

# The United Nations at 70: The Journey So Far

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## Abstract

The relevance of the United Nations in maintaining peace and harmonious relationship amongst its members is not in doubt, this being the primary functions as contained in its Charter of 1945. Since that time till date, it has recorded some tremendous achievements in this direction, though not without some challenges. These challenges among others include: armed conflicts, race in the production and stockpiling of nuclear weapons, and the Israel/Palestine conflicts, just to mention few. In this work, attempt is made to look at a brief history, structure and functions of the UN taking into account whether or not the lofty ideas and principles behind the establishment of the UN has been achieved. Observations are made. The way forward is suggested, then, followed by a conclusion of the work.

**Key terms:** Warfare, Peace, Refugees and Human Rights.

## 1.0 Introduction

Before the emergence of the UN, there were in existence many international organizations whose functions were to regulate conflicts. These include the ICRC and the Hague Conventions of 1899 and 1907. This was aimed at maintaining a harmonious relationship among nations of the world. With loss of lives in the 1<sup>st</sup> world war, the Paris peace conference established the League of Nations. Therefore, this work is an attempt to put into perspective the emergence of the UN in 1945. It came into being at the end of the Second World War, and among other things, it was intended to ameliorate the short comings of the old League of Nations. The League failed because it was not universally accepted as a world body. Thus, Bowett commented that: *"It never acquired a universal character, handicapped from the onset from the non-participation of the USA. It remained predominantly a European organization..."*<sup>1</sup>

In addition, the provision of the League itself allowed for a voluntary withdrawal of any member.<sup>2</sup> It was therefore not surprising that the League collapsed within a short period of its existence. These inadequacies and many others led to the establishment of the UN on 24/10/ 1945. In this respect, its Charter elaborates a number of principles and ideas that would prevent a re-occurrence of man's inhumanity to man which characterized the experiences of the 1<sup>st</sup> and 2<sup>nd</sup> World Wars.

70 years after its establishment (24/10/ 1945 to 24/10/2015)<sup>3</sup>, many developments, both positive and negative, had taken place. In this regard, though peace and security is still a major threat to most member nations, yet, it is to its credit to say that it has succeeded in preventing the outbreak of a 3<sup>rd</sup> world war. Others include increase in membership of the Organization,<sup>4</sup> settlement of disputes among member nations,<sup>5</sup> and human rights promotions,<sup>6</sup> just to mention few.

With this background, this paper intends to give a brief history, structure and functions of the UN. How it has been able to carry out its mandate as spelt out in the Charter are looked into.<sup>7</sup> The problems and challenges

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<sup>1</sup>. Bowett, D.W: The Law of International Institutions, London, The London Institute of World Affairs, Stevens & Sons, (1975), (3<sup>rd</sup> ed.), P.19.

<sup>2</sup>. See Article 1(3) of the Covenant of the League of Nations.

<sup>3</sup> On the 50 years of UN's existence, see Meisler, Stanley. United Nations: The 1<sup>st</sup> 50 Years. New York: Atlantic Monthly Press. (1995), p. 339, where he observed as follows: 'The UN never fulfilled the hope of its founders, but it accomplished a great deal nevertheless.' See also Fomerand, Jacques: The A to Z of The United Nations. Lanham, MD: Scarecrow Press. (2009), p. cviii, where he remarked as follows: "accomplishments of the UN in the last 60 years are impressive in their own terms. Progress in human development during the 20<sup>th</sup> century has been dramatic and the UN and its agencies have certainly helped the world become a more hospitable and livable place for millions. See also Kennedy, Paul: The Parliament of Man: The Past, Present and Future of the United Nations. Randon House, (2997), p. 290, where he said " When all its aspects are considered, the UN has brought great benefits to our generation and...will bring benefits to our children's and grand-children's generations as well.

<sup>4</sup>. Presently, the UN has 193 independent nations of the world as members. The Holy See and the state of Israel have observer status.

<sup>5</sup>. In this regard, its quick interventions through dialogue, diplomacy, peace keeping initiatives and its promotions, etc. in some trouble-spot areas of the world have helped a great deal in preventing a resort to war.

<sup>6</sup>. This can be seen through the various human rights committees that were set up by the Organization. Based on complaints written to the committees for investigation, they are expected to submit written reports to the UN for further action.

<sup>7</sup>. This is against the background of the fact that promotion of social justice and equality of man are enshrined in the UN Charter.

confronting it would be put into perspective. Suggestions for future performance of the organization would be offered, after which is a concluding remark of the work.

## 2.0 Brief History, Structure and Functions of the UN

### a. Brief History

The 20<sup>th</sup> century had come and gone, but major events (positive and negative ones) which occurred during the period are still fresh on our minds. On the negative aspects, the century witnessed the 1<sup>st</sup> and 2<sup>nd</sup> world wars, and presently, there are cases of internal and international armed conflicts in most parts of the world. These conflicts could be seen in Africa, Asia, and the Middle East, among others.

The untold hardships of the two world wars brought out the need to prevent a future re-occurrence so that peace and tranquility are maintained throughout the world. The emergence of the old League of Nations was therefore not accidental. However, some of its shortcomings could not allow it to last long and so could not achieve the desired objectives.<sup>8</sup> Thus, in 1945, the UN emerged, an indication that the League of Nations had collapsed. In addition, it was a pointer to the fact that the international community intended to make peace and tranquility its main priority throughout the world.

The phrase “United Nations” was coined in 1942 by Winston Churchill and Franklin D. Roosevelt. It was officially founded on 24/10/1945 at the UN Conference on International Organizations in San Francisco, California. In attendance were 51 nations and some non-governmental organizations, and so came into being on 24th/10/45 after the ratification of the Charter.<sup>9</sup>

With this ratification, it was expected that the horrors of the world wars would not be repeated again in future. How far is this statement correct? In other words, have these dreams, the noble ideas and objectives of the UN been realized today?<sup>10</sup> The answer to this question is that the expected peace is still far from us.

### b. Structure

Structurally, the UN operates through the following organs, namely:

#### i. General Assembly (GA)<sup>11</sup>

This is the main decision-making and representative Assembly in the UN. It is responsible for upholding the principles of UN through its policies and recommendations. It is composed of all member states, headed by a President, elected from the member states and meets from September to December of each year.

It is expected to vote on important issues on the basis of 2/3 majority of those present. These include election of members to the organization, admission, suspension, expulsion of members, and budgeting. All other issues are based on majority vote. It can make recommendations on any matter, except issue bothering on peace and security, which are under the purview of the United Nations Security Council.

#### ii. United Nations Security Council (UNSC)<sup>12</sup>

It is the executive organ of the UN and so the most powerful of all the other organs. It is expected to take decisions quickly and effectively so as to bring into operation the enforcement measures of Chapter vii of the UN Charter whenever international peace and security is threatened. Therefore, it has power to authorize deployment of UN troops to area where there is a breach of international peace. It can mandate a cease-fire during conflicts and can enforce penalties on any country that did not comply with its directives. It has five permanent members<sup>13</sup> and ten rotating members.<sup>14</sup> The ten members hold their seats for two year term, with member states voted in by the General Assembly on a regional basis.

In respect of the veto, the responsibility of maintaining international peace and security lies on the five permanent members and so has the final right on how the responsibility is to be exercised. The five permanent

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<sup>8</sup>. It lacked representatives for colonial people. The US, USSR, Japan and Germany did not participate in the formation of the League. It failed to stop the Japanese invasion of Manchuria, the 2<sup>nd</sup> Halo-Ethiopian war in 1935, Japanese invasion of China in 1937, and German expansions under Hitler. All these events could not be averted by the League, and so led to the outbreak of the 2<sup>nd</sup> world war.

<sup>9</sup>. With the independent status of Southern Sudan in January, 2011, the number of membership of the UN increased from 192 to 193.

<sup>10</sup>. This is against the background of the fact that the UN is now over seventy years since the time it was established.

<sup>11</sup>. Most of the decisions taken by the General Assembly have been very popular and which often favour the under- developed nations, but which the western nations does not like.

<sup>12</sup>. The operation of this organ has been fraught with suspicion in view of the way it has operated in the past to the counter-productive of the international community. For example, its UN Assistance Mission for Rwanda failed to intervene in the Rwandan Genocide because of the indecision of the Security Council.

<sup>13</sup>. These are the USA, France, United Kingdom, China, and Russia.

<sup>14</sup> They are Angola: (Tenure to expire in 2016), Malaysia (in 2016), and New Zealand (in 2016). Then Chad, (Tenure expired in 2015), Chile (in 2015), Jordan (in 2015), Lithuania (in 2015), and Nigeria (in 2015).

members hold veto over UN Resolution and this allows a permanent member to block adoption of any resolution.

The ten other members otherwise known as non-permanent members are elected for two years by the General Assembly and are not immediately eligible for re-election. The election is to be based on geographical distribution, i.e., five from Afro-Asia, one from Eastern Europe, two from Latin America and two from Western Europe and others.<sup>15</sup> In addition, the General Assembly<sup>16</sup>, Secretary General<sup>17</sup>, member states<sup>18</sup> and non-member states<sup>19</sup> can submit disputes to it.

### iii. International Court of Justice (ICJ)

It is located in The Hague, Netherlands, and it is responsible for judicial matters that are brought to it by any of its members. This Court was supposed to continue with the work of the Permanent Court of International Justice (PCIJ) which was already in existence under the Covenant of the former League of Nations.<sup>20</sup> Therefore, ICJ is the principal organ of the UN in matters relating to conflict resolutions of international disputes.<sup>21</sup> By Article 93(1) of the Charter, all UN members are ipso facto parties to the Statute of the ICJ. Under Article 38 of the ICJ Statute, the function of the Court is to decide any dispute that is brought to it in accordance with international law. In the case of *Northern Cameroon's case*,<sup>22</sup> it was held that the court can only interpret the law as it is and then give its advisory opinion, though, at times, it gives a binding judgment on the parties before it.

The court is composed of fifteen judges who serve for nine terms and they are appointed by the General Assembly. It has decided cases related to war crimes, illegal state interference, ethnic cleansing, and offer advisory opinions. On account of this, the court has performed well in adjudicating cases brought before it by the member nations.

### iv. Economic and Social Council (ECOSOC)

It helps the General Assembly in promoting international economic and social cooperation and development. It has 54 members that are elected by the General Assembly for a three year term. The president is elected for a one year term. Its functions include information gathering, advising member nations and making recommendations. Its subsidiaries are United Nations Permanent Forum on Indigenous issues, UN Forum on forests, UN Statistical Commission, Commission on Sustainable Development.

### v. Secretariat

It is headed by the Secretary General who is assisted by other supporting staff. It provides studies, information and other data when needed by the UN bodies for their meetings. It carries out other duties as may be directed by the Security Council, General Assembly, ECOSOC and others.

### c. Functions

To know the functions of the UN, recourse shall be made to its Charter which provides thus: *We the peoples of the UN determined to save the succeeding generations from the scourge of war, which twice in our life time has brought untold sorrows to mankind, and to reaffirm faith in fundamental human rights in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to establish conditions under which justice and respect for obligations...*<sup>23</sup>

From the above quoted provision of the UN Charter, one can deduce that the UN is meant to provide the following functions, namely:

- i. To prevent war of any kind;<sup>24</sup>
- ii. To promote the fundamental rights and the dignity of human person;<sup>25</sup>
- iii. To maintain the equal rights of all nations, whether large or small;<sup>26</sup>

<sup>15</sup> See GA Res 1991 (xviii).

<sup>16</sup> See Article 11 and 12 of the Charter.

<sup>17</sup> See Article 99 of the Charter.

<sup>18</sup> See Article 35 (i) of the Charter.

<sup>19</sup> See Article 35 (ii) of the Charter.

<sup>20</sup> See Art. 37 of the ICJ Statute that provides for the transfer of jurisdiction of PCIJ to the ICJ.

<sup>21</sup> See Article 92 of the UN Charter.

<sup>22</sup> See the Northern Cameroon's case (1963) ICJ Reports, Pp.33- 40.

<sup>23</sup> See Article 1 of the UN Charter.

<sup>24</sup> Wars of many forms are still rampant in most parts of the world. This is therefore a serious challenge to the day-to-day functions of the organization.

<sup>25</sup> The fundamental rights and dignity of human persons are still being breached and violated on a daily basis in most countries of the world.

- iv. To maintain conditions under which justice and respect for obligations of member nations are maintained;<sup>27</sup>
- v. To maintain international peace, security and tranquility throughout the world;<sup>28</sup>
- vi. Making recommendations for peaceful settlement of disputes<sup>29</sup>; and
- vii. Enforcement action to deal with threats to the peace, breach of peace and acts of aggression.<sup>30</sup>

In relation to these functions, the UNSC plays a vital role because members have agreed that the UN “acts on their behalf.”<sup>31</sup> Therefore, the Security Council acts as the agent of all the members. In this respect, since 1945 when the UN was established, all its activities through the various resolutions that were passed by its Security Council, General Assembly, Committees, and all other bodies affiliated to it have been geared towards the promotion, enhancement and the performance of these functions. In the light of this, in 1988, its peace keeping force won a Nobel peace-price. This is therefore a credit to the organization. Yet, it must be stressed at the onset that it is debatable on how far has the UN performed these functions in the years under review. This is in view of the fact that the UN has been faced with numerous problems as would be revealed in the middle of this work. Having made this observation, the paper will discuss briefly some of the above mentioned functions. These include:

a. Human Rights Promotions

This function is better appreciated, taking into account the UN Charter which imposed obligations upon member nations to promote the human rights of their people.<sup>32</sup> For effective implementation of this function, this obligation was later on followed by the Universal Declaration of Human Rights (UDHR) which was adopted by the United Nations General Assembly (UNGA) on 10/12/1948.<sup>33</sup> It serves as a common standard of achievement for all people and all nations. The rights envisaged by the Declaration are of two types namely:

i Civil and Political Rights

These include the rights to life, liberty, and security of persons, freedom from slavery and torture, detention or exile, among others. However, how far have these rights been respected and promoted all over the world is a question to ask? In brief, the rampant cases of human rights abuses both during peace or war periods are indications that there are many challenges facing man and humanity in terms of promotion and enforcement of their civil and political rights. For example, what is the relevance of these rights, if the US will arrest and detain people under a dehumanized condition without trial? Many detainees held in custody at Guantanamo Bay<sup>34</sup> without trial is a good illustration of this point.

ii Economic, Social and Cultural Rights

These include the right to work, and the right to basic education. In this direction, in December 16, 1966, the United Nations General Assembly (UNGA) adopted the International Covenant on Economic, Social and Cultural Rights (ICESA). It allows for complaints to be written and filed by individuals who felt that their rights as stated in the Covenant have been violated.

In an attempt to enforce human rights promotions, measures have been provided for on how to detect and submit reports of human rights violations in some particular states where these have occurred<sup>35</sup>. Thus, committee systems were set up, example of which include the following:

a. Human Rights Committee

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<sup>26</sup>. The way the world is structured seems to favour the promotions of flagrant violations of the rights of smaller nations by bigger nations. If there is still in existence the equal rights of nations, then, it is only on paper.

<sup>27</sup>. The present condition is contrary to the maintenance of equal justice and dignity of human persons.

<sup>28</sup> See the UN charter of 1945.

<sup>29,29</sup> Under items iv and v above, it made its 1<sup>st</sup> UN peace keeping force which ended the Suez canal crisis. In another respect, with the SC Resolution of 1950, it allowed the US-led coalition to repel the North Korean invasion of South Korea. And in 1947, it approved the partition of Palestine, and this led to the creation of Israel in that same year. In 1960, it deployed the UN operations in the Congo (UNOC) to bring order to the break-away of the state of Katangu. On the whole, it won the Nobel peace-price in 2001. Some of its officers and agencies also got awards.

<sup>30</sup>. See Articles 24-26 of the UN Charter.

<sup>31</sup>. See Article 25 of the UN Charter.

<sup>32</sup>. See Article 1 of the UN Charter.

<sup>33</sup>. See General Assembly Resolution 217A (III).

<sup>34</sup> As at Nov. 2015, there are more than 170 people held in custody at the Guantanamo Bay, and without trial. Before now, some of the detainees were released, having found out that nothing incriminating was found against them. The question is how would they be adequately compensated for the number of years they have stayed for wrongly being held in custody in the hands of their captors?

<sup>35</sup> To this extent, member nations have been urged to establish human rights such commission in their respective states. In compliance with this, Nigeria as a member of committee nations established the National Human Rights Commission by virtue of the National Human Rights Commission Act, 1995. See Cap. N. 46. LFN 2004, Vol. ii. It came into effect on 27/9/1995. It aimed at creating an enabling environment for the recognition, promotion and enforcement of all rights recognized under the Nigerian Constitution.

It examines periodically reports from states parties to the Convention so as to know if compliance has been made or not. When an investigation has been completed, the Committee will make its observations, offer some suggestions and recommendations to the state concerned. To complement this, under the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), the Committee can receive complaints made by individuals who have alleged that their rights have been violated. The Committee will look at it, make public its observations and then send same to both the individuals and the state concerned.

b. Committee against Torture

This Committee is to monitor the implementation of the due process of the Convention. Its function is to receive and consider complaints made by any individual who says that his rights have been violated. Upon receipt, it will make inquiries, prepares its findings and then send it to the state concerned for its response.

In spite of this however, the way and manner at which individual suspects are being tortured by government soldiers during investigation stage calls for concern. For example the spread of militants such as Boko Haram<sup>36</sup>, ISIS, have made these soldiers to jettison all known rights to be accorded to suspects in their custody.

c. Committee on Elimination of Racial Discrimination<sup>37</sup>

It gives periodic reports from states parties on measures being used to implement the provisions of the Convention. This could be by way of taking prompt actions so as to prevent serious violations of human rights. In this respect, it paid physical visits to the Former Federal Republic of Yugoslavia in 1993. Its aim was to initiate a peaceful dialogue between the warring parties of Albanians and the Government of Kosovo. Yet, there are many areas where the Committee has failed to carry out its functions effectively.

i. Peace Keeping and Peace Making

The need to save the future generations from another outbreak of war is inserted in the UN Charter where it says:

“to maintain international peace and security and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of peace, and to bring by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”<sup>38</sup>

From the above provision, it is within the functions of the UN to maintain peace keeping operations so as to control and curtail armed conflicts in all parts of the globe through peaceful means. In this respect, E.A. Erskine identified two types of peace keeping operations,<sup>39</sup> namely:

a. Observer Mission

It is composed of officers who do not hold arms and cannot even use force in cases of self defence, e.g. United Nations Military Observer Group (UNMOGIP) in the cases of Afghanistan and Pakistan, UNIMOG (Iran and Iraq), UNAMD (Sudan), and the United Nations Angola Verification Mission (Angola).

b. Actual force

It is composed of officers who are armed and can defend themselves at any time e.g. United Nations Transition Assistance Group (UNTAG), and United Nations Emergency Force (UNEF) and United Nations Interim Force in Lebanon (UNIFIL) as in the case of Southern Lebanon.

In view of the above, UNIMOG provided a stable and peaceful environment between Iran and Iraq, and eased the talks between the Iranian and Iraqi Foreign Ministers under the auspices of the UN. Again, there is the United Nations Emergency Force (UNEF) which provided for a peaceful environment to effect the implementation of Camp David Accord. Later on, this metamorphosed into the peace treaty between Egypt and Israel in 1979.<sup>40</sup>

In addition, it is instructive to note that the UN was in the Former Yugoslavia on 25/9/ 1991,<sup>41</sup> Somalia in March 1991, Rwanda, during the ethnic cleansing of the Tutsi of 1993, Congo in 1960,<sup>42</sup> Arab-Israel conflict in 1948, India and Pakistan over Kashmir in 1948.<sup>43</sup> To resolve the issue of Kashmir, in the 1950's, the UN passed a

<sup>36</sup> In general for example, there are documented reports prepared by the Human Rights Watch alleging human rights violations of Boko haram suspects held in custody of the Nigerian soldiers.

<sup>37</sup> See Article 18 of the Convention.

<sup>38</sup> See UN. The Blue Helmets: A Review of UN peacekeeping, UN Department of Public Information, Aug. 1992, at p.3.

<sup>39</sup> Erskine, E.A: A paper titled “Regional Centre for Peace and Disarmament in Africa,” presented at a workshop on Conflict Resolution, Crisis Prevention, Management and Confidence Building for Senior Military and Civilian Officials of the Economic Community of the Central African States (ECCA) in Yaoundé, Cameroun, 17-21, June, 1991.

<sup>40</sup> With the exit of Hosni Mubarak of Egypt, this treaty is likely to be revoked by a new government, in view of the fact that most Egyptians and other countries in the region do not like the treaty.

<sup>41</sup> See SC Resolution 143 of 1960.

<sup>42</sup> See SC's Doc. S/628 of Jan. 1948.

<sup>43</sup> See SC Resolution 143 of 1960.

resolution that a plebiscite should be carried out so as to know which, between India or Pakistan will govern Kashmir. It was also involved in the Salvadorian civil war. It did a peace keeping mission in Namibia.

All these are measures that were taken by the UN in order to maintain and enforce peace in the aforementioned conflict areas of the world. However, the Arab/Israel conflict is still ongoing. At the same time, the Kashmir issue between India and Pakistan is yet to be resolved.

In another respect, it has been accused of child rape and sexual abuse during its various peace keeping missions, examples of which are Republic of Congo, Haiti, Liberia, Sudan, Burundi and Ivory Coast. It was observed that its UN keepers from Nepal may have caused the cholera in Haiti between 2010 and 2013, and which killed more than 8000 Haitians following the Haiti earthquake.

### 3.0 The journey so far

As at August, 2015, the UN clocked 70<sup>th</sup> year of its existence having been established in August, 1945. In spite of the numerous challenges bedeviling it, it could be said that it has few successes to its credit. These could be seen under the following areas:

a. Increase in membership

The admission of more states came from Africa, Asia, the Middle East, South East Asia and Latin America. On account of this, the UN which started with 51 memberships in 1945 has about 193 members<sup>44</sup> by 14/7/2011, when southern Sudan got its independence from Sudan in 2011. With this increase in the membership, all member nations are under its umbrella and so regarded as an entity bounded by a common purpose, aims and objectives.

The relevance of this increase in membership is that technical and scientific contributions and developments are better enhanced throughout the world. These were in turn achieved through its affiliated agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), International Labour Organization (ILO), World Health Organizations (WHO), etc.

b. Decolonization/ Independence of States

One problem which the former League of Nations was beset with was that colonialism was regarded as legal under its Covenant. This explained why the league was made up of only nations that enslaved other nations. On this account, more than 1/3 of the land and population of the world were at that time under colonial rule and this continued until 1945 when the UN was established. Thus, with creation of UN in 1945, Article 1 of its Charter provides for development of friendly relations among nations, based on respect and self-determination of people.

The declaration on decolonization of 1960<sup>45</sup> further reiterated the above point through its principle of self-determination. It proclaimed the need to abolish colonialism. It called for the immediate abolition of all armed actions against protected peoples and for an unconditional transfer of power to them. Sequel to this, in 1965, it recognized “the legitimacy of the struggle by the peoples under colonial rule to exercise their rights of self-determination and independence,” and enjoined all states “to provide material assistance to the national liberation movements in colonial territories.”<sup>46</sup> Sequel to this, in 1970, it formally declared colonialism as an international crime, and reaffirmed the rights of peoples to struggle against it “by all necessary means at their disposal.”<sup>47</sup> In 1973, the United Nations General Assembly (UNGA) noted that peoples struggling against colonial rule were entitled to use all means, “including armed struggle,”<sup>48</sup> to regain their freedom. In this context, the inalienable rights of the Palestinian people were recognized.<sup>49</sup> These rights include the right to self-determination without external interference” and “the right to national independence and sovereignty.”<sup>50</sup>

These various resolutions are very important because they were later on used as legal instruments that allow most member nations to get their political independence from the hands of their former colonial masters. These countries include Angola, Mozambique, etc.

c. Prohibition of Apartheid

It is on record that the policy of apartheid had been on the UN agenda since 1946. In 1965, the UNGA approved the text of the International Convention on the Elimination of all Forms of Racial Discrimination,

<sup>44</sup> The Vatican and the state of Palestine have observer status.

<sup>45</sup> This declaration has helped a lot because many African countries such as Nigeria got their independence in the 60's. In fact, the UNGA adopted a declaration on the granting of independence to countries and peoples under colonial rules. This was passed in 1960 with no votes against, but abstentions from all the major colonial powers.

<sup>46</sup> This assistance includes moral, finance and even supply of arms and ammunitions so as to make the struggle for independence more effective and relevant.

<sup>47</sup> This is in consonance with the rights accorded to freedom fighters by the UN.

<sup>48</sup> This phrase, if critically looked at will negate the freedom of the people that have been regarded as terrorists on account of the struggle.

<sup>49</sup> In looking at this right, the Hamas is always at loggerhead with Israel and its traditional allies, particularly the US and the west.

<sup>50</sup> The ongoing struggle for the emancipation of the Palestines is therefore a legitimate one.

which includes a special condemnation of apartheid. In 1966, the UN declared apartheid as crimes against humanity.<sup>51</sup> Subsequently, this was reiterated by the Convention on the Suppression and Punishment of the Crime of Apartheid.<sup>52</sup> In addition, in one of its draft articles on State Responsibility, the International Law Commission (ILC) stated that apartheid constitutes a serious crime under international law, and so subject to a special regime of responsibility.<sup>53</sup>

In view of the above resolutions, during the former apartheid regime in South Africa, the UNGA urged the United Nations Security Council (UNSC) to impose mandatory sanctions against South Africa. To give effect to this, it urged member states to break diplomatic relations with South Africa. Hence, in 1975, the UN declared that the racist regime in South Africa does not represent the people of South Africa. Then, it noted that the people of South Africa have a right to struggle by all means possible to fight against the regime.<sup>54</sup> Due to this, on 4/9/1977, the UNSC imposed a limited arms embargo against South Africa,<sup>55</sup> and it is these collective efforts of member nations under the auspices of the UN that led to the fall of the former racist regime in South Africa. Before this time, Angola, Mozambique, Zimbabwe, e.t.c. got their self-determinations. Therefore, as at today, no country throughout the world is under colonial domination.

#### d. Developmental Projects

This was done through its specialized agencies such as the United Nations Development Programme (UNDP), United Nations Industrial Organization (UNIDO), United Nations Children's Fund (UNICEF), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), e.t.c. With the existence of these agencies in most parts of the world, mankind is able to feel the full and effective impact of the UN in all areas of human developments. These can be seen in the areas of health, science, education, research, environment, etc.

In addition to this, it has also helped in conducting and monitoring of elections in Africa and other undeveloped nations whose elections have often been characterized by violence and other forms of election malpractices.<sup>56</sup>

#### e. Peace Keeping Operations

The importance of the UN keeping operations is better appreciated in view of the fact that it has helped in ensuring that wars are not escalated or go out of hand in the affected conflicts areas of the world. Its peace keeping efforts were seen in Lebanon, Angola, Namibia, Sudan, Liberia, just to mention few, at different times in the past. In 2013, it deployed troops on 15 missions. The largest was the UN Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO), with 20, 688 uniformed personnel. It also has the UN Military Observer Group in India and Pakistan (UNMOGIP), with 42 uniformed personnel. This was aimed at monitoring the ceasefire in Jammu and Kashmir. Equally, we have the UN Truce Supervision Organization (UNTSO). It was stationed in the Middle East since 1948, and it is the longest peace mission activities of the UN.

However, the disagreement in the UNSC could not allow it to prevent the Bangladesh genocide of 1971, the Cambodian genocide of the 70s and the Rwandan genocide of 1994. It also failed to complete the peace keeping operations in 1992/1993 Somalia civil war.

#### f. Prosecution of War Criminals

To prosecute those guilty of warfare offences, International tribunals were set up. Examples of these are the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). These tribunals have made several convictions to this effect.<sup>57</sup> In addition to these are hybrid tribunals like the UN Special Backed Court for Sierra Leone and the Tribunal created in Lebanon for the trial of those involved in the killing of the late Prime Minister of Lebanon.

In another respect, the former President of Sierra Leone was convicted of child soldiering, war crimes, and crimes against humanity, amongst others, by the UN Special Backed Court for Sierra Leone.

No doubt, all these are positive steps that would further strengthen the rules of law of war fares and the development of international humanitarian law.

## 4.0 Observations

In spite of the few achievements recorded by the UN, yet, it has been facing a lot of challenges. These, in turn have made it to lose its relevance and integrity among some of its members. In the area of international

<sup>51</sup>. The violations of these rights and their resistance have often led to wars and disputes at the international level.

<sup>52</sup>. Broadly, other forms of crimes against humanity include war crimes, torture, genocide, slavery, etc.

<sup>53</sup>. As at today, apartheid is regarded as a crime in international law.

<sup>54</sup>. It was on the basis of this that the racist regime which perpetrated the crime of apartheid in South Africa came to an end.

<sup>55</sup>. Sanctions have been proven to serve as effective means of pressing for a legitimate demand in international law.

<sup>56</sup> These range from ballot snatching, over-voting, intimidation of opponents, etc.

<sup>57</sup>. In case of the ICTR, it has convicted individuals like Paul Akayesu for the offence of war crimes and other related offences that were committed in the ethnic cleansing of the Tutsi in Rwanda.

peace and security, the Middle East conflict has remained unresolved. Some new dimensions to it are the problems of the insurgents, extremists and terrorists that sprang up in Africa and the Middle East. These are ideas and ideologies being propagated by leaders and followers of the Al-Qaeda group, ISIS<sup>58</sup>, Al-Shabab<sup>59</sup>, Boko Haram<sup>60</sup>, etc. The India/Pakistani conflict over the issue of Kashmir is also yet to be finally resolved. We also have wars in Somalia, Sudan and Sri Lanka. Added to this is the US' interference in the domestic affairs of some independent states. For example, it unilaterally attacked and effected a regime change in Iraq and Libya. It also attacked Afghanistan.

In view of the foregoing facts, attempt will now be made with a view to highlighting areas that need to be strengthened for greater efficiency and performance in the years ahead, and they include:

a. Veto Power Clause

An important organ of the UN is the Security Council whose main function is the maintenance of international peace and security. The Security Council is made up of 5 permanent members<sup>61</sup> and 15 non-permanent members.<sup>62</sup> Out of these members, the General Assembly directed that five members must come from African and Asian States, one from Eastern European States, two from Western European States and "other states."<sup>63</sup>

Under the veto power clause, all the five permanent members must vote on an issue being deliberated upon. One vote against the other four members will render their votes to be invalid. In other words, all the five permanent members must have voted in favour of/or against a particular issue submitted to it for discussion.<sup>64</sup>

The idea behind veto power clause was to promptly and effectively decide on a matter, especially if peace and security is threatened. However, peace and security has been threatened over the years as a result of a misuse of this veto power. Specifically, all the five permanent members have used it to promote their political ideologies and selfish interests, instead of common interests of the world community. In the words of Bowett: This power of veto has been the instrument whereby much of the efficacy of the Council has been destroyed and the permanent members have not hesitated to use the veto when they felt their vital interests were at stake.<sup>65</sup>

In other words, it is the selfish interests of the permanent members that have undermined international peace and security in the past and even now. The US in particular had misused this veto power in the past. Citing the example of the Israel/Palestine conflicts, the conflicts have continued up to this moment because the US was always there to prevent and block any sanction that was to be passed against Israel as a result of its war of aggression in the region. This explains the feelings and conclusions in some quarters that Israel has an indirect veto in the Security Council.

Apart from this is the fact that it is wrong to use the opinions and views of these five permanent members as representing the views of other members of the international community. The five permanent members have never, and cannot use their views as representing the views of the larger majority. In addition to this is that memberships of the Council are lopsided in favour of the developed countries to the disadvantage of the underdeveloped countries. Therefore, it is suggested that this veto power clause should be reviewed for better efficiency and performance in future.

b. US' Domination of World Issues

It is no doubt that the US' domination of world issues and events has rendered the UN ineffective in carrying out its functions as stated in the Charter. Cases to buttress this point are the US unilateral attack against Iraq and Afghanistan just to mention a few. These attacks were carried out without the UN consent and mandate.

In the case of Iraq, the USA together with Britain and their allied forces attacked Iraq on 20/3/2003 in what is now referred to as the 2<sup>nd</sup> Gulf war. The war which lasted for about three weeks was not authorized by the UN. It was waged so as to control Iraqi's oil, but the presence of weapons of mass destruction in Iraq was used as an excuse.<sup>66</sup> This is therefore a minus against the UN as a world body whose primary function is for the maintenance of international peace and security.<sup>67</sup> Unfortunately, however, many years after this incident, nothing of such was found in Iraq.

<sup>58</sup> These are found in Iraq and Syria.

<sup>59</sup> They are seen in Somalia and Kenya.

<sup>60</sup> They are found in Nigeria, Niger, Chad, and Cameroun.

<sup>61</sup> The five permanent members are China, Russia, France, UK and the USA.

<sup>62</sup> The non-permanent members were increased to 15 on 31/8/65.

<sup>63</sup> However, what 'other states' include is not very clear, as it was not defined.

<sup>64</sup> Veto powers only come into play when Security Council's deliberation is on procedural matters. Non procedural matters are not inclusive. So, this can be decided by majority vote of nine members.

<sup>65</sup> Bowett, D.W: The Law of International Institutions, (supra) at p. 28.

<sup>66</sup> Even though, it has now been proven that there were doubts on the authenticity of the reports. This therefore questions the basis of the report as an excuse for attacking Iraq.

<sup>67</sup> This is the case with ECOWAS. Nigeria contributes about 60% of the annual budget of ECOWAS, and 80% of the troops



We must however admit the fact that the US will continue to enjoy this domination for a period of time in future. It contributes about 20% to 25% of the yearly UN budget<sup>68</sup> and also has a substantial number of its national as UN troops for peace keeping. This, it has been used as an advantage to dabble in to the working system of the UN in the past and will still use it whenever the opportunity occurs in future.

#### c. Terrorist/Insurgent Activities<sup>69</sup>

Terrorist activities include bombing, hijacking, political assassination, kidnapping, hostage taking, intended injury and other related offences. Between 1968 and 1978, there were more than 3000 recorded cases of terrorism. In these acts of terrorism, over 7000 people lost their lives while a substantial number of people were injured and properties worth millions of dollars were destroyed. The worst hit areas include the Latin America, Western Europe, Middle East, Africa, etc. And since that time till date, terrorist activities have increased tremendously, causing colossal damage to their victims. This increase is basically because of certain injustices committed by stronger nations against the weaker ones.<sup>70</sup>

In the midst of all these, the Middle East conflicts are yet to be resolved, and this has further been compounded by the civil war in Syria, the declaration of Islamic state by the Islamic State of Iraq and Syria (ISIS), the Boko Haram in the African countries of Nigeria, Niger, Chad and Cameroun.

#### d. Cases of Armed Conflicts

The 1<sup>st</sup> and 2<sup>nd</sup> world wars had come and gone. In a quest for world peace, the former League of Nations,<sup>71</sup> and later on, the UN was created in 1945. The main function of the UN is to maintain international peace and security. However, 70 years after the creation of the UN, the desired peace and security around the world have eluded us. This is because all the nooks and corners of the world may have experienced conflicts of various kinds. Such conflict areas include the Darfur region of Sudan, Somalia, Srilanka, Ethiopia, Rwanda, Liberia, Sierra Leone, and, the former Yugoslavia. This is further compounded by the Middle East conflicts<sup>72</sup> which till date are yet to be resolved. In most of these conflicts, the UN watched helplessly unable to do what was expected of it<sup>73</sup>. On account of its failure, regional organizations such as North Atlantic Treaty Organization (NATO), European Economic Community (EEC), Arab League, African Union (AU), Economic Community of West African States (ECOWAS), e.t.c. often intervened. Yet, the quest for the desired peace and security are yet to become a reality. This is very unfortunate.

In another respect, the regime changes in some parts of North Africa and the Middle East should be a source of concern to the UN. The countries affected by these changes include Tunisia, Egypt, and Libya. Similar attempts were also made in Yemen, Bahrain, Syria, etc. but with little success. In Libya, for example, the demise of late Ghadafi has still not brought the desired peace to the country. In the case of Syria, the fight is still ongoing. Again, the crisis in Bahrain and Yemen has not been finally resolved.

Furthermore, the Sudan crisis is still lingering on. When the South Sudan got its independence in January, 2011, people felt relieved, thinking that the hostility in Sudanese will come to an end. Unfortunately, events after the independence of Southern Sudan from Sudan are now to the contrary. The two countries are still fighting over who controls the oil area of Abiye. Before now, the Southern Sudan withdrew its soldiers from the area in compliance with the UN resolution. We hope this will on the long run bring peace in that part of Africa and beyond.

In another respect, some new dimensions to these conflicts are the emergence of Islamic State of Iraq and Syria (ISIS) in Syria and Iraq, and Boko haram in some parts of Africa<sup>74</sup>. The effect of this is now the boom and high demands for arms ammunitions to prosecute these wars. This is where the roles of US and the west in stopping these wars are with suspect. They made a lot of money from the sales of arms and ammunitions to warring parties in the conflicts that took place in Africa, Middle East, and other parts of the world. The wars have been prolonged because parties to the wars get regular supply of arms ammunitions from the US and the West. The revolutionary forces in Libya were able to defeat Muhammad Ghadafi because of the weapons they got from

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of the peace keepers are Nigerians.

<sup>68</sup> As at 2013, the US contribution was 22%, Japan with 10.833%, and Germany with 7.141%, etc.

<sup>69</sup> There is a very thin line between terrorism and insurgency. Yet, the end result, which is to create fear in the minds of their targets are also the same. This is also the same, when it comes to the expected results, and that is colossal damage.

<sup>70</sup> The attack launched by Israel against the people of Gaza strip on 28<sup>th</sup> day of December 2008 till the 3<sup>rd</sup> day of January 2009 is a case in point. These are not the wishes and aspirations of the drafters of the UN Charter. Thus, self-help is often used as a means of showing their grievances to the system.

<sup>71</sup> The failure of the League to perform its objectives and functions led to its demise and thereafter the emergence of the UN in 1945.

<sup>72</sup> These include the Israel/Palestine conflict, Israel/Lebanon conflict, etc.

<sup>73</sup> It refused to intervene in the Rwandan ethnic cleansing. When it intervened, it was too late because high rate that had took place. It also neglected the crisis in Somali, but it prosecuted the Bosnian war. This is nothing but double standard of the west.

<sup>74</sup> Its members are found in Nigeria, Niger, Cameroun, Mali, Chad, e.t.c.

outside. Specifically, the US and the West sold arms and ammunitions to the opposition group in Libya. This helped a lot in the final capture and killing of Muammar Ghaddafi.

Similarly, the war in Syria is still ongoing because the opposition got supply of arms and ammunitions from outside. To this extent, the US, the West and Turkey have been accused of supplying the opposition with arms and ammunitions. In addition the US, Saudi Arabia and Qatar have supplied arms to the ruling government in Bahrain so as to quell the opposition group in that part of the world. This is not surprising in view of the interests which both the US and Saudi Arabia has in Bahrain.

#### e. Refugee's Issues

Akin to the above is the issue relating to refugees. In 1950, the UN High Commission for Refugees was established. It was aimed at protecting the rights of refugees, asylum seekers and stateless people. Funding is through voluntary contributions from groups, individuals, etc.

Meanwhile, it is imperative to give the definition offered by the Convention Relating to the Status of Refugees (CRSR) of 1951. It defines a refugee as applying to any person who:

as a result of events occurring before 1<sup>st</sup> January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the Country of his (or her) nationality and is unable, or owing to such fear, is unwilling to avail himself (or herself) of the protection of that Country, or who, not having a nationality and being made outside the Country of his (or her) former habitual residence as a result of such fear, is unwilling to return to it...<sup>75</sup>

As a result of wars and conflicts in most parts of the world, the problems of refugees have increased threefold.<sup>76</sup> Thus, refugees are found in places like the West Bank, Gaza, Jordan, Syria, Lebanon, etc. For example, over 33,000 refugees from Somalia are in Kenya. To maintain them in the camps needs a huge amount of money. Unfortunately, this money is not there. Therefore, a point of emphasis here is that the prevalent of wars and conflicts have led to the problems of refugees. This is therefore a major problem which the UN has to cope with now and the years ahead.

#### f. No Permanent and Standing Army

As a matter of fact, the UN needs a permanent and standing army to effectively carry out its functions, especially if it wants to carry out its enforcement measures with a view to preventing any form of threat to international peace and security in any part of the world. When such needs arise, and since it has no troops of itself, it often heavily relies on contribution of troops from member nations. These troops are referred to as "Blue Helmets." But in most cases, it is either that the members did not send their troops or that they were sent too late.<sup>77</sup> In this case, the threat intended to have been prevented may have been overtaken by events.

However, even if it has permanent troops, there would be a problem of who is to command the troops. Or, who is to give instructions to troops to be deployed to a crisis area, and for what period of time they will stay in the affected conflict areas? The point here is that the bigger nations may want to hijack the processes to their own advantages to the detriment of the smaller nations.

#### g. Jurisdiction of the ICJ

Under Article 92 of the UN Charter, the ICJ is the principal organ of the UN on matters relating to conflict resolution of international disputes. This is meant to encourage member nations to resolve their problems by means of legal redress, instead of self-help through a resort to war. However, the court has not been able to function effectively as it ought to have been on account of some inherent problems such as the "non-binding force, except that particular case" of the court.<sup>78</sup> Others include lack of a Police force or prison of its own or refusal of members to submit to its jurisdiction or accept the judgment delivered by the court. A case in point is the case of Nicaragua vs United States,<sup>79</sup> where the US refused to pay the reparation money that was awarded against it in favour of Nicaragua. Again, there is the case of Nigeria vs Cameroon. It took some months before the two parties finally agreed to be bind by judgment delivered by the court in the adjudication on matters referred to it by the parties for settlement.

#### h. Inadequate Funds

The UNGA is to approve the yearly budget<sup>80</sup> and set assessment for each member nation, based on the relative capacity of each member to pay. This is measured by the Gross National Income (GNI) of a state, with adjustment for external debt and low per capita income. It also got contributions from voluntary contributions. Its budget has now increased threefold into billions of Dollars and this is due to the fact that its areas of

<sup>75</sup> See The UN Protocol Relating to the Status of Refugees of 4/ 10/ 1967.

<sup>76</sup> The 1954 Convention did not envisage the problems being encountered by the Refugees now.

<sup>77</sup> A major cause of this attitude is the insecurity of the lives of the UN's troops. Thus, most countries are often not willing to send their troops for peace keeping operations.

<sup>78</sup> See Article 59 of the ICJ.

<sup>79</sup> ICJ Report (1984) 392, June, 27, 1986.

<sup>80</sup> Its two year budget for 2012-2013 was 5.512 billion dollars.

operations have increased tremendously since its inception in 1945. These funds are needed to carry out such activities like humanitarian reliefs in war areas, execution of peace keeping operations,<sup>81</sup> and maintenance of refugees that are settled in refugee camps. Good as these activities are, carrying out the works with full success needs a lot of money. Unfortunately, member nations don't pay their dues to the organization.<sup>82</sup> This could either be as a result of the global downfall in the economy, or the defaulted countries might have used the little resources at their disposal in prosecuting wars of various forms. Example of this is in Africa where most of the African countries have engaged in one civil war or the other that ran through the last two decades. On the other hand, rich nations, because of their selfish interests don't pay their dues, if they are not too comfortable with the particular activities of the organization.<sup>83</sup> The long effect of this is that failure to pay the dues will affect the programmes it wants to carry out in a particular year

#### i. Issue of Nuclear Weapons

The wars being fought here and there have led to the race on how to gain superiority in terms of production and stockpiling of destructive weapons and ammunitions. The destructions of the two cities of Japan (Hiroshima and Nagasaki) as a result of the use of these weapons are still fresh on our minds.<sup>84</sup> Since that time till date, many attempts have been made to curtail this category of weapons, and these include the Arms Limitation Treaties outer space Treaty of 1967, Treaty on Non Proliferation of Nuclear Weapons of 1968, Seabed Arms Control Treaty of 1971, Biological Weapons Convention of 1972, Chemical Weapons Convention of 1992, Ottawa Treaty of 1997, etc. Three UN bodies oversee arms proliferation. These are the International Atomic Energy Agency, Organization for the prohibition of chemical weapons, and Comprehensive Nuclear Test Ban Treaty Organization Preparatory Commission.<sup>85</sup>

Because of the race and competition in the production and stockpiling of this category of weapons, Iran attempted to join the competition. To forestall this dream of Iran, the UN passed the UNSC on 25/9/09. But what is the justification for this when other countries in the region, Israel, Pakistan, etc. are in possession of same? This is equally the same with the US, UK, China, and Russia. All these countries are in possession of nuclear weapons. Therefore, why should the case of Iran be an exception?<sup>86</sup>

Similarly, the US is also engaged with North Korea over its ambition to possess nuclear weapon. If not resolved amicably, this issue could also be a challenge for the UN as it may lead to a spark of war between North and South Korea, and which may endanger international peace in that region

#### j. Climate Change

There is no doubt that man has benefited a lot as a result of advancement in the improvement on its environment. Yet, much damage has also been caused to man and his environment as a result of the advancement in technology. The end products being discharged by the big industries of the developed Countries is one of such problems. Specifically, environmental pollution and other related health hazards are some of the problems faced by man. The Travigira (Ivory Coast experience) is a good illustration of this point. In addition, the Koko (Nigeria) experience is still also fresh in our minds. This is therefore where the developed countries have been indicted.<sup>87</sup>

#### k. Politics in the UN Agencies

It is on record that the UN has come of age. From peace keeping, it has moved into some other developmental projects such as health, education, social, scientific, etc. It was able to do these through the activities of its specialized agencies like the United Nations Development Programme (UNDP), United Nations Industrial Development Organization (UNIDO), United Nations Children's Fund (UNICEF), etc. As agencies of the UN, key appointments into the agencies ought to be based on merit taking into consideration the geographical and regional spread. At times, however, this is often not the case. Instead, ideological differences, regional groupings, etc. are often used as major considerations. For example, critics have condemned the

<sup>81</sup> This is against the background of the fact that the budget of peacekeeping rose from \$230m in 1968 to \$3.1b in 1995. See News Week International of 30/10/95, p. 14.

<sup>82</sup> A report dated 16/12/09 showed that only 131 nations out of 192 members paid fully their annual dues to the Organization.

<sup>83</sup> For example, the US is responsible for about 20%-25% of the annual budget of the UN. It is therefore natural for it not to pay, if it feels that its interest in any part of the world is threatened. This was the situation in the 1990s when it withheld its dues on the ground of inefficiency. It started the repayment on condition that certain major reforms have to be introduced.

<sup>84</sup> In August, 2015, Japan marked the 65<sup>th</sup> anniversary of the bombings of its two cities Hiroshima and Nagasaki by the USA.

<sup>85</sup> However, good as these treaties may be, the US had denounced of them. For example, it rejected the treaty banning land mines, objected to the creation of ICC, rejected the convention on the prohibition against the use child soldier in war., etc. The list is endless.

<sup>86</sup> This has generated a lot of anxieties between Iran and the five permanent members of the UNSC.

<sup>87</sup> USA and China are the major culprits in this regard as they are the major polluters of the environment. China alone is responsible for about 25% of the world pollution.

outcome of the election conducted in 2009 for appointment of the Director General of UNESCO. In the election, Hosny Farouk of Egypt lost to Irina Bakova of Bulgaria. It was argued that in terms of merit, the former ought to have won, but he lost, because of his condemnation of the State of Israel over its policy of aggression in the region.

In another respect, Boutros Boutros Ghali of Egypt could not go for a second term in office as the UN Secretary General. The reason of this was his differences with the US.<sup>88</sup> This explained why, when he was in office, the US withheld its dues and subventions to the Organization.<sup>89</sup>

In another development, it has been argued that the UN is often being used to promote the cultural values of the West to the detriment of the developing countries. Again, it was argued that since the establishment of the World Bank, the US has always have the final say on who becomes the president, while, the west controls who becomes president of IMF. In this context, Ngozi Iwealla of Nigeria lost her bid to become the president of the World Bank in April 2012 because she was not the favoured candidate of the US.<sup>90</sup>

## 5. 0 Future Perspectives

Having looked at the problems and achievements of the UN since the last 70 years of its existence, a lot needs to be done so as to achieve the desired objectives in the years ahead. It is in the light of this that the writer intends to proffer some suggestions for future reforms of the organization. These suggestions include:

### a. Reforms of the UN

It is a common knowledge that the world is in dire need of the continuous existence of the UN. However, to make it function efficiently and effectively, there is need for some reforms of the organization. In this respect, it is my view that the permanent nature of the five nations with permanent membership in the Security Council should be reconstituted in such a way that all the continents are equally and fairly represented at the UN. The existing country with veto power in the UN was brought about on account of their victories during the 2<sup>nd</sup> world war. 70 years after, this has not changed. This is in spite of the obvious fact that new powers had thereafter emerged.<sup>91</sup> It is undemocratic and should not be allowed to continue. In fact, it is a contravention of the content of the Charter which says "... we the peoples of the UN...in the equal rights of men and women and of nations large and small to establish condition under which justice and respect for obligations..."

In another respect, the UN should be allowed to enforce its mandate of international peace and security as stipulated in the Charter without any hindrance from any state, whether big or small. Specifically, this is where unilateral attacks by US against countries like Iraq, Afghanistan etc. without the UN's consent and mandate should not be allowed to continue. Unfortunately, it is the attacks of this nature that have fuelled the radicalization of ideas which then leads to insurgency and terrorism in the Middle East and other parts of the world. The September, 2011 attack of the US is a case in point. In addition to this is the attempted bombardment of the US Airplane by a Nigerian, Mohammed Abdulmutalib in December, 2009, which is still fresh on our minds.

### b. Resolving the Middle East Conflicts

Most of the wars fought in this area are directly between Israel and its Arab neighbours, while the western world, particularly, the US played major roles as allies of Israel against the Arabs, and the Palestinians. Many groups and organizations fighting for the cause of the Palestine, but now tagged as terrorists have also played key roles in those wars. To resolve the wars, the UN must invite all the key actors to a meeting with a view to providing a lasting and permanent peace in the region. Specifically, the Arabs, the Palestines, and Israel must recognize the right of existence of one another within a confined, distinct and recognized territory under the rules of international law.<sup>92</sup> To this extent, Israel should be urged to surrender all the lands it occupied illegally to the lawful owners. It could be recalled that Israel annexed and occupied these lands in the six days war of 1967. Thereafter, it should go back to its old and designated lands when it was created by the UN in 1948.

### c. Improvement in The US's Policies of Administration

The eight years rules and misrules of Bush administration have been that of policies of state's aggression and unilateral attacks against independent States. In its pursuit of war against terror, the US has created more enemies for itself than friends. Yet "terrorism" has increased tenfold without any appreciable impact. Its misuse of veto power to block any UNSC resolution in favour of Israel has also not helped matters.

<sup>88</sup>. One of this was that as an Arab, he had some reservations on the policy of the US in the Middle East.

<sup>89</sup>. During the tenure of Boutros Ghali, its dues amounting ti 2.6 US billion dollars were withheld by the US. Also during this period, the US left UNESCO, and came back after 18 years of its absence. All these were done because its interests on certain issues were being threatened

<sup>90</sup>. She lost to a Korean, a nominee of the US. His name is Dr. Jim Yon Kim.

<sup>91</sup>. These new powers include Japan and South Africa, amongst others.

<sup>92</sup>. This is a reiteration of a two states solution, i.e. Israel and Palestine States which have earlier been agitated by some keen observers in the Israel/Palestine conflicts.

In another respect, it could be recalled that when president Barack Obama came in as the US president, the world community was very optimistic that the US would retrace its steps backwards to examine where things have gone wrong over these years with a view to making amends.<sup>93</sup> He started this by extending its hands of fellowships to one of its perceived enemies, e.g. Iran. Unfortunately, the June 12, 2009 election which brought the second tenure of the former President, Mahmoud Ahmedenijad, has further created more problems. The rallies and demonstrations within and outside Iran, with complaints of riggings in the elections that took place in Iran were said to have been fuelled by US and its allies. This was further worsened with the way and manner the Iran nuclear issue was handled by the UN and US. So, unless this is carefully managed, this crisis may further create a new crisis between Iran, US and its close allies.<sup>94</sup> However, it is hopeful that with the exit of former President Mahmoud Ahmedenijad, and the coming of President Hassan Rouhani, a new relationship would be developed and maintained.

#### d. Good Governance in Africa and other Countries

Undoubtedly, Africa is faced with a lot of problems, among which are civil wars, inter-tribal wars and armed conflicts. In the past, we had the wars in areas such as Rwanda<sup>95</sup>, Burundi<sup>96</sup>, Eastern Zaire, Sierra Leone, Liberia, Congo, Sudan, Somalia, etc. Mismanagement, bad governance, corruption, sit tight leaders in Africa, etc. are some of the causes of these wars. Indirectly, the prolonged executions of these wars have weakened the economies of these nations. Some of them have therefore largely depended on aids from the western world and some non-governmental organizations. For example, in spite of the yearly foreign aid being received during the period of regime of the deposed Hosni Mubarak of Egypt from the US, corruption was still rampant in Egypt.<sup>97</sup> As a way forward, the leaders should be made accountable to their people by embarking on people-oriented policies. This will in turn reduce the urge and tendency to go to war at the slightest provocation. If this is done, it will be better for the continent, and this would indirectly help the UN whose primary function is the maintenance of international peace and security.

#### e. Prosecution of War Criminals

In the introductory part of this work, it was pointed out that wars (both national non international) have engulfed most parts of the world. In some of these areas where armed conflicts have taken place, attempts were made to punish the aggressors. These were done through a setting up of international tribunals to punish violators of international law. Therefore, the trial of Charles Taylor of Liberia showed a positive development in the area of international humanitarian law. Before now, the ICTR and ICTY were created to try those involved in the ethnic cleansing that took place in Rwanda and the Former Yugoslavia.

However, a lot of areas have been left out<sup>98</sup>. This is deliberate and so very unfortunate. The delay or refusal to punish violators would send a wrong signal that the world community will condone acts of international criminality. The delay would also show that the system seems to be in favour of the stronger nations or some powerful individuals to the detriment of the victims and the entire world community. For example, the hybrid Tribunal set up in Lebanon over the killing of Tarik Harriri commenced sitting, four years after the brutal killing of Harriri is a sign that something is wrong. Again, the trial of Khmer Rouge leaders of Cambodia<sup>99</sup>, 30 years after the incident took place showed that the system is weak, thereby encouraging others to kill with impunity. This is not good for the system.

Again, there is also a delay in the final completion of proceedings. For example, the trial of Charles Taylor which was concluded in April, 2012, lasted for about four years. Similarly, the arrest of Rako Mladic in May, 2012, after 15 years of hiding showed that something is wrong. If it took the authority 15 years before his arrest is effected, then how long would the trial last? Justice delayed is justice denied.

#### f. Curbing Armed Conflicts and Wars around the World

The wars in Srilanka, Sudan, Mali, Somalia, Congo, Pakistan, the US' unilateral attacks of Iraq and Afghanistan, etc. are obvious indicators that the UN, at 70 years of its existence has not curtailed war. In fact, almost all parts

<sup>93</sup>. This hope has since been dashed in view of other world events which showed that the US always thinks of itself first before any other country.

<sup>94</sup>. This had since been compounded with the multiple sanctions been imposed by the UN, US, EEC, etc.

<sup>95</sup> Though, the current president has been commended for his leadership style, his attempt to change the constitution so as to extend his tenure may lead to hostility, if not well handled.

<sup>96</sup> In spite of stiff oppositions, the president has succeeded in altering the constitution thereby paving way for him to participate in the next year presidential election.

<sup>97</sup>. This was one of the reasons that led to mass riots that were staged against the regime of former president Hosni Mubarak of Egypt in 2011.

<sup>98</sup> There is need to establish a tribunal for trial of war crimes offences committed by the US in Vietnam or Laos.

<sup>99</sup> The trial covered 1975 to 1979, and this was deliberate. If it was the period before or after these years were included, the US knew it would run the risk of being charged for war crimes offence. The pre 1975 period was the time when the US effected carpet bombing in Indochina. On the other hand, the post 1975 period was the period the US gave political cover Khmer Rouge at the UN.

of the world have experienced one form of war or the other. This is very disheartening as it is a negation of the principles and ideas of the objects of the UN Charter and therefore a minus against it. In this respect, it is suggested that all the factors which make a resort to war should as much as possible be minimized. This includes a fair and equal treatment of all countries (big or small) and irrespective of race or colour, etc.

Furthermore, it is desirous that the UN, through its specialized agencies find a way of how to control and regulate the production of arms and their sales. Most of the wars being fought now have been fought through purchase of arms and ammunitions from the US and the west. This is because no war can be effectively fought without these arms. Even when these wars have ended, large quantities of arms and weapons will obviously remain in the hands of armed bandits. The net effects of these are insecurity and lawlessness in the affected areas. Therefore, unless this is done, the lasting peace which the world desires will continue to elude us.

## **6.0 Conclusion**

This paper pointed out the evolution of the UN, following the demised of the old League of Nations. This was later on followed by a brief history, structure and functions of the UN. How far it has been able to carry out its mandate within the last 70 years of its existence were also discussed. In doing this, some problems were identified. Thus, in an attempt to redress these problems, the way forward for purpose of an effective and formidable future existence of the organization was postulated. This was by way of offering some recommendations so that the organization would wax stronger in future. However, whether all the stakeholders in the administration of the UN would look into these and implement same, only future and unfolding events shall tell. Yet, one thing is certain and that is there is the need to have a look at some of these recommendations. Otherwise, a time would come when regional organizations or a stronger nation in a region would usurp the expected roles and functions of the UN.<sup>100</sup> Unfortunately, this is exactly what is happening now, because the US has usurped most of its functions.

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