reality theory*.

The smaller countries demanded a mechanism against the domination of big-powers upon them. That was denied and their wish to remove a situation of threat to their national sovereignty was conceitedly trodden down. The issue of veto, in fact, stole all other issues—in view of veto, all the other issues were made secondary. The UN was left with the Big Five by the San-Francisco conference, but in reality, it was under the mercy of the Euro-American alliance bloc and became a victim of the Euro-American alliance bloc versus the Soviet Union.

From the very inception, the Capitalist big-powers tried their best to prevent and put apart the small as well as the socialist countries to have their say in international politics. The Socialist countries attempted to show up themselves as the true representatives of the future of the upcoming world, but their voice was unheard and, most importantly under Soviet Union delusion, they lost their voices. These differences and intrigues resulted in acrimonious disputes, and one of the key disputes centered around a question whether a security system founded on the large influence of Great powers would be the feasible project or not. The ideologically divided world politics, the trauma of the colonial suppression in the past, a deeply rooted aspiration for liberation from colonial rule, and the incessantly rising military dominance of the U.S had cast doubts on the success of the UN. The attempt of erecting a new world body was thus not free from complication, complexity, and skepticism.

The adoption of the Charter of the world body in all these contexts was not an easy task. The realization of the main goal of the UN, which was formulated in Article I, was thus largely diminished in its scope and spirit by mounting complications that resulted from increasing cleavage in opinions among participating nations. The ideology played a crucial role to generate the cleavage of opinions. The world body was born in the division, thus casting suspicion on its effectiveness of fulfilling the purpose of securing peace and security of the world. Today, it has been proven that the scourge of Veto has caused the UN largely a shadow of Western *Power Bigs*. Thus, international peace has become a hostage of the ambition for military superiority and the divided world. The UN's role in rescuing people from poverty is largely disappearing.

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<sup>39</sup> Schlesinger (n 34).

<sup>40</sup> Rabkin (n 35).

<sup>41</sup> Stanley Meisler, *United Nations: A History*, Grove Press, New York, 1995, p.18.

<sup>42</sup> Ibid.

#### IV. Amendment of the UN Charter and crisis

Another equally controversial issue that surged in the San Francisco conference was related to the amendment of the UN Charter. An agreement in this regard was, however, worked out<sup>43</sup> in Article 108 which establishes a process of amendments by 2/3rd of the GA along with all permanent members of the Security Council. This provision has not only made the *Powerful Five (P5)* more powerful but also unaccountable for their wrong actions. Evidently, the majority of the *P5* comes from the Western hemisphere, and even Russia largely represents the Western culture and values. The members of the Western *P5* constitute an absolute majority and see no other countries in the world, which have a political system different than theirs, as a democratic country. Implicitly, any country that has a dissimilar political system than what Western Europe and America has followed is considered to belong to an adverse or rival camp. Today, as we have seen, neither Russia nor China is considered as a democratic nation by the Euro-American liberalist camp. The UN political structure is thus dominated by the Western civilization, culture and thinking patterns and, as a matter of fact; its foundation is seriously affected by the fractured international relations. The United Nations today means a platform without more work and results but exerts tremendous impacts on the lives of common people from poor countries because it functions as a *favorite* of the powerful western countries. The smaller countries are virtually colonized even today.

In the San-Francisco conference, there were many more other issues surfaced for discussion, but such proposals were fully disregarded. The inclusion of the bill of human rights in the UN charter was one of such disregarded issues. As referred to earlier, *The Dumbarton Oaks Proposals* contained only one reference to human rights. New Zealand, Australia, and France added 7 references to human rights to the proposed UN Charter. Panama's delegation came to the San Francisco conference with a draft declaration of the Bill of Human Rights prepared by the Chilean jurist Alvaro Alvarez. All these proposals, however, were thrown into the dustbin. The enduring political debate and competition between the U.S and the Soviet Union stole all these benign issues.

The role of China at that time was very less prominent because it was represented by a puppet government fully backed by the U.S. The idea behind the inclusion of China was encouraged by a design based on Conspiracy Theory—that the inclusion of China from Asia would help America to push the Soviet Union back and it would also contribute in securing a larger strength of liberalist or capitalist blocs in the Security Council. Chiang Kai-shek led China into the Security Council and was also thought instrumental to avert burgeoning people's revolution in China under the leadership of the Communist Party of China.

Many small nations were utterly disappointed and dissatisfied with the provisions in the UN Charter which would prevent amendments of the unlimited prerogatives of the *P5* as well as the denial of the U.S and the Soviet Union to provide for enforceable means of human rights of people across the world.<sup>44</sup> This history makes us clear that the very inception of the UN was tilted in the favor of *P5*. It happened to be so because these *five big powers* prepared the draft in a secret meeting at the Dumbarton Oaks Conference. The unfortunate side of it was that the other

<sup>43</sup> Ruth B. Russell, *A History of the United Nations Charter: The Role of the United States 1940-1945*, The Brookings Institution, Washington D.C., 1958, pp. 742-749.

<sup>44</sup> Susan Waltz, 'Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights', *Third World Quarterly*, volume 23, 2002, p. 437.

countries' ideas were neither considered nor included in the Charter. The democratic value of the United Nations and its legitimacy is, therefore, always in question.

The process of forming the Charter was to be guided by the theory of international consensus. Every nation's consent should have been obtained to the Charter. Had it been drafted by a body of experts on international politics and relations selected collectively and democratically by all the participating countries, the structural framework of the UN would have been different. If the body to frame the Charter had been elected with every country's consent, then the Charter would have been a document for people of the world. On the contrary, the Charter was enshrined into the political wills of the *Big Five*. Moreover, most countries in Asia, Africa, and South America were still not freed from the yoke of colonial rule. England and France, major powers within P5, had a brutal history of colonialism, and, most interestingly, their role in founding the United Nations was by all crucial. They still held colonies and were not intended to give their powers in the colonies. Thus, this was a sheer paradox. The colonizers were writing a law for the free people, pretending to install justice and peace in the world. They were colonizers and wanted to perpetually be so. Their participation in any sense was not driven by sincerity. Seemingly, the UN emerged in such a situation in such a way where some tormentors, assuming a role of judges, were punishing other tormentors.

While Article 109 of the Charter offers a prospect of reviewing the UN Charter, it is largely a showing tooth. Of course, the amendment of the UN Charter is simply not possible without the concurrence of the P5—and this *group of big five* is divided between *Western Three* (*NATO members*) on the one side and the People's Republic of China and Russia on the other. This spectrum, in reality, makes amendment of the UN Charter virtually impossible; neither this power equation will let the UN to work purposively. NATO's interest, therefore, plays a vital role in the matters of the UN Charter amendment. How far would China and Russia be able to prevent the amendment of the Charter? It is plain that the *Veto* they can enjoy can obstruct or delay such an amendment as intended to monopolize the UN by the NATO bloc. But how long they can hold it halted is difficult to say. In the past, especially after the end of the Cold War, when the World saw the unilateral role of America as the leader of NATO, the UN had been largely turned into an instrument of enforcing the goals of NATO.

This situation is, however, changing the context by the gradual rise of multipolarity in international relations, from the rise of China and Russia as major stakeholders. In this context, it is reasonable to argue that the unilateral power play of the U.S. may be reduced, and it may contribute substantially to better performance of the UN, thus ending the overarching influence of NATO in international politics. Notwithstanding this fact, any move from China and Russia for any amendment of the Charter would not be fruitless because another three Veto powers would not let it take place. At least, no amendment in the Charter would be feasible that is targeted to restrict the leverage of the NATO countries in the UN.

The amendment of the UN Charter is, therefore, not an easy task to conceive and materialize in practice. The establishment of NATO, as the Euro-American regional military organization, has subsequently made the UN system not only an un-effective system but also a dysfunctional system. In the wake of the rise of NATO, the world has sharply polarized and the effectiveness of the Security Council to meet its goal of collective security has virtually diminished or been set aside. A plan for reform initiative of the UN system today, therefore, cannot be viewed without reference to the influence of western countries' military alliance—the NATO.

## V. Security Council within the UN System

With major three functions, i.e., mediation, peacekeeping, and enforcement, the Security Council established as an important organ of the UN aiming at the maintenance and preservation of the international peace and security and to take effective collective measures for the prevention of aggression and removal of threats to the peace. In view of the Charter's structure, the establishment of the Security Council seems to be the major achievement of the post-World War II civilization of the World. However, the Security Council became a hostage of the cold war for a long period of time and was trapped between pressures and conspiracies of two military blocks—the NATO and the Warsaw Pact. No discussion on the amendment of the Charter for the desired reforms within the UN system as a whole and Security Council as part would thus be meaningful without reflecting on the background of the Security Council itself.

Acting under the authority of Chapter VI of the Charter, the Security Council is supposed to assist in the process of peaceful settlement of disputes, particularly by mediating conflicts and negotiating settlements. Establishing and overseeing UN peace-keeping forces is one of the central functions or activities of the Security Council; thus, it can at least prevent further escalation of the violence. The Security Council's role is thus crucial. Under Article 25, the State Parties agree, at least theoretically, to accept and carry out the decision of the Security Council. However, the P5, the members of NATO in particular, have tended to ignore the authority of the Security Council, and have shown a tendency of engaging NATO as a substitute or parallel instrument of security. Libya, Afghanistan, and Iraq are the latest examples of ignoring the Security Council and placing NATO as an alternative system. In these countries, NATO forces, under the command of the U.S, acted in a way, as if they were the members of the international police. The NATO forces in these countries acted with a double standard: firstly, there was an attempt to engage the UN to serve their political interests; and, secondly, when their plan to engage the UN failed, they indulged with massive force under the banner of NATO itself overlooking the responsibility and mandate of the Security Council.

The UN and its executive organ, Security Council (SC) in particular, looking from these latest perspectives, has been a hostage of NATO influence. The significance of the SC to preserve or maintain international peace and security has been eroded and eradicated seriously. In this unwanted spectacle of the international peace and security, we must be able to underscore the following developments that require changes or reforms in the UN system to make it work as desired by the people of the world.

First, the tendency of NATO countries to use the Security Council as a camouflage for initiatives and interest of NATO is becoming a common political strategy in some countries. The tendency of blurring the role of the Security Council, indeed the UN system as a whole, by the NATO involvement as a parallel security system is seriously eroding the prospect of cooperation among the countries for peace and security as well as economic development. This has been obvious from the dislike of the US government to the Chinese proposal of *Belt and Road Initiative*. The most extreme objection thrown by the pro-establishment American political analysts and policymakers is that China, through BRI, seeks to create a parallel socialist economic or political order that competes with or replaces the so-called liberal international order.<sup>45</sup> The pro-establishment

<sup>45</sup> Alek Chance, 'Belt and Road Initiative and the U.S.-China Relationship', *China-US Focus*, 3 November 2016, available at <https://www.chinausfocus.com/finance-economy/the-belt-and-road-initiative-and-the-us-china-relationship>, accessed on 30 April 2018.

American think-tanks have incessantly made efforts to portray the BRI in a shape of destroyer of the long-term interests of America. They often describe the relationship between the United States and China as containing a mix of *cooperation and rivalry*. They have consistently declined to accept that international cooperation does not embrace the *zero-sum game*.<sup>46</sup> As pointed out by Alek Chance, the BRI's positive potential often goes unrecognized in the United States. This is in part because it is viewed as an element of a broader strategic competition between the two countries.<sup>47</sup> These narrow attitudes are products of regionalism and classical intent of maintaining the supremacy of American leverage in the world instrumentality backed by NATO. This parochial outlook is sustained by an attitude of *cold war psychology* and fear to see the rationality of the cooperation for a win-win situation.

The NATO bloc manifests reluctance to accept a dynamics of the international cooperation that international sustainable development more broadly, as rightly argued by Alek Chance, has the potential to be a transcending area that serves the interests of China, the United States, and the international community at large and the BRI promises to provide increased connectivity in terms of global public goods and that can result in improving life in developing countries and opening up economic opportunities for developed countries as well.<sup>48</sup> American policymakers and strategists have also tended to view the BRI, for its some projects and, as an initiation to build China's ability to project military strength in the region. They put the Port of Gwadar in Pakistan as an instance. They argue that the project will give China access to the Indian Ocean for commercial purposes and could serve as a deep-water port for its navy.<sup>49</sup>

The gap between China, as it has been taken as a rival nation, and the USA can largely be considered from the perspective of NATO's strategic objectives and a parochial alliance that tends to fragment the international community is contrary to the principles and objectives enshrined in the UN Charter. Such gap has implications on building a sustainable and lasting trust and friendship for cooperation for development. The existence of a strategic alliance mechanism like NATO contributes, on the one, to underestimate and overshadow the role of the Security Council as a platform of ensuring peace and, on the other, to institutionalize the globe fractured based on politics and geography or region.

Second, due to the rising engagement of the NATO in form of surpassing the Security Council in the international peace process, is stressing both China and Russia, the two other permanent members of the Security Council, to be more assertive in international issues involving peace and security and to be more critical on the roles of NATO associated other permanent members of the Security Council. They have become more tempted to use *Veto* against the US and its allies in their acts of interference on issues of nations' internal affairs. Russia and China, for instance, vetoed a UN resolution to impose sanctions on Syria over the alleged use of the chemical.<sup>50</sup> Syria has been a target for several years for the NATO bloc permanent members. NATO launched military action against Yugoslavia without the Security Council's authorization. This was purely a

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Joshua P. Meltzer, 'China's One Belt One Road Initiative: A View from the United States', *Brookings*, 19 June 2017, available at <https://www.brookings.edu/research/china-s-one-belt-one-road-initiative-a-view-from-the-united-states/>, accessed on 30 April 2018.

<sup>50</sup> 'Syria War: Russia and China Veto Sanctions', *BBC*, 28 February 2017, available at <http://www.bbc.com/news/world-middle-east-39116854>, accessed on 30 April 2018.

violation of the Charter and, as a matter of fact, it has ignited a serious debate on whether that action was legal in terms of international law. Mary O'Connell, in her article on international law after Kosovo, argues that the use of force by NATO was inconsistent with both UN Charter and the practice of the Security Council.<sup>51</sup> Bruno Simma too shares the view.<sup>52</sup>

This action was not criticized by only very few countries, thus implicitly contributing to legitimize the act of NATO to surpass the Security Council. Even the Secretary-General did not condemn NATO's use of force and sufficed to say "normally a U.N. Security Council resolution is required."<sup>53</sup> The 2003 Iraq war also saw NATO bloc surpassing the Security Council and it indicated that the US and to some extent the UK had the capacity to bypass the Security Council when they needed to.<sup>54</sup> It also shows the inability of the Council to condemn those actions. The war started without the consent of the Security Council amidst strong opposition from many countries. Earlier, Russia signaled to veto America's campaign to obtain United Nations' backing for military action against Iraq. These Vetoes have been instigated by overstepping of NATO countries, by dividing the UN into blocs, and by moving against internal affairs of other UN members. In the past, NATO, under the leadership of the US military, assumed its self-portrait role of international police in the matter of Iraq and Libya. With no doubt, the US invasion of Iraq was the most controversial action in violation of the UN Charter.

Deeply divided analysis over explanations for the war and the claim on the existence of mass-destructive weapons in Iraq, which proved to be hollow, have exposed the deception practiced by the Bush administration.<sup>55</sup> The US invasion of Iraq was a grotesque failure of the Security Council in its objectives and missions under the Charter. The Iraq invasion proved that an unchecked power is tantamount of being abused and showed that a strong imperialist tendency is built into hegemony.<sup>56</sup> The invasion was hegemony and indicated the American diminishing value of the UN, in view of NATO. In 2011, the US led the attack on Libya and brutally killed Muammar al-Qaddafi. Both these instances proved that NATO had overtaken the UN Security Council's role of preserving international peace and security. In both cases, the US was tempted to engage NATO for its failure to use the Security Council to serve its interest. As a matter of fact, the international peace and security in recent times have become more conspicuously vulnerable than the *cold war* era because the *détente* posed by the rival powers during the cold war era is broken and the US is trying hard to emerge as a unilateral power by overlooking the UN system.

Attempts of surpassing the UN Security Council by NATO blur the prospect of economic cooperation and development asymmetrically, thus impeding the development efforts of developing and underdeveloped countries and forcing millions of people to be killed by poverty.

<sup>51</sup> Mary Ellen O'Connell, 'The UN, NATO, and International Law after Kosovo', *Human Rights Quarterly*, volume 22: 1, 2000, pp. 57-89.

<sup>52</sup> Bruno Simma, 'NATO, the UN and the Use of Force: Legal Aspects', *European Journal of International Law*, volume 10: 1, 1999, p.1.

<sup>53</sup> Antonio Cassese, 'Ex iniuria ius oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community', *European Journal of International Law*, volume 10: 1, 1999, pp. 23-30.

<sup>54</sup> Sahar Okhovat, 'The United Nations Security Council: Its Veto Power and Its Reform', *CPACS Working Paper No. 15/1*, The University of Sydney, December 2011, available at [https://sydney.edu.au/arts/peace\\_conflict/docs/working\\_papers/UNSC\\_paper.pdf](https://sydney.edu.au/arts/peace_conflict/docs/working_papers/UNSC_paper.pdf), accessed on 1 May 2018.

<sup>55</sup> Raymond Hinnebusch, 'US Invasion of Iraq: Explanations and Implications', *Critique: Critical Middle Eastern Studies*, volume 16:3, 2007, pp. 209-228.

<sup>56</sup> Robert Jervis, 'Understanding the Bush Doctrine', *Political Science Quarterly*, volume 118: 3, 2003, pp. 365-388.

The most unwanted character of the fractured international community is that it averts the attention of countries for economic cooperation for development to military build-up and militarization of the World. The Cold War and the subsequent unipolar scenario of the world have amply confirmed the truth of this statement.

Third, the rise of interest or desire among many other emerging powers such as India, Germany, Brazil, South Africa, and Japan, to find a place in the Security Council as permanent members have been intensified. Induction of one or more of these countries as a permanent member in the Security Council will, however, further complicate the situation in the decision-making process of the Security Council. The new member(s) may be tempted to rise as a regional power, and the same may also pose threats to regional peace and security. On the other hand, the induction of one or more countries may further complicate the 'factionalism or groupism' within the Security Council. The existing NATO bloc members may tend to keep new members in their fold against China and Russia, thus further weakening the SC's role in the maintenance of peace and security.

The reform of the UN system is thus necessary to avoid the problems indicated above and to transform the UN system as a dependable forum for international peace and security, which is a prerequisite for further deepening the economic cooperation for development among nations. The fractured international community creates detriments to the economic enhancement and sustainable development. Hegemony, on the other hand, contributes to dividing the world into blocs. Regional military alliances contribute to the rise of hegemony under a banner of 'security cooperation.' The UN Security Council is a platform to avert such unbecoming activities. The Security Council can, however, avert such unbecoming activities only by ensuring peace and paying more attention to the protection of the national sovereignty of Member States. Thus, the reform of the UN system does not, in any sense, mean expansion of the 'Permanent Membership' in the Security Council and further complicate the current intriguing situation. No country should perceive and practice for permanent membership in the Council as a right only because it has obtained a certain level of economic development or military capacity. The aspiration of many nations to achieve the position of the permanent membership in the Council is obviously an indication of a desire to raise their position at a capacity of enjoying 'Veto' power in the UN system. The Reform of the UN system, therefore, should avoid adding the number of permanent members in the Security Council just for the sake of lifting their position of exercising Veto powers.

## VI. The Composition of the Security Council

Currently, the Security Council consists of 15 members, including the five permanent members, namely China, France, Russia, the United Kingdom, and the United States. The ten other members are elected for a period of two years, not for the renewable term. The ten non-permanent members do not have veto power. Explicably, the Security Council is imbalanced in terms of the status of the members. The *non-veto status members* have no role at all once the veto is in effect or action. Consequently, the position of the non-veto members seems ceremonial in fact.

The role of non-veto members is vague and uncertain because their strength of a majority is simply meaningless in view of the veto power of the big P5. It seems that the Security Council, by its very composition and the procedures applicable in the decision-making process, is perfectly ridden by an unintelligible and undemocratic situation and structure of hierarchy—some members

are silent spectators and others are decisive players or actors. The non-permanent members are nothing but a group of a *club of clappers*. The best example is the Security Council's 14 members calling for the withdrawal of Donald Trump's recognition of Jerusalem as Israel's capital without any effect. The United States of America used the veto against 14 members calling for a UN Resolution for the withdrawal of the decision of recognizing Jerusalem as Israel's capital.<sup>57</sup> As noted by Peter Beaumont, a columnist of *The Guardian*, the unanimity of the rest of the council was a stark rebuke to the Trump administration over its unilateral move, which upended decades of international consensus.<sup>58</sup> There are several other such instances in the history of the Security Council performance, which have constantly invited criticism of commoners, intellectuals, and even politicians. The so-called veto has in fact reduced the Security Council into a burdensome organ of the UN.

The criticisms are mainly directed to its exclusive nature, Veto crisis, and its relations with the General Assembly, its working methods, and its undemocratic structure, respectively. The most criticism, however, is related to the *power of veto*. From the very inception, the Security Council's permanent members have used their power of veto in accordance with their vested national interests without exception. This power, in essence, was created for the safety of the world by securing peace or by preventing any such aggression that would violate international peace. Yet, the practice of using the power rapidly distanced from the objectives set forth by the Charter is mainly preventing the UN from taking direct action against any of its principal founding members.<sup>59</sup>

The US government has used Veto power in larger numbers than others. If we observe the last two-decade history of Veto power exercise, it would be seen plainly that the US government has enjoyed Veto power 15 times, out of 24 times over the last 20 years, for its self-interest or the interests of its allies.<sup>60</sup> This has been a cancerous problem of the inefficiency and ineffectiveness of the UN system. This power is nothing but an undemocratic privilege of the permanent members, thus that unending call for reforms, ahead. Since 1971 and after replacing the Republic of China, the People's Republic of China has used its veto power six times, four of them being used after the Cold War. China joined Russia in vetoing two resolutions which intended to condemn human rights abuses in Burma and Zimbabwe. In both these cases, however, the exercise of veto was considered controversial as they were more politically motivated. In addition to these two cases, in 1997 China vetoed a popular resolution, which intended to authorize the deployment of observers to verify the ceasefire in Guatemala and in 1999 blocked a resolution regarding the extension of the operation of United Nations Preventive Deployment Force (UNPREDEP) in Macedonia. In these both cases, the NATO bloc permanent members had bigger political interests.

The situations described above very clearly show that the non-permanent members really represent nothing and stand as no one in the Security Council. In principle, the non-veto members of the Security Council are supposed to represent the region they are elected from, but, however, they have no mechanism to represent their region. As a matter of fact, being in the

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<sup>57</sup> Peter Beaumont, 'US outnumbered 14 to 1 as it vetoes UN vote on status of Jerusalem', *The Guardian*, 19 December 2017, available at <https://www.theguardian.com/world/2017/dec/18/us-outnumbered-14-to-1-as-it-vetoes-un-vote-on-status-of-jerusalem>, accessed on 1 May 2018.

<sup>58</sup> Ibid.

<sup>59</sup> Okhovat (n 54).

<sup>60</sup> Ibid.

Security Council is a decorative position, i.e. members individually have no authority to reflect on the peace and security of the region. The composition of the Security Council, as it is spectacular from the description and the position held by the non-permanent members, itself is a problem for sustainable or meaningful international security and peace. Thus, Robert Hill, former Australian ambassador to the United Nations, has opined “the Security Council is a club and P5 is a club within a club”.<sup>61</sup> According to Sahar Okhovat, this power has been responsible for the silence of the Security Council on some major international conflicts, including the 2003 Iraq War, the 2008 conflict in Georgia, the 2009 massacre of Sri Lankan Tamils and the recent Syrian conflict. Although the issue of Israel-Palestine conflict is on the agenda of the Security Council, this body has not been successful in condemning the violence and settlement activities through issuing any resolution.<sup>62</sup> With these facts in view, it is arguable that the Security Council has gloomily failed to address the expectations of the people of the world concerning international peace and security. The amendment in the UN Charter with a view to evolving the Security Council as a dependable platform for securing international peace and security is thus urgent.

## VII. Reforms of the UN system: Urgent and Inevitable for International Peace and Global Development

Some people have argued that the problems faced by the Security Council can be addressed by expanding the members with veto powers. But this proposal is controversial and as such has not been able to generate consensus. Most permanent members have agreed somehow to enlarge the membership of the Security Council, but this consensus will hardly make a difference in the decision-making process of the Council because the expansion of the size of members will hardly have any impact on Big Five’s Veto Power.

The Intergovernmental Negotiations about reforms of the UN System took place in 2008 and that particularly reflected on the Question of Equitable Representation and Increase in the Membership of the UNSC. In this negotiation process, the African group labeled the veto as *anachronistic and self-serving*, and expressed its longstanding position that it should be abolished.<sup>63</sup> Moreover, in the last some years, the Group of Four (G4), an alliance of Germany, Japan, India, and Brazil, has intensified its initiation to present a resolution on the reform of the Council to the General Assembly with the aim of securing permanent seats for each of them.

The act of reforms in the System is not an easy thing to do. This organization has gone through a serious problem in the past, and the organization has lost its original vitality of maintaining peace, through collective security mechanisms. The first and only reform of the Security Council that had gone was in 1965, but the reason was completely different and simple. In this reform, the number of non-permanent members was increased, and it was due to the rise in the number of the UN Members from 51 to 114. The current membership has reached 193, and, in this perspective, the reform in the UN is necessary. But, how? This is difficult to respond.

Over the last few decades, a series of proposals have emerged suggesting reform modality and sectors. As indicated before, one of such proposals is the enlargement of the Security Council,

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<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

either by an addition of permanent or non-permanent members. As records show, Germany and Japan are the two main contributors to the UN programs. India is the second largest populous country. Brazil is an important country in South America. They are collectively supportive of each other and are lobbying collectively to support each other's bid to get a permanent membership. They are all having their regional political rivalries. The core members of the G4's rival group are Italy, Pakistan, South Korea, Mexico, Argentina, Spain, Turkey, Canada, and Malta. To defuse the strength of the G4, this group demands the enlargement of the non-permanent seats. South Korea does not want Japan; and similarly, Pakistan opposes India in the permanent seat. Argentina and Mexico are against Brazil. Spain and Italy cannot allow Germany to have the seat.<sup>64</sup>

But the G4's initiation is not a way of a solution to the cause of weaknesses and the dysfunctionality of the UN system. These four countries having Veto power are not going to improve the situation because the problem does not lie in 'small number of countries with Veto but it lies in the selfish practice of using it by permanent members, the U.S is the country to use it in most cases, for their own interests rather than serving the objective of peace. The new four will not be different in any case. This addition will contribute to corner China and Russia, who have allegedly stood against the NATO bloc permanent members.

### VIII. Economic Dynamics of the UN and Reforms

Financially, the UN system is fully dependent on contributions made by the member countries since the UN does not have any financial source of its own. The larger economies like the U.S are supposed to pay a larger contribution and this is a source of influence. The money is vital. The U.S. government, as a larger payer of the contribution, tends to hold leverage on every decision and policies of the UN with or without genuine motive and it is simply not possible for the UN to go against such leverage fearing suspension or cut-off of contribution. The NATO invasion of Yugoslavia, Iraq, and Libya are only a few examples as the UN could hardly speak anything against the violation of international law in these cases. These instances had, in fact, far-reaching impacts on the Charter's scheme of collective security. During the War, the Soviet Union's position was similar. While England and France seem not many active vetoing resolutions, their alliance with the U.S encourages the latter to stand assertively against international law. Their veto powers can thus be described as 'veto in U.S. pocket'.

Obviously, the UN's existence is largely dependent on its silence against any instances of improper or unwanted use of the veto by great powers. The UN is suffering from heavy arrears currently, thus severely affecting its activities as well as credibility. The arrears are of two types. The first source of arrears is the failure of a larger number of poor Members that are for several reasons unable to pay their designated contribution. The second source of the problem is an outcome of the attitude of a handful of countries to keep the UN as subservient to their interests, thus making it crippled as a *toothless tiger*. Withholding contribution has been used as a standing blackmail by some powerful countries.

Among the top contributors, the U.S is known as the biggest defaulter. The leverage associated with the financial contribution has been clearly manifested in the latest veto against the resolution

<sup>64</sup> John Langmore, 'A Step Towards Security Council Reform', *APS Net Policy Forum*, 16 October 2008, available at <https://nautilus.org/apsnet/a-step-towards-security-council-reform/>, accessed on 1 May 2018.

on Trump's decision of Jerusalem as the capital of Israel. Instances have shown that the biggest contributors deliberately hold their dues to compel the UN to be supportive to their agenda. Since a part of the dues is permanently held back, the pressure of such countries on the UN is always persistent. The world of the developing countries is under constant fear that major nations can use their leverage to erode their sovereignty. The Veto has not been, thus, a mechanism to protect the sovereignty of a powerless against others' aggression, but it has been a tool of fear itself. This has been fully demonstrated by the case of Iraq, which has been a source of haunting smaller countries.<sup>65</sup> Two economic issues are crucial in this regard.

First, the development of economically backward countries with a huge poor population could not be addressed by the UN. A huge population of hungry people in the world has very less hope for this organization for their prosperity and security of life against both natural and human-made disasters. The situation of poverty has not yet declined. The UN has grotesquely failed to render the developed countries accountable to eradicate poverty from the world. Paulo Casaca, a scholar associated with South Asia Democratic Forum, says, "If there is no will to substantially transform this state of affairs (the poverty in many countries in the world), the United Nations will be worse than useless; it will become an instrument to be manipulated with the aim of misleading public opinion so that it endorses erroneous policies as it was the case of the 'extreme poverty' goals."<sup>66</sup>

The United Nations initiated *millennium development goals* with great fanfare during the World Summit in New York in 2000 with the assembly of the largest ever presence of the heads of state and government. In 2015, in its conclusion, the report was issued stating that the state of "Extreme poverty" has declined significantly over the last two decades. It had been said in 1990 that nearly half of the population in the developing countries lived on less than \$1.25 a day and now it has been said that, as of 2015, the proportion dropped to 14 percent. It should be taken as an achievement if the statement is true. The same report reveals something different on page 11. The report reads, "A World Bank study shows that about half of the 155 countries lack adequate data to monitor poverty and, as a result, the poorest people in these countries often remain invisible. During the 10-year period between 2002 and 2011, as many as 57 countries (37 percent) had none or only one poverty rate estimate. In sub-Saharan Africa, where poverty is most severe, 61 percent of countries have no adequate data to monitor poverty trends."<sup>67</sup>

Seemingly, the UN efforts to reach out to the extremely poor are suspected. The description of it is an indication. Several World Bank Reports are critical of MDG performance to achieve goals. Sebastien Malo says, "Most of the world's richest countries failed to earn top marks on their progress toward reaching the United Nations' goals to end poverty and inequality, with only Germany and the United Kingdom in the top ten."<sup>68</sup>

The UN has declared another 15-year program under a rubric of 'Sustainable Development Goals', to be completed in 2030. However, the UN did not even bother to discuss the failures

<sup>65</sup> J. R. Bilgrami, 'United Nations: With and Without Cold War' in M.S. Rajan (ed), *United Nations at 50 and Beyond*, Lancers books, New Delhi, 1996, p.249.

<sup>66</sup> Paulo Casaca, 'United Nations' Blindness to Poverty', *EP (Extreme Poverty) Today*, 30 June 2017, available at <http://eptoday.com/the-united-nations-blindness-to-poverty/>, accessed on 2 May 2018.

<sup>67</sup> Ibid.

<sup>68</sup> Sebastien Malo, 'Richest Countries Failing to End Poverty, Inequality: UN', *Huffpost*, 7 July 2016, available at [https://www.huffingtonpost.com/entry/united-nations-ranking-global-goals-poverty-inequality\\_us\\_57879fccc3ee4f7307](https://www.huffingtonpost.com/entry/united-nations-ranking-global-goals-poverty-inequality_us_57879fccc3ee4f7307), accessed on 2 May 2018.

of the past.<sup>69</sup> With its past track record, it is hardly likely that the UN will do something better under the new project. The lives of millions hang on hunger and the disparity and inequality plummet so deeply that the richest 1% and the very poor have gone worse than ever. The UN system is unable to notice that poverty and hunger have increased, climate and environmental destruction have worsened, and imperialist-led wars have forced an enormous migration crisis.<sup>70</sup> The situation indicates that the UN is increasingly becoming hostage of neo-liberalist capitalism. While promising global transformation, the UN is becoming more and more lethargic and inefficient. It has failed to see that the accumulation of wealth in the hands of few capitalist corporations and powers in the hands of their henchmen-politicians have accelerated a lot. The corporations dominate the economic world, as they determine what is right and what wrong. They dictate the governments of the powerful developed countries and these governments increase taxes on the working class and relieve the capitalists. The multinational corporations, biggest banks, transnational companies, and financial institutions, like the World Bank and International Monetary Fund, structured the development projects and their sole objective is nothing but to expand capitalist markets, maximize profits and restructure the developing countries more tightly into their economic web — not to redistribute the world's wealth.<sup>71</sup>

Most interestingly, the UN has developed a tradition of sponsoring gatherings, spending millions of dollars in food, accommodation, and logistics, such as the 2005 Millennium +5 Summit, the 2008 Doha Conference for Development, the Millennium Development Review Summit and the 2012 Rio +20 Sustainable Development Conference, as only to mention a few. These convocations do nothing other than reinforcing legitimized capitalist growth policies. These grandeurs have hardly any impact on people dying from hunger. What these big events generate is not food and solutions to the gruesome starvation, which is mercilessly killing people. They rather debate and synchronize, aggregate and disaggregate statistics collected from fabricated sources and suggest the world that poverty is decreased, the death ratio of children decreased, and that way eventually concludes that the world is becoming better. This is nothing but a puzzle game, a sheer hoax, and sangfroid.

Sebastien Malo satires, “The Millennium Development Goals were declared an overwhelming success in solving the problem of world hunger by statistically changing how underfed people were counted. The U.N. and nongovernmental organizations declared it “the most successful anti-poverty movement in history,” which cut global poverty in half. (Guardian, July 17, 2016). But was it really reduced?” He adds, “Studies have exposed how this alleged feat was accomplished by moving the goalposts back to 1990 and changing the methodology for estimating the number of hungry people. They included China’s and Vietnam’s progress — which accounted for 91 percent of the reduction of underfed people since 1990 — even though these countries had nothing to do with the Millennium campaign.”<sup>72</sup> China had its own vision and programs to uplift millions of poor successfully. How can MDG write a report proving the success of it by invoking the successes made by China in accordance with their own strategies? The UN is serving capitalism but justifying its legitimacy and success by selling statistics of success made under Socialist orientation. This is a sheer paradox. One can genuinely argue that the concept that food, clean water, education, and health care are basic rights of every person. Prosperity is a

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

right of the people. Every human individual in any part of the world has equal opportunity for basic rights of decent survival and growth.

The UN development mission is severely missing this element or concept of development. It plans to omit any mention of more equitable distribution. Equally important fact is that the UN has failed to make the developed countries, both legally and morally accountable for a grotesque condition of poverty in the developing and underdeveloped countries, who have, in the past almost three hundred years, plundered and looted the resources of these countries, throwing them into a ditch of poverty. The UN has failed to see the inglorious history of colonialism that was responsible for generating poverty on a massive scale in developing countries. Thus, the UN cannot be a meaningful platform for the progressive development of the world without distancing it from the capitalist trap. There is an element of truth in Sebastien Malo's assertion that the sustainable development and human rights for all can only be achieved by a socialist revolution and the building of socialism, a system that puts the needs of the world's people and the planet before the profits of the rich.

Any attempt of the mission of reforms of the UN cannot be realistic without paying much more emphasis on its developmental responsibility. The primary responsibility of the UN is to uplift the condition of poor people from a state of poverty. The primary obligation of the UN is to the world population, which is compelled to live in a grotesque condition of lacking or starvation. This mission of the UN is, however, largely faded away. One of the serious misgivings the UN relied on was, that there is a shortage of ideas, enthusiasm, and expectations in the developing countries. It believed that knowledge and ideas are produced only in Western developed countries. It was the main reason behind WB and IMF's decisive involvement in planning and developing programs in developing countries. Obviously, the UN promoted an idea of 'translation of ideas and strategies about development from the developed countries.' The planners and strategists prejudicially failed to see the miracle of poverty reduction in China that followed the indigenous or local wisdom and planning.

The equally important factor of UN's failure in development planning and implementation of poverty reduction programs lies in corruption, allocation of funding on a big salary of the experts, planners and consultants, and extravagant lifestyle of the expatriate employees and engaging intermediaries, the NGOs, in development activities. These intermediaries spend huge funds for their administrative cost and so-called awareness campaigns. Large amounts of these expenses are made for subsidies, food rations, price supports, land allocation/distribution, job training and financial assistance for initiatives in agriculture and small businesses. But who has benefited from all these programs and assistance? The beneficiaries are usually government corrupt officials and employees of the donor agencies, including UN expatriate officials and their native subordinates. This is evident from the vehicles, logistics, housing, emoluments, and other benefits. Their most works relate to symposiums, seminars and reiterated training activities and expensive evaluation activities followed by expensive reports published in colorful extravagant designs and frames.<sup>73</sup>

Chris Blattman, an American Economist, criticizing the approach of the UN development model and the way international aid is disbursed to the poor people, say, "Rich countries spend nearly \$150 billion each year on aid, but only about a third of that amount is paid as cash transfers. Other forms of aid include paying for cows, goats, beans, textbooks, and *micro loans*." He argues,

<sup>73</sup> "Why the Fight against Poverty Is Failing: A Contrarian View", *University of Pennsylvania*, available at <http://knowledge.wharton.upenn.edu/article/why-the-fight-against-poverty-is-failing-a-contrarian-view/>, accessed on 2 May 2018.

“These models are not only expensive but also grossly inefficient in alleviating poverty. Citing studies on microloans in India and vocational training programs in Uganda, he shows how both initiatives failed to significantly reduce poverty.”<sup>74</sup> China's development approach, which focused on infrastructure and building of production capabilities along with the development of markets, proved to be extremely successful in uplifting the income of people, and thus sharply reducing the level of poverty.

UN and Western donor agencies led development ideas and originated strategies, according to an economist William Easterly, in his book “The Tyranny of Experts,” from 1919 to 1949, a time when colonialism and racism were still considered acceptable. He argues, “Their legacy remains essential to the current development paradigms.” For him, poor people in developing countries are the modern-day equivalents of serfs in modern Europe.<sup>75</sup> He blames the developed countries, international organizations, including the UN, for ignoring the contextual reality of the developing countries regarding their needs, skills, expertise, and innovations about development. One of the biggest failures of the UN is to rely on Western experts for planning and implementing development projects in developing countries. As argued by William Easterly, those people who try to explain, change or fix things in the developing world as though the context was a blank slate.<sup>76</sup> Development is a right of people not a luxury of the State. The serious mistake UN made over the years is its failure to understand that development is a right of the people. Claiming development as a right of the people demands changes in the UN Charter obliging that the developed countries have an international legal obligation to support poor people of the developing countries to transform their lives to a better condition, which demands the attainment of both material as well as cultural happiness.

The looming failure of the world organization to uplift the people from poverty, with hunger and desperate life, demands massive amendment of the Charter if this organization preserves world peace by promoting equality and happiness of the people across the world. To end the discrimination and subordination of one category of people by another is one of the goals of the United Nations.<sup>77</sup> The United Nations has failed in this goal because a substantially huge human populace still lives in extreme poverty in developing countries. The reasons have been widely discussed above. Summarily, these reasons include (a) misuse of veto powers by some powerful permanent members, (b) turning of the Security Council into a platform of serving self-interests of the powerful countries, (c) use of United Nations as an instrument of expanding capitalism, thus misusing it as a means of creating markets for the developed countries, and (d) emphasis on transplant of development models and policies from the developed countries.

The United Nations should urgently address these problems by evolving a consensus for appropriate amendments in the Charter. The discussion above adequately reflects on the urgency of the following amendments, if this world organization must last for long, as a body of collective

<sup>74</sup> Rafia Zakaria, ‘New UN Development Goals, same failed policies’, *AlJazeera*, 26 September 2014, available at <http://america.aljazeera.com/opinions/2014/9/united-nations-developmentgoalspostmdgs.html>, accessed on 2 May 2018.

<sup>75</sup> William Easterly, *The Tyranny of Experts: Economists, Dictators, and the Forgotten Rights of the Poor*, Basic Books, New York, 2014.

<sup>76</sup> Carol Graham, ‘A Review of William Easterly’s *The Tyranny of Experts: Economists, Dictators, and the Forgotten Rights of the Poor*’, *Journal of Economic Literature*, volume 53:1, 2015, pp. 92–101.

<sup>77</sup> UN Charter Article 1 (3): “To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

security, peace, and human prosperity:

The Charter must include development as the right of the people, particularly highlighting the urgency of saving the life of about 1000 million people living in extreme poverty in the world. This right should be made available to the world, based on the concept of preserving humanity rather than citizens of a country or some members of a society. The history is evident that 'colonialism and extortion plummeted by the present developed countries' is the fundamental reason behind the existence of massive poverty in the world today. Hence, the colonizing countries are legally and morally accountable to address the historical injustice inflicted by them upon the people of colonized countries. The Charter of the United Nations must necessarily include the Bill of Rights concerning development in it.

The Charter must specifically or categorically establish the legal and moral obligations of supporting the development endeavors of the developing and underdeveloped countries. The Charter must establish an International Assistance Fund, and require the developed countries, trans-national companies, and international financial institutions to contribute revenues to this fund. The United Nations Development Program must transfer the fund to the developing and underdeveloped countries to assist in their infrastructure development, trade and market promotion and industrialization in balance with environmental protection.

The Charter of the United Nations must enshrine into a provision banning developed countries from leveraging weaker countries' economic and socio-cultural and political systems. The provision must protect the right of sovereign nations to choose its economic, social, cultural and administrative system freely without direct and indirect influences or interferences. The Charter must guarantee the right of a sovereign nation to bring a legal complaint against such interference in the World Court, the International Court of Justice. For this purpose, the Charter must establish the jurisdiction of the World Court categorically in the Charter itself.

To prescribe the division of the World by defining countries as allies and unfavorable States, the UN must amend the Charter to promote the concept of development based on mutual benefit, partnership, and inclusive modality. No nation should be allowed to provide one or another country with a special or favorable condition of assistance while depriving the other the same privilege.

The Charter must enshrine provisions regarding monitoring and making obligations to pay compensations on harms caused by trans-national and international organizations in matters of cultural, environmental and other forms of erosion, thus causing adverse impacts on the lives of people.

Amending the provisions as such in the Charter will significantly place a check on the arbitrary and unwarranted use of the veto by the P5. These provisions can be instrumental in checking the competition of powerful countries over weaker countries with an instrumentality of economic and another form of assistance, bilaterally. The United Nations should follow the track or a system of the Belt and Road Initiative where multiple stakeholders or partners can cooperate with each other to develop connectivity through policy coordination, infrastructure, integration of currencies and free and unchecked communication among people across the globe. The survival and strength of the United Nations in the contemporary era is dependent on its successful works to promote an integrated inclusive globalization. The globalization in the form of split villages is doomed to fail. This approach of UN reform emphasizes the type of globalization, which

is founded on economic integration of nations. This approach keeps the cultural, social and political affairs in the sphere of nations with some freedom of choice and practice. For this, the Charter of the United Nations should mandatorily enshrine the following principles as cardinal values of new globalization.

Every nation's sovereignty, independence, and territorial integrity are inviolable under any circumstances. The State is a person under international law and thus enjoys juridical equality on the same footing. No aggression is acceptable in any pretext. Any kind of aggression or interference should be taken as a violation of international law. The UN Charter must explicitly recognize this principle and categorically prevent any interference on internal and external affairs of another State.

Every nation's identity along with its history, culture, language and other attributes should be protected by the Charter. As each nation is a person under international law and juridically equal on the same footing, no nation should be given a special privilege in the matter of international affairs. The veto power granted to some countries by the Charter now must be abrogated.

Every nation must have its right protected to choose the political and economic system.

Each nation has the right to flourish in its cultural and historical value systems, and the system of knowledge production should be based on its special context. The transplantation of language, culture and social system of another country should be discouraged as a fundamental rule of non-interference.

Each nation has the right to trade, transit and flourish in entrepreneurship. The innovations, goodwill, intellectual acumen, patent, and trademarks must be respected. The right to freedom of peaceful trade should be regarded as a protected privilege of each State.

Second, the economic management of the UN as a world organization is not an easy task to carry out. The administrative, peace-keeping and development activities of the UN require it to have an immensely bigger amount of expenditure and the source of this expenditure is almost fully contingent upon the contributions given by the member states. The member nations extend contributions in two ways; first, by paying an amount which has been accepted by the Member State as an obligation payable as commensurate to the GDP. Under this scheme, the US contributes the highest amount, that is to say, 22 percent of the total. Each nation pays accordingly. The second scheme consists of voluntary contributions paid by the Member State or organizations. But the economic dynamics of the UN is not limited to just how it gets its funds; rather, it is a vast and complex system. Administrative transparency is the core principle adopted by the Charter; but alleged widespread corruption in the oil-for-food program is an issue of abuse of assistance provided by the UN, which is often criticized as 'dollar imperialism', raising serious questions regarding financial fairness and accountability of this body.

Benazir Bhutto, in her book *Daughter of East* has discussed how the aid to Pakistan was stopped since 1979 when the Carter administration enforced its nuclear non-proliferation policies and cut off Pakistan from an international assistance scheme. But after the Soviet invasion in Afghanistan, the non-proliferation policies had been meticulously overshadowed and the international aid from various organizations resumed in an overflowing mode in Pakistan and that included UNHCR, the World Food Program, and the US particularly focusing on the issue or sphere of Afghan refugees. The book reveals that only 1/3<sup>rd</sup> of this aid reached to the intended community while the country was under the Zia military coup. This shows the UN has become a platform

for power balance, deviating from its actual aim of maintaining peace and security.

The oil-for-food project has been criticized for involving massive corruption and abuse of Iraq's natural resources. The project was proposed in 1991 through the Security Council for the humanitarian assistance in Iraq that was in miserable condition after the economic sanction and oil embargo done by SC after Iraq's invasion in Kuwait. The oil politics seem to have greater leverage on the humanitarian project. In deciding whether to place a hold on a contract, the U.S. representative on the Sanctions Committee consulted with agencies of the U.S. government to determine whether Iraq could use the requested items for military purposes.<sup>78</sup> This issue plainly shows how the UN has been converted into a political platform rather than being a platform to work for the welfare of the member nations.

As we have abundantly seen in the chapter and others, the existing world order allows for the existence of a state with sharp or deep inequality among people from developed and developing countries. As noted by Thomas Pogge, the international economic bodies, such as the World Trade Organization, have enabled the exacerbations of deaths from the global poverty through monetary agreements that favor affluent states at the cost of poor states. Aid leakage, development wastage, and assistance caused by the interest of few powerful nations through actions coated as assistance are major problems of the United Nations.

These instances, only a few to mention, manifest that the current UN system is deeply ridden by two basic problems. *Firstly*, the smaller member states had lost hope in the UN; they believe two or three stronger member states have gained control of the entire organization, and the vote and voice of the smaller countries are ultimately "worthless." *Secondly*, although the governments of powerful countries support the UN, their people do not. Citizens of most of the powerful Member States are afraid that their respective nations' participation in the UN will ultimately compromise the sovereignty of their nations.

Transparency in matters of economy and finance of and within the UN system is another serious issue of discussion. The systems of expenditure and audit are often questioned.<sup>79</sup> The issue of reform in these regards is also the hardest issue. As enunciated before, the United Nations, to be an international system in a true sense and meaning, is required to assist the least developed and developing countries in their development efforts so that they properly address the problem of poverty placing them into a hard trap. The UN system in this regard is supposed to effectively carry out monitoring and surveillance of the international aid system, thus strictly obliging the developed countries to contribute one percent of their GDP to the development of underdeveloped countries. The international aid system has been suffering from a character of 'rent-seeking attitude' because the developed countries tend to impose several conditions and priorities for making the assistance available and, thus, ignore the actual needs of the recipient countries. There is, however, no mechanism for the least developed or economically weaker countries to voice their concern in the UN system against such arbitrary and imperialistic attitudes of the donor countries. This situation again presents the vitality and viability of the economic cooperation system presented by China recently through or in the form of 'international partnership modality', namely the Belt and Road Initiative'.

<sup>78</sup> Kenneth Katzman and Christopher M. Blanchard, 'Iraq: Oil-For-Food Program, Illicit Trade, and Investigations', *CRS Report RL30472*, 2005, p. 3.

<sup>79</sup> *Ibid.*

## IX. Political Dynamics of the UN Reform

Roberto R. Romulo, the Foreign Minister of the Philippines told the General Assembly: "It is ironic that in the midst of a rapid spread of democracy in recent years and the expanding membership of the United Nations, the Security Council remains unrepresentative in its size and the geographic distribution of its membership, undemocratic in its decision making and working methods."<sup>80</sup> The issue of underrepresentation is certainly true, yet the major issue is the 'power imbalance within the five permanent members themselves'.

Less than 20 percent of the total population of the world has obtained 'three permanent memberships' in the Council. The western Christian tradition has four memberships in the Security Council. The three members of NATO, a regional military organization, have membership in the Security Council. The total power concentration within the UN system is, therefore, lying on the western NATO-based three countries. This is what in fact makes the United Nations fully crippled and un-functional, rather dysfunctional, in its objectives and missions. In this backdrop, we need to encapsulate the following problems or issues needing attention for the reforms within the UN system.

The economically advanced and developed, Western Christian tradition-based and NATO dominated the structure of the Security Council must be reformed in order to make it an unbiased, pragmatic and functional system for the "Collective Security" system of the World as envisaged by the Charter of the United Nations. The restructuring of the Security Council is thus urgent. The restructuring of the Security Council, however, does not imply the necessity of the induction of more regional powers in the Security Council with veto status; the restructuring of the Security Council should be understood in the form of necessity for building effectiveness in its function for achieving a reliable system of international peace and security. The expansion of the Security Council is, therefore, not a solution to the existing unresponsiveness of the UN system.

The restructuring of the Security Council must be followed by the restructuring of the General Assembly in a way of rendering the latter more powerful and assertive in matters of overseeing international peace and security. The equality of sovereignty of all nations, which is widely and without dispute held by international law as a cardinal principle, must be a guiding principle of international interactions and the process of peace building within the UN system. Most of the current powers of the Security Council, thus, need to transform to the General Assembly, which generally works with a *modus operandi* of taking decisions in the form of a resolution which is voted by every Member. Empowering the General Assembly is to empower the entire international community or the community of entire nations across the globe. Ending veto, by which some Western Countries are destroying the effectiveness of the world body, is undeniable at any excuse. The amendment of the Charter to the effect of empowering it by taking the decision for collective intervention in order to protect international peace by a two-thirds majority of the General Assembly meeting may be the best alternative to the veto power.

The UN system is concentrated in New York, thus making America the only center of world politics. Bigger financial contribution along with New York as the only political headquarter is inducing the U.S. political leverage on all and every issue of international politics and international

<sup>80</sup> James A. Paul, 'Security Council Reform: Arguments about the Future of the United Nation System', *Global Policy Forum*, 1995, available at <http://www.globalpolicy.org/security/pubs/secref.html>, accessed on 04/08/2018.

relations. The concentration of international politics in New York has overshadowed the role of the UN system regionally as well as the importance of regional issues. Hence, the international community must work out at the concept of a regional headquarters, rendering the UN system more accessible and accountable to, and effective on, regional issues. Like Geneva is made one of the functional headquarters of the UN agencies in Europe, the same concept and plan must be developed in other continents. The concept of regional headquarters will make the UN system more accessible and amenable to a quick discussion on regional issues.

This concept will decentralize the function of the UN system and create a regional activism on international issues. Most importantly, the concentration of international power politics in the U.S virtually deprives other nations of making them part of the international politics. The regional headquarters must be administered by the Regional General Secretary appointed from amongst the regional members themselves. The system of UN resolution to be originated first at the regional headquarters must be introduced, thus diffusing the leverage of a country across the world can be effectively checked with. The regional body must be active to maintain peace and security across the region. The current practice of any country becoming an 'Empire without monarch' should come to an end. Without developing competent regional mechanisms for the UN, no alliance can contain bloc- backed veto powers from becoming international police. Countries like China should play a role in developing such mechanisms within the UN and other countries like Russia, India, Brazil, Japan, Australia, South Africa, Egypt, and Indonesia must take lead in this regard. The concept of decentralization has somehow been in discussion for a long time, yet without any tangible result. There are a couple of reports prepared, concerning the feasibility of decentralization. The first study concerned with "Deconcentration and Managerial Processes" and the second study was dedicated to preparing a report on "Comparative Approaches". The findings of both these reports emphatically referred to the unique strengths of the WHO's decentralized system compared with the organizational structures of other United Nations specialized agencies.<sup>81</sup>

Multilateralism is a basic character of the UN system. The rationales of establishing a UN system are founded on a deeply rooted realization by countries during World Wars that no world peace can be achieved without peace-loving countries coming together to face the challenge posed by the tendency of some countries' unlimited aggression. The concentration of power within the system under a single state's leverage will intensify challenges to international peace. More countries' leadership is inevitable for world peace on the one hand and building competency of nations in the given region to address their regional issues is equally inevitable, on the other. The latest crisis on the Korean peninsula is an example. The Trump administration's provocation had been rapidly building a situation of war on the peninsula. However, the Chinese negotiation with leaders of two Koreas has brought the situation to a dialogue at the table and both the countries have been able to sign an agreement of *no-war* in the region.

The UN Security Council's failure is visible again. The resolution of the Korean peninsula's tension intelligibly shows a necessity of regional decentralization of the UN system. The agreement signed between *Kim Jong Un* and *Moon Jae-in*, the President of South Korea and Leader of the North Korea respectively, has ended a situation of nuclear tension and has opened a new

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<sup>81</sup> Erica Irene A, Daes and Adib Daoudy, 'Decentralization of Organizations within the United Nations System, Part III, *World Health Organization*, Geneva, 1993, JIU/REP/93/2.

way for the common goal of denuclearization on the peninsula.<sup>82</sup> The agreement declared, “The two leaders, in front of 80 million Korean people and in front of the whole world declared, that there will be no more war on the Korean Peninsula and thus a new era of peace has begun.”<sup>83</sup> This situation suggests that the problem is an outcome of provocation from outside power rather than the conflict between these two Korea themselves. The agreement is, on the other hand, a realization that the war will ultimately pose a disaster to the people of both Koreas.

The Cold War situation was a serious detriment in reforms of the UN system. The UN system was virtually crippled by the extreme division of the Security Council, which faced too many Vetoes being exercised by two confronting nations, the United States and the Soviet Union. The impact of the Cold War would not have posed that acute impact had the UN system had decentralized and many regional units had been in engaging operations. Decentralization is therefore inevitable for preventing the Cold War situation from recurring and even so the UN system can be saved only by letting regional leadership emerge as more important mechanisms to maintain peace and security in the globe.

The lapses in UN structure and its administration concerning efficiency, coordination, and streamlining of the UN Secretariat as the principal organs of the UN are widely and intelligibly felt. The global community’s impression is that the UN systems’ function concentrated in one corner of the world is unable to serve the needs of global human beings. As noted by Patricia Birnie, “The complex and too bureaucratic nature of the Secretariat’s operation, often run in semi-independent fashion by various agency chiefs, with competing or duplicating mandates, especially in critical areas like development and environment, frustrates purposeful and effective direction.”<sup>84</sup> The UN system, in fact, has converted into an intelligible mass of bureaucracy. Its regional dispersal is thus, inevitable.

There might be several serious reservations regarding regional decentralization of the UN system, but there is no other option available after doing so. The decentralization will devolve obligations of the P5 to other Members in the region, thus making them responsible and accountable. The region works with a dynamic of 'socio-cultural proximity' as well as trade and commercial interdependence. Language is an equally important factor. The regional system will work in regional languages. Such factors will build ownership of the nations to the UN system. One Headquarter concept has already proved wrong and ineffective. For the sake of development and a mutually trusted world order, the interdependence of countries by a fully developed system of connectivity is vital. However, the same cannot be built without having a fully dependable and functional regional connectivity. This concept demands development based on a bottom-up approach.

The Chinese initiative of the ‘Belt and Road,’ for instance, has stirred development cooperation among Asian countries, faster than in the past. The concept of ‘Silk-road Economic Belt and Road’ has presented a framework of intra-connectivity in Asia and with Europe. This new framework of economic cooperation comprising unhindered trade, investment, financial integration, and

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<sup>82</sup> Adam Tylor, ‘The full text of North and South Korea’s agreement, annotated,’ *The Washington Post*, 27 April 2018, available at [https://www.washingtonpost.com/news/worldviews/wp/2018/04/27/the-panmunjom-declaration-full-text-of-agreement-between-north-korea-and-south-korea/?utm\\_term=.e86aef82bd64](https://www.washingtonpost.com/news/worldviews/wp/2018/04/27/the-panmunjom-declaration-full-text-of-agreement-between-north-korea-and-south-korea/?utm_term=.e86aef82bd64), accessed on 3 May 2018.

<sup>83</sup> Ibid.

<sup>84</sup> Patricia Birnie: *The United Nations and the Environment*, in Adam Roberts and Benedict Kingsbury (eds.) *United Nations, Divided World*, London, Oxford University Press, 1993, pp 327-383.

grassroots connectivity may grow as a sustainable and institutionalized system if the regional headquarters of the UN system comes into being as a part of the World Body. Developed Asia, for instance, would be a dependable Asia and peaceful Asia, thus capable of handling regional issues more efficiently. 'No whole would be stronger without stronger parts. This theory demands regionally wider decentralization of the World Body. Indeed, this necessity has already been proven indispensable in view of the growth of regional organizations. The amendment of the Charter considering the necessity of decentralization so as to build a competent regional headquarters is inevitable.

The UN system's role towards establishing a more reliable, competent and effective international economic assistance system is vital to competently address the massive poverty and deprivation, which the world is facing today. This role thus demands a restructuring of the UN system pragmatically. It must be a major vehicle for international economic development. The UN system must be evolved as an alternative system to the bilateral assistance system in most issues, which will thus protect the smaller states from any political influence of the bigger countries with military ambition. As per the Charter, out of several mandates, the central mandate of the UN is to work for promoting higher standards of people's living, full employment, and conditions of economic and social transformation. It is assumed that about 70 percent of its work is concerned with carrying out this mandate.

The main thrust of this mandate is to eradicate poverty and improve the well-being of people. Attainment of this mandate is considered as the necessary prelude of creating conditions for lasting world peace. The failure in this goal is big, however. The system of generating funds and mechanism of spending both are disastrously defective. The source of revenues brings influence, and the influence destroys the prospect of development. Most importantly, the funding, as well as expenditure systems, is controlled from New York so that they are disconnected from regional reality and needs. This practice seemingly rules out the prospect of the 'connectivity between regional efforts and resources of the region and the UN system of work'. The UN system encourages and works for regional initiatives that bring partnership of the countries for development.

The most serious setbacks of the UN development system are that the priorities and strategies of development are determined by so-called experts in New York, which generally reflect on problems and the crisis faced by Europe and America, without sufficient information and knowledge about the locations of project implementation. Most projects are thus nothing but transplantation of the policies and strategies applied in Europe and America. The local knowledge, skills, and potential are fully ignored. The UN development approach is thus not yielding. This failure also demands realizing and remodeling the program in parlance with regional structures and mechanisms of development. If so happens, a large amount of development expenditure may come from the region itself. This has been well demonstrated by the potential of the Belt and Road Initiative, which is being increasingly accepted by countries.

The most anticipated role of the UN system was to foster a multilateral structure of international governance from the perspective of devastations caused by World War II. The people of the world have waited for this hope to be fulfilled, but almost 75 years have lapsed without any fruits in this regard. It means that the UN has hopelessly failed in its mission to foster an economically better world. The UN's betrayal of poor people is a huge concern. The UN structure has failed to provide a financing mechanism to help developing countries achieve the structural transformations required for broad-based economic growth. The Global South is the

worst victim of this failure. As it has been reiterated many times, the global distribution of power remains with the U.S. and the West. The continuous debacle of development in the Global South is enough reason to believe that the existing UN system is nothing but a sick infertile cow. Hence, new development frameworks and policies focusing on regional networking of modern infrastructures and economic cooperation are inevitable.<sup>85</sup>

The decision-making system of the UN, which is stricken by the loading system of formalism, must be reformed. For this, the concept of 'regional headquarters' is significant again. A system of addressing the most regional issues at the regional headquarters can be an instrument of transforming the present lethargic system into a pragmatic system.

The history of attempts for the reformation of the UN system, in general, and the Security Council, in particular, dates back to the very initial period of the establishment of the UN. The organized efforts for reforms, however, began in the early 1990's in response to the Council's activities in the post-cold war period. Critics of the Security Council reflected on seven major points of reforms, which are:<sup>86</sup>

- The Security Council must be more representative in its structure and decision-making process. However, this finding overlooks the fact that nothing can be achieved until the veto peril continues. The expansion of representatives in the Security Council is unproductive and unyielding. The best option is to transfer the powers of the Security Council to the General Council, subject to the adoption of a resolution by a two-thirds majority of the Member States. The power of veto should be limited only to put a brake on P5 country's engagement in the aggression and other war-prone activities.
- The Security Council must be more accountable in its decisions and functions concerning international security and peace. This is, however, possible only through massive decentralization of the UN system at the regional level. The Members in the region must be empowered to play a pivotal role in the peacemaking process and the goal of international security. They must also be accountable to regional peace and security.
- The Security Council must be more legitimate in its dealing with the crisis on international peace and security, particularly in matters of protecting the sovereignty of weaker nations by preventing aggression of any powerful nation, which tends to assume the role of an international police. For this, the scope of the P5's power should substantially be transferred to the 2/3 majority strength of the General Assembly.
- The Security Council must be more democratic in decision-making. It means that the Security Council needs to be democratically restructured. The concept of veto must be eliminated. The concept of sovereign equality of nations must be the guiding principle of the Security Council's functions.
- The Security Council must be more transparent in its dealings with international disputes and crisis.

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<sup>85</sup> Pallavi Roy, 'Economic growth, the UN and the Global South: an unfulfilled promise,' *The Third World Quarterly*, volume 37:7, 2016.

<sup>86</sup> James Paul and Celine Nahory, 'Theses towards a democratic reform of the UN Security Council', *Global Policy Forum*, 2005, p. 1, available at <https://www.globalpolicy.org/security-council/%20security-council-reform/41131-%20theses%20to-background>, accessed on 4 August 2018.

- The Security Council must be more effective. The Council's role should be active in negotiation and reconciliation.
- The Security Council must be fair and even-handed.

The five permanent members, the three NATO-based members in particular, with their vetoes and many special privileges, have now sparked widespread criticism from the people of the world as that 'the system of Veto wielded by the Permanent Members of the Security Council' is a self-employed oligarchy. This is an undemocratic power and an undemocratic culture of functioning. The structure of the Council is infested by 'vices of special advantages to the permanent membership along with the power of veto'. These advantages and power of veto today are attracting many emerging powers of the world to obtain the position of 'Permanent Membership' so that their status would be unchallengeable too. The addition of the number of permanent memberships will thus introduce a system of inequality among nations and as such will create a system in which nations are divided into privileged and non-privileged nations.

In the past, the *P5 nations*, the NATO-attached three, in particular, have wrested many more special privileges and perks for themselves. They have insisted incessantly on the right to control high-ranking UN posts and name the tenants in those posts (or at least have a large influence over who among their nationals may occupy them). They have intervened regularly in the workings of the secretariat. They have influenced the wording of reports of the Security Council and the General Assembly, and most importantly, they have been perpetually successful in shaping initiatives of the UN system. Moreover, they have insisted on the right to have one of their nationals sit as a judge in the world court, so that their interest will be represented there. And, they have their private lounges at the UN headquarters.<sup>87</sup> In the past, they used the veto as an instrument of protecting their interest through the UN System. This situation must come to an end now.

As we have seen, Africa and Latin America lack a permanent seat on the council, while Europe is overrepresented, and Asia is underrepresented. These problems are not easily addressed because the P5 of the Council do not want to see their power to be diminished. As a result, little progress has been made since 1993 despite the number of proposals that have been suggested. They are:<sup>88</sup>

- Uniting for Consensus Proposal on Security Council Reform (April 2009),
- Small-5 Group on Reform of Working Methods of Security Council (April 2009),
- Tabled Uniting for Consensus Draft Resolution on Security Council Reform (July 2005),
- Tabled African Union Draft Resolution on Security Council Reform (July 2005),
- Tabled G-4 Draft Resolution on Security Council Reform (July 2005),
- Italy's Regional Model (April 2005), United for Consensus' Green Model (April 2005),
- United for Consensus Blue Model (April 2005)

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<sup>87</sup> Ibid.

<sup>88</sup> 'Security Council Reform: Arguments about the Future of the United Nation System', *Global Policy Forum*, 1995 available at <https://www.globalpolicy.org/security-council/%20security-council-reform/49885-background>, accessed on 4 August 2018.

Council's reform is a process for the long haul, not a quick fix. It must be based on the ideas for a more democratic global future, not an outworn concept from the past like permanency and great power oligarchies.<sup>89</sup> Amending the UN Charter through the prescribed procedure is not an easy exercise. Under Article 108 of the Charter, amendments can only enter into force upon ratification by the P5 members of the Security Council; this effectively provides them with a right to veto any amendment and, as a result, it is not a coincidence that formal amendment of the Charter has only occurred three times and related to relatively minor institutional changes.<sup>90</sup>

In 2007, the Economist published a rather critical review of a book by John Bolton, one-time US ambassador to the UN. The reviewer highlighted that Bolton had asked much of his time at the UN on two ideas for reform: first, he wanted to introduce weighted voting in the GA; second, he thought that all UN programs should run with voluntary contributions. Evidently, both ideas were pernicious and would create a disastrous situation for the UN. The weighted voting in the GA would do away with the faintest idea of the assembly being a representative body. In Bolton's plan; it would become a mere shareholder's meeting. Likewise, to have programs only run on voluntary contributions would make a mockery of any notion of solidarity between member states and would also bring an end to any comprehensive policymaking.<sup>91</sup>

## **X. Analysis and Conclusion: Suggested plans for the UN reforms reflecting on the interests of smaller countries like Nepal.**

*Effectiveness versus broader representativeness in the Security Council:* When the SC was created, its main function was to achieve sustainable international peace and security by silencing the guns and leaving the political or legal resolution of the conflicts. This function was largely destroyed by the political ambition of the NATO-attached permanent members in the post-Cold War era and the power competition between the U.S.A and the USSR during the Cold War era. The effectiveness of the Council was largely destroyed by the system of veto. The broader representation of states as a permanent member is not the right way to reform the Security Council. The greater transparency and accountability of P5 to the UN is the right approach.<sup>92</sup> The effectiveness would be accelerated by the 'professionalization' of the activities of the Council, so the Council must be represented by experts rather than politicians. It is suggested that the veto of permanent members should be taken away, and the modality of discussion on issues within the UNSC should be drastically changed. The dominant regional powers can be invited to the UNSC besides regional membership. It would be appropriate to give them voting rights in the Security Council. The Security Council can prepare a list of 'major regional players' and can invite them when there are immensely vital issues of international security and peace. In the meantime, an alternative modality of representation by the 'regional players' for a considerably long period, i.e. ten years, can be thought about. When the veto power is taken away, the UNSC would be a platform to discuss and come to a solution by dialogue, and in such a situation transparency would be promoted. The effectiveness would then be promoted. According to this approach, the

<sup>89</sup> Paul and Nahory (n 86) p. 4.

<sup>90</sup> Ibid, p. 8.

<sup>91</sup> Ibid, p. 7.

<sup>92</sup> Nico Krisch, "Informal Reform in the Security Council" in *United Nation Reform through Practice, Report of the International Law Association Study Group on United Nations Reform*, (ed) Ralph Wilde, 2011, p.45.

following two alternative options are suggested for structural reform of the Security Council:

- The amendment of the Charter with effect to include a right to the 'Security Council' to invite major regional players to participate in the meeting with voting rights in the Security Council in the given issue is a must. The amendment must also give the right to a nation to bring a proposal on security and peace issues in the Security Council; or
- The amendment of the Charter to the effect of 'adding a provision to let the key regional players have a membership for a period of five years or more' should not be sidelined. There, the key players should be elected by the General Assembly.

The Security Council is the only organ with the executive decision-making and enforcement powers, a gradual expansion of its functions is probably inevitable unless other well-functioning bodies with binding powers are created. It may thus be more promising to pursue models of cooperative decision-making between the SC and the GA than to try to uphold a separation of powers model that has long been eroded from both sides.<sup>93</sup> The Council, in view of the suggestions made in the above paragraph, must work as a permanent body of the UN. It should rather work as an 'international governance body', with the Secretary-General as its main office.

As it has been pointed out already, the UN system must be decentralized regionally, and the regional headquarters must be enabled by amendments in the Charter as bodies to perform as UN subsidiaries in the region. The Security Council must have its jurisdiction widely devolved to the regional body. This mechanism will address the 'hegemony' of the powerful state in decision-making. By this mechanism, member states will be able to play effective roles in international security and peace.

The UN system must develop a 'mechanism to facilitate and monitor the international economic assistance system'. The obligation of the UN system to rescue the least developed countries and the population suffering from acute poverty must be made a legal obligation. The larger part of the human population is starving, but the developed countries are not taking accountability for it. They have adopted a rent-seeking attitude, which is not only promoting corruption in the developing countries but bringing a colonial mentality of the developed countries into the developing countries. The UN body must, therefore, check such behaviors in the realm of international relations and economic assistance.

Landlocked countries must have a mechanism within the UN system. These mechanisms will primarily urge them to ensure unobstructed transit and trade of such countries and enable them to enjoy the maritime resources. This will safeguard the interests of landlocked nations, providing them with the advantage they need to be significant as well as effective in the global arena.



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<sup>93</sup> Ibid, p.46.