

Role of Uno in the Present Scenario: A Critical Analysis

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Abstract

After the return of arm forces of the U.S.A and ally countries from Afghanistan, the establishment of the Taliban government created a humanitarian crisis there. The security situation in Ukraine deteriorated rapidly following the launch of a Russian Federation military offensive on 24 February 2022. The armed violence escalated in at least eight oblasts (regions), including Kyivska oblast and the capital city of Kyiv, as well as in the eastern oblasts Donetsk and Luhansk which were already affected by conflict. It is the moral duty of the international fraternity to recover from this crisis. To control this crisis whatever is required should be done, through which the people of that place can live their life safely, peacefully, and with human dignity. This human crisis in Afghanistan is not a new thing. History is witness to this type of endless and brutal incidents which affected the progress of its political, sociological, cultural, and economic areas.

Keywords: UNO, Afghanistan Crisis, Ukraine-Russia War, Human Rights

The Reaction of UNO to the Afghanistan Crisis

On the Afghanistan crisis, many countries reacted, CHINA AND Pakistan, etc countries are happy with the establishment of a new Taliban Gov, while the U.S.A., UK, France India, UNO, and other human Rights Organizations worried about peace and violation of human rights in present governance. On one side some world countries were waiting for positive decisive action by UNO on the other hand every person including laymen to intellectual, media, and human rights organizations was asking questions about the role of UNO. i.e. where is UNO in this humanitarian crisis? There was criticism of UNO everywhere. The statement of UNO's secretary on this crisis shows his weakness as a result he was appealing rather than taking action. He said in his statements that, " we could not leave the Afghani people, and should not be left".

There should be a clear vision of the international community for whom wants war-grab power forcefully is a sign of your weak aim, I want to appeal to the Taliban to stop the violence immediately and should talk about the welfare of Afghanistan people.

If the Taliban government did not listen to America and their ally's government for 20 years then why will he care about UNO Secretary? To understand the matter why did not UNO take strict action against the Taliban and make an appeal again and again? It is also necessary to understand that what is the root cause of his appeal. It is necessary to understand that UNO is not a sovereign state, organization or agency in itself. So it cannot make an independent decision. In these types of matters, it depends on five permanent members of UNO (U.S.A., ENGLAND, FRANCE, RUSSIA, and CHINA). If Russia and China are not interested to take action against the Taliban then UNO will be incapable of this human crisis in

Afghanistan. There is a structural deformity in its root. It depends on powerful countries for everything such as financial funds or a peaceful army.

Why UNO is silent on Afghan Crisis and Ukraine-Russia war?

To understand the reason for UNO in both above matters first of all we should know what are the provisions under the UN Charter to deal with such matters. According to the United Nations Charter, Chapter VI:

Pacific Settlement of Disputes

Article 33

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute or any situation which might lead to international friction or give rise to a dispute, to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice under the provisions of the Statute of the Court.

Article 37

Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

If the Security Council deems that the continuance of the dispute is likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute. United Nations Charter, Chapter VII:

Action concerning Threats to the Peace, Breaches of the Peace, and Acts of Aggression**Article 39**

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken under Articles 41 and 42, to maintain or restore international peace and security.

Article 40

To prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockades, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

All Members of the United Nations, to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and by with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for maintaining international peace and security.

Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and the general location, and the nature of the facilities and assistance to be provided.

The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states under their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

To enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

There shall be an established Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council concerning a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect

the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in to maintain or restore international peace and security.¹

Relevancy of UNO

As the Russia-Ukraine war continues and the Taliban Government violating human rights in Afghanistan the UN has been widely criticized for its seeming helplessness in preventing and stopping the conflict. Yet, the UN has not been inert. Guterres and also the UN's key intergovernmental institutions, some influential and powerful UN member-states, and stakeholders that the UN convenes and influences (such because the private sector, civil society, academia, and media) have indeed tried to be proactive in confronting Russia on its war in Ukraine. This has, however, been more within the direction of diplomatically isolating, and naming and shaming Russia to enhance the Western sanctions against it, instead of cajoling or engaging it before or during the war. Whether that moves the needle toward constructive diplomacy and peace or irretrievably pushes Russia on a path of no return from the escalation of conflict, including a nuclear one, is the critical question. It's also important to contemplate whether this undermines or strengthens the UN's credentials as a neutral mediator and peacemaker.

When the "guardian of peace" UNO fails its basic function to make peace at the world level so what is its relevancy in the present scenario? The neutral reaction of UNO in the nineties cold war then Afghanistan and now the Ukraine and Russia war make a threat that UNO's future would not be like a league of nations. UNO is an institution for establishing peace and safety worldwide, which provides an opportunity for all countries to collectively resolve any dispute. The Security Council takes two-tier action always. Whereas one method is to resolve a dispute with the help of mutual agreement or conciliation to resolve any dispute of native countries' other hand's collective regression in case of attack or war. Due to the influence of powerful countries, he is silent on matters of Afghanistan and Ukraine. So he is criticized globally.

Indeed, Guterres has made several unequivocal statements on Russia's culpability since Moscow recognized the breakaway republics of Donetsk and Luhansk on 21 February 2022. And then began its war with Ukraine on 24 February. "We are seeing Russian military operations inside the sovereign territory of Ukraine on a scale that Europe has not seen in decades. This unilateral military offensive is against all principles of the UN Charter, wrong, unacceptable but not irreversible."²

Apart from the public statements, Guterres has also been in contact with several countries—including China, France, Germany, India, Israel, and Turkey—on mediation efforts to end the war. However, so far, neither he nor the UN has been a part of the several rounds of peace talks between Russia and Ukraine, nor the mediation efforts by other UN member-states.³

The unprecedented direct military action by a P5 country in a neighbouring country has laid renewed focus on UNSC reform. The status quo powers now might be more open to reviewing the UNSC's composition and expansion, and may even be willing to consider regulating the use of the veto. There also seems to be a realization in the West about the merits of increasing the membership of the UNSC -both permanent and non-permanent, to enlarge its circle of influence within and to carry more weight globally. The war has also highlighted the power and importance of the UNGA as a more representative moral suasion body on

¹ (<https://www.un.org/en/about-us/un-charter/chapter-7ity>.)

² António Guterres, "Statement by the Secretary-General" (speech, February 24, 2022), United Nations.)

³ António Guterres, "Secretary-General's remarks to the Press on the war in Ukraine")

peace and security matters, relative to the paralyzed UNSC, where a veto is exercised to block all action when any P5 member chooses to do so.

While it is unlikely that veto power will be given up, ways of adding more accountability for its usage are being considered through a resolution that was passed in the UNGA on 26 April. Notably, three P5 countries—the US, the UK, and France—supported it. The resolution mandates a meeting of the UNGA whenever a veto is cast in the UNSC, the ‘Veto Initiative’. While this may be a meaningful step to empower the UNGA and strengthen multilateralism, it will not negate the veto power of the P5.

There is also talk of expelling Russia from the UNSC and the UN, both of which are impossible. Under Article 6 of the UN Charter, a member that persistently violates the principles of the Charter can be expelled from the UN if the UNGA votes by a two-thirds majority on the recommendation of the UNSC. But the UNSC vote is subject to the Russian veto. No state has ever been expelled from the UN and Russia cannot be expelled from the UNSC either as there is no such provision in the Charter. Ukraine has asked whether it was legal for Russia to take over the erstwhile Soviet Union's seat when it collapsed in 1991, but this tack is difficult to take after 30 years. Moreover, expelling Russia will only enhance the value of China's veto power, which the West will not want.

Understanding India's Stance

There has been much debate about India's stance in the UN on the Ukraine war and its persistent abstention from voting on resolutions that condemn Russia and seek its isolation and suspension from UN bodies. Critics have asked how India, with its strong convictions and belief in the UN Charter and its principle of upholding territorial integrity and sovereignty of states, refrained from calling out the Russian invasion of Ukraine and maintained neutrality.

India seems to have abstained on reasons of both substance and process, which it explained in each case. In India's view, the resolutions became a highly political exercise not to propel the two parties towards diplomacy and peace but to castigate Russia, which only pushed it irreversibly into continuing the war until it can declare victory. India has taken a principled stand by consistently condemning the war itself and the devastation and suffering it has caused. It has expressed strong support for the principles of inviolability of sovereignty, territorial integrity, and the peaceful settlement of disputes as it firmly believes that this is integral to a global order anchored in international law and the UN Charter.

From India's perspective, successive UNGA resolutions on Ukraine, which have been used with retaliatory intent and the politicization of the issue of human rights, do not advance these principles. Moreover, India's call for the cessation of hostilities and urgent humanitarian assistance is not fully reflected in the resolutions.

An Opportunity for Reinvention

The UN holds immense value. Despite its structural constraints, it is still serving the four projects of humanity as best as it can through norm-setting, knowledge, and best practice hubs, advocacy and movement building, and lighthouse programs on the ground.

It has undertaken more than 70 peacekeeping operations, 12 of which are ongoing. Not only has the UN helped 59 million refugees, but its mandates and convening power in every area of the public good have also had a beneficial impact. It has done invaluable service on gender equality and has propelled sustainable development, including climate change action through the Millennium Development Goals, Sustainable Development Goals, and climate change treaties.

Nevertheless, the UN faces unprecedented existential challenges. It is wracked by multipolar, if not bipolar, great-power contestation and divides. The international world order and major power relations are experiencing tectonic shifts that are rocking the UN system. As confrontations stew in the Indo-Pacific and in Old Europe, the post-war model of great power relations is being recalibrated. The battle lines are also being drawn between the Western democracies and the 'authoritarian models' of China and Russia. The UN is expected to be a supranational arbiter, but the contending parties do not trust it. This 'epic churning' of the international order must not go to waste, and this opportunity for creative destruction should be seized. The UN must reform not only because the alternative is to perish but for the sake of peace, prosperity, and the sustainability of humankind.

This is an opportunity for India as well. India was emerging from the chrysalis of colonialism when UN 1.0 was fashioned in 1945 according to the compact and design of the P5 member states. Today, when that compact is shattered, India is well placed to take some leadership in the effort to mobilize member states around convening, under Articles 108 and 109, a conference to review and reinvent the UN's mandate in the light of new realities and old ideals.

It is certainly time to go back to the drawing board. The redrawing must include UNSC expansion, democratization and reform, guaranteeing impartiality, technical excellence, the independence of the UN Secretariat from institutional capture by any bloc or countries, enhanced crisis response capacity, and financial viability and stability. At a time when the concepts of state sovereignty are transforming under the shape-shifting effects of Technology 4.0 and the new media, the world needs a reimagined 'concert of nations' and revitalized institutions for global governance and crisis response.

Conclusion

When the "Custodian of Peace" is incapable to make peace in the world which is its basic function then its relevancy is in question. A few days ago Cold War and after that many incidents and now the Afghan and Ukraine-Russia wars. Hibernated nature of UNO makes an assumption that its future would not be like the League of Nations. United Nations is an organization which provides a forum to all states to resolve their disputes to maintain peace and security at the international level. For resolving disputes Security Council take action on two levels- the first is the negotiation and the second a collective action in the war condition. But in the Afghanistan crisis, UNO could not play a major role because of the five permanent members. Therefore, it is criticized globally.

In reality, five permanent members of UNO are responsible for Afgan and Ukraine-Russia crisis. Because UNO functioned according to the will of these five. So there is first need to reform the structure of the Security Council. There are five permanent members from a very long time. There is a big difference between that time and the present scenario. Now powers are distributed and a global system is multi-polarized. Many states play an important role and new states came forward. In this condition, the stability of UNO became its weakness. It is the right time to improve the Security Council.