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## UNITED NATIONS : REPEATING THE HISTORY OF THE LEAGUE OF NATIONS ?

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### INTRODUCTION

After facing the horrific consequences of the second world war, the world understood the need of a body which is above all nations and which never allows world peace and order to be kept at stake. United Nations, more explicitly a re-modification of League Nations, was founded in 1945 by 51 countries whose main goal was to maintain international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights for everyone barring their nationality, caste, religion, sex, etc. Since it was believed that the absence of the two power blocks in the League of Nations, USA and USSR, led to its failure, people took a breath of relief after seeing their active participation in the United Nations. But who knew that this mask of membership of the united nations was actually worn to achieve their personal endeavours.

Taking a step further from the League of Nations, an international character was built, by the powers vested in its founding Charter of the United Nations. With the mutual agreement of the participating nations, the structure and the scope of the united nations was designed in such a manner that it could take actions on a wide range of issues, and provide a forum for its 193 Member States to express their views on the same. Furthermore

through the creation of the General Assembly, the Security Council, the Economic and Social Council and other bodies and committees, it was ensured that the needs and the views of every nation must be heard in order to reach a conclusive decision to solve the global issues.

The League of Nations was also founded on similar grounds but it never stood up to its ideals and goals because Pacifism was widely prevalent. Since the two largest members of the organization, Britain and France, never thought of resolving the global issues, rather they were very reluctant to resort to sanctions and military actions in order to bring their own countries back on their feet. The international relations of member countries always conflicted with the League's requirements for collective security and collaboration, failing the basic unity of the organization.

The United Nations undoubtedly plays an important role in our world and serves an important source of International law. Since its formation, the primary goal has been to serve as a beacon of international peace and security in all ways. Though several treaties and conventions have been signed and entered into, the organization has recently experienced a huge number of institutional, political, and several other issues within its major organs such as the General Assembly, International Court of Justice, and, most importantly, the Security Council. Even after releasing such global issues and areas of concern, The United Nations has miserably failed in addressing and resolving this wide range of contemporary political conflicts, civil wars, and humanitarian crises that have erupted ever since its formation. Furthermore, the problems that have grown due to issues rising among the third world



countries, these issues have become more severe and overwhelming, threatening its integrity, objectivity, and objectivity. Lets analyze various issues and crises where the united nations has failed terribly and has given a strong glimpse of the fate of the league nations.

### **RUSSIA UKRAIN CRISIS**

One of the main causes of stress in the region as well as the entire world continues to be the situation between Russia and Ukraine, which since 2014 has occasionally devolved into an armed confrontation. The possibility of including Ukraine in NATO has been on the table lately, raising the danger of armed conflict and war. With the political crisis that erupted in Ukraine in early 2014, the era of Russian-Western relations that had started with the fall of the Berlin Wall in 1989 came to an end. The crisis marks the conclusion of a time in those relations that was mainly amicable and even included a failed attempt by Russia to ingratiate itself with or into the West on its own terms. With the start of the 21<sup>st</sup> century the Ukraine crisis has ushered in a new era of intensified competition, if not outright conflict, between former Cold War foes.<sup>1</sup>

After twenty-five years of half-hearted attempts on both sides to forge a mutually beneficial relationship, ties between Russia and the West have taken a sudden turn. During Mikhail Gorbachev's final two years in government, the Soviet Union initially sought a "single European home" and shared

global leadership with the United States.<sup>2</sup> Instead of absorbing Russia into its own international system of institutions, the West tried to help it develop domestic political, economic, and social institutions that would bring it closer to the West in terms of quality. The West has supported projects to introduce democratic and market principles to Russia in the hopes that it will soon join a global, open society. Before its domestic debt default in 1998, it has already been receiving life support from the International Monetary Fund for six years. The Russian government employed Western advisors at various levels, particularly in its economic branch.<sup>3</sup>

### **CASE CONCERNING MILITARY AND PARAMILITARY ACTIVITIES IN AND AGAINST NICARAGUA, 1986.**

The case centred on military activities carried either directly or indirectly with the assistance of the United States in the Republic of Nicaragua. Given the worldwide importance, the International Court of Justice had no choice but to interfere. The court released a 142-page ruling covering 291 points of the verdict after conducting a careful study of the matter and hearing both sides. The International Court of Justice decided that the United States breached a number of international treaties and customary international rules. Considering the United States of America's gross violations of Article 2 of the UN Charter, Articles 18 and 20 of the Charter of the Organization of American States, and Article

<sup>1</sup>The term "Ukraine crisis" is used here to refer to the international relations phe- nomenon, which is also described as a "crisis over Ukraine." This is in contrast to the term "Ukrainian crisis," which is centered on the domestic developments in that country.

<sup>2</sup> Council of Europe, "The Common European Home," speech by Mikhail Gorbachev, July 6, 1989,

[www.coe.int/aboutcoe/index.asp?page=nosInvites&p=gorbachev](http://www.coe.int/aboutcoe/index.asp?page=nosInvites&p=gorbachev).

<sup>3</sup> Trenin, D. (2014). *The Ukraine crisis and the resumption of great-power rivalry* (pp. 1-38). Moscow: Carnegie Moscow Center.



8 of the Convention on the Rights and Duties of States, the court ordered them to stop supporting the Contras and immediately cease their intervention in the territorial matter of the Republic of Nicaragua. According to many experts, state practise is more important than opinion juris, and opinion juris is only regarded when the state practise is established beyond reasonable question. Strongly backing this opinion the court issued a landmark judgment which went against common practice and belief, striking a huge blow on the United States government.

In the course of issuing this verdict, the ICJ violated all of the constraints imposed on it and paid no attention to the diplomatic pressure applied to it as a result of the United States' global dominance. The court's ability to overcome pressure to deliver an unbiased judgement was seen as a major success that established a stable foundation for strong international law, but it was far from a triumph. The actions of the United States of America following the ICJ's decision demonstrate the limitations of international law, since they refused to pay any type of compensation to Nicaragua and repudiated its claim of obligatory jurisdiction.

By a letter dated 17 October 1986, the representative of the republic of Nicaragua addressed to the President of the Security Council, a request for emergency meeting of the Council, in accordance with the provisions of Article 94 of the Charter, to consider the "non-compliance" by the United States with the Judgment of the International Court. The representative of the United States, while stating that the acceptance of the jurisdiction of the Court was a matter of consent and it was not something that happened as a function of membership in the

United Nations pursuant to the Charter or the Statute of the International Court of Justice, further noted that the United States did not accept the proposition that they had consented to the jurisdiction of the Court in the case brought by Nicaragua.

The US delegate emphasized that the draft resolution did not address the core concerns underlying the dispute. It made no mention of Nicaragua's involvement in the current crisis in the area. Following these arguments the US vetoed Nicaragua's plea to the United Nations Security Council. On January 18, 1985, the United States announced that it will not engage in any future hearings in this lawsuit. This failure of implementation of the judgment highlights the weakness and inability of the United Nations to bend its member nations to its decisions leading to pacifism.

### **PRIORITIZING THE AMERICAN INTERESTS**

Since the absence of USA in the league of nations led to its failure, for more than 35 years since the formation of United Nations, America has ensured that its policy align with those of the United States to support the United Nations through participating in multilateral policy making, by favouring and furthering institutional growth of different organs of the United Nations. 22 percent of the financial funds to the United Nations is provided through America to help them conduct special activities and programs. Rivalry between superpowers, the nuclear spectre frustrating attempts to disarmament, racial, ethnic, and class conflicts leading to volatile political issues are all part of U.N. affairs. During the 1950s, much U.N. rhetoric was anti-Communist as Western Europe, Latin America, and much of the rest of the



membership echoed Washington's themes.<sup>4</sup> Since the workings of the United Nations weaves around the resources and cooperation of the USA, it is very disheartening to know that the negotiators often defer to the United States' preference. To suffice this argument let's look upon several instances where America has actively caused hindrance in the workings of the United Nation in order to get its interests served.

- Security Council resolutions are frequently amended to gain US acceptance, for example when Iraq had to compromise on the 1981 resolution protesting Israel's air attack on the Iraqi nuclear plant.<sup>5</sup>
- A similar incident occurred in 1981, when the Security Council issued a condolence resolution for three Nigerian troops murdered while serving with the United Nations in Lebanon. The American government wanted that the resolution not call out Israel for criticism, and strong opposition from other Security Council members eventually yielded to the American stance.<sup>6</sup> Whenever any judgment goes against the favour of the United states they often use their veto power to bend the United Nations into taking steps into their interests.
- The agreement on an International Development Strategy (IDS) for the U.N. the Third Development Decade did not act as a separate agreement but it was

merely a bargained compromise that was signed to pacify and please the American preferences for free trade and open market. It was the American idea that agriculture should become a central target of development.<sup>7</sup>

- The U.N. Code for Restrictive Business Practices was rather made a binding code in order to adhere to the American preferences, and work on the Code of Conduct for Transnational Corporations revolved around the demands and advice of the American firms which the U.S. government could easily accept.
- Along with such binding codes several concessions were offered to the United States in 1982 on various controversial aspects of the draft treaty of the Law of the Sea in order to serve the interests of the Americans and give them a disguised authority over those international laws which would favour their national interests.

Looking at the peacekeeping aspect of the United Nations, these missions have been the fundamental goals to deter renewed violence, gain time for negotiation, and discourage external, particularly superpower, action that could expand into larger battles. The United States has supported each of the peacekeeping missions, and the outcomes of these missions have largely backed up the American position. Though America has been providing all kinds of aid and

<sup>4</sup> Thomas Hovet Jr., *Bloc Politics in the United Nations* (Cambridge: Harvard University Press, 1960), *passim.*; Hayward R. Alker, Jr. and Bruce M. Russett, *World Politics in the General Assembly* (New Haven, Conn.: Yale University Press, 1965), pp. 50-54, 70-80.

<sup>5</sup> Resolution 487 (1981); see also *Issues Before the 36th General Assembly of the United Nations* (New York: United Nations Association of the United

States, 1981), pp. 18-19; *New York Times*, 20 June 1981, pp. 1, 4-5.

<sup>6</sup> Dorothy Rabinowitz, "Reagan's 'Heroine' at the U.N.," *New York Magazine* 20 July 1981, p. 38.

<sup>7</sup> United Nations, Department of Public Information, *International Development Strategy For the Third United Nations Development Decade* (New York: United Nations, 1981).



cooperation to the United Nations and has also been one of the founding fathers of this organization, it is not justified that the US intervenes and bends the United Nations to serve its personal interests. The purpose of the United Nations was to form a body which will be governed by the international law which is above all nations. Prioritizing America as and when hinders the working of the united nations to a great extent hence leading to biased decisions. It seems as if it is not the United Nations which is above all but the US. This is a big failure of the United Nations questioning and threatening the integrity of its actions.

### TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

Sixteen years after the atomic bombing of Japan, a United Nations resolution supported by the UN Security Council called for a convention to prevent the spread of nuclear weapons. The Nuclear Non-Proliferation Treaty is a landmark international treaty which was Opened for signature in 1968, and the Treaty finally entered into force in 1970. A total of 191 States have joined the Treaty ever since , including the five nuclear-weapon States.<sup>8</sup> Looking at the nuclear threats that arose during the cold war era which could lead to another massive war, the reason behind signing the treaty was to prevent the spread of nuclear weapons and technology, to promote cooperation in the peaceful uses of nuclear energy, and to advance the goal of nuclear and general and complete disarmament. Till date a lot

initiatives have been taken by the United Nations to balance out this nuclear tension but due to lack of participation from its member nations ever since makes this the Treaty the only multilateral treaty that has a legally enforceable commitment by nuclear-weapon states to the objective of disarmament.

The increased tension arousing out of the nuclear growth of the power blocks was always a matter of concern after seeing the horrors to the nuclear bombing of Hiroshima and Nagasaki by the United States of America, leading to thousands of deaths, mass destruction and permanent damage into the genes of the future generation. Despite the fact that the NPT's primary goal was total nuclear disarmament, the construction of "regional nuclear weapon-free zones" was not a prerequisite. Fortunately, the Tlatelolco Treaty (Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean) was taken into account when drafting the conditions of this treaty. Article VII was drafted to create regional nuclear-weapon-free zones in anticipation of this loophole.

Article VII : *“Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.”*

Though so many active steps and agreements have been taken into consideration, the NPT over the years has miserably failed in fulfilling its primary goal of avoiding the spread of nuclear weapons in a number of

<sup>8</sup> United Nations. (n.d.). *Treaty on the non-proliferation of nuclear weapons (NPT) – UNODA*.

United Nations. Retrieved from <https://www.un.org/disarmament/wmd/nuclear/npt/>





countries. Many of the nuclear active countries like India, Pakistan and Israel are among those who have not signed the NPT and have continued to possess nuclear weapons.<sup>9</sup> Even though North Korea is the only country that signed the NPT, its sudden withdrawal from NPT resulted in the proliferation of nuclear weapons. the United States which has been a strong supporter of this treaty attempted but failed to halt those countries. Despite being a de facto ally of the United States, Israel also acquired nuclear weapons in the 1960s looking at the threats imposed by the border nations.

Through the International Atomic Energy Agency which is an international organization that seeks to promote the peaceful use of nuclear energy, and to inhibit its use for any military purpose, including nuclear weapons, an additional protocol was initiated which allowed its inspectors to evaluate a broader variety of locations and use procedures such as soil sampling for minute radio isotopic particles. Even after issuing this extra protocol it wasn't ratified by important countries of concern such as Iran, Brazil, Argentina, Egypt, Saudi Arabia, Israel, and Pakistan, despite the fact that it has previously been ratified by more than 130 countries failing the core purpose of this protocol. Even those countries ratified this, several loopholes in the same fail its basic purpose. For example, by procuring sufficient amounts of high-enriched uranium (HEU) or high-grade plutonium, designing bombs and missiles .

In order to create Nuclear Weapon free zones, NPT called for a Conference resolution

<sup>9</sup>NTI's Richard Johnson testifies before Congress on Strengthening the NPT, The Nuclear Threat Initiative (2022),

called for "the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical, and biological, as well as their delivery systems." Despite its high level of nuclear activity, Israel is not bound by the resolution because it is not a signatory to the NPT. Despite this, Israel has supported UN General Assembly resolutions calling for a nuclear-free Middle East. Another key disadvantage was that, because no country could be forced to join nuclear-free zones, many Middle Eastern governments placed their own reasons over overall security. These significant flaws demonstrate that, despite the fact that the Nuclear Non-Proliferation Treaty (NPT) was signed by 190 nations, all five superpowers possess nuclear weapons, putting them above all other nations. Despite the NPT and Partial Test Ban Treaty countries like North Korea, Israel, Pakistan, and India have developed nuclear weapons. Since the member nations of this treaty are not being treated equally, the UN has miserably failed to enforce regulations on offending nations.

### THE AFGHANISTAN WAR (2001-2014)

Following the 2001 attacks, the United States invaded Afghanistan after the Taliban administration refused to hand up terrorist leader Osama bin Laden. The civil war situation that arose in Afghanistan forced the Taliban leadership to lose control over the country and flee to southern Afghanistan and Pakistan. When the U.S.-led coalition formally decided to bring an end to its combat mission in 2014, the ANDSF conferred upon it to look after the security of Afghanistan. The Taliban did not resist and continued its

<https://www.nti.org/newsroom/news/ntis-richard-johnson-testifies-congress-strengthening-npt/> (last visited Jan 18, 2023).



expansionist movement in several provinces of Afghanistan, including provincial capitals. After seizing the capital of Farah Province the terrorist group captured the capital of Ghazni Province.

This conflict finally found its fate after a year of direct negotiations, the US administration and the Taliban signed a peace agreement in February 2020 that established a timeframe for the departure of US soldiers from Afghanistan. According to the deal, the US agreed to reduce its forces to around 8,500 within 135 days and to execute a full removal of American soldiers within fourteen months. In exchange, the Taliban promised not to allow terrorist groups to exploit areas under its control and to enter into dialogue with the Afghan government. However, no official cease-fire was declared.

Though this conflict came to an end the UN Human Rights Council miserably failed the Afghan people in establishing an impartial body to monitor ongoing crimes under international law as well as human rights violations and abuses. A special session of UNHRC was called upon where , the Afghanistan Independent Human Rights Commission, the UN High Commissioner for Human Rights, the UN Special Procedures and a host of other civil society speakers demanded for the creation of a robust investigative mechanism. Even during an interview with Agnès Callamard, Amnesty International's Secretary General she explicitly said, "The UN Human Rights Council special session has failed to deliver a credible response to the escalating human rights crisis in Afghanistan. Member states have ignored clear and consistent calls by civil society and UN actors for a robust monitoring mechanism."

The minimum amount of expectation from the United Nations was that it was supposed to be bound by an obligation to the people of Afghanistan in the post-World War II era. They had an implied ownership when they took pledge for maintaining global peace and protecting human rights, to those people to shield them from the horrors of war. They had a responsibility to keep Afghanistan from becoming a pawn in the hands of superpowers prone who supposedly carried out their own political conflicts. They had a responsibility to protect the human rights of Afghan men and women and to allow the country to choose its own path as a member of the international community. Instead, the UN has remained powerless throughout this process which lead to this huge disaster.

The UN Security Council has failed to obtain assurances on democracy, human rights (women, girls, minorities), and willingness to combat terrorism. One should never forget that the sole reason behind this conflict was the 9/11 terror attacks in the United States that prompted an unanimous UN resolution and US bombing in Afghanistan. Twenty years after the UN Special Session, the Taliban is back in power, Al Qaeda and other groups are still active, and there is a very real danger of a gender crisis, a humanitarian crisis, and a refugee crisis developing. One of the reasons why the UN failed in avoiding this turmoil could be that the international sanctions regime requires a fundamental change in its core. The current United Nations Security Council Consolidated List, which includes Taliban and Al Qaeda officials, has become a satirical joke on the fundamentals of the United Nations, with Pakistan flagrantly violating nearly every rule.



## PACIFYING THE PERMANENT FIVE

It has been observed throughout so many decades that when the aggressor is any member from the permanent five of the United Nations Security Council, the United Nations often fails to keep the global peace interests at stake. Looking at Russia's assault against Ukraine, it reveals the UN Security Council's remarkable inability to fulfill its basic role to protect world peace and security. When Iraq invaded Kuwait in 1990, the Security Council acted quickly, passing Resolution 678, authorizing the use of "all necessary means" to stop the attack and restore peace. Iraq not being a permanent member and a power block, the United Nation did what was the right thing to do. But things aren't the same now. The peace was shattered by one of the Security Council's permanent members, who have the ability to abuse their privileges and treat this body with contempt. Vladimir Putin proclaiming the commencement of Russia's "special military operation" while the Security Council was meeting in emergency session, shows the audacity of the permanent five to disobey the United Nations when they feel to do so.

Looking at the recent covid outbreak in China, WHO failed miserably to see the problem coming and failed to stop the spread of the virus costing lives globally. The United Nations was supposed to hold China responsible for this outbreak under Article 1 of the International Law Commission's 2001 Responsibility of States for Internationally Wrongful Acts. The political environment in China, which emphasizes social stability and control of information and speech through

the CCP's comprehensive leadership, was the reason why people failed to understand this virus at the initial state. UN systems repeatedly failed to ensure equitable distribution of vaccines, or even for instance holding the western powers for the US for failing to share them, or even committing to the WTO appeal. 4 million people have been declared dead now and their is high ratio of more variants of the virus, and till date the United Nations has not been able to hold anyone responsible for this biological crisis. According to a report of the International Labor Organization (ILO) 93 percent of the world's workers at the time were living under some form of workplace restrictions as a result of the global pandemic, and that 8.8 percent of global working hours were lost in 2020 relative to the fourth quarter of 2019, an amount equivalent to 255 million full-time jobs. The ILO calculated that the loss in working hours was made up of (1) unemployed workers who were actively seeking work, (2) employed workers who had their working hours shortened, and (3) unemployed workers who were not actively seeking work.<sup>10</sup>

The Security Council's main goal is to maintain international peace and security, yet the veto power conferred upon the big 5 makes it impossible for the United Nations to act independently. By utilizing its veto power, the P-5 states ultimately choose which conflicts become actionable risks to world peace and security. Unsurprisingly, since the Council's formation, these states have pushed their national interests ahead of the global interests failing the United Nations at key instances. For example, during Venezuela's

<sup>10</sup> CRS reports - congress, ,  
<https://crsreports.congress.gov/> (last visited Jan 18, 2023).





political and humanitarian catastrophe, the UK, US, and France presented a resolution declaring the Venezuelan election fraudulent and demanding for new elections. Russia and China sponsored a resolution criticizing foreign meddling in the electoral process and encouraging dialogue in Venezuela. Both resolutions failed, causing the delivery of crucial aid to be delayed.

### CONCLUSION

The United Nations was the outcome of the failure of the League of Nations and but over several years it has been perceived through numerous conflicts that under the mask of international peace and security, it is repeating the history of the league of nations. But the failure of the United Nations cannot be attributed to a single source. Many crucial factors like the lack of strong and charismatic leadership, as well as mismanagement, weak core and inefficiency in respect to codifying new laws and bring out solutions. One of the very core reason of its failure could be the lack of moral clarity on the world stage for example the refusal to challenge the totalitarian governments, as well as a quick desire to appease tyrants and dictators. All these factors have led to a loss of trust in the United Nations capacity to defend even its own Universal Charter of Human Rights and safeguarding people's rights seems to be a long lost task.

The misunderstanding created due to the constitutional goals and the political realities has converted the United Nations and has changed its core changing into a complete different organisation. It is a sad reflection that this massive aggregation of nations has led to these unforeseeable breakout of conflicts and, worse, has been unable to live up to its Charter.

The reason why the League of Nations was disbanded was due to its utter inability to avoid conflicts. When the League of Nations was dissolved, the UN's primary task was characterised as developing a long-term peace and security approach capable of addressing anticipated tensions and strains that would rise globally as a result of disputes between people with disparate interests.

Looking at the global problems and the aggressive attitude of many powerful nations, a war or a conflict is inevitable but what the United Nations could do is that it should pay more attention to the provisions in Chapter VI of the Charter that require a dispute to be ended peacefully through fast development of all feasible solutions. The main drawback over here it that the UN relies on Chapter VII, whose emphasis on peace enforcement, including the use of force, has dampened the positive forces for peace, which ultimately leads to a situation of war shaking the global peace at large.

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