



## THE UN SYSTEM AND ITS REFORM PROCESS

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The United Nations is the largest and the most powerful international institution resulted from the rise and the development of international relations in the mid 20th century, continuously expanding not only its scope of the activities and responsibilities but its power and authority as well. However, the study of the process of drafting the UN Charter and its activity and structure shows that the organization needs critical content and structural reforms to achieve its objectives and goals enshrined in the Charter and even its founders, the same victorious powers in the Second World War, have indulged concessions that prevent Charter from its goals and ideals. This article tries to use a combining approach of legal and political, to explore not only the goals and ideals mentioned in the Charter, but also the motives behind the drafting of the Charter UN and the interests of the founding members of the UN during its formation and reforms hereafter to achieve the goals of the participants hoping to analyze some critical reforms needed for achieving the goals of the organization.

**Keywords:** UN charter, National sovereignty, Equal rights, Structural reforms.

### Introduction

With the end of the First World War the old system of the European Balance of Power or the Concert of European Great Powers based on the first and the second Treaties of Paris (30 May 1815 and 20 Nov. 1815) and the Quadruple Alliance of the Great Powers of the time, namely; Great Britain, Russia, Prussia, Austrian Empire and later France<sup>1</sup> seemed to be over and a new era of universality and equality replaced the major task of the old order of maintaining the *status quo* against attack from abroad and revolution from within.<sup>2</sup>

With the commencement of the First World War, whatever the causes might be, the concert of European Great Powers disbanded and the international system became a mass of tensions. By the end of War, the fear of any similar catastrophe in future and the desire to keep the new *status quo* strongly supported the need for the establishment of a new and different system of international relations on the basis of collective security. The fundamental structure of this collective security system was the proposed League of Nations. The work of the League of Nations, too, was halted by the Second World War. The war caused heavy losses even greater than those in the First World War. The Allied and Axis powers devoted all their resources to win the war so that the whole world was in flames.

However, the idea of equality in international relations and a collective security system was never forgotten and as soon as efforts to stop the war began, the renewal of an organization based on these ideas was pursued as well. In this situation the Allies gathered together in thirteen conferences not only to draw

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<sup>1</sup> F. S. Northedge and M. J. Grieve, *Hundred Years of International Relations*, p. 8.

<sup>2</sup> *Ibid*, p. 8; R. Albricht-Carrie, *A Diplomatic History of Europe*, p. 148.

up plans for military operations to defeat the foes, but also to declare their hopes and wishes for the future after the defeat of the Axis Powers. One of the most important decisions taken in these conferences was the establishment of the United Nations, an international organization based on the sovereign equality of all of its Members to maintain peace and security between nations. It was regarded as a revised version of the League of Nations, excluding its inefficiencies, to take a collective action against any threat or aggression disturbing peace around the world.

The draft charter had originally been signed at San Francisco by the representatives of fifty-one Allies and Associated powers (including Poland) and entered into force, after the ratification by the twenty nine (majority) signatory states, including “the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America” (Article 110) on 24 Oct. 1945 to be announced that “the United Nations Charter is now a part of the law of Nations.”<sup>3</sup> It was these five nations that bore the brunt of the fighting against Germany, Italy, and Japan and which did so much to bring about the formation of the United Nations. To Cordell Hull and his fellow planners of the Post World War II international system, the United Nations was an organization in which “a reign of law and morality,”<sup>4</sup> not power, was to hold dominion over the actions of all nations. The UN was a new organization rather than a revived or remodeled the League of Nations leaving out all its defects and ambiguities. Unlike the League of Nations which was part of the Treaty of Versailles, the founders tried to avoid creating close relationship between the peace settlements and the Charter,<sup>5</sup> while taking the opportunities of wartime unity among the Allies to make them sit down together.

Since its foundation in 1945, UN has undergone phases of reform. During the first years, the first decisive change was the development of peacekeeping measures to oversee the implementation of ceasefire agreements in 1949 in the Middle East and one year later in the Kashmir conflict between India and Pakistan. Reform initiatives launched by the Soviet Union during the East-West antagonism in the 1950s to curtail the independence of the Secretariat by replacing the post of Secretary-General with a troika, including a representative from the socialist states. Decolonization created rapid growth in UN membership, and by 1965 it stood at 118, twice as much as at the organization’s founding. Originally eleven in number, the UN Security Council’s membership increased to fifteen on 1 Jan. 1966. The Economic and Social Council originally consisting of eighteen Members of the United Nations increased to fifty-four in 1971 to remove the causes of war found to be the disease, illiteracy, poverty, malnutrition, and unemployment. The Trusteeship Council was in charge of supervising the administration of mandated territories (Article 86-91), the International Court of Justice as the principal judicial organ of the United Nations formed an integral part of the Charter and the Secretariat (Article 97) as the Civil Service of the United Nations was to see that the machinery of the Organization ran smoothly.

However, while both the wartime situation and power structure of the World War have changed since 1945 and both the Charter and the organization itself require thorough reconstruction, except few changes in the numbers of the members, no reform initiative has successfully stood out to-date and neither the member states nor the permanent five (P5) are agreeing on new initiatives. Even if numerous fundamental differences concerning the future form and function of the United Nations exist, there is no actual dissent concerning the importance of a comprehensive reform. While examining the proposed reforms, the paper is to discuss the necessary changes required for the better functioning of the UN according to the purposes and principles of its Charter.

### **The Charter’s Purposes and Principles**

According to Article 1 of the Charter, the new system was created:

... to maintain international peace and security;... to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression;... to bring

<sup>3</sup> *US Department of State Bulletin*, vol. 13, 28 October 1945, pp. 679-680.

<sup>4</sup> C. Hull, *The Memoirs of C. Hull*, vol. 2, p. 1651.

<sup>5</sup> *Ibid.*, vol II, pp. 1294-1295.

about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes;... to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples;... to achieve international cooperation in solving international problems;... [and] to be a centre for harmonizing the actions of nations in the attainment of these ends.

In pursuit of these purposes, the Charter adopted certain principles of “the sovereign equality of all its Members” and required that they:

... shall fulfill in good faith the obligations assumed by them in accordance with the present Charter;... shall settle their international disputes by peaceful means;... shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state; ... shall give the United Nations every assistance in any action it takes;... shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action;... [and] shall ensure that states which are not Members of the United Nations act in accordance with these principles. (Article 2)

The UN, according to the Charter, originally consisted of six principal organs, a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat. With the new shape, the United Nations was regarded as a new system of relations among nations basically set up on the basis of equal sovereignty of all members which were to be all free nations of the world. People of all nations were looking at the new system optimistically so that the American public, for example, was to cling to the dream of the liberal-democratic principles of “one world” and were convinced to vote for the ratification of the Charter and their government’s entry into the Organization. Roosevelt, for example, addressing both houses of the congress on March 1945 declared that the unfortunate sphere of influence policy of previous years had been brought to an end and that the Charter would form the basis for a lasting peace “based on the sound and just principles of the Atlantic Charter.”<sup>6</sup> At the beginning of the first General Assembly of 10 Jan. 1946 held in London, Dr. Zuleta Angel, the Columbian Chairman, addressing the General Assembly, indicated his optimism that:

... determined to save succeeding generations from the scourge of war which, twice in our lifetime, has brought untold sorrow to mankind, and imbued with an abiding faith in freedom and justice, we have come ... to constitute the General Assembly of the United Nations and to make a genuine and sincere beginning with the application of the San Francisco Charter. That instrument, having been freely and democratically debated, has been unreservedly accepted by all in the knowledge that the machinery set up under its provisions will prove adequate to the achievement of its historic purpose; this, in a word, is the maintenance of peace and security by collective recourse, when needed, to the use of land, sea and air forces and the establishment, through cooperation in the economic, social, educational and humanitarian fields, of those conditions of stability and well-being which will ensure peaceful and friendly relations, based on the principle of equal rights and self-determination among the nations of the world ... The five great powers ... will bring not only the immense power of their military, financial and industrial resources, but ... that spirit of co-operation.... The small Powers will be able, year in, year out; to make their voices heard in as free and democratic an atmosphere as that which prevailed in San Francisco and London.<sup>7</sup>

The idea of collective security as shown in the Charter and the early speculations, clearly involved certain prerequisites or assumptions in particular: 1) the system should consist of all nations of the world; 2) respecting the others’ form of social and political régimes, nations should have equal rights in the system; 3) seeking peaceful means of settling disputes, nations should avoid any use of armed forces; 4) all nations in the system should be in unity to act against aggression to any member or any threat to international peace and security and if some were undertaking the task it should be done on behalf of the other members; 5) in the case of any aggression or threat, all members should be responsible to support each other to remove the threat and to suppress the aggressor and 6) all nations should, to a rational

<sup>6</sup> S. Rosenman, *The Public Papers and Addresses of Franklin D. Roosevelt*, vol. 13, pp. 570-586.

<sup>7</sup> General Assembly, *Official Records*, 1st year, 1st meeting, 10 January 1946, pp. 37-39, quoted in J. Laruse, *From Collective Security to Preventive Diplomacy*, pp. 217-218.

extent, commit themselves to disarmament and not to exceed the armament level of the collective security system.

Although the general cooperation of nations in social, economic and political activities was included in the proposed system, the idea of collective security, as was apparent from its name, was basically designed to undertake the peace-keeping process and this task was to underpin the other responsibilities. In brief, collective security found its measure in the simple doctrine of “one for all and all for one [and] war anywhere ... is the concern of every state.”<sup>8</sup> However, there were too many inconsistencies between this idea and practice of both the drafting conferences and the United Nations in terms of universality, equality, solidarity and the peaceful settlement of disputes.

### **Collective Action**

The study of the drafting conferences in the post-War II period shows that the United Nations did not constitute a “general international organization.” The task of drafting the Charter at the conferences, instead of being entrusted to a universal conference of all interested nations, was initiated and run by a commission exclusively composed of representatives of the few Allied Great Powers; the United States, Great Britain, and the Soviet Union. On some occasions as in the Four Power Declaration at Moscow, in Cairo (I) and in Dumbarton Oaks, China participated and for the first time, as a world mandatory power, the French Committee of National Liberation was allowed to participate in the trusteeship committee of the United Nations prior to the San Francisco conference in company with the other four P5.

The drafting process starting from Moscow and ending in Yalta was exclusively carried out by participant Allies. In spite of the formal equality of the nations “the informal colloquium of the Big Five” as Inis Claude affirms “had the ultimately decisive voice in the formulation of the Charter.”<sup>9</sup> In all these conferences like the drafting of the Covenant, even the press was not allowed to get close to the conferences. It was only following the Dumbarton Oaks Conference of Oct. 1944 that the proposed “general international organization” was made public; later at San Francisco the Charter was opened to the public forum. Churchill in his diary clearly explains this secrecy at the Tehran and Yalta Conferences: “at Tehran it had been very difficult for the press to get near the meeting-place, and at Yalta it had been impossible.”<sup>10</sup>

Neither the conferences nor the United Nations since its establishment and so far is the “general association of nations.” In the Conferences the task of drafting the Charter was not entrusted to a universal conference of all interested nations but to a commission exclusively composed of representatives of the Allied and Associated Powers and several groups of states were not admitted to its membership. While at first in the Atlantic Charter the two Allies, Great Britain and the United States, addressed “all of the nations of the world” to the abandonment of the use of force, later, in the Four Power Declaration and the Dumbarton Oaks proposals, the membership was limited to “all peace-loving states.” Further restrictions were put into action when the result of the Yalta Conference was revealed. It was determined that the nations to be invited to the Conference of San Francisco should be either: “... the United Nations as they existed on the 8<sup>th</sup> Feb. 1945” or “the Associated Nations as have declared war on the common enemy by 1<sup>st</sup> March 1945.”<sup>11</sup> Therefore, in San Francisco, there were only fifty-one signatories of the Charter to be regarded as the original members of the United Nations Organization.

When the United Nations was established in 1945, 750 million people, almost a third of the world’s population, were living in Territories that were non-self-governing and dependent on Colonial Powers, were excluded from having a seat in the proposed universal organization. Even states of full independence were deprived of membership. Several groups of states were not admitted for different reasons; among

<sup>8</sup> K. W. Thompson, “Collective Security Reexamined,” p. 287.

<sup>9</sup> I. Claude, *Swords into Plowshares*, p. 56.

<sup>10</sup> W. Churchill, *The Second World War: Triumph and Tragedy*, p. 562.

<sup>11</sup> For the text of Yalta Declaration refer to Subcommittee on the United Nations Charter, *Review of the United Nations Charter*, p. 49.

them were the former Axis powers and States associated with them and the States which had remained neutral. From Asia and Africa because of the continued colonial status there were only eleven states admitted originally.

The conditions for admission of new members became so difficult that they required a two-thirds vote of the General Assembly upon the recommendation of at least seven members of the Security Council, including P5. Therefore, in the four-year period from 1946 to 1950, only nine new members could be admitted. There was then a stalemate in the admission of new members for five years until 1955 as the Security Council could not achieve to the concurring votes of the P5. In 1955 sixteen States admitted were in four groups; Albania, Bulgaria, Hungary and Rumania; Austria, Finland, Ireland, Italy, Portugal and Spain; Jordan and Libya; and Cambodia, Ceylon, Laos and Nepal.

During 1956 to 1967 thirty-four new African and four new Caribbean States were admitted to membership of the United Nations Organization which increased the number of members to 123.<sup>12</sup> But it still was not representative of all nations. Firstly, Indonesia had withdrawn from the United Nations in 1965 and did not return until after twenty months on 28 Sep. 1966. Secondly, the continued recognition by the United Nations of the National Government established in Taiwan as the government of China was so to disfranchise the Communist People's Republic of China in all United Nations procedures as virtually to exclude mainland China also from membership until 1971. In a comparison Wilfred Jenks writes: "the United Nations of 123 Members was significantly less representative of the effective political forces of 1968 than the United Nations of fifty-one Members had been of the effective political forces of 1945."<sup>13</sup>

From 1968 till 1979 there were still 29 states applying for the membership of the United Nations, 8 of which were out of the United Nations for more than a year, the most important ones being Germany (both the Federal Republic of Germany and the German Democratic Republic) who were admitted on 18 Sep. 1973 and then Viet Nam on 20 Sep. 1977. And even now in 2015 that the number of state members has increased up to 193, there are still many unrecognized nations living in Palestine, Kurdistan, Tibet, Quebec and in states of large federal governments of the Russian Federation and the United States.

## Equality

The difference between the Great Powers on one side and the small Associated Powers on the other side was quite obvious in the process of drafting the Charter and of the United Nations' function between the Triumphant Great Powers on one side and the small Associated Powers on the other side. In the Conferences, the Great Power Commission of Heads or/and Ministers of Foreign Affairs had exclusive authority to discuss crucial and serious world affairs such as: accepting the French Committee of National Liberation as the Provisional Government of France which subsequently could recreate its old colonial empire; letting it and China participate in the talks over the future of the international system; setting trusteeship system and determining the destiny of trust territories.

The Charter, too, confirmed these matters in putting China and France in the seat of the Security Council besides the other Great Power Allies. The United Nations Organization is formed into two meetings; the Great Power meeting (Security Council) and that of the small powers (General Assembly). While the small power members in the Assembly had only one vote of equal value to that of those Great Power members, the principal body of the proposed universal organization had an exclusive decision-making power, the so-called right of veto, for securing international peace.

## Solidarity

The United Nations has confronted from the beginning with immediate political difficulties of the first magnitude. The assumption that there would be a continuing solidarity among the nations had become

<sup>12</sup> For details refer to United Nations, *Press Release*, 22 May 1992.

<sup>13</sup> W. Jenks, *The World Beyond the Charter*, p. 93.

untenable even among the perception of the Allies during the San Francisco Conference itself. When the Charter entered into force on 24 Oct. 1945, “the international cooperation” necessary to fulfill the United Nations system “was already undermined,” as Ruth Russel affirms.<sup>14</sup>

The radical change in the nature of war caused by the invention of the atomic bomb of mass destruction also occurred after the drafting of the Charter and tended to invalidate international measures based on the older concept of war. Thus both the form in which the problem of threats and acts of aggression was foreseen and the method proposed to deal with them, collective action, forceful if necessary, soon proved not to be strictly applicable to the realities of the post-war world.

The most distinctive and original part of the Charter which could only be achieved by the solidarity of all nations, particularly the Great Powers, was that comprising the articles concerning the maintenance of peace and the meeting of threats of aggression, in particular Chapter VII which provided for military forces to be put at the disposal of the Security Council and the peaceful settlement of disputes. These provisions quickly proved to be illusory.

Another significant issue of discord in the proposed collective security system is the excessive use of the right of veto. The actual use of the veto, and the constant possibility of its use has been central features of the functioning of the Security Council throughout the UN's history. The Security Council as the principal organ in which the collective security system of the United Nations Organization had left the exclusive authority to act on its behalf, had a few achievements to its credit, and failed in the discharge of its high responsibilities, mainly because “of the excessive and almost irresponsible use of the veto by one Permanent Member of the Council” (Soviet Union) as Herbert Evatt maintained,<sup>15</sup> or the other. In the period from 1945 to the end of 2009, 215 resolutions on substantive issues were vetoed, sometimes by more than one of the P5 either in circumstances when the vital interests of each of these P5 or their allies were in danger or in apparent breach of understandings given at San Francisco by the other Great Powers.

The average number of vetoes cast each year to 1989 was over five: since then the average annual number has been just above one. Almost half the vetoes in the history of the Security Council were cast by the Soviet Union, with the vast majority of those being before 1965. Since using its first veto in 1946, Russia has been the most frequent user of the veto and after its collapse the US has occupied this role. From 1946 to 2014, vetoes were issued on 191 occasions either solely or combined with one or two other members. For that period, usage breaks down as follows: United States has used the veto on 79 occasions (13 combined with France and UK and 9 with UK); Russia has used the veto on 101 occasions (90 by the Soviet Union, 5 Solely and 6 combined with China); UK has used the veto on 7 occasions (2 combined with France); China on 3 and France on 1 Occasions. As a result, a large number of decisions supported by a majority of the Council have been rendered quite inoperative.<sup>16</sup>

### **Settlement of Disputes**

According to the Atlantic Charter, the signatories had agreed to “respect the right of all people to choose the form of government under which they will live” and to “come to the abandonment of the use of force.”<sup>17</sup> The major principles of the Charter of the United Nations also confirmed this notion where it invited nations to “practice tolerance and live together in peace with one another” and never use their “armed force” against each other in the settlement of the disputes. In spite of this, the Allied powers not only did not respect the form of government in the Axis powers but also constantly used armed forces for destroying the enemy and for settling the disputes.

Early on 1 Jan. 1942 the Allies and their United Nations declared that “each Government pledges itself ... not to make a separate armistice or peace with the enemies.”<sup>18</sup> Moreover, the only condition for

<sup>14</sup> R. Russel, *A History of the United Nations Charter*, p. 964.

<sup>15</sup> H. V. Evatt, *The United Nations*, p. 53.

<sup>16</sup> [www.research.un.org/en/docs/sc/quick](http://www.research.un.org/en/docs/sc/quick) access in April 2015

<sup>17</sup> Subcommittee on the United Nations Charter, *Review of the United Nations Charter*, p. 37.

<sup>18</sup> *Ibid.*, p. 38.

the cease-fire always asserted in all conferences by the Allied powers was “destruction of Nazi tyranny” and “unconditional surrender” of the Axis powers. In the report of the Crimea Conference at Yalta on 11 Feb. 1945, the Allies announced their “inflexible purpose to ... wipe out the Nazi party, Nazi laws, organizations, and institutions, remove all Nazi and militants from public office and from the cultural and economic life of the German people.”<sup>19</sup>

The International Court of Justice was hoped to become a primary institution for the peaceful settlement of disputes between nations, whereas in practice like its predecessor, the Permanent Court of International Justice, it was a great disappointment to its most ardent supporters. When the Court reached a decision the governments involved in the case were expected to obey the judges’ rulings, but it was difficult to compel acceptance. A procedure did not exist whereby the Security Council may be asked to ensure that a particular state complied with the ruling of the court. Thus, a large majority of Member states favored giving the court compulsory jurisdiction over legal disputes, but both the United States and the Soviet Union strongly opposed this proposal and declared that they would not become parties to the Court’s statute if the proposal were adopted.<sup>20</sup>

Consequently, the so-called compulsory jurisdiction of the Court was limited to situations where the states concerned expressly consented to such jurisdiction, either on an *ad hoc* basis or in advance of the dispute through a declaration. As of Jan. 2012, there were only 67 states that had deposited the declarations, among these, the UK is the only P5 filed it on 5 July 2004. During the 67 years (up to 2012) that the Court was functioning, it had on the average roughly 2.2 contentious case a year and one advisory opinion every three years.<sup>21</sup> While there were many disputes since the start of this system, which were settled by other methods including force or a threat of force, economic sanctions or some form of economic pressure, there have been many which remained unsettled, with a high actual or potential tension level, such as the conflict in Palestine between the Jews and Arabs.

In addition to all these inconsistencies between the theory and practice of the collective security system of the United Nations Organization, the Charter’s ineffectiveness was compounded by the fact that it kept silent on a number of vitally important matters such as the allocation of armed forces to serve the organization, arrangements for the control and limitation of armaments, a scheme for the International protection of human rights, the pattern of relationships between the United Nations and its Specialized Agencies, the territorial scope of the Trusteeship System. In these and other respects, according to Inis Claude, “the Charter was an unfinished document.”<sup>22</sup>

## Prospecting Approach

In total, an enormous chasm opens up between the aims and the principals of the UN Charter and political reality, as the pointed comparison demonstrates in the following table. To burden the UNO with the responsibility for these deficits alone would be missing the real point. The United Nations is a classical international organization, with a membership made up of states. Like any international organization, the United Nations is only as strong as its members allow. The will towards multilateral problem-solving on the part of its member states – and, in particular, the most powerful of them - decides on the success or failure of its work.

The 50th Anniversary of the United Nations in 1995 and the discussions on *Global Governance* as a response to the challenges of globalization have given the reform debate further impetus. In 1997, Secretary-General Kofi Annan put forward a program of reforms and began with the measures affecting his Secretariat. This concerns reforms of the first type in the typology, dealing with measures to raise efficiency. The reform of the Security Council counts as one of the most important reform topics in the

<sup>19</sup> J. Grenville and W. Bernard, *The Major International Treaties Since 1945*, p. 28.

<sup>20</sup> L. M. Goodich and others, *Charter of the United Nations*, p. 547, quoted in J. Murphy, *The United Nations and the Control of International Violence*, p 16.

<sup>21</sup> <http://www.icj-cij.org/docket/index.php?p1=3>.

<sup>22</sup> I. Claude, *Swords into Plowshares*, p. 73.

second type (“institutional reforms”). If it is correct as to him wrote: “The modernization of the most important principal organs of the United Nations represents one of the largest challenges for the world organization, and at the same time a decisive test for its reform ability, since all the difficulties and hurdles of institutional remodeling of the organization appear compounded here like in a test tube” then we can conclude that no successful reform initiative has stood out to-date. Neither the member states agreeing on new P5 appears to be in view nor is there any success in repealing the privileges of the P5.

<b>Aims and Principals of the Charter</b>	<b>Political Reality</b>
Sovereign equality of all member states	Strong division of power between states and regions
Realization of the obligations entered into in the UN Charter	Refusal to pay contributions or subscriptions depending on national position of interest
Commitment to the peaceful settlement of disputes	Omnipresent violence in the international system
General ban on violence	Practiced right of individual states to the unilateral use of violence
World peace and international security as the collective duty of all member states	Dominance of interest of the industrial states and forgotten conflicts in developing countries
Ban on interfering in the internal affairs of member states	Globalisation of fundamental problems forces the erosion of national sovereignty

The frequently mentioned point of criticism linked to the widely branching system of the United Nations concerning the failure to coordinate activities and the resultant poor working efficiency has surfaced at several times. As the largest subscription payer, the USA has continually attempted to exercise pressure by not paying its subscriptions, not least because of this, which draws our attention to a further difficult problem of the United Nations: the notorious financial scarcity.

There are also other provisions of the UN Charter that deal with transitional arrangements, and thus are now spent. For example, since there are no longer any trust territories and the Trusteeship Council no longer serves any purpose and has not met since 1994, Chapter XIII of the Charter is no longer relevant, and can be deleted. The Military Staff Committee that never succeeded in its intended purpose due to Cold War disagreements and has been effectively inactive since 1948, article 47, and the references to it in articles 26, 45 and 46 can be deleted. The “enemy clauses” in articles 53 and 107 contain special provisions relating to the members of the Axis in World War II (Germany, Japan, etc.) These are no longer relevant as Germany, Japan and Italy are among the most contributors to the UN.

One school of thought in particular suggests that the Military Staff Committee could be revitalized by member states finally meeting their Article 45 commitments to provide a force able to perform peacemaking and peace enforcement under the legitimacy of the United Nations flag. Many stipulations of the Charter have – as parts of Chapter VII proven to be infeasible or have become like the so-called ‘enemy state’ clauses obsolete; in contrast, the United Nations’ new range of tasks, such as crisis prevention, environmental protection, population questions and so on are not, or are inadequately represented in the Charter; the veto right of the P5 is increasingly being seen as discriminating, and is no longer considered to be just in terms of its functions; one principal organ - the Trusteeship Council - has suspended its work due to a dearth of regions to administer or supervise; the work of the General Assembly is complicated and time-consuming, the role of the Economic and Social Council is continually losing weight, and finally effective coordination of the whole system with its numerous interweavings and redundant components is hardly possible anymore.”

Due to the difficulty in amending the Charter, it is unlikely that any of these spent provisions will be amended except as part of a package making substantive amendments, such as Security Council reform. Further, while *In Larger Freedom* proposes that certain provisions be removed there is not universal agreement. The procedure provided for this in Articles 108 and 109 however requires 1) a three-quarters

majority in the General Assembly, 2) ratification by two-thirds of the member states, 3) whereby, all P5 need to be included.

#### Contributions to the United Nations Regular Budget for 2012

1	USA	22	11	Republic of Korea	2.26
2	Japan	12.53	12	Australia	1.933
3	Germany	8.018	13	Netherlands	1.855
4	United Kingdom	6.604	14	Brazil	1.611
5	France	6.123	15	Russian Federation	1.602
6	Italy	4.999	16	Switzerland	1.13
7	Canada	3.207	17	Belgium	1.075
8	China	3.189	18	Sweden	1.064
9	Spain	3.177		Total 18	84.733
10	Mexico	2.356		Other nations	15.267

*Source:* United Nations Secretariat, Assessment of Member States' contributions to the United Nations regular budget for 2012, ST/ADM/SER.B/853, 27 Dec. 2011

This represents a series of extremely high hurdles. Reforms can be blocked by just *one* of the five Security Council members. Not only is the power of prevention large however; the hurdle to achieving a structural majority is considerable, when one considers that 127 states have to be won in the general Assembly for an amendment to the Charter to be made.

Other reforms included the revamping of peacekeeping operations. The World Summit in 2005 recognized, albeit mainly symbolically, an international 'responsibility to protect' populations from genocide and the Human Rights Council replaced the discredited Commission on Human Rights. As of 2007, Secretary-General Ban Ki-moon continued the reform agenda covering oversight, integrity, and ethics which had previously been launched in response to the investigation of the UN Oil-for-Food Program. The Program responded to the humanitarian needs of the Iraqi civilians and was the largest, most complex and most ambitious relief effort in the history of the United Nations. With reference to the 2005 World Summit, the General Assembly approved in April 2007 a number of loosely related reform initiatives, covering international environmental governance, a unified gender organization, and 'Delivering as One' at the country level to enhance the consolidation of UN program activities. On June 1, 2011, UN Secretary-General Ban Ki-moon appointed Atul Khare of India to spearhead efforts to implement a reform agenda aimed at streamlining and improving the efficiency of the world body.

## Conclusion

The United Nations Organization in the post-World War II period were regarded as a new system of relations among nations basically set up on the basis of equal sovereignty of all members which were to be all the free nations of the world. The new organization was conceived of as a new start in the work of international collaboration in which international peace and security would be maintained by collective recourse, peaceful and friendly relations, based on the principle of equal rights and self-determination among the nations of the world. In this system, the Great Powers hoped to establish their cooperation and the small powers would be able to make their voices heard in free and democratic atmosphere.

In the Post-World War II era, the proposed United Nations' system of collective security proved to be ineffective. It could not maintain unity among nations, particularly among the great powers, and it failed to keep international peace and security through its collective proceedings. The Charter registered the predominant position of great powers which they already possessed during the two world wars.

The Charter understated the actual disequilibrium of power between the great and smaller nations, but the United Nations by itself had no greater success than great powers, whether alone or in cooperation with each other. This fact had overridden the responsibilities of the United Nations as an ultimate system of collective security. In practice, with the failure of the collective security system to work, the process of conducting the international system remained in the hands of great powers. Regardless of the cold war or detente and the great powers' differences in ideology and national interests, they had to always keep themselves in concert with each other either inside the United Nations, in the Security Council, or outside, in their consultations at the summit meetings. Kofi Annan correctly said, "*Reform is not an event; it is a process*" but its process is at the hands of the great powers.

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