

# LEGALFOXES LAW TIMES

## THE DECOLONIZATION OF UNITED NATIONS ORGANISATION

By Prakhar Sharma

### ABSTRACT:

*The First World War is considered as first historic accident in world politics. Millions of people lost their lives and millions were left miserable. It attracted the attention of leaders, academicians and intelligentsia and forced them to peep into the causes of this accident to make world secure in future. They contemplated not only the reasons behind this war but also how to overcome these reasons to avoid devastation. They finally concluded that the nations couldn't address their grievances and anguish due to lack of an international platform. The League of Nations was the outcome of this contemplation but it couldn't serve the purpose to save the world from another World War. The contemplation of world leaders again started with just beginning of Second World War to save the earth from third World War. Now the core of discussion was the flaws of League of Nations and to create a flawless international organisation which could save the humanity on the earth. The United Nations Organisation came into existence with 51 primary memberships. United Nations have passed more than seven decades but no fundamental change has been brought to restructure this organisation. The viability of an organisation depends its capacity to adapt the changes which come with the passage of time but no structural or functional change has been brought to make it more viable and relevant in current world scenario. The voices have been raised from all corners of the world to bring structural and functional changes in UNO to make it relevant in changed world politics.*

**KEYWORD:** UNO, General Assembly, Security Council, League of Nations, World War

The world has witnessed two world wars. Millions of people lost their lives and billions were left

miserable. The leaders, activists and academicians around the world contemplated and discussed the causes and consequences of huge devastation caused by these two world wars. The major cause of First World War was considered as the absence of international platform which could work as a safety valve and could be a platform where nations could address their problems and could save the world from the devastation of First World War After great deal of thinking and contemplation League of Nation was created and it was considered that this international platform will provide a place and platform to put forth their problems and it will save the world by addressing these problems at initial stage and will save the humanity from the danger of future wars but League of Nation couldn't serve the purpose for long time for which it was created due to its internal flaws and world was again plunged into Second World War and this war was proved more heinous and cruel to the humanity. Millions had to lose their lives and millions had to face the consequences of Nuclear Bombs used by US army on Hiroshima and Nagasaki.<sup>1</sup> The loss and devastation was cruel and beyond imagination and it created a condition of fear psychosis in the minds of academicians, political leaders and activists of the world. They had the opinion that if steps were not taken to create the congenial and peaceful atmosphere the next war will annihilate the humanity from this earth. Now the major focus was to contemplate the conditions and causes of the failure of League of Nations. Now the core issue of discussion was to create an international platform by taking a lesson of the shortcomings from the previous experience and to create an international organisation which can save the generations from the future wars.<sup>2</sup> The United Nations Organisation was created on 24<sup>th</sup> October 1945 with 51 primary members in light of this scenario. The core objective of this international organisation was to maintain permanent peace and it could be maintained not only by addressing the political and strategic issues but to provide the social and economic justice to the people of the world. The major flaw of League of Nations was that it was a political organisation and tried to address only political issues but ignored to address the socio-economic issues which were in the root of world peace. The United Nations Organisation was designed to resolve not only the political problems

---

<sup>1</sup> Fitzgerald, Amber (2000). Security Council Reform: Creating a more representative body of the entire U.N. membership", *Peace International Law Review*, 12 (2). Available at <http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1231&context=pilr> (Visited on May 27, 2021)

<sup>2</sup> Manusama, Kenneth (2006). *The United Nations Security Council in the Post-Cold War Era: Applying the principle of legality*. Boston: Martinus Nijhoff Publishers Available at <https://research.vu.nl/en/publications/the-united-nations-security-council-in-the-post-cold-war-era-appl> (Visited on May 27, 2021)

but also to focus on social justice and economic prosperity to make world peace permanent.<sup>3</sup>

Now the membership has reached up to 193 of seventy three years old United Nations Organisation. It has passed through the experiences of more than seven decades with lots of structural and functional changes of the present world. It has witnessed the Cold War period between two super powers from 1945 to 1990. It has witnessed the collapse of Soviet Union and emerging new economic powers and diminishing strategic relations among the nations. The narration in which United Nations was created has totally changed. It was designed to save the future generations from the future war because the whole was divided on the basis of two ideologies and world was plunged into Cold War situation. Now with the demise of Soviet Union and with collapse of Communist ideology the world has been passing through the new era where political and strategic relations are on the back seat and new economic forces and new international economic order has been the driving force in international relations. Need of the hour is to bring structural and functional revision of United Nations in this changed scenario. The success and reliability of any organisation depends on its capacity of adaptability and change with the passage of time and United Nations is not exception to it. In more than seven decades no basic or structural change has been made in this organisation except with minor omissions and commissions. Two minor amendments have been made in the charter of UNO.<sup>4</sup> Two resolutions were brought in 1963 for the amendment in the charter. First resolution was to increase the number of the temporary members of Security Council from 6 to 10 and second was to increase the number of members of Social and Economic Council from 18 to 27. The procedure of amendment in the charter was to pass the resolution of amendment by two third majority of General Assembly and by 9 members of Security Council including all permanent members. The both the resolutions were passed on 31<sup>st</sup> August 1965 and came in force in January 1966. The second amendment was passed in 1971 by which the number of members of Social and Economic Council was increased from 27 to 54. Except these two amendments no structural and

---

<sup>3</sup> Evan Luard, *The United Nations :How It Works and What It Does*, Palgrave Macmillan, King Cross London, 1982. Available at <http://www.jetir.org/papers/JETIR1812C58.pdf> (Visited on May 27, 2021)

<sup>4</sup> Rumki, Basu (2004). *The United Nations: Structure & functions of an International Organisation*. New Delhi: Sterling Publishers Pvt. Ltd. Available at <https://scholar.google.com/citations?user=1LNb6cAAAAAJ&hl=en&authuser=1> (Visited on May 27, 2021)

functional changes have been brought in the charter of United Nations.<sup>5</sup>

After more than seven decades of the journey of UN, certain questions are still unanswered and unaddressed. UNO has been facing severe challenges before it and if these challenges are not being addressed, it will lose its relevance in changed world scenario. The issues of Veto Power and the structure of Security Council is one of the prime challenges before it. UN was created with 51 members and at that time there were five permanent and six temporary members in Security Council. The number of temporary members was increased in 1966 but now the United Nations has 193 members but still the structure of Security Council has unchanged. There is dire need to not only to increase the numbers of Security Council but also to democratise and change the basic structure of it. Both temporary and permanent members should be increased and the Veto power either should be abolished or should be rationalised to ensure the smooth functioning of it. Veto Power of permanent members has almost paralysed the decision making process not only in Security Council but also in whole United Nations. The Veto power was provided to five permanent members of Security Council in view of an apprehension made by Soviet Union in Dumbarton convention. Soviet Union was only Communist country in Security Council and it had apprehension that the liberal democratic countries will dominate over it over major world issues. So Soviet Union demanded a special power which is known as Veto power and by using that special power by any of permanent member of Security Council will dismiss any resolution brought to discuss in Security Council. The origin of Veto Power was the outcome of ideological confrontation in the world politics. The demise of Soviet Union brought the era of end of ideology and the whole power structure has changed in post cold war period and in this changed scenario the Veto power has become irrelevant and undesirable. The one major cause which created deadlock and political and administrative failure is misuse of Veto Power by the permanent members of UN.<sup>6</sup> Many serious and important issues were put in dustbin because of the misuse of this special power. The idea of the modern world is based on concept of sovereign equality of the nations and negation of any special power to any member. The need of the hour is review and rethinks about the relevance of Veto Power which empowers five nations with

---

<sup>5</sup> Evan Luard, *A History of United Nations*, Palgrave Macmillan, King Cross London, 1982. Available at <https://www.palgrave.com/gp/book/9780333243893> (Visited on May 27, 2021)

<sup>6</sup> Luck, Edward C. (2006). *UN Security Council: Practice and promise*. London & New York: Routledge. Available at <https://searchworks.stanford.edu/view/6690193> (Visited on May 27, 2021)

absolute power in United Nations. The voice of dissent has been raised against this special power from the all corners of the world. Besides this the power structure has changed entirely and new power centres have emerged on world scene and traditional powers like England and France have lost their glorious legacy in world power structure. Now the Security Council must be restructured and democratised to make it relevant in present power structure. There is need to restructure it both at structural and functional level. The powers and functions of Security Council should be rewritten to strengthen the role of United Nations in post Cold War period.<sup>7</sup>

The change is the law of nature and nothing is final and perfect. The reliability and relevance of any institution or its charter depends on its capacity to adapt the changes with the passage of time. The fate of rigid and orthodox institutions is to wither away or atrophy. The institution changes through its rules, laws, structures and functions. The United Nations is also not exception to it. The cause behind the failures of UN is its rigid and orthodox process of amendment. In more than seven decades only two formal resolutions have been brought for the amendment and these resolutions were related to the increase of number in Security Council and Economic and Social Council. No resolution had been brought to make fundamental change in structure and function of United Nations in last seven decades and it has made this institution almost defunct.<sup>8</sup> The most important question arises why fundamental changes were not made in it. The answer of this serious question is that the amendment process of the charter of United Nations is rigid and status quo. The charter speaks that it can be amended only if the 9 members of Security Council including all five permanent members pass the resolution of amendment only then the charter can be amended.<sup>9</sup> The refusal of one permanent member for amendment will dismiss the resolution at that stage. The permanent members of Security Council are not interested to make any fundamental change in the charter because they don't want to change the original character of the

---

<sup>7</sup> Sonu Trivedi, *A Handbook of International Organisation*, Atlantic Publisher, New Delhi, 2005. Available at <https://librarysearch.nirmauni.ac.in/cgi-bin/koha/opac-detail.pl?biblionumber=81422%20thumbnail-shelfbrowser> (Visited on May 27, 2021)

<sup>8</sup> Kennedy, Paul (2007). *The parliament of man: The past, present and future of the United Nations*. USA: Penguin Books. Available at [https://www.dissentmagazine.org/wp-content/files\\_mf/1389818655d7jenkins.pdf](https://www.dissentmagazine.org/wp-content/files_mf/1389818655d7jenkins.pdf) (Visited on May 27, 2021)

<sup>9</sup> Krishna, Chilukri (2011). *India's place in the World*. New Mumbai: Leadstart Publishing Pvt Ltd. Available at <https://www.bookganga.com/R/2AA7C> (Visited on May 27, 2021)

charter.<sup>10</sup> The change in original charter will change the power structure and they don't want to lose the immense power which is provided to them through special power of Veto. They want to maintain the status quo position to retain their absolute power structure but now the dissent voices are being raised to change this power structure in changed world scenario. The most of the nations have raised their voice to liberalise and democratise the amendment process of the charter of the United Nations. They had the opinion that present amendment process had made this world organisation dysfunctional and it has remained as puppet in the hands of five permanent members and it is need of the hour to make basic change in the amendment process to make this organisation more relevant and effective to maintain world peace and prosperity.<sup>11</sup>

Another serious concern about the democratisation of the United Nations is to break the hegemony of five permanent members of Security Council. The United Nations Organisation came into existence with fifty one primary members in General Assembly and six temporary and five permanent members in Security Council. The number of temporary members in Security Council was raised from six to ten by first amendment resolution in 1965 but no change has been made for permanent members. Five nations got permanent membership in 1945 when the total number of UN was fifty one. After seven decades the number of members of United Nations has increased from 51 to 193 but still the strength of permanent members of Security Council is five and these five members still enjoy the absolute powers of UN. The nations have started to raise the issue of restructuring of Security Council.<sup>12</sup> The World has been witnessing the fundamental changes in character of international power structure. Many powerful and strong nations lost their past glory and many new power centres have emerged in changed international scenario.<sup>13</sup> The traditional politico-strategic centric character of world power structure has lost its relevance with

---

<sup>10</sup> Vesselin Popovski, (2015). Reforming and innovating the United Nations Security Council, Commission on Global Security, Justice & Governance, The Hague Institute for Global Justice. Available at [https://www.stimson.org/wp-content/files/Commission\\_BP\\_Popovski1.pdf](https://www.stimson.org/wp-content/files/Commission_BP_Popovski1.pdf) (Visited on May 27, 2021)

<sup>11</sup> Klaus Hufner Ed, *Agenda for Change: New Tasks for United Nations*, Springer Fachmedien, Wiesbaden, Germany Available at <http://www.jetir.org/papers/JETIR1812C58.pdf> (Visited on May 27, 2021)

<sup>12</sup> Zhiquan, Zhu (2014), Globalization, development and security in Asia. Foreign Policy and Security in an Asian Century: Threats, Strategies, Policy Choices, 1. World Scientific. Available at [https://www.worldscientific.com/doi/pdf/10.1142/9789814566582\\_fmatter01?download=true](https://www.worldscientific.com/doi/pdf/10.1142/9789814566582_fmatter01?download=true) (Visited on May 27, 2021)

<sup>13</sup> Yadav, Manish Kumar (2014). India's quest for United Nations Security Council permanent seat with special reference to its peace keeping credentials. Global Journal of Political Science. 2 (1) Available at <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=2833120> (Visited on May 27, 2021)

collapse of Soviet Union and communist ideology. Present world power structure is determined by economic forces and new economic centres have emerged on world scene but still the power of United Nations is stick to traditional five nations. Need of the hour is to democratise the Security Council according to present power structure. Two alternates are suggested to democratise the Security Council, the first is that there should be no permanent members. All members should come through elections for specific period and second alternate is that new power centres should be given place in Security Council and its strength should be increased to make this most powerful organ of United Nations.<sup>14</sup>

Another serious concern about the democratisation of UN is to bring functional change in Security Council by expanding its jurisdiction to make it more effective and powerful to execute its decisions. It is executive of the United Nation and has to execute the decisions taken by both General Assembly and itself but it has appropriate force to execute the decisions and got failed at various important junctures. It couldn't stop various wars due to the lack of executing force. The one of the major suggestion to overcome this flaw is that it should be strengthened by providing compulsory jurisdiction where it can execute its decisions and should be bindings on all states but it is possible if the present orthodox power structure be amended and its membership and base should be broadened. There should be collective conscience in executing its decisions. The most valued question is how to strengthen the jurisdiction and can make it mandatory for all nations. The one of the most serious suggestion is that there should be a permanent army for United Nations because it has to depend on member nations for the deployment of forces where it needs. There are several instances when member nations refused to provide security personnel and it couldn't execute its decisions. So United Nations should recruits its permanent force which will work only for United Nations and to maintain world peace. United Nations not only should recruit its permanent army but also should recruit permanent and civil and administrative staff which will function under the control of it. Sometimes the secretarial staffs which are deputed from various states do favour for their respective nationalities and it lowers the stature of United

---

<sup>14</sup> David. J. Whittaker, *United Nations in Contemporary World*, Routledge Publishers, New Delhi, 2017. Available at <https://www.routledge.com/United-Nations-in-the-Contemporary-World/Whittaker/p/book/9780415153171> (Visited on May 27, 2021)

Nations.<sup>15</sup>

One more serious concern about the democratisation of United Nations is the procedure and tenure of the election of Secretary General. According to the draft of UN, the Secretary General is elected for five years and has right to be re-elected. Secretary General can play a biased role to get the support of members to for re-election. It is the most vital and important office of the world and has to play a crucial role during the crisis period. He is the first statesman of the world and represents the entire world and if this office is biased then very purpose of UN is beaten. So scholars from the various states suggested that the tenure of the office of Secretary General should be increased and should be banned for re-election so that the office may function without any greed or lust for re- election. Dr. Kurt Waldheim, the fourth Secretary General wanted to re-elect on this office for third tenure and Soviet Union had to use veto for 18 times to stop him to re-elect. This create unnecessary stalemate in the organisation.<sup>16</sup>

Every organisation has to adopt and change itself to remain relevant in changing scenario and UNO is largest international organisation of the world which came into existence from more than seven decades. The whole world has changed during this period but no fundamental change was broughtto make this organisation more effective and relevant. So it is the proper time rethink and reviews this organisation.<sup>17</sup>



---

<sup>15</sup> Hanhimaki, Jussi, M. (2008). The United Nations: A very short introduction. New York: Oxford University Press. Available at <https://www.routledge.com/United-Nations-in-the-Contemporary-World/Whittaker/p/book/9780415153171> (Visited on May 27, 2021)

<sup>16</sup> Abdulrahim, Walid. The United Nations Available at <https://sites.google.com/site/walidabdulrahim/home/my-thinksaboutinenglish/21-the-job-of-the-joined-countries-in-keeping-up-universal-peace-and-security> (Visited on May 27, 2021)

<sup>17</sup> Failure' of the League of Nations and the Beginnings of the UN, online Available at [https://catalogue.pearsoned.ca/assets/hip/us/hip\\_us\\_pearsonhighered/samp-lechapter/1408237660.pdf](https://catalogue.pearsoned.ca/assets/hip/us/hip_us_pearsonhighered/samp-lechapter/1408237660.pdf) (Visited on May 27, 2021)