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The United Nations in Crisis: Structural Limitations, Systemic Failures, and the Need for Reforms in the Contemporary International Law

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ABSTRACT

The United Nations (UN) was established in 1945 with the primary objective of maintaining international peace and security. However, eight decades later, the organization finds itself increasingly unable to fulfil its foundational mandate. This research critically examines the structural, legal, and political limitations that have contributed to the UN's recurrent failure in responding to major conflicts and humanitarian crises. Beginning with the historical context of its formation and the legacy of the League of Nations, the paper analyses key successes of UN peacebuilding missions in Cambodia, Namibia, and El Salvador, followed by an extensive evaluation of institutional failures in Rwanda, Srebrenica, Syria, Ukraine, Palestine, and Myanmar. Through a doctrinal and comparative study of regional models such as the European Union and the African Union, the research highlights alternative frameworks of governance that have emerged in response to UN paralysis.

The research additionally evaluates the structural bottlenecks of the UN, including, (a) veto diplomacy, (b) lack of enforcement capacity, (c) political selectivity, and (d) financial dependency, and examines contemporary reform proposals such as Security Council expansion, veto regulation, legal accountability frameworks, and reform of funding streams. It then analyses India's status as a leading promoter of "reformed multilateralism," as an illustrative Global South perspective on changing the structure of institutional arrangement. It concludes that while the UN is necessary as a universal platform for legitimacy, it will only sustain its credibility through meaningful structural, functional, and normative reform, else, it runs the risk to become symbolic and scriptural rather than the functional guardian of international peace.

Keywords: International Law, United Nations, Crisis, Security Council

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I. INTRODUCTION

World War II, which began in 1939, concluded in 1945. In May 1945, the instrument of surrender was signed by Nazi Germany on 7 May 1945 in Reims, France² and it was ratified on 8 May 1945, by the Allies and Germany. This marked the end of the war in Europe, and this day is also known as Victory Day in Europe.

However, the war was still brewing, and even after Germany's surrender, Japan continued to resist. Alongside the ongoing conflict, tensions between the US and the USSR were beginning to rise, each seeking to establish global supremacy. The US dropped two atomic bombs in an attempt to force Japan to surrender, as it wanted to avoid a full-fledged invasion. The impact of the bombs was disastrous, leading to the deaths of an estimated 140,000 people in Hiroshima and a further 74,000 in Nagasaki. A significant portion of the child population was also wiped out. In addition to the loss of human life, the attacks had severe environmental ramifications, with temperatures reportedly rising up to **4,000°C** and acid rains pouring in on the region.³ Following the atomic bombings of Hiroshima and Nagasaki, Japan was compelled to surrender. An instrument of surrender was signed on 2 September 1945, aboard the USS Missouri in Tokyo Bay.⁴ This signing of the treaty marked the official end of World War II globally.

After the end of World War II, countries realised that it would not be prudent to engage in global conflicts of such magnitude, which caused immense loss of life and property and harmed the economic interests and welfare of the general populace. As a result, the world was compelled to initiate the formation of a global system that would play a pivotal role in dispute resolution and help mitigate conflicts, a system that would replace the failed League of Nations, established after World War I. Hence, at the end of the global war, representatives of 50 countries gathered at the United Nations Conference on International Organisation in San Francisco, California, from 25 April to 26 June 1945 and on 24 October 1945, the United Nations officially came into existence with the ratification of its Charter by the required number of member states.⁵

The establishment of the United Nations marked a historic attempt to institutionalise global peace and security through diplomacy, cooperation, and international law. However, in the

² Act of Military Surrender; 5/7/1945; Instruments of German Surrender, 5/4/1945 - 5/10/1945; Records of the U.S. Joint Chiefs of Staff, Record Group 218; National Archives at College Park, College Park, MD.

³ *Hiroshima and Nagasaki Bombings, Int'l Campaign to Abolish Nuclear Weapons*, https://www.icanw.org/hiroshima_and_nagasaki_bombings (last visited July 27, 2025).

⁴ Instrument of Surrender; September 2, 1945; Records of the U.S. Joint Chiefs of Staff; Record Group 218; National Archives.

⁵ *History of the United Nations, U.N.*, <https://www.un.org/en/about-us/history-of-the-un> (last visited July 27, 2025).

decades that followed, the organisation has faced numerous challenges that raise serious questions about its effectiveness, neutrality, and adaptability in the face of evolving global crises. This paper examines the origins, structure, successes, and failures of the UN, and ultimately explores whether it still serves the purpose for which it was created, or whether it too is now in crisis.

II. BACKGROUND, LEGAL FRAMEWORK AND INSTITUTIONAL DESIGN

The end of World War I led to the establishment of the League of Nations, marking the initial step toward the development of a global governance structure. It was established as a part of the Treaty of Versailles. It is worth noting that, although the establishment of the League was a visionary step in international law, it ultimately failed to achieve its objectives. The failure can be attributed to several key issues that the League faced. Firstly, there were fundamental structural inadequacies related to the enforcement mechanism; there was no army or police force that could compel member states to comply with the decisions or sanctions imposed by the League, which were recommendatory in nature.⁶

Secondly, there were both political and legal deficiencies. As stated earlier, there was a lack of an enforcement mechanism. Furthermore, the League was in no legal position to coerce the states to submit to its dispute resolution jurisdiction, as it was a voluntary jurisdiction. This further weakened the organisation's credibility. In addition, the structure of the League was made more rigid by the requirement of unanimity; most of the decisions required the state's unanimous consent, which resulted in delayed decision-making which hampered the functioning of the league and was proven insufficient to deter the expansionist policies of the states, which eventually led to World War II.

Third, the world powers at the time, such as the United States and the USSR, pulled out of the League, making it powerless. Although President Wilson advocated for the League vigorously, America took a back seat in its operations. Consequently, European colonial nations took over the League, leading to constant favouritism against non-European nations. The Eurocentric nature created many discrimination issues and inequalities.⁷ Sir Alfred Zimmern accurately explains the conundrum of the League, "... *The League of Nations was never intended to be, nor is it, a revolutionary organisation. On the contrary, it accepts the world of states as it finds it and merely seeks to provide a more satisfactory means for carrying on some of the business*

⁶ Covenant of the League of Nations arts. 12–16, Yale L. Sch., Avalon Project, https://avalon.law.yale.edu/20th_century/leagcov.asp (last visited July 27, 2025).

⁷ Quincy Wright, *The Strengthening of International Law*, 34 *Am. J. Int'l L.* 248 (1940), <https://www.jstor.org/stable/24771445>.

which these states trans act between one another. It is not even revolutionary in the more limited sense of revolutionising the methods for carrying on interstate business. It does not supersede the older methods. It merely supplements them.”⁸ The League was officially dissolved in 1946, and its functions were subsequently transferred to its successor organisation, namely the United Nations.

The United Nations' legal basis is embedded in the UN Charter, an international treaty that is legally binding on all member states. The Charter provides a comprehensive organisational framework for the maintenance of international peace and security, as well as cooperation and respect for international law. Of its main organs, the Security Council, the International Court of Justice (ICJ), and the General Assembly play key roles in meeting these ends. The shortcomings of the League were mostly redressed by way of the United Nations Charter; this can be understood by analysing few important provisions of the Charter. The Preamble of the Charter, declares that the peoples of the United Nations are determined *"to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained."* In its statement of purposes and principles, the Charter provides that the adjustment or settlement of international disputes or situations which might lead to a breach of the peace shall be made *"in conformity with the principles of justice and international law."* A special feature of the Charter is that it is an independent instrument, unconnected with the treaties which are in process of being made for settling the political and economic issues of World War II⁹

Article 1 describes the main functions of the United Nations, i.e. “to ensure international peace and security, to promote friendly relations between nations, securing international cooperation, and enhance respect for human rights.”¹⁰ The Article 2 further sets the basic principles like sovereign equality of all the members, peaceful settlement of disputes, and prohibition against the use of force against the territorial integrity or political independence of any state.¹¹ One of the major drawbacks of the League was the lack of an enforcement mechanism, this lacunae was redressed by the United Nations by the establishment of the Security Council and empowering it to maintain international peace and security. It is the most authoritative organ of the United Nations, and it is authorised to recognise a threat to peace or an act of aggression.¹² The Charter even goes to the extent of allowing the Council to take military action, if necessary,

⁸ Alfred Zimmern, *The League of Nations and the Rule of Law* 4 (London, 1936).

⁹ Leland M. Goodrich, *From League of Nations to United Nations*, 1 *Int'l Org.* 3, 3–21 (Feb. 1947), <https://www.jstor.org/stable/2703515>.

¹⁰ U.N. Charter art. 1.

¹¹ U.N. Charter art. 2.

¹² U.N. Charter arts. 24, 39.

to re-establish peace and security in a region.¹³ The Security Council comprises 15 members, including the five permanent members (P5), which are the United States, the United Kingdom, France, Russia, and China, and ten non-permanent members, who are elected for a two-year term. The Resolutions passed under Chapter VII¹⁴ are legally binding on all member states. Yet, the Council's resolutions tend to be criticised by the Veto Power, which is granted only to the P5 countries under Article 27(3)¹⁵. The provision permits any of the five permanent members to veto material resolutions despite majority backing. The repeated use and misuse of such a veto power have rendered the Council dysfunctional during times of serious crises, such as the current ones in Syria and Ukraine, as well as the recent matter of Palestine.

The judicial organ of the United Nations, i.e. the International Court of Justice (ICJ, or "World Court," is the main judicial organ of the UN, created under Chapter XIV¹⁶ of the Charter and is regulated by its own Statute.¹⁷ "The *Dumbarton Oaks Proposals* provided that an International Court of Justice should be the principal judicial organ of the United Nations and that the Statute of the Court should be either the Statute of the present Permanent Court of International Justice or a new statute in the preparation of which the present Statute should be used as a basis. The latter alternative was finally adopted at San Francisco"¹⁸. Located in the Hague, the ICJ resolves legal disputes among states and provides advisory opinions on legal matters submitted by authorized international organs and agencies.¹⁹ While it advocates for peaceful settlement of disputes, its jurisdiction is *consent based* i.e. States must be willing to submit to the jurisdiction of the Court, and a significant lacuna in the ICJ's functioning lies in the fact that its decisions are not directly enforceable. This often renders the Court ineffective in situations involving powerful nations or politically sensitive disputes. This phenomenon is well illustrated by a recent case in which the Republic of South Africa brought a genocide claim against the State of Israel before the International Court of Justice. Citing warnings about "catastrophic conditions"²⁰ in Gaza, the court ordered Israel on 26 January 2024, to "take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian aid," and to report back on its compliance to the specific measures "within one month."²¹

¹³ U.N. Charter art. 42.

¹⁴ U.N. Charter ch. VII, arts. 39–51.

¹⁵ U.N. Charter art. 27, ¶ 3.

¹⁶ U.N. Charter ch. XIV, arts. 92–96.

¹⁷ Statute of the Int'l Court of Justice, art. 38(1), <https://www.icj-cij.org/statute> (last visited July 27, 2025).

¹⁸ George A. Finch, *The United Nations Charter*, 39 *Am. J. Int'l L.* 541 (1945), <https://www.jstor.org/stable/2193532>.

¹⁹ Statute of the Int'l Court of Justice ch. IV, arts. 65–68, <https://www.icj-cij.org/statute> (last visited July 27, 2025).

²⁰ Human Rights Watch, *Israel Not Complying with World Court Order in Genocide Case*, HRW (Feb. 26, 2024), <https://www.hrw.org/news/2024/02/26/israel-not-complying-world-court-order-genocide-case>.

²¹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S.

Finally, the General Assembly is the principal representative and deliberative organ of the UN, where each of the 193 member states enjoys equal voting power based on the “*One State, One Vote*” formula. Even though its resolutions lack binding force, they are still very influential on matters such as sustainable development, human rights, environmental rights, health concerns, and decolonisation. Under Article 10²² the UNGA can discuss any issue within the scope of the Charter and make recommendations accordingly to the members or even the Security Council if the need arises. The Charter of the United Nations can be amended by a two-thirds majority of the members voting. In periods of deadlock in the Security Council by way of veto, the General Assembly has also invoked the ‘*Uniting for Peace*’ resolution²³ to recommend collective measures as happened in the Korean War and more recently in the Ukraine Conflict. While the UN was conceived with a balance of power and democracy, its institutional setup in recent times better reflects the inequalities of the post-World War II era. The veto system disproportionately favours the P5 nations, which further leads to a geopolitical bias toward underdeveloped regions, such as Africa, and rising countries, including India, the most populous country on the globe. Leaving the most populous country bereft of a permanent voice in the Security Council and the absence of the willingness to accept structural reforms have further hindered the organisation from evolving in response to the ever-changing dynamics of the 21st century. Nevertheless, amidst these structural and political limitations, the UN has also achieved certain accomplishments that affirm the organisation is still relevant in the broader international context.

III. SUCCESSES OF THE UNITED NATIONS

The international order has undergone a radical shift from the period of closed economies to globalisation, and currently, with the return of right-wing nationalism and increased scepticism regarding multilateralism, the globe seems to be changing once again. These shifting imperatives have led to increased demands for a new conceptualisation of global governance. It is at this point that it becomes absolutely necessary to critically evaluate how effectively the United Nations has achieved its original objectives of maintaining world peace, advancing human rights, and promoting international cooperation.

The areas where the United Nations has worked effectively can be narrowed down, most notably, by considering the work done in the field of Peacekeeping operations, with special

Afr. v. Isr.), Provisional Measures, Order of Jan. 26, 2024, I.C.J. Rep., <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>.

²² U.N. Charter art. 10.

²³ G.A. Res. 377 (V), *Uniting for Peace*, U.N. Doc. A/RES/377(V) A (Nov. 3, 1950).

reference to the interventions in Cambodia, Namibia, and El Salvador, as well as its strategic role during the Cold War period. Not only this, but also the UN and its instrumentalities, such as the World Health Organisation (WHO), have been successful in advancing global health, especially during crisis periods, including the eradication of smallpox, the Ebola outbreak, and the more recent COVID-19 outbreak. These initiatives further underscore the UN's capacity to exert a profound and far-reaching influence on global affairs.

A. Cambodian Crisis

During the 1980s, the United Nations played a pivotal role in restoring law and order in Cambodia, a nation ravaged by years of brutal civil war and political instability. Through a comprehensive peacekeeping mandate, the UN facilitated the transition to civil governance and laid the foundation for lasting peace and democratic rule. The Paris Agreement of 1991 cleared the path for the creation of the United Nations Transitional Authority in Cambodia (UNTAC) pursuant to Security Council Resolution 745 (1992).²⁴ UNTAC enjoyed one of the broadest mandates in the UN history including not only peacekeeping but also restoring civilian administration, human rights monitoring, election management, and military demobilization.

In February 1992, the UNSC formally mandated the establishment of the UNTAC, calling for national elections in May 1993 under the terms of the Paris Peace Agreements. UNTAC was to be a large multidimensional mission with 15,000-20,000 staff, comprising of civil administrators, human rights officers, military and some 3,600 police monitors. The operation officially commenced on 15th March 1992 with the arrival of the Secretary-General's Special Representative in Phnom Penh, and soon thereafter with the arrival of the first military contingents. By early May, some 4,000 UN personnel, including the majority of the military forces, had been deployed. UNTAC was vested with powers of control over key functions of state i.e. foreign affairs, defence and public security so that a peaceful transition to democratic rule would be ensured. Also, with UNHCR supervision, almost 360,000 refugees and displaced individuals were repatriated successfully. The UNTAC had over 21,000 civilian and military staff from more than 100 countries at its highest point.²⁵

B. United Nations Operation in Namibia

Another notable achievement attributed to the United Nations is that it was successful in negotiating a settlement and a ceasefire between South African forces and South West Africa

²⁴ United Nations Security Council, Resolution 745, UN Doc. S/RES/745 (28 February 1992).

²⁵ United Nations Transitional Authority in Cambodia, Peacekeeping, United Nations, <https://peacekeeping.un.org/mission/past/untacbackgr1.html> (last visited July 27, 2025).

People's Organization (SWAPO). Namibia had been in the South African control since World War I and as a result of the efforts taken by the UN the Security Council Resolution 435 (1978)²⁶ was passed as a result the United Nations Transition Assistance Group (UNTAG) was formed which was sent in 1989. UNTAG was responsible for monitoring the ceasefire between South African forces and SWAPO, observing the electoral process, and ensuring the withdrawal of South African troops. The mission was able to achieve a peaceful transition despite the occurrence of many challenges, such as incidents of violence and late adherence by South African troops. Elections which were conducted in the November 1989 were largely free and fair, resulting in Namibia gaining independence on 21st March, 1990. The success of UNTAG was mainly due to careful planning, good leadership, and solid diplomatic support from the great powers.²⁷

C. Cold-War Era

The United Nations played a key role during the Cold War era; tensions were at an all-time high, but the UN was successful in preventing a worldwide conflict like the World Wars, which was the main aim of the organisation. This is succinctly explained by Peter Nadin in following words:

“However, the Cold War demonstrated the value of the Security Council as a diplomatic instrument. The parties to the Cold War never ceased talking to each other. Indeed, the Council allowed for moments of cooperation – most notably the end to the Iran-Iraq War in 1988. The UN was intended to save subsequent generations from a third-world war. The organisation can be credited for contributing to a more stable post-war environment. None of great powers have engaged in open armed confrontation. For the most part, the UN system – both political and economic – has tied the great and small powers into a system of inter dependence, which contributes to diminishing the likelihood of conflict. original purpose as the forum for mitigating great power tensions and preventing large-scale military confrontation between them”²⁸

²⁶ S.C. Res. 435, U.N. Doc. S/RES/435 (Sept. 29, 1978).

²⁷ S.C. Res. 435, U.N. Doc. S/RES/435 (Sept. 29, 1978), establishing the United Nations Transition Assistance Group (UNTAG) in Namibia and calling for UN-supervised elections and withdrawal of South African administration.

²⁸ Peter Nadin, *The United Nations: A History of Success and Failure*, 90 *Australian Q.* 11 (Oct.–Dec. 2019), <https://www.jstor.org/stable/10.2307/26773344>.

Not only this but also the United Nations Peacekeeping Force in Cyprus (UNFICYP) established in 1964, helped contain the conflict between Greek and Turkish Cypriots, preventing further escalation despite political deadlock.²⁹

D. United Nations' Role in Public Health

When discussing the achievements of the United Nations, it is essential to highlight the efforts of the World Health Organisation (WHO), an important agency of the United Nations that has spearheaded many of the biggest global public health campaigns, must be put in the forefront. One of its notable achievements was in eradicating smallpox, a programme which was initiated in the year 1967 and declared a success in 1980. The monumental task involved mass vaccination campaigns, intense surveillance of the disease, and record cooperation between developed and developing countries. A more recent example is the WHO's crucial role during the COVID-19 crisis. On 30th January 2020³⁰, the WHO declared the outbreak a public health emergency of international concern, and subsequently a global pandemic. As the world grappled with lockdowns and economic paralysis, with over 701,704 deaths³¹ attributed to the virus and related complications, the WHO stepped in to issue vital public health and safety guidelines. It also had a fundamental role in authorizing vaccines and making them available especially in the low-income and underdeveloped countries, coordinating an international response to an unprecedented health crisis. Similarly, when Africa faced the deadly Ebola-Marburg virus outbreak, the WHO was instrumental in supporting local healthcare systems and response teams to contain the spread.³² These efforts collectively highlight the organization's indispensable role in managing global health crises.

E. United Nations and Decolonisation

Furthermore, the United Nations has played an instrumental role in the process of decolonisation. The principles spelt out under Chapter XI³³, specifically Articles 73³⁴ and 74³⁵, member states administering non-self-governing territories were required to recognize the rights of the inhabitants and to promote their political, economic, social, and educational

²⁹ United Nations Peacekeeping, *United Nations Peacekeeping Force in Cyprus (UNFICYP)*, <https://peacekeeping.un.org/en/mission/unficy> (last visited July 29, 2025).

³⁰ World Health Organization, *The True Death Toll of COVID-19: Estimating Global Excess Mortality*, <https://www.who.int/data/stories/the-true-death-toll-of-covid-19-estimating-global-excess-mortality> (last visited July 29, 2025).

³¹ *Ibid.*

³² World Health Organization, *Ebola Virus Disease (Fact Sheet)*, <https://www.who.int/news-room/fact-sheets/detail/ebola-virus-disease> (last visited July 29, 2025).

³³ U.N. Charter ch. XI.

³⁴ U.N. Charter art. 73.

³⁵ U.N. Charter art. 74.

development. The Trusteeship Council, which was created under Chapter XIII³⁶ of the UN Charter, was the principal institutional tool for overseeing the administration of trust territories and their advancement toward independence or self-government. More than 80 former colonies became independent under the auspices of the UN, making this period a major milestone in the decline of colonial empires and the development of self-determination. Even though the Trusteeship Council officially ceased functioning in 1994 with the independence of Palau, its legacy still influences international norms regarding sovereignty and human rights. This achievement is one of the UN's most revolutionary contributions to contemporary international law.³⁷

To conclude, we may infer that the United Nations has proved successful in realms ranging from peacekeeping, public health, and decolonisation. From missions in Cambodia and Namibia, WHO campaigns against smallpox, COVID-19 and Ebola and its efforts under Chapter XI. However, these achievements though notable, are constantly overshadowed by moments of severe inaction, system paralysis and the lack of willingness to adapt the changes as per the changing world order. The growing disparity of power among member states, the misuse of veto diplomacy, and the lack of political will to respond decisively to ongoing global conflicts have significantly eroded the credibility of the UN. These deep-rooted issues raise a pressing question, has the UN become a toothless entity? This situation compels a critical reassessment of the organization's framework, opening the door to a much-needed discourse on whether the time has come for comprehensive procedural, structural, and legal reforms to restore the UN's relevance, legitimacy, and authority in the international order.

IV. THE FAILURES OF THE UNITED NATIONS

When it comes to looking at the failures of the United Nations, the list is not exhaustive and is of an inclusive nature to which additions are being done even today. Despite its foundational promise of maintaining international peace and security, the United Nations has often failed to prevent or effectively respond to some of the gravest atrocities of the modern era. From the genocide in Rwanda to the humanitarian catastrophe in Srebrenica, the ongoing crises in Syria, Palestine, and Myanmar, and the recent conflicts in Ukraine and Gaza, the limitations of the UN's mechanisms particularly the Security Council have been laid bare. These failures raise fundamental concerns about the efficacy, neutrality, and structure of the organization in addressing complex and politically sensitive global conflicts which at times has led to

³⁶ U.N. Charter ch. XIII.

³⁷ *Trusteeship Council*, United Nations, <https://www.un.org/en/about-us/trusteeship-council> (last visited July 29, 2025).

catastrophic consequences thereby undermining its very aim of maintaining international peace and security.

A. The Rwandan Genocide (1994)

The most egregious failure of the United Nations was during the 1994 Rwandan genocide, where nearly 800,000 Tutsis and moderate Hutus were massacred in just 100 days.³⁸ Despite early warning signs and the presence of the United Nations Assistance Mission for Rwanda (UNAMIR),³⁹ the Security Council failed to strengthen the mission's mandate or provide adequate support. In his report regarding UNAMIR, Secretary-General Boutros Boutros-Ghali's successor, Kofi Annan, stated that "*there was a persistent lack of political will by [UN] Member States to act, or to act with enough assertiveness*"⁴⁰ the leadership later accepted that the international community practically did nothing to stop the bloodshed. The reluctance of the P5 members to intervene, left Rwanda effectively helpless. Not only this but also the United Nations Security Council deliberately avoided using the term "*Genocide*" in its Resolution 918 which further undermined the urgency of the situation.⁴¹ In addition, intelligence assistance was never formalised as a component of UNAMIR's operation structure, and main limitations were enshrined in Resolutions 872⁴² and 918⁴³, severely limiting the capacity of the mission, following the murder of 27 peacekeepers, the Security Council instructed a reduction of the strength of the mission, further indicating disengagement at a decisive point.⁴⁴ Some States did try to engage in intelligence efforts, but these were neither coordinated nor enough to contain the violence. The case of Rwanda proves that political apathy, lack of political will to bring a change and rigid institutional structures are a few of the major reasons that further the argument that the United Nations is a failed organisation.

B. Srebrenica Massacre (1995)

In Bosnia and Herzegovina, the United Nations had designated Srebrenica a "*safe area*" vide

³⁸ Josh Ratsch, *A United Failure: The Failure of the United Nations, United States, and Global Community in Preventing and Responding to the 1994 Rwandan Genocide* 41 (2022) (Honors Thesis, Murray State Univ.), <https://digitalcommons.murraystate.edu/honorsthesis/148>.

³⁹ United Nations, *Historical Background – Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations*, <https://www.un.org/en/preventgenocide/rwanda/historical-background.shtml> (last visited Aug. 5, 2025).

⁴⁰ Ingvar Carlsson, Sung-Joo Han, Rufus M. Kupolati & Kofi A. Annan, *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda*, U.N. Doc. S/1999/1257 (Dec. 16, 1999), https://www.un.org/en/ga/search/view_doc.asp?symbol=S/1999/1257.

⁴¹ S.C. Res. 918, U.N. Doc. S/RES/918 (May 17, 1994).

⁴² S.C. Res. 872, U.N. SCOR, 48th Sess., U.N. Doc. S/RES/872 (Oct. 5, 1993).

⁴³ S.C. Res. 918, U.N. SCOR, 49th Sess., U.N. Doc. S/RES/918 (May 17, 1994).

⁴⁴ Mahmood Monshipouri, *The United Nations and Genocide: Prevention, Intervention, and Prosecution*, 8 J. Int'l Aff. & Global Strat. 9 (2020), <https://www.jstor.org/stable/10.2307/27087731>.

UN Security Council Resolution 819⁴⁵ and these areas were to be protected by a contingent of the UN peacekeepers. However, in July 1995, more than 8,000 Bosniak Muslim men (Bosnian Muslims) and boys were massacred by Bosnian Serb forces as the peacekeepers kept watching, and more than 20,000 civilians were expelled from the area.⁴⁶ The incident was subsequently adjudged as genocide by international tribunals, and it revealed the ineffectiveness of peacekeeping forces without strong support.

C. The Syrian Crisis and Failure to Counter Terrorism

The Syrian Civil War began in the year 2011. This conflict has claimed more than 5,00,000 lives while displacing millions, which eventually led to a refugee crisis. More than 7 million children in Syria require humanitarian assistance, and more than 6 million children are in urgent need of protection services, as there have been serious child rights violations that have been reported there.⁴⁷ Despite significant evidence signalling towards war crimes, including the use of chemical weapons, the United Nations has failed to enforce peace in Syria. Resolutions calling for peace in Syria had been vetoed by countries that favoured their own situation. Even today, the situation remains dire in Syria. After the fall of Bashar al-Assad to the rebel groups and after he fled to Russia, the minorities still remain in constant fear.⁴⁸

The case of Syria proves that veto diplomacy has crippled the UN's ability to respond to humanitarian crises. The organisation's structure is such that it allows the P-5 countries to dominate their geopolitical interests over the collective well-being of the other countries.

D. The Rohingya Crisis

In 2017, the military of Myanmar started carrying out brutal operations against the minority Rohingya Muslims with mass killings, sexual violence, and forced displacement. More than 700,000 refugees fled to Bangladesh, while the UN remained largely ineffective. Though it labelled the actions "ethnic cleansing," the organisation did not pass any binding resolutions because of China's threat of vetoing them.

Investigative missions by the UN Human Rights Council confirmed that crimes against humanity had taken place, but none of the anticipated significant international interventions

⁴⁵ United Nations, *About the 1995 Genocide in Srebrenica – International Day of Reflection and Commemoration of the Srebrenica Genocide*, <https://www.un.org/en/observances/srebrenica-genocide-commemoration-day/about> (last visited Aug. 5, 2025).

⁴⁶ **Holocaust Museum Houston**, *Genocide in Bosnia Guide*, <https://hnh.org/library/research/genocide-in-bosnia-guide/> (last visited Aug. 5, 2025).

⁴⁷ *Syrian Crisis*, UNICEF, <https://www.unicef.org/emergencies/syrian-crisis> (last visited Aug. 5, 2025).

⁴⁸ *'Killed because they are Alawites': Fear among Syria's minorities after the fall of Assad*, BBC News, <https://www.bbc.com/news/articles/crwx1zp3213o> (last visited Nov. 12, 2025).

materialised. The paralysis of the Security Council underlined again its inability to act when geopolitical interests outweigh humanitarian obligations. Very recently, Myanmar once again faced a political crisis when the military took over the political regime, and the democratically elected government was ousted. Yet, the silence of the UN was deafening, and its role was limited to publishing news articles and providing superficial figures.⁴⁹

E. The Israel – Palestine Conflict

One of the most serious conflicts that has claimed the lives of countless innocent people, including women and children, is the Israel-Palestine conflict. The United Nations has consistently failed to secure a lasting resolution of peace and even to enforce its own mandates. The 2023-24 escalation completely exposed the failure of the UN and its institutional limits. The hostilities began on 7 October 2023 when the entire Israel was celebrating the Nova Music festival, terrorists backed by Hamas entered Israel and killed at least 364 Israeli citizens, and took 251 Israeli citizens as hostages.⁵⁰ Since then, it is estimated that more than 65,000 civilians have faced traumatic injury deaths in Gaza. It is even reported that the actual number of deaths might be substantially higher than the official tallies reported. A study concluded that the official reporting of traumatic deaths was underestimated by **41%**.⁵¹

Conditions were just as desperate, according to documentation by UN human rights and humanitarian bodies. The Office of the High Commissioner for Human Rights' six-month update, covering the period from 1 November 2023 to 30 April 2024, reported tens of thousands of Palestinian deaths, tens of thousands injured, and emphasised the catastrophic collapse of basic services across Gaza.⁵² Humanitarian actors recorded massive internal displacement, with hundreds of thousands to over a million people displaced at different points during hostilities, and widespread damage to health infrastructure, water and sanitation systems, and shelter.⁵³ Such conditions contributed not only to direct traumatic deaths but also to substantial excess mortality because of indirect causes such as lack of care, infectious disease, and malnutrition.⁵⁴

⁴⁹ *The UN chief warns South Sudanese leaders that time is running out to deliver peace*, UN News (May 12, 2025), <https://news.un.org/en/story/2025/05/1163706> (last visited Nov. 12, 2025).

⁵⁰ Human Rights Watch, *"I Can't Erase All the Blood from My Mind": Palestinian Armed Groups' October 7 Assault on Israel* (July 17 2024), <https://www.hrw.org/report/2024/07/17/i-cant-erase-all-the-blood-from-my-mind/palestinian-armed-groups-october-7> (last visited Nov. 12, 2025).

⁵¹ Zeina Jamaluddine et al., *Traumatic injury mortality in the Gaza Strip from 7 Oct. 2023 to 30 June 2024*, *Lancet* (2025), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)02678-3](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)02678-3) (last visited Nov. 12, 2025).

⁵² Off. of the High Comm'r for Hum. Rts., *Six-month update report on the human rights situation in Gaza: 1 Nov. 2023–30 Apr. 2024* (Nov. 6, 2024), <https://www.ohchr.org/sites/default/files/documents/countries/opt/20241106-Gaza-Update-Report-OPT.pdf> (last visited Nov. 12, 2025).

⁵³ United Nations Off. for the Coordination of Humanitarian Affairs (OCHA oPt), *Data on casualties*, <https://www.ochaopt.org/data/casualties> (last visited Nov. 12, 2025).

⁵⁴ UN Relief and Works Agency for Palestine Refugees (UNRWA), *Situation Report*, e.g., Situation Report No. 177 (27 June 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-177-situation-gaza-strip->

The International Court of Justice (ICJ) finally intervened and, while acting on South Africa's application under the Genocide Convention vide order dated 26 January 2024, instructed Israel to halt all the operations in Gaza while ensuring humanitarian access and to preserve the evidence.⁵⁵ The ICJ's orders underscored the seriousness of the legal allegations arising from the Gaza conflict and highlighted the urgent need for compliance with international humanitarian and human rights law. However, it is important to note that the Security Council has collectively failed to adopt binding measures to curb the conflict. Even when there is near-unanimity among the Council members, one P5 dissent often prevents enforcement, leaving the General Assembly and independent judicial fora, such as the ICJ, as limited or symbolic avenues for redress. What has resulted is, a situation in which legal orders and moral condemnation run parallel to an operational incapacity to secure urgent, binding relief for civilians on the ground.⁵⁶

F. The Russia Ukraine Conflict: When a Permanent Member Becomes an Aggressor

Russia, in the year 2022 invaded Ukraine and the so called 'military operation' has still not ceased. The United Nations and all the influential countries have failed to secure an amicable settlement of this war. This conflict has once again exhibited the structural helplessness of the United Nations in situations where one of the permanent members of the Security Council itself is the aggressor. The so-called military action taken by Russia is a direct violation of Article 2 (4) of the United Nations Charter, which categorically prohibits "*the threat or use of force against the territorial integrity or political independence of any State.*"⁵⁷ Despite this clear breach, the Security Council was unable to adopt a resolution condemning the invasion or authorizing collective action, as Russia exercised its veto during the Council's emergency meeting held on 25 February 2022.⁵⁸

It was only on **24 February 2025**, the third anniversary of the invasion that the Council adopted Resolution 2774 (2025), its first substantive resolution on the conflict.⁵⁹ However, the resolution did not condemn Russia, did not invoke Chapter VII, and contained no enforcement

and-west-bank-including-east-jerusalem (last visited Nov. 12, 2025).

⁵⁵ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), *Provisional Measures*, Order of Jan. 26, 2024, I.C.J., <https://www.icj-cij.org/node/203447> (last visited Nov. 12, 2025).

⁵⁶ Reuters, *U.S. casts sixth veto at United Nations over war in Gaza*, Reuters (Sept. 18, 2025), <https://www.reuters.com/world/middle-east/us-vetoes-un-demand-ceasefire-aid-access-gaza-2025-09-18/> (last visited Nov. 12, 2025) (example of P5 veto practice).

⁵⁷ U.N. Charter art. 2, ¶ 4.

⁵⁸ S.C. Draft Res. S/2022/155 (Feb. 25, 2022) (vetoed by Russia).

⁵⁹ **S.C. Res. 2774**, U.N. Doc. S/RES/2774 (Feb. 24, 2025). See also Press Release, Security Council, **Security Council Adopts Resolution 2774 (2025) on Situation in Ukraine**, U.N. Press Release SC/16005 (Feb. 24, 2025), <https://press.un.org/en/2025/sc16005.doc.htm>.

mechanism. The fact that it passed only because Russia abstained rather than vetoed underscores the political fragility of Council action.

On the same day, the 11th Emergency Special Session of the General Assembly adopted Resolution Es-11/7, which reaffirmed Ukraine's sovereignty, territorial integrity, and the illegality of annexations.⁶⁰ Like previous resolutions, including ES-11/1 and ES-11/4 this vote carried overwhelming support but remained non-binding, highlighting again that General Assembly action cannot substitute for Security Council enforcement. These developments demonstrate the constitutional paradox within the UN system: when a permanent member is the aggressor, accountability becomes structurally impossible, and even the most severe breaches of the Charter go unpunished.

G. Inaction against Terror Sponsoring States

Another great failure of the United Nations lies in its reluctance to act against States which are notorious for sponsoring terrorist activities, most notably Pakistan. Despite decades of evidence implicating the role of Pakistani agencies in sponsoring cross-border terrorism, such as the 2008 Mumbai attacks, the 2016 Pathankot attacks, the 2019 Pulwama attacks, the case of Pakistan granting safe heaven to Osama Bin Laden the mastermind of the deadly 9/11 attacks on the US or the very recent 2025 Pahalgam attacks wherein Hindu pilgrims were killed by terrorists just because they didn't belong to their religion which eventually lead to India initiating Operation Sindoor against Pakistan. The UN has always hesitated to impose sanctions or even designate state-level accountability or whenever such attempts were made by India, those were blocked by China which is a great supporter of Pakistan.

Efforts to list individuals such as Masood Azhar, leader of Jaish-e-Mohammed, as a global terrorist were repeatedly blocked by China, a permanent member with close strategic ties to Pakistan. Although Azhar was finally sanctioned in 2019, this came after years of diplomatic deadlock. Ironically, more concrete action against terror financing has been taken by the Financial Action Task Force (FATF), an independent intergovernmental body than by the United Nations. This selective inaction undermines the UN's credibility as a guardian of global peace. What was worse was when Pakistan was elevated as the president of Security Council.

H. The Armenia – Azerbaijan Conflict

The renewed fighting over Nagorno-Karabakh between Armenia and Azerbaijan in 2020 and

⁶⁰ **G.A. Res. ES-11/7**, U.N. Doc. A/RES/ES-11/7 (Feb. 24, 2025). *See also* United Nations General Assembly, **11th Emergency Special Session (Resumption 20)** Voting Results, <https://www.un.org/en/ga/eleventh-emergency-special-session> (last visited 17, Nov. 2025).

2023 again highlighted the UN's diminishing role in modern conflicts. Despite thousands of civilian casualties and large-scale displacement, the UN's engagement was limited to humanitarian statements. No peacekeeping deployment or enforceable Security Council resolution followed. Mediation was instead led by Russia and regional blocs, sidelining the UN entirely.

This episode demonstrates a recurring pattern, the UN's gradual marginalization in regional conflicts where powerful states assert unilateral control, leaving the organization to issue symbolic condemnations without tangible outcomes.

V. POLITICAL AND LEGAL CRITIQUE OF THE UNITED NATIONS

The failures discussed in earlier chapters are not simply due to operational factors or lack of diplomacy. They stem from the core structural flaws of the UN itself. The UN system is constructed on a post-World War II power distribution and is still embedded with geopolitical hierarchies that reflect the political realities of 1945 rather than a multipolar world in the 21st century. This chapter will evaluate these systemic flaws, alongside the legal and political contradictions – that have made the organization increasingly incapable of meeting its main responsibilities of maintaining international peace and security.

A. Structural and Institutional Bottlenecks

Pursuant to Article 27(3)⁶¹ of the UN Charter, when the Security Council is discussing a matter of substance, decisions shall be made by an affirmative vote of the five permanent members of the Council: the United States, United Kingdom, France, Russia, and China. Although the veto was initially designed to protect and promote the cooperation of the major Allied powers and to avoid the collapse of the League of Nations, the veto has increasingly become a means for obstruction to allow a single state to block the collective will of the international community.

The numbers are demonstrative:

- **Russia** has cast at least **60 vetoes since 2011**, including **all draft resolutions condemning its invasion of Ukraine** since 2022.⁶²
- **The United States** has used its veto **14 times between 2020 and February 2024**, with **12 of those related to Israel–Palestine** issues.⁶³

⁶¹ U.N. Charter art. 27, ¶ 3.

⁶² United Nations Dag Hammarskjöld Library, *UN Security Council Meetings & Outcomes – Vetoes since 1946*, <https://research.un.org/en/docs/sc/quick> (last visited Nov. 17, 2025).

⁶³ Security Council Report, *The Veto: UN Security Council Working Methods*, <https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php> (Nov. 17, 2025).

- **China**, acting through its allies or alone, has **blocked key Security Council listings of Pakistan-based terrorist individuals or groups under the 1267 Committee**, thereby preventing effective sanctions.⁶⁴

Thus, the result is a system in which legality is subordinated to power: *when a permanent member of the Security Council is itself the aggressor or its ally is targeted, accountability becomes structurally impossible.*

B. Absence of Enforcement Mechanism

Even though Chapter VII of the UN Charter gives the Security Council the authority to employ sanctions and force,⁶⁵ the UN possesses no standing military force, nor any independent enforcement arm. It depends entirely on voluntary contributions, both financially and militarily from the member states.

This legal and institutional dependence has produced some of the UN's most infamous failures:

- **UNAMIR in Rwanda (1994)** lacked authority, troops, and equipment.
- **UNPROFOR in Srebrenica (1995)** could not prevent genocide inside a declared "safe area."
- **MINUSMA in Mali** and **UNMISS in South Sudan** regularly declare "inability to protect civilians" due to inadequate capabilities.

As the **Brahimi Report** observed, the UN has repeatedly deployed "missions where the resources did not match the mandates."⁶⁶

C. Political Apathy and Selective Multilateralism

The United Nations assumes that states will act together in the name of peace and justice. In practice, however, national interests will typically win out, especially when powerful states are involved. Historical patterns indicate a stark difference between times when the UN mobilised quickly and when it did not. In 1991, the UN authorized a multinational coalition to rapidly push Iraq out of Kuwait. By 1994, it took no meaningful action in the Rwandan genocide, just three years later. The Security Council used the Responsibility to Protect (R2P) norm to authorize the use of force in Libya in 2011. Still, by contrast, it didn't enact any binding enforcement measures in Syria, despite far greater casualties. In addition, while the UN has

⁶⁴ Al Jazeera, *How the US has used its veto power at the UN in support of Israel*, <https://www.aljazeera.com/news/2023/10/26/how-us-has-used-its-veto-power-at-the-un-in-support-of-israel> (Last visited: Nov. 17, 2025).

⁶⁵ U.N. Charter art. 39–51 (Chapter VII).

⁶⁶ U.N. Secretary-General, *Report of the Panel on United Nations Peace Operations* (Brahimi Report), U.N. Doc. A/55/305-S/2000/809 (Aug. 21, 2000).

enforced extensive sanctions regimes on Iran, it has not taken any similarly effective actions against North Korea's nuclear programme, Russia's violation of the UN Charter in Ukraine, or Israel and Myanmar's alleged violations of international humanitarian law. This selective multilateralism contextualizes the UN in a way that suggests it only acts when it doesn't upset a major power. This undermines the UN's credibility and legitimacy as an impartial steward of the international order.

D. Budgetary Dependence And Financial Limitations

The UN relies on a handful of states for its finances. As of 2024: The US contributes 22% of its regular budget, China is at 15% and Japan and Germany are at around 8 % respectively. Over 70% of the activities of the United Nations depend on these voluntary contributions.⁶⁷

This has created two issues:

1. **Policy dependence:** - The donor states heavily influence the agendas taken up by the UN.
2. **Operational Fragility:** - programs carried on by the UN collapse many a times when the funding is withdrawn.

The clearest example was the U.S. suspension of funds to **UNRWA**, which immediately crippled services for millions of Palestinian refugees.

VI. COMPARATIVE GLOBAL MECHANISMS

While the United Nations contends with institutional paralysis on matters of international conflict, regional organizations have moved into this conversational space supplementing or bypassing engagement in peace, governance, and collective security. Regional structures operate within a geographically limited political space, which allows them to be more cohesive internally and operate more efficaciously than the UN's more unwieldy and compromised political decision-making framework. Of existing regional organizations, the EU and AC are the most institutionalised, and thus, they offer two significant case studies to better understand alternative models of international governance. Each regional organization has a specific mandate (European Union, 2017, Article 25, Principle II and African Union, 2000, Articles 2, 3, & 133) and unique legal instruments and capacity for engagement around collective security that both positive and negative reflections on the potential for regional frameworks.

The European Union is the most advanced model of supranational regional integration in the

⁶⁷ United Nations, *Status of Contributions Report* (2024), <https://www.un.org/en/our-work/financial-information> (last visited Nov. 17, 2025).

world. Originating as an economic community following the Second World War, it has evolved into a political, legal, and security union in which states have voluntarily ceded certain aspects of sovereign authority. Unlike the United Nations, the EU possesses binding legal institutions, most notably the Court of Justice of the European Union (CJEU), whose decisions are enforceable upon member states. The EU has demonstrated its institutional capacity for peace operations through its Common Security and Defence Policy (CSDP) by deploying civilian and military missions in conflict settings in Bosnia, Mali, and the Horn of Africa, more than just through verbal support. In contrast to the UN General Assembly, the EU is able to impose sanctions without Security Council approval; its sanctions against Russia before and after the annexation of Crimea in 2014 and later as a result of the invasion of Ukraine in 2022 illustrates this independence from UN authority. The region has also developed a system of individually-enforceable rights protection through the European Court of Human Rights (ECtHR), which far exceeds the advisory non-coercive functions of UN human rights bodies. While limits are geographic, the EU demonstrates that regional governance can yield compulsory legal obligations and true enforcement capacity, which the UN has never achieved at the global level. The African Union represents an incipient conception of regional governance, constructed upon the shared, post-colonial experiences, and a common commitment to preventing atrocities on the continent. The AU's Constitutive Act provides, in Article 4(h), a legally justified right of intervention in situations of genocide, war crimes, and crimes against humanity. This indicates a significant departure from the principle of non-interference, which was heavily invoked by the Organisation of African Unity (OAU), and places the AU on a list of the few regional systems willing to authorize coercive measures against its mandated members. Through its Peace and Security Council, the AU has authorized unconstitutional changes in government and has undertaken various peace operations in Mali, Somalia, and Sudan, to name a few. This representative approach demonstrates a willingness to intervene when the UN Security Council has been reluctant, especially in the context of African conflict, where issues of veto politics blocked timely intervention. Nonetheless, the AU's potential for action remains constrained by financial dependence on external donors and a lack of militarized resources, thereby rendering its potential for intervention more normative than operational in terms of effectiveness. In any event, the AU represents a regional body that has been far more willing and able to confront mass atrocities than the UN, across similar instances as mentioned above.

Reinforcing what we have said so far, the European Union and African Union serve as two different models of regional responses to global governance dilemmas. The EU is a legally integrated supranational model with a significant capacity for enforcement; this is evidence for

a potential for binding regional governance. The AU is a regional political-security model where there is legitimate shared normative consent for an anti-atrocity intervention but the enforcement capacity is less established. While neither can ever replace the UN's universal legitimacy, they provide examples that global governance of peace and security is becoming more pluralized. Regional frameworks fill gaps the UN leaves behind through enforcement in Europe and through normative assent to intervene in Africa. The growth and strengthening of these structures are testament to the states' growing dissatisfaction with the function of the UN, and raise the question of the need to consider regional structures, with some authority, in any future reform framework for the UN. This comparative framework has informed the next chapter which provides a pathway for institutional, structural and legal reforms needed for the UN is to adapt to the realities of the twenty-first century.

VII. REFORMS AND THE ROAD AHEAD FOR THE UNITED NATIONS

The previous chapters have illustrated that the United Nations, while of normative significance, is still structurally incapable of addressing many contemporary crises, that is, the crises in Rwanda, Srebrenica, Syria, Ukraine and Palestine are not simply a depiction of the exception but rather, are the predictable outcomes of an institutional framework prioritizing political power over legal authority. The recognition of new regional systems, such as the European Union and the African Union, exemplifies the inadequacy of a static global architecture in an ever-evolving international order. If the United Nations is to be preserved in the twenty-first century, then its institutional structure requires substantive reform. There have been proposals for reform for many decades now, however, concrete reforms have been impeded by strong geopolitical stakes. However, the magnitude of global challenges from armed conflict to pandemics and climate insecurity now mean that reform is less of an aim but a necessity.

The key contentious reform pertains to the structure and composition of the Security Council. Article 23 of the Charter gives permanent membership to the United States, United Kingdom, France, Russia, and China, states that reflect the strategic equilibrium of 1945 rather than the population, economic, or political realities of the twenty-first century. There have been many proposals to widen permanent membership to consider new and underrepresented regions. The G4 proposal, with India, Germany, Japan, and Brazil, argues that the states are "major contributors to the UN system," thus have an inherent right to permanent membership. The African Union's Ezulwini Consensus proposes two permanent seats for Africa and highlights that there is not a single African nation with veto membership—despite the fact that Africa makes up more than one quarter of UN membership. However, changing the structure or any

change in membership requires an amendment, according to Article 108 of the UN Charter, which states that any amendment requires ratification by all P5 members. Thus, the structural amendment clearly depends on the states whose privileged status is being challenged.⁶⁸

The second primary concern for reform involves veto regulation. Vetoes were originally defended as the only way to involve the great powers and prevent a disaster like the collapse of the League of Nations. However, the empirical evidence suggests it is virtually always a tool for political obstruction. France and Mexico jointly proposed a political commitment of restraint on the use of the veto in situations of mass atrocity crimes, while the Accountability, Coherence and Transparency (ACT) Group developed a Code of Conduct asking every state to refrain from using its veto when genocide, war crimes or crimes against humanity are occurring. Although over 120 states have signed up to both processes, none of the permanent members have accepted a legally binding obligation to limit the use of the veto. Legal scholars have developed a number of proposals, including a double-veto requirement, a qualified veto (only to be exercised with justifying reasons offered), and the complete abolition of the veto. From the perspective of the current political situations, even minimal reform in this process seems unlikely.⁶⁹

In addition to their institutional composition, the UN needs to have functional reform of their enforcement capacity. Although Chapter VII allows the Security Council to take military action when appropriate, the UN has not been able to operationalise its Article 43 agreements requiring states to maintain standing forces under UN command. In fact, peacekeeping continues to rely on troop contributions from member states, which tend to be predominantly from developing nations, leading to a situation of chronic shortages of forces and mandates that exceed resources. The report from the 2004 High-Level Panel on Threats, Challenges and Change recommended that a standing rapid deployment capability should exist under the Secretariat, but no binding policy followed.⁷⁰ In the absence of a standing enforcement capacity, the UN is relying on politically selective coalitions, undermining consistency and legitimacy in their collective enforcement efforts.

Legal reform continues to be critical to the restoration of institutional coherence. The UN Charter envisions a multilevel accountability system anchored in an accountability framework

⁶⁸ U.N. Charter art. 108; G.A. Res. 62/557, U.N. Doc. A/RES/62/557 (Sept. 14, 2008).

⁶⁹ France–Mexico Joint Political Declaration on Veto Restraint in Mass Atrocity Crimes (2015); Code of Conduct Regarding Security Council Action Against Genocide, Crimes Against Humanity or War Crimes (ACT Group, 2015).

⁷⁰ U.N. Secretary-General, *A More Secure World: Our Shared Responsibility*, Report of the High-Level Panel on Threats, Challenges and Change, U.N. Doc. A/59/565 (Dec. 2, 2004).

through the General Assembly, Security Council, and International Court of Justice. However, the jurisdiction of the ICJ rests on consent from states, and no coercive mechanism exists to compel states to comply with ICJ orders. The *South Africa v. Israel* case for provisional measures order (2024) highlights the fragility of this structural loophole: while the ICJ found sufficient grounds for theories of violations of the Genocide Convention, it lacked the authority to enforce compliance without initiation from the Security Council.⁷¹ A meaningful reform would include compulsory jurisdiction over fundamental treaty obligations and a referral mechanism for enforcement that was not part of the veto mechanism.

An additional dimension, which is often not mentioned, is financial independence. More than 70% of UN operational budget comes from voluntary contributions, which gives large donor countries the power to make financial aid decisions based on political views. The damage to UNRWA when the U.S. suspend funding illustrates how financial power can destabilize humanitarian mandates. Advocates of reform have suggested creating an assessed funding formula based on GDP, make funding for peace operations mandatory, or create an independent UN budget funded by an international tax (such as a carbon tax or taxing digital transactions). While controversial, these reforms would decrease the structural vulnerability of the organization to the domestic politics of donor states.⁷²

An evaluation of reform in the context of the UN is incomplete without consideration of India. India has long been a prominent advocate of reform of the Security Council due to India's exclusion contributing to a deficit of democracy and a strategic gap. Today India is the most populous nation in the world, has the fifth largest economy in the world, and is one of the largest contributors to United Nations Peacekeeping. It has served eight elected terms on the UN Security Council and provided a consistent and diplomatic presence. It is a matter of official Indian policy to support expansion in permanent and non-permanent categories, a limitation in the use of the veto, and an enhancement in accountability mechanisms through the General Assembly.⁷³ India's stance is indicative of broader coalition formalized from Global South states seeking structural equality in the UN not procedural accommodations. This can be understood by taking into consideration the fact that India is a member of the G-4 countries i.e. Germany, Japan, Brazil, and India. These countries along with South Africa demand a permanent seat for them in the UNSC. They have recommended that a permanent seat be

⁷¹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), Provisional Measures Order, 2024 I.C.J. (Jan. 26).

⁷² U.N. Dep't of Mgmt., Strategy, Pol'y & Compliance, *Funding the UN System* (2024), <https://www.un.org/en/our-work/financial-information>.

⁷³ Ministry of External Affairs (India), *India's Position on UN Reform and UNSC Expansion*, Official Statement (Aug. 22, 2023), <https://mea.gov.in>.

granted to these countries either as a full-time basis or on a rolling basis. However, the author's opinion is which is also the opinion of many geo-political experts of the country, that India should not settle for a part-time UNSC seat considering the global standing and the population which India represents. It is important that India gets a permanent seat at the UNSC to voice over the concerns of the Global South.

The transformation of the United Nations requires meaningful reform along three axes: structural (the composition and reform of the Security Council), functional (capacity for enforcement and peacekeeping), and financial (reducing dependency on contributors). Reform is not only preferable but critical if the United Nations is to credibly guarantee the international order and avoid being an artifact of international relations of the mid-twentieth century. The paradox remains; reform depends on the approval of the same governments who derive the greatest benefit from the current paradigm. If global governance will evolve and its legal implications are to be understood, it should become more binding political obligation rather than a diplomatic goal. Whether reform can occur in accordance with a UN Charter Framework, or if the development of parallel institutional models will displace the UN is the critical question facing the future of a multilateral basis of international governance.

VIII. INDIA'S STANCE AND CONCLUSION

India's participation in the United Nations is characterised by a clear commitment to multilateralism, international law, and the principles of sovereign equality that the UN Charter upholds. As a founding member of the organization and the country that has contributed the most troops to UN peacekeeping operations since peacekeeping was established, India has provided both a normative and operational basis for the UN system. Nevertheless, despite being the world's largest country by population, the fifth-largest economy, a declared nuclear-armed state, and a country with an unblemished record of constitutional democracy, India remains outside the permanent membership of the Security Council. India has argued on numerous occasions, in both the General Assembly and the G4 coalition, that the current Council's structure no longer captures current realities and that the systematic exclusion of important developing countries decreases the legitimacy, representativity, and efficiency of the United Nations.⁷⁴

India's formal position is based on three interrelated propositions. **First**, the Security Council, with the composition of the permanent and non-permanent members, must be structurally

⁷⁴ Ministry of External Affairs (India), *India's Statement on the Reform of the United Nations Security Council*, 78th U.N. Gen. Assembly (Sept. 26, 2023).

reformed to mirror current geopolitical realities, not the geopolitical reality of 1945. **Second**, reform of the veto power is needed, either by limiting its use when dealing with mass atrocity crimes or by establishing a type of "veto-proof" system that avoids (to some degree) its abuse. Third, there must be a move from a power-based system to a rules-based system, with the General Assembly, the International Court of Justice, and other specialized organizations receiving greater authority. **Finally**, India has put forth a principled position with regard to peacekeeping, namely that those who authorize the use of forces to intervene militarily should simultaneously be responsible for the troop contribution and sharing in the cost, in other words demonstrating their commitment to peacekeeping operations - a critique firmly directed toward the powerful states who establish the mandates while contributing few troops.

The results of this study clearly indicate that the United Nations is currently at a junction. The UN's achievements - such as peacekeeping missions in Namibia, Cambodia, and El Salvador, global health governance and structure through the World Health Organization, and international legal norms through the International Court of Justice, show it still has value. UN failures in Rwanda, Srebrenica, Syria, Ukraine, Palestine, and Myanmar cannot be casually dismissed as exceptions. It is a structural contradiction: the UN claims to be a universal authority despite functioning in a purview whereby a small loyalty of states can legally override the definitive will of the globe. This is compounded by functionality devoid of enforcement or financial independence. The UN is increasingly becoming an institution to arbitrate symbolic diplomacy, more so than an institution that can provide security.

Accordingly, the principal recommendations which emerge from this analytical report are structural, functional, and normative. Regarding structural reform, it will be essential to reform the Security Council: an expanded membership and curbed veto authority as founding principles of a more participatory structure. In terms of functional reform, establishing enforcement capability will need to be institutionalized, either through standing forces, partnerships in regional security, and/or resuscitating article 43 provisions. As for normative reform, the organization will need to establish principles of permanent accountability, including mandatory jurisdiction of the ICJ in relation to violations of the core treaty, and engagement when mass atrocity crimes are committed. If not, the United Nations' credibility deficit will forever widen.

Notwithstanding these difficulties, the ongoing relevance of the UN is indispensable. It is the only political forum with universal membership, the only treaty-based storehouse of collective security obligations, and the only institution with the moral authority to declare international norms. The fate of the United Nations will be determined not on its founding Charter but its

readiness to transcend the geopolitical logic of 1945. India's demand for "***reformed multilateralism***" embodies this necessity: reform is not an act to displace the UN system but a necessity for survival.

Hence, the United Nations is neither irrelevant nor yet operational. It hangs somewhere in between a historical legitimacy and contemporary irrelevance. Whether it evolves into a genuinely representative institutional system of global governance or remains a type of site for symbolic architecture limited by the politics of power, will be contingent on the willingness of states, particularly the states, for instance, who benefit the most from the existing order—to move history forward. A reformed United Nations will do more than help avoid yet another world war; it will fulfil the original intentions of the Charter: that the promise of international peace will be based not on the laws of force but on the force of law.
