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# **Role Of United Nations In Global Governance**

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## **Abstract**

Internal, local or national governance of countries is done by their respective governments and organisations which operate within and for the territories of such countries. When it comes to the matters, issues or relations *between* different countries, it is international law and international organisations that do this job of governance. The most prominent international organisation in the world has been the “United Nations or UN”. “*The United Nations is an intergovernmental organisation which aims to maintain international peace and security, encourage and build harmonious relations among countries of the world and achieve international cooperation*”, all of which, are promising solutions to international problems. This action plan is a part of what we call *global governance*. Global governance or administration comprises of all goals and acts that go beyond national boundaries and the same is aimed to be reached at, through facilitation and coordination of transnational actors, both state as well as non-state ones and achieve economic and moral incentives for all. The process of global governance and its goals are different from those of local or national administration, and so is their work and enforceability. In the present-day globalising world, international organisations (here, the UN) have come about to play an interestingly important role in the administration of world affairs. However, is that what is promised, actually delivered, is the question that needs to be asked and ascertained. Hence, the present research is undertaken.

## **KEY WORDS**

Accountability, Administration, Global Governance, International Cooperation, United Nations.

## Introduction

1. No country can operate in absolute solitude and with the onset of rapid civilisations and lately, the phenomenon called *globalisation*, it has become all the more pertinent for countries to come together and function as well as coexist in harmony. Unlike olden times, nations now are integrating at a very rapid pace, and whether they like it or not, they must converge in their functions and activities to enjoy shared benefits. It is now believed that no nation can survive, let alone prosper in seclusion or isolation. The need for this consolidation of not just cultures, but also laws, rules and organisations trans-nations has been felt since quite some time now. But governance at such a global stage/level could not possibly be done by a single nation or just a few nations coming together – participation of majority of nations was necessary so as to facilitate global governance. This is where international organisations like the United Nations come into the picture. With almost all countries being its members and having dedicated organs for all international issues of common interest to all, the United Nations stands as the single-most powerful and wide-reaching international organs of all time – despite its numerous failures, it still stands as the one institution, upon which hopes can and still are, being pinned for the achievement of global goals. However, the questions today lies – whether the UN is living up to its vision and mission, and given the current global crises on so many different levels, how far should the UN be held accountable? This paper, therefore, is going to try to help us understand the meaning and importance of global governance/administration, to study briefly about the history, goals and aims of the United Nations, to analyse the working of the United Nations (how it carries out global administration and governance) and its failures and achievements over the years and to ascertain the effects of such governance on various nations of the world, especially third world countries.

## Literature Review

The first paper titled “**Globalisation Rules: Accountability, Power and the Prospects of Global Administrative Law**” by *Simon Chesterman* talks about the concepts of administration, linking it to global administration and the need for the same. It goes on to speak about the necessity as well as the ills of equality and relates the concept to that from the very famous “*Animal Farm*” by George Orwell. It speaks about the deficits in accountability on part of major nations and international organisations, which is relevant as well as useful for the current study.

In another paper – “**A New World Order? The Role of United Nations in the International System**” by *Noel Dorr*, the author specifically talks about the United Nations as an international body whose role in the making and maintaining of a new world order is very important and the paper highlights ways in which its flaws can be erased and suggests ways and means through which the organisation’s hold and effectiveness can be strengthened. **A Democratic Rule of International Law** by *Steven Wheatley* speaks about examining the ways in which people should perceive, try to understand and thereafter deal with the democratic deficit that occurs as a result of global governance (specifically in the post-Westphalian political settlement). It helps the current study in the way that it gives a whole new perspective to the aspect of global governance and international administration by evaluating the possibilities of applying the ideas or standards of democratic principles and legitimacy to various systems of law. **Challenges to the United Nations in the New World Order** by *Chandrakant Yatnoor*; In this article, the author speaks about how the United Nations gets overburdened with all the problems of the world, and the responsibility it shoulders is not easy to fulfil since the problems and their nature keep changing from time to time. It lays emphasis on the member states to help themselves with the push that the UN gives them and not to completely pin all the responsibility on the UN. This article is in a way biased towards the UN since it states that the member states should take action and it is their (political) will which is the ultimate deciding factor. In another article by *Bruce W. Jentleson*, the author explains America’s approach and role in the UN under Donald Trump, his policies which are not so ideal. It explains how one of the strongest nations not just in the United Nations but in the world, has its policies in the international sphere which do not fall in consonance with the ideals of the UN policies and how the UN can and must make internal reforms. **Horizontal Review between International Organisations: Why, How and Who Cares about Corporate Regulatory Capture** by *Abigail C Dushman* - This article talks about the much-needed question with relation to international law and administration- the internal functioning or working of such organisations and the pressing need for accountability and transparency in the same. It is helpful to the present study as it covers certain areas of the theme revolving around the accountability in global governance which help the research scholar further the same. **International Organisations and the Frankenstein Problem**, *Andrew Guzman* has wonderfully articulated piece of writing, and explains why the need for creating international organisations was felt in the first place and the resultant creation of the same, has turned out to be what in terms of what was expected and what is being delivered by such IOs. It explains very well the types of activities that these organisations can take, their say in

international issues and their role in forming and framing international law and the extent to which they can influence it. The major instrumentality of this article lies in the part where it speaks about how not nearly enough pressure is being placed on such IOs – which is also what the current study wishes to explore further. Another paper by Jost Delbruck talks about how the United Nations has worked beyond what it was originally made for and its evolution also has been discussed. It talks about how the UN has played an important role in globalisation and dealing with the problems that come with it. However, it is a very old article whose relevance is now non-existent and therefore, it only helps us understand the author's viewpoint and facts which existed decades back, which can help in understanding evolution and drawing comparisons. A paper titled **The United Nations** by *Peter Nadin* speaks about the ongoing instability at the international as well as national levels in the world and related it to the role of the United Nations in the same. From terrorism to climate change, the problems at the global level are serious and varied in nature. This article examines the successes and failures of the United Nations in doing its job – global administration and governance in order to maintain peace, security and health. It is a recent study which helps the current study too. In **The Concept of “Law” in Global Administrative Law** by *Benedict Kingsbury* explains all about the concept of law and the concept of Global Administrative Law and the linkage or connection between the two. It traces the use of the terms and how it has evolved over time. It is helpful to the current study as it explains how law, and global governance work hand in hand in the international sphere and how international organisations while carrying out international affairs and administration must use these concepts in a way that brings about transparency and accountability. An article on the WTO and global dimensions by *Richard B. Stewart and Michelle Ratten Sanchez* speaks about World Trade Organisation and its roles in the sphere of global governance and the way it functions and how its policies, and the outcomes of the same have been, along with their effects on various parts of the globe. It helps us in drawing an understanding about the economic aspect of global governance. All the above-mentioned articles and papers do explain the concepts in the present study and the certain other relevant areas too, however, they do not necessarily address the flaws and failures of the United Nations in doing its job in order to fulfil what it promises at the international level and how it can be made more accountable and effective in operation in today's world-scenario, especially towards the countries that need more help (i.e., developing and under-developed ones). Hence, this study.

## **Statement Of Problem**

The main aim of this research is to analyse the role of various organs of the United Nations – the most prominent international organisation and key player in global governance and international administration. The study shall try to ascertain whether and how well or how poorly the UN and its organs have fared in the area of global governance, now that the dynamics of international security, health and trade are changing rapidly.

## **Research Methodology**

The research methodology used in this study is doctrinal. This is because the approach towards the subject demands the same. The methodology includes a qualitative and in-depth analysis of previously-written works on the same or relevant (either partly or fully) areas of study and finding gaps in them to advance the current research and give it proper direction. It involves scrutiny of various reports and articles as well as the functioning of certain organs of the United Nations and their efficacy and effectiveness (through reports, articles and other sources of information).

## **Research Tools**

The current study includes and has used the following research tools:

- Law Journals
- Case Laws
- Books
- Articles
- Research Papers
- Reports
- E-library resources

## Introduction To The United Nations

The basis and background of major International Organs have always dwelled in the pursuit of peace and overall security for nations. Such events have generally followed grotesque wars. Before the UN, the League of Nations existed (which was orchestrated in 1919) "*to promote international cooperation and to achieve peace and security*". Despite many efforts, it was not able to prevent the horrible world war two and this is why, major countries decided to join hands in interest of global peace and cooperation. This is where the United Nations comes into the picture – as a *saviour* of the world and a solution-giver for all problems at the international level – or at least that was what the idea behind its inception was.

Thus, representatives from over 50 countries of the world came together at the United Nations Conference from 25 April to 26 June 1945- went ahead to formulate and sign the UN Charter for the creation of a new international organization which would come to be known as the United Nations or UN.

It would be pertinent to understand that the creation of the UN was with a motive to sort out or to eradicate the problems of the nations who were at war – these nations were mainly larger ones, which are more developed ones today and were so even then, and therefore, it is not surprising that international organizations, irrespective of the functions they ought to perform and the area of work they are made for, have a slight bending towards the more developed, rather, *powerful* nations of the world. This is because they were always made with the view to and for the betterment of these bigger nations as they were the ones who could afford war – the inclusion of smaller countries and proposing an international agreement for peace and security has been more of an act to show inclusivity rather than a well-thought idea for actually furthering those goals. This bias in international organizations, especially and here, the UN, can be seen in the *veto* power given to the five countries – USA, UK, Russia, China and France also known as the *P5*.

Created with the aim to secure international peace and security and a proper world order, the scope of the UN today, has attained a much broader spectrum than what it initially was meant for. Even today, almost every global concern is being dealt with in some way or the other by the UN. The UN works in a variety of fields ranging from security, peace creation and maintenance, and social, health and economic development, as well as international law and humanitarian issues.

Therefore, the entire UN works in multitude of areas to support various limbs of globalization and to bring to fore the basic tabled rules and regulations in international law.

To understand the working of the UN, let us examine and understand the key organs of the UN first, and then the concept of global governance and the need for both.

## **Organs And Functioning Of The UN**

### *The United Nations General Assembly (UNGA)*

The United Nations General Assembly (UNGA) is the Organization's "main policy-making body. It provides an excellent platform for multilateral debate of the complete number of diverse topics addressed by the United Nations Charter. It is made up of all UN Member States". Each of United Nations' 193 member states has an equal vote. This organ makes key decisions for the UN with regards to appointments of secretary generals, election of the non-permanent members as well as approving the entire budget of the UN.

Despite wielding such immense power and position on the global front, the UNGA has always shown a consistent lack of political will to carry out actual operations or question the powerful countries, who are generally in the position where they are exploiting the weaker countries. The UN as a whole, can do no more or no less than what the P5 wish for it to do which handicaps the organ. Issues which are discussed in the general assembly are of very high political intensity and therefore, require the cooperation and neutral participation of the P5 which rarely happens, as they only further notions and motions which are beneficial to them.

### *The United Nations Security Council (UNSC)*

The Security Council as the name suggests, shoulders the responsibility to deal with matters of and relating to peace and international security. It has fifteen members – including the P5 which are permanent members and ten other members who are elected temporarily on rotating basis. Each member here, has one vote which is equal, but the P5 have the power to *veto* which means the power to cast a negative vote of a sort, when they feel their interests are not being met within that present resolution. It is difficult to imagine how any country except the P5 can get by in the UNSC with such unfairly distributed powers among the members.

The council takes lead in matters which concern international peace and security. It has the power to call upon the concerned parties (member states) to come together to peacefully settle the issues or take othercourse of action as it may deem fit.

However, the backlash that the council faces is its lack of inclusion of nations that actually need to be represented, for example, Latin American and African nations. Peacekeeping is utmost important and necessary in so many third-world countries at the point, but they are not even being represented, let alone being heard and their problems being solved are a distant dream.

#### *The United Nations Economic and Social Council (ECOSOC)*

ECOSOC synchronizes all activities of United Nations' fourteen specialized agencies, functional commissions, and five regional commissions on economic, social, and related issues. It is the primary platform for debating international economic and social concerns, as well as generating policy recommendations for Member States and the UN system. It is responsible for supporting greater prosperity, employment growth, and socioeconomic advancement, and also highlighting solutions to the global financial, social, and health issues, promoting and exchanging educational and cultural cooperation, and ensuring universal respect for people's rights and essential or basic freedoms.

Apart from these, the ECOSOC also has special commissions on areas and regions that it feels need more attention and help, such as Africa, Asia-Pacific, Caribbean and Western Asia etc., however, lack of any fruitful activity or monumental successes in these areas have been witnessed. It lacks a clear-cut relationship with the UNGA which creates a lot of ambiguity and leads to non-fulfilment of goals that it ought to strive to work for.

#### *International Court of Justice (ICJ)*

Among the most significant institutions of the UN has been the ICJ. It addresses relevant international disputes between states and gives advisory opinions on international legal problems. It is also known as the World Court. It is the only international court that handles general disputes between states, and its judgements and opinions are regarded as essential partsof international law. The International Court of Justice (ICJ) is the heir to League of Nations' Permanent Court of International Justice (PCIJ) (1920). The ICJ's statute, which establishes its

mission and organisation, is heavily influenced by the precedents of its predecessor, the International Court of Justice, whose decisions are still binding. The ICJ Statute applies to all UN member states and permits them to bring cases before the court; however, advisory processes can only be brought by certain UN bodies and organisations.

It has been considered to be one of the weakest organs of the UN despite being one with ginormous responsibility in the sphere of law. The consensual dispute settlement system is the first shortcoming. The second being advisory opinions. The third being no jurisdiction for criminal cases and the fourth being dealing only in inter-state disputes, as if disputes cannot exist between groups on the international level.

Apart from this, there are two other important organs of the UN – the *Trusteeship Council* and the *UN Secretariat*.

## **Global Governance And The Un**

Global governance draws together “a wide range of entities to coordinate global collective action. Global governance, broadly defined, aims to deliver global public goods, such as peace and security, dispute resolution and mediation mechanisms, functional markets, and harmonized trade and industrial standards”. There are questions even on the use of the term law as part of global administrative law. Is the understanding of law is still based and backed on the concept of sovereignty? H.L.A Hart theory of law departs from Austinian concept of law which depends on sovereignty. This is new approach enables to understanding and regulating the functioning of international organizations such as UNO, WHO etc.<sup>2</sup>

Effective global governance is impossible to achieve without effective international collaboration, which serves to promote common interests and values while also reducing the vulnerabilities that growing dependency brings. All areas in this globalizing world require global governance or administration at an international level; - economics, security, public health and welfare, job opportunities, trade and commerce, labour and human rights to name just a few.

The problems in the present-day scenario have not remained limited to just certain nations or one particular nation – the growing interdependence and increasing pace at which the world is

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<sup>2</sup> Kingsbury, B. 2009, "The concept of 'law' in global administrative law", *European Journal of International Law*, vol. 20, no. 1, pp. 23-57.

coming together has created problems as well as opportunities both – a subject of global level. Due to globalization, even the solutions need to come at the international level and for this very purpose, the international institutions like the UN have been created. They have the responsibility to ensure equality and development as well as peace, security, health and education in all the nations of the world, according to their needs and situations, and impartially in a fair manner. There is a need for developing a tandem between the nations of the world as no nation can prosper in seclusion. The reason behind this is the varying economic statuses and differences in resources that each nation has. Keeping in mind these differences from culture to climate, an international administrative system needs to be brought in place but since that is not possible and one already exists (i.e., the UN) it needs to be strengthened, made more transparent and effective.

The current international framework, national policies, and international organization policies appear to be shaped by variables anchored in and informed by the nation-state era's historical and cultural experiences, as well as political socialization. The United Nations has long been significant and central to global governance, despite opposition from particular nations and strongholds. The United Nations was a significant step toward really internationalizing issues that were previously seen to be primarily within a State's domestic authority. Human rights protection and the reduction of the rich-poor divide, and also the digital divide. The UN and its organizations have repeatedly enforced human rights rulings above apparent public interest, resulting in the benefit of one country. However, the extent of their success and the changing nature of their operations along with the pressing need for transparency in their operations needs to be examined with changing times.

This is because the importance of international organizations increases during the global crisis situations because of their expertise, ability to centralize and governance competencies. For example, the growth and empowerment of international organizations such as WHO is because of their responses during SARS crisis, swine influenza outbreak and now during Covid-19 pandemic situation.<sup>3</sup> But with such empowerment during global crisis, these international organizations are subject to scrutiny after the crisis gets over. Questions regarding transparency and accountability are raised on the process of securitization and demand for de-securitization.<sup>4</sup>

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<sup>3</sup> Hanrieder, T. & Kreuder-Sonnen, C. 2014, "WHO decides on the exception? Securitization and emergency governance in global health", *Security Dialogue*, vol. 45, no. 4, pp. 331-348.

<sup>4</sup> Hanrieder, T. & Kreuder-Sonnen, C. 2014, "WHO decides on the exception? Securitization and emergency governance in global health", *Security Dialogue*, vol. 45, no. 4, pp. 331-348.

As part of global governance there is a demand for regulatory structure which can satisfy the needs such as transparency, accountability, participation, reasoned decision which are in the nature of administrative law.<sup>5</sup>

## **Failures And Successes: Assessing The UN's Working In The Global Administrative Sphere**

In terms of global governance, the UN has had ample opportunities to showcase its skills, reach and power and how serious it is about achieving all the goals that it so strongly has always promised to fulfil on an international front.

Talking of its successes, the United Nations saves the lives of millions of people all around the world. Over eighty million people get food and monetary support from the World Food Program. The United Nations offers assistance to almost sixty-nine million displaced individuals who have abandoned their homes due to persecution, conflict, or abuses of human rights. Furthermore, UN organisations provide immunizations to forty-five percent of the world's children, potentially saving between two to three million fatalities or lives every year avoidable illnesses. It has been very instrumental in controlling HIV AIDs and substantially reducing diseases like polio, especially in the African Countries.

In the arena of Human Rights, it established the first complete basis for human rights legislation or laws internationally. Human rights were defined by the organisation in the "Universal Declaration of Human Rights (UDHR)" and later "International Covenant on Economic, Social, and Cultural Rights (ICESCR)", as well as the "International Covenant on Civil and Political Rights (ICCPR)". These accords established, among other things, the rights to fairness, removal of barriers, education, religion, and asylum. The UN has established mechanisms to promote and protect the Declaration's rights. Each four years, the Council, comprising of over forty representatives, conducts an assessment in which it evaluates and

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<sup>5</sup> Kingsbury, B. 2009, "The concept of 'law' in global administrative law", European Journal of International Law, vol. 20, no. 1, pp. 23-57.

provides recommendations to all UN member nations on their human rights records. The Council was recently condemned for allowing China to join after allegations of gross violations of human rights against Uyghur Muslims. The UNCHR supervises the oversight organisations in charge of executing treaties once they have been adopted. Although it is uncertain if suggestions and supervision result in legal changes, the UN's efforts provide an international norm for governments to aspire for.

It has played a significant role in peacekeeping missions in some African and other nations around the world and it provides food and healthcare to millions who need it. This is one of the strongest and best work of the UN so far and something it should be applauded for.

The UN does claim it helped in the process of decolonization during the time period before a few decades, however, that seems to be a topic of debate and deliberation as no direct role was played by the UN, however, it does get credit for making all types and sizes and natures of nations a part of it, despite their large differences, when the UN was formed.

The UN has definitely succeeded in providing support to nations in times of need at one point in time or another. It has also played a crucial role in codifying and formulating international laws with seemingly universal application and acceptance and has tried immensely in getting nations and member states to implement these guidelines in their local administrative, governing and legal spheres. It has created a level or benchmark in terms of laws and in all the areas it aims to work for and strive for, although it is a different thing that it does not have real or actual/absolute powers of enforcement, which is a huge drawback.

Coming to the failures, the Non-Proliferation Treaty (NPT) stands at the top – a hundred and ninety countries came together to sign it and the P5 owned nuclear weapons while the treaty along with the Partial Test Ban Treaty was supposed to make all nations refrain from the production, development and usage of nuclear weapons, many countries around the world have successfully developed nuclear weapons.

Human rights violations are occurring in conflict-prone locations like Gaza, but the UN Security Council has been unable to respond since the United States vetoes any action against Israel. The Arab Spring in the Middle East, that led to thousands of deaths and regime changes, the formation of ISIS, and horrendous atrocities, may have been prevented if United Nations Member States had been able to act firmly and quickly.

The International Court of Justice (ICJ) is well-known for its failure to handle inter-state issues correctly. To date, there are over thirty ongoing border problems affecting highly expensive assets that were never brought before the ICJ since one party's assertion is invalid. Most nations "consider acknowledgement of the court's jurisdiction as an intrusion on their sovereignty," therefore major concerns about peace and stability between more powerful nations are rarely lodged. Despite the fact that the International Court of Justice regularly handled significant international crises, the United Nations' veto rights have limited its effectiveness at critical junctures. The major difficulty is there is no way to truly enforce the ICJ's decisions.

The third-world nations have not benefitted from the UN operations or their working. The modus operandi and the missions of the UN have not been worth the efforts that the representatives of the developing and under-developed countries put in to put forward their issues and grievances. The major powers and developed countries have time and again ignored and rubbished the needs of the third world countries, who are the ones who need this global support the most, but get it the least, or none at all.

It is almost as if the extravagant luxuries and IPRs of the developed countries and multinational corporations are more important than the fundamental rights and basic necessities of the third world nations.

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## Suggestions And Conclusions

*Accountability* needs to be increased – the UN has to be made more transparent and accountable for its actions in every single area and act that it does, every mission that it undertakes and every process needs to be reviewed by every member state in a proper manner so as to ensure higher levels of accountability. This will reduce arbitrariness. The distribution of the resources is conspicuously and naturally unfair and very deeply divided and therefore, the treatment towards the nations should also be different – as per the needs and situations of the place and time. Equality doesn't necessarily mean treating everyone equally, irrespective of their differences, it means treating equals equally, which means there have to be exceptions in the treatment so as to accommodate justice and fairness.

Despite its objective of inclusivity and representation, the United Nations is commonly regarded as a Western-oriented institution. European and American interests having dominated the UN since its founding. One illustration is development assistance. Institutions such as the IMF and World Bank are mainly or for most of it, shouldering the responsibility for the coordination of economic development initiatives, whereas the United Nations offers standards and monitoring for sustainable development. They work together to put the UN's economic development framework into action. Both the IMF and the World Bank limit loans on neoliberalism elements such as trade liberalisation, private industry, and a reduction in overall government expenditures (i.e., the proportion of government). These tactics were especially contentious at the peak of the COVID-19 epidemic, when the IMF conditioned loans on stringent austerity measures like as cuts to public health expenditure and unemployment benefits. This westernised and west-biased approach needs to be done away with at once and these nations must themselves refrain from the arbitrary acts that they do. For enabling this fairness, the veto power should be taken away and each country should have equal standing, in fact, the third world nations who are in dire need of help and support, should have a stronger vote and say in matters, just as for so many years the developed nations have held a position of unwavering and unquestioned power, and used it for their selfish motives.

Apart from this, systems should be put in place where there is a time-to-time check on the funding, fund allocation and resource allocation in the UN, by all member states together. Efficiency and effectiveness can be increased strengthening the way the enforceability exists and operates in all of the organs of the UN.

The UN's governance should be improved, beginning in the Security Council, whose membership no longer represents global geopolitical reality; more inclusion of under-developed and developing states. The Western Europe and Other Group (WEOG) presently has three of the five permanent(P5) members (France, the United Kingdom, and the United States), but neither Africa nor Latin America has any membership, which should be changed and such nations should also be members and have say or at least observational status in the same. The rotational Security Council seats do not fully restore regional balance which should be looked into - seats for Asia which is very populous and needs representation, should by and large be expanded. Any significant reform can be accomplished by modifying the UN Charter, which necessitates a positive vote and domestic approval by two-thirds of UN members and in addition to charter revision, procedural improvements are necessary, including as more openness and closer engagement with troop- contributing nations.

The conclusion can only be one – the administrative and governance power that the UN and its organ wield globally are enormous, but with great power comes great responsibility and the UN must pick up pace and shoulder the responsibility it has been entrusted upon with, because the hopes of billions are on this one organisation – for a new world order, a *true* world order – one which is free from lack of transparency, representation and enforceability. It can be and must be made highly accountable in and by all means – because the world cannot take more hollow promises and inaction on the part of trusted international organisations like the UN.

There is still hope for third world nations since the UN has not collapsed in its functionality, integrity and efficiency in all its entirety and this can be made better and the lost glory of the UN can be restored, once it makes itself more accountable, transparent and participative and does not shy away from taking stands on all matters of international interests. The only focus of UN should be fair, equitable and lawful global governance, which may be difficult, but is not impossible.

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