

**UNITED NATIONS AND CIVIL WAR IN THE
POST-COLD WAR ERA: A STUDY OF RESPONSES,
LIMITATIONS AND POSSIBILITIES**

THESIS SUBMITTED TO JADAVPUR UNIVERSITY
FOR THE AWARD OF THE DEGREE OF
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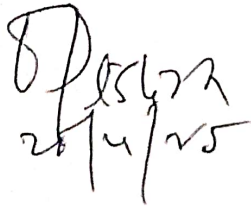
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BY
CHANDRIMA CHAKRABORTY

UNDER THE SUPERVISION OF
PROF. OMPRAKASH MISHRA
PROFESSOR, DEPARTMENT OF INTERNATIONAL RELATIONS
JADAVPUR UNIVERSITY
KOLKATA

Certified that the Thesis entitled "United Nations and Civil War in The Post-Cold War Era: A Study of Responses, Limitations and Possibilities" submitted by me for the award of the Degree of Doctor of Philosophy in Arts at Jadavpur University is based upon my work carried out under the Supervision of Prof. Omprakash Mishra, Professor, Department of International Relations, Jadavpur University, Kolkata and that neither this thesis nor any part of it has been submitted before for any degree or diploma anywhere/elsewhere.

Supervisor:


20/4/25

Date:

PROFESSOR
Dept. of International Relations
Jadavpur University
Kolkata - 700 032

Candidate: Chandima
Chakrabarty.

Date: 20.04.2025

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PREFACE

The main objective of the United Nations is to preserve international peace and security. However, based on collective experiences of the world, international peace and security are not solely about preventing conflicts between nations or stopping inter-state wars. Instead, the nature of conflict has fundamentally changed, resulting in a significantly larger number of disputes occurring within countries rather than between them. The rise of internal conflicts has led to a fundamental shift in the approaches to managing disputes within national borders. The Security Council holds the primary responsibility for ensuring peace and security, but it defines what constitutes a threat to international peace and security, especially in the post-Cold War era, when it has increasingly identified various international conflicts as threats. Consequently, the UN system is adapting to address intra-state conflicts. Article 2, Paragraph 7 of the United Nations Charter states that the UN cannot interfere in the domestic matters of member states. Nevertheless, this principle of non-intervention does not apply to the UN when the Security Council engages in enforcement actions under Chapter VII of the Charter. Chapter VII is focused on 'Actions concerning threats to peace, breaches of peace, and acts of aggression.' Therefore, the Security Council, when acting under Chapter VII, may theoretically and legally take action concerning member states for their international conflicts or for disputes and wars occurring within their territories. In this regard, it is important to note the provisions of Common Article 3 in the four Geneva Conventions dated August 12, 1949. Article 3 of all four Geneva Conventions stipulates that the conventions apply in situations of armed conflict. Armed conflicts can arise between states as well as within them. Thus, the Geneva Conventions are relevant for both international and internal warfare. This indicates that international focus is essential not only to avert wars between nations but also within their own borders. In earlier times, due to the dynamics of the Cold War, the United Nations was unable to effectively address internal wars or conflicts arising within states. However, the UN's focus has since broadened, encompassing armed conflicts involving civil wars, insurgency, guerrilla warfare, ethnic strife, and crimes against humanity, all of which now fall under the purview of the UN's enforcement mechanisms. Research efforts must be expanded to consider the multiple crisis situations that have demanded the Security Council's attention in recent years. Since its establishment, the United Nations has come under scrutiny, particularly in the last decade. The Security Council has addressed a diverse array of issues that threaten international peace in recent years more than ever before.

The world entered a phase of uncertainty and unpredictability during the 1990s due to a new and persistent pattern of international conflict. Numerous ethnic, tribal, religious, and national struggles emerged following the Cold War. Whether due to the violent collapse of civil society, the erosion of political authority, or surges in racial tensions, the world is now significantly less stable. The Cold War seemingly had a tempering influence on the emergence of both international and intra-state disputes.

The subsidence revealed several underlying points of conflict. Consequently, the United Nations, which has benefited the most from the conclusion of the Cold War, has become involved in a myriad of conflict situations. Nevertheless, with the end of the Cold War and the ensuing shifts in international relations, the Council has exercised its powers in Pacific Dispute Settlement (Chapter VI), Action Regarding Threats to Peace, Breach of Peace, and Acts of Aggression (Chapter VII), as well as large-scale peacekeeping operations. This indicates a revival, if not a renaissance, of the Security Council, yet it does not tackle the numerous issues raised by the Council's increased activity. This study is significant in that it evaluates and analyses the status and effectiveness of UN peacekeeping operations during the post-Cold War era. This will enable us to evaluate the strengths and shortcomings of these operations, particularly pertaining to peace-building initiatives in intra-state conflicts across various geographical regions within the framework of sovereign states. The overarching aim of conducting this study is to examine these operations by referencing specific cases and assessing whether UN procedures are sufficiently effective in addressing such situations. According to Article 2 of the United Nations Charter, the UN is precluded from interfering in the internal matters of a member state. However, when the Security Council acts under Chapter VII of the Charter, this principle of non-intervention does not restrict the UN. Chapter VII, titled 'Actions regarding threats to peace, breaches of peace, and acts of aggression,' theoretically and legally allows the Security Council's actions to cover member states involved in international wars or domestic conflicts within their borders. It is important to highlight, in this context, the stipulations of Common Article 3 in the four Geneva Conventions of August 12, 1949. Article 3 of all four Geneva Conventions applies in cases of armed conflict. Armed conflicts can arise between nations, but they can also occur within states. Thus, the Geneva Conventions are applicable to both international and domestic conflicts. However, the political aspect of international humanitarian law remains largely undeveloped and difficult to enforce. Chapter VII is rarely employed, largely due to a lack of consensus among the permanent members of the Security Council. Traditionally, the UN has intervened at the request or with the consent of the affected state.

In case of Iraq, the United Nations took enforcement actions and in Somalia and Bosnia-Herzegovina, the United Nations had undertaken humanitarian interventions. However, the United Nations also refrained from intervening in various situations, such as in Syria and Myanmar, due to the veto power. Consequently, existing protocols under the Charter or the Geneva Conventions are evidently inadequate in addressing these challenges, which is the main focus of this research. This research emphasises the need for new mechanisms to address armed conflicts and wars, enhance peace and security, and safeguard civilian populations. There exists a significant gap in the literature regarding current arrangements under the Charter, which are evidently insufficient to confront these issues. While there is a substantial amount of research that tends to concentrate on the immediate results of UN interventions in civil wars, such as the reduction of violence or the establishment of peace agreements, there is insufficient study on how adaptable the UN's peacekeeping mandates are to varying conflict scenarios. In addition, there has been no research aimed at uncovering the mechanisms necessary for the world to address armed conflicts, as well as approaches to enhance peace and security and safeguard civilians from mass atrocity crimes.

LIST OF ABBREVIATIONS

ASEAN: Associations of South-East Asian States
AU: African Union
CMI: Crisis Management Initiative
CW: Chemical Weapons
EU: European Union
EUFOR: European Union Force
FAO: Food and Agriculture Organisation of the United Nations
FSA: Free Syrian Army
FUNCINPEC: United National Front for an Independent, Neutral, Peaceful, and
G4: Group of Four
GA: General Assembly
GATT: General Agreement on Tariff and Trade
HIPPO: High-level Independent Panel on Peace Operations
HTS: Hayat Tahrir al-Sham
IAG: Independent Advisory Group
IASFM: International Association for the Study of Forced Migration
ICISS: International Commission on Intervention and State Sovereignty
ICJ: International Court of Justice
ICRC: International Committee of the Red Cross
IDPs: Internally Displaced Persons
IEDs: Improvised Explosive Devices
IFOR: International military Implementation Force
ISIL: Islamic State of Iraq and the Levant
ISIS: The Islamic State
KPNLF: Khmer Peoples' Liberation Front
LAS: League of Arab States
NATO: North Atlantic Treaty Organisation
NDF: National Defence Forces
NGOs: Non-Governmental Organisations
NLD: National League for Democracy
NPT: Nuclear Non-proliferation Treaty
NUG: National Unity Government
OAU: Organisation of African Unity
OAU: Organisation of African Unity
OCHA: UN Office for the Coordination of Humanitarian Affairs
OECD: Organisation for Economic Cooperation and Development
OIC: Organisation of the Islamic Conference
ONUC: United Nations Operation in Congo
OPCW: Organisation for the Prohibition of Chemical Weapons
OPEC: Organisation of the Petroleum Exporting Countries
OSCE: Organisation for Security and Cooperation in Europe
OSGAP: Office of the Secretary-General in Afghanistan and Pakistan
P5: Five Permanent Members
PDK: Party of Democratic Kampuchea
PDPA: Peoples' Democratic Party of Afghanistan
PKD: Khmer Rouge
PKK: Kurdistan Workers' Party

PNTBT: Partial Nuclear Test Ban Treaty
POWs: Prisoners of Wars
PYD: Democratic Union Party
QIPs: Quick-Impact projects
R2P: Responsibility to Protect
SAC: State Administration Council
SDF: Syrian Democratic Forces
SFOR: The Stabilisation Force
SNC: Supreme National Council
SNM: Somali National Movement
SOC: State of Cambodia
SOC: Syrian Opposition Coalition
SWAPO: Southwest Africa Peoples' Organisation
UCDP: Uppsala Conflict Data Programme
UfC: Uniting for Consensus
UN: United Nations
UNAMIC: United Nations Advance Mission in Cambodia
UNAVEM: United Nations Angola Verification Mission
UNDP: United Nations Development Programme
UNEF: United Nations Emergency Force
UNESCO: United Nations Educational Scientific and Cultural Organisation
UNGOMAP: United Nations Good Offices Mission in Afghanistan and Pakistan
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations International Children's Emergency Fund
UNIKOM: United Nations Iraq-Kuwait Observation Mission
UNIPTF: United Nations International Police Task Force
UNITAF: Unified Task Force
UNMIBH: United Nations Mission in Bosnia and Herzegovina
UNOSOM: United Nations Operation in Somalia
UNPROFOR: United Nations Protection Force
UNSC: United Nations Security Council
UNSMIS: UN Supervision Mission
UNTAC: United Nations Transitional Authority in Cambodia
UNTAG: United Nations Transition Assistance Group in Action
UNTSO: United Nations Truce Supervision Organisation
US: United States of America
USC: United Somali Congress
USSR: Union of Soviet Socialist Republics
WFP: World Food Programme
WHO: World Health Organisation
WMDs: Weapons of Mass Destructions
YPG: Peoples Protection Units

Introduction to the Thesis

United Nations and Civil War in the Post-Cold War Era: A Study of Responses, Limitations and Possibilities

The present thesis undertakes an examination of increased preoccupation of the United Nations (UN) over the last about three decades with different hues and varieties of civil war in multiple regions of the world and the content and implications of the response of the world body to civil war and armed conflict within the borders of the sovereign member states. The thesis argues for the incorporation of the UN response system and mechanism in this respect as a centrepiece of international consensus on how best to address the primary purposes of the UN for the ‘maintenance of international peace and security’. Despite the return of international war in the form of the ongoing war between Russia and Ukraine, the general consensus is that civil war and armed conflict are now the more defining characteristic of what constitutes threat to the maintenance of international peace, security and order. As such addressing the limitations of the UN system to further sharpen and bolster its existing response mechanism to increased instances of civil war which is invariably accompanied by horrific consequences for the civilian population is a much needed international priority. However, decision-making processes and procedures in the UN system and more particularly in the UN Security Council more often than not have exposed several and severe limitations of the existing UN mechanism and response system to address the newer set of threats that engulf the world. It is in this context that avenues for a more comprehensive and holistic approach of the UN to address the armed conflict, both for the international war as well as for the intra-state civil war becomes pertinent. In this thesis, therefore we are attempting to address all the three aspects- response, limitations and possibilities in so far as United Nations and Civil War is concerned.

Background

The primary purpose of the United Nations is to maintain international peace and security. However, going by the collective experience of the world, the international peace and security is not necessarily only about maintaining peace among the nations or to prevent inter-state war. Rather the nature of conflict in all dimensions has fundamentally changed and therefore there are a greater number of conflicts within the borders of the nation state than between nation states. The proliferation of internal wars has fundamentally changed the ideas about how best to contain the conflict in domestic jurisdiction.

The Security Council is primarily responsible for maintaining peace and security but what constitutes threat to international peace and security is to be determined by Security Council and especially after the end of the Cold War, Security Council has increasingly determined many of the conflicts within the borders of the sovereign states as a threat to international peace and security. Therefore, UN system is equally cognisant of its responsibility to address intra-state conflicts and not merely the inter-state conflict and wars which has been its traditional preoccupation and specific mandate.

Paragraph 7 of Article 2 of the United Nations Charter enjoins that the UN cannot intervene in domestic jurisdiction of the member states. However, this non-intervention is not a restriction on the UN, when Security Council is taking an enforcement action under Chapter VII of the Charter. Chapter VII of the Charter is entitled 'Actions with Regard to the Threats to Peace, Breaches of the Peace, and Acts of Aggression.' As such the Security Council taking actions under Chapter VII theoretically and legally can involve actions vis-à-vis member states for their international wars or it could be for their conflict and wars within the borders of the states.

In this context, it is pertinent to note the provisions of Common Article 3 in four Geneva Conventions of August 12, 1949. Article 3 in all four Geneva Conventions provides that the Conventions are applicable in case of armed conflict. Armed conflicts can be between the states but it could be within the states also. Therefore, Geneva Conventions are applicable for international war and internal war. This shows that international preoccupation or attention is necessary not only to prevent war amongst the nations but also within the borders of the nation state. In earlier years and due to the nature of worldwide Cold War, the United Nations could not focus adequately on internal war or armed conflicts arising within States. However, UN focus has now widened and armed conflicts involving civil wars, insurgency, guerrilla war, ethnic conflicts and crimes against humanity all have come under the purview of enforcement mechanism of UN system.

Significance of the Study

The end of the Cold War ushered in a new era of intra-state conflicts, thrusting the United Nations into a central role in addressing civil wars. Research on the UN's responses, limitations, and possibilities in this context holds significance for several reasons.

Firstly, it allows for a critical evaluation of the UN's evolving role. Initially designed for inter-state conflicts, the post-Cold War period compelled the UN to adapt its peacekeeping

and peacebuilding mechanisms to the complexities of internal strife. Studying its responses – from traditional peacekeeping to more robust peace enforcement and multidimensional operations – helps understand the extent of this adaptation and its effectiveness in diverse conflict settings.

Secondly, research highlights the inherent limitations faced by the UN. Principles of state sovereignty and non-intervention often clash with the need to protect civilians within conflict zones. The dependence on member states for troops and funding, coupled with the political dynamics within the Security Council, frequently constrains the UN's ability to act decisively and impartially. Examining these limitations is crucial for understanding the challenges in achieving sustainable peace.

However, research also illuminates the possibilities for the UN. Its unique legitimacy and convening power enable it to facilitate dialogue, mediate between warring parties, and foster inclusive political processes. The UN's normative frameworks on human rights, democracy, and the rule of law provide a foundation for long-term peacebuilding efforts, including Disarmament, Demobilisation, and Reintegration (DDR) programmes and security sector reform.

Thus, studying the UN's engagement with civil wars post-Cold War is vital for informing policy and practice. By analysing its responses, acknowledging its limitations, and exploring its potential, research contributes to enhancing the UN's capacity to prevent, manage, and resolve intra-state conflicts, ultimately promoting global peace and security.

Objectives of the Study

The central objective of research on “United Nations and Civil War in the Post-Cold War Era: A Study of Responses, Limitations and Possibilities” is to comprehensively analyse the United Nations’ engagement with intra-state conflicts during this transformative period. This involves a multi-faceted approach with several key objectives.

Firstly, the research aims to meticulously document and categorise the diverse *responses* of the UN to civil wars. This includes examining the deployment of peacekeeping operations, the nature and evolution of their mandates (from traditional monitoring to complex peacebuilding), the use of sanctions, diplomatic mediation efforts, and the provision of humanitarian assistance. Understanding the spectrum of UN actions is crucial for assessing its overall approach.

Secondly, a core objective is to critically evaluate the *limitations* faced by the UN in addressing civil wars. This involves investigating the constraints imposed by the principle of state sovereignty, the challenges of securing consensus within the Security Council, the difficulties in resource mobilisation (both financial and personnel), and the complexities of operating in active conflict zones with non-state actors. Identifying these limitations is essential for a realistic appraisal of the UN's capacity.

Thirdly, the research seeks to explore the *possibilities* and potential for the UN to more effectively prevent, manage, and resolve civil wars. This includes analysing innovative approaches to conflict resolution, the potential for enhanced early warning systems and preventive diplomacy, the strengthening of partnerships with regional organisations and civil society, and the adaptation of UN structures and mandates to better suit the specific dynamics of intra-state conflicts.

Ultimately, this research aims to contribute to a more nuanced understanding of the UN's role in the post-Cold War landscape of civil wars. By systematically analysing its responses, limitations, and possibilities, the research seeks to inform policy debates and contribute to the development of more effective multilateral strategies for promoting peace and security in conflict-affected regions.

Scope of the Research

While the legal basis for the United Nations intervening in the internal affairs of the member states especially in situations of armed conflict has always been controversial, it was only after the end of the Cold War that permanent members decided to set aside their differences and empower the UN to actively address the civil war in various countries. As such given the numerous situations of civil war in the wake of the end of the Cold War, research work has expanded. The scope of the research has to be expanded in light of the multiple crises situations that required the Council's attention in the last about three decades. As never before, the Security Council has tackled a wide range of issues affecting and endangering international peace in the previous decade. In the 1990s, the globe entered an era of uncertainty and unpredictability as a result of a new and persistent pattern of international warfare. Numerous ethnic, tribal, religious, and national conflicts of the post-Cold War era necessitated responses and action by the international community and the UN. Whether it is the violent breakdown of civil society, the loss of political authority, or the explosion of racial animosities, the globe is considerably more unstable.

The Cold War possibly had a moderating effect on the eruption of inter-state and intra-states disputes. Its subsidence however, brought several latent conflict points to the surface. As a result, the United Nations, which has reaped the greatest benefit from the end of the Cold War, has become involved and embroiled in a slew of conflict scenarios. However, with the end of the Cold War and the resulting changes in international relations, the UN Security Council has used its powers in Pacific Settlement of Disputes (Chapter VI), Action Regarding Threats to The Peace, Breaches of The Peace, and Acts of Aggression (Chapter VII), and peacekeeping operations on a large scale. This signals a reactivation, if not a rebirth, of the Security Council, but it does not address the myriad problems raised by the Council's spike in activity. This study is notable in that it analyses and assesses the status and effectiveness of UN peacekeeping operations in the post-Cold War period. This would allow us to assess the effectiveness of such operations, particularly in terms of peace-building efforts in intra-state conflicts in different geographical locations within the sovereign state system. The broad purpose of undertaking such a study is to review such operations by citing specific cases and determining whether UN procedures are effective enough to deal with such situations. According to the Article 2 of the United Nations Charter, the United Nations cannot meddle in a member state's internal affairs. However, when the Security Council takes an enforcement action under Chapter VII of the Charter, this non-intervention is not a limitation on the United Nations. As a result, the Security Council's activities under Chapter VII might theoretically and legally encompass actions vis-à-vis member states for their international wars or conflicts within the states boundaries. It is worth noting in this regard the terms of Common Article 3 in the four Geneva Conventions of August 12, 1949. Article 3 of all the four Geneva Conventions state that its applicable in the event of an armed conflict. Armed conflict can occur between nations, but they can also occur inside states. As a result, the Geneva Conventions apply to both international and domestic conflicts. However, the political side of international humanitarian law is largely underdeveloped and unenforceable. Chapter VII is seldom utilised, owing to a lack of agreement among the permanent members of the Security Council. The UN has typically intervened at the request or with the approval of the afflicted state. In the situations of Somalia, Iraq, and Bosnia-Herzegovina, however, the UN interfered in domestic conflicts without the agreement of the nations. Due to its veto, the UN has also avoided intervening in several severe situations such as those in Syria and Myanmar. As a result, current procedures under the Charter or the Geneva Conventions are clearly insufficient to tackle the difficulties.

The significance of this research is to argue that the world needs new mechanisms to deal with armed conflicts and wars, find ways to strengthen peace and security, and protect the civilian population.

Review of Literature

A great deal of literature and academic work has invariably informed the functioning of the United Nations since its establishment in 1945. The UN has been at the center of international relations and politics and as such its activities are not only well documented and extensively analysed but easily accessible too. The primary sources for a work on the UN relies on the official Resolutions and Reports and fortunately the UN itself has made these available freely for everyone. However, the moot question has always remained about the differing interpretations and analysis of UN decision-making and action and this is comprehensively covered in hundreds of books and scholarly articles on myriad aspects of UN activities. Here below we shall attempt to review some of the more prominent scholarly work on different but interrelated aspects of the functioning of the UN.

The involvement of the United Nations in civil wars has emerged as a crucial topic in the fields of international relations, peacekeeping, and conflict resolution. Civil wars typically encompass complex interwoven political, social, and economic elements, posing challenges to the UN's ability to mediate and resolve these conflicts effectively.¹ Founded in 1945, the UN's primary goal has been to foster peace and security. As time has progressed, the nature of conflicts has significantly changed, with civil wars increasingly becoming a common form of violence in the post-Cold War period. Research from the Uppsala Conflict Data Program indicates that around 90% of modern conflicts take place within states, underscoring the importance of studying civil wars (Pettersson & Wallensteen, 2015).² This transition toward civil wars has necessitated that the UN tailor its approaches and interventions.

Before delving into specific roles, it is crucial to outline the theoretical frameworks that guide the analysis of the UN's involvement in civil wars. One prevalent theory is the 'Just War Theory', which examines the moral justification for intervening in conflicts. Scholars like Walzer (1977) have engaged with this theory, arguing that military intervention must balance humanitarian needs with the principles of sovereignty and non-interference.

¹ Bellamy, A., Williams, P., & Griffin, S. (2010). *Understanding Peacekeeping*. Polity Press.

² Pettersson, T., & Wallensteen, P. (2015). Armed Conflicts 1946-2014. *Journal of Peace Research*, 52(4), 536-550.

Another major theoretical approach is the constructivist viewpoint, which emphasises the social backdrop and identity politics that frequently drive civil wars.³ Constructivists claim that the UN's legitimacy stems from its capacity to manage the multiple identities and narratives that drive civil conflicts (Wendt, 1999).⁴ Exploring these perspectives allows one to have a better understanding of the UN's diverse role in civil wars.

Fearon and Laitin (2003) suggest that civil wars are frequently fuelled by a mix of poverty, ineffective states, and the chance for insurrection, making them more probable in regions characterised by poor governance. Constructivist theories also emphasise the significance of ethnic and sectarian divisions in igniting civil wars, especially in multi-ethnic nations where different groups pursue self-determination or autonomy.⁵ Civil wars frequently encompass 'more than just a struggle for political dominance; they also involve issues of identity and survival', a concept that has been extensively analysed in the literature following the Cold War.⁶

These theories carry important implications for comprehending the difficulties the United Nations encounters when intervening in civil wars. The UN's approaches to civil wars are fundamentally influenced by its understanding of the origins of the conflict, whether they stem from weak state structures, economic hardships, or due to ethnic strife.

However, a notable uptick in UN's involvement in civil wars occurred during the late 20th century, following the end of the Cold War. Civil wars became more prevalent, often fuelled by ethnic and nationalist tensions. Research by Kofi Annan (1998) underscores how the changing nature of global conflicts necessitated a more proactive approach from the UN.⁷

The UN's peacekeeping missions have been crucial in its involvement in civil wars. Earlier deployments, such as those in Lebanon (1978) and Namibia (1989), primarily aimed at maintaining ceasefires rather than tackling the underlying issues of conflict. Nonetheless, the shortcomings of these operations, particularly during the Rwandan Genocide (1994), revealed the limitations of conventional peacekeeping strategies (Schiff, 2009).⁸

³ Walzer, Michael (1977). *Just And Unjust Wars*. New York: Basic Books.

⁴ Wendt, A. (1999). *Social Theory of International Politics*. Cambridge University Press.

⁵ Fearon, J. D., &Laitin, D. D. (2003). Ethnicity, Insurgency, and Civil War. *American Political Science Review*, 97(1), 75-90.

⁶ Dallaire, R. (2003). *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. Toronto: Random House

⁷ Annan, K. (1998). Two Concepts of Sovereignty. *The Economist*, vol 2. pp 12

⁸ Schiff, R. (2009). The Evolution of UN Peacekeeping: A Brief Historical Overview. In the ONU's Contribution in Civil War Resolution.

As a result, the UN transitioned to multidimensional peacekeeping, which incorporates political, military, and humanitarian aspects (UN, 2008).

One of the most prominent and analysed roles of the UN in civil wars is through its peacekeeping efforts. Peacekeeping entails sending neutral military personnel to help uphold ceasefires and facilitate the implementation of peace accords. According to Bellamy, Williams, and Griffin (2010), the effectiveness of peacekeeping operations often hinges on the willingness of the involved parties to accept the UN presence, the strength of the mandate provided by the UN Security Council, and the resources allocated to the peacekeeping forces.⁹ Significant peacekeeping operations in civil wars include the UN's initiatives in the Congo (MONUSCO), the Balkans (UNPROFOR), and more recently in South Sudan (UNMISS).

The efficacy of peacekeeping has been a topic of contention. A considerable amount of literature, including studies by Fortna (2008), indicates that peacekeeping can decrease the chances of renewed hostilities, especially when robust mandates and well-equipped forces are deployed. However, failures like those in Rwanda (UNAMIR) and Bosnia (UNPROFOR) have led to criticism regarding the UN's capability to effectively protect civilians and enforce peace, particularly when peacekeepers are inadequately funded, staffed, or lack the political motivation to take action.¹⁰

The debate over the effectiveness of UN peacekeeping operations in civil wars is extensive. Kreps (2012) posits that although peacekeeping missions can mitigate the intensity and duration of conflicts, their success largely relies on the consent of the host nation and the existence of a viable peace agreement.¹¹ Conversely, Voigt et al. (2015) present varied findings, noting that missions often face challenges in hostile settings where they lack solid mandates or sufficient resources.¹²

Apart from military peacekeeping, the UN has also been active in political and diplomatic interventions aimed at resolving civil wars. These interventions typically manifest as mediation and negotiation efforts directed by the UN Secretary-General or the UN's special

⁹ Bellamy, A., Williams, P., & Griffin, S. (2010). *Understanding Peacekeeping*. Polity Press.

¹⁰ Fortna, V. P. (2008). *Does Peacekeeping Work? Shaping Belligerents' Choices after Civil War*. Princeton University Press.

¹¹ Kreps, S. E. (2012). The Effectiveness of UN Peacekeeping Operations in Civil Wars. *Journal of Peace Research*, 49(2), 209-223.

¹² Voigt, D., Boucher, M., & Schneider, C. (2015). The Effectiveness of Peacekeeping in Civil Wars. *Journal of International Peacekeeping*, 19(1-2), 51-75.

representatives. The UN's involvement in brokering peace accords in nations like El Salvador, Mozambique, and Cambodia has received commendation for aiding post-war recovery and stability (Hampson, 2009).¹³ The focus on peace negotiations, such as that by Zartman (2008), underscores the difficulties the UN confronts in this domain, especially when the conflicting parties are reluctant to enter negotiations or when external powers have interests in prolonging the conflict.¹⁴

The effectiveness of the UN's political interventions has been varied. Some detractors claim that the UN frequently fails to apply enough pressure on conflicting parties to achieve a sustainable peace. For instance, in the context of Syria, even with numerous UN-led peace discussions, the conflict reveals the limitations of international diplomacy, particularly when geopolitical interests and the stubbornness of local actors take precedence.

The UN has played a crucial role in facilitating peace talks and aiding in the execution of peace accords during civil wars. As noted by Desmond Tutu, a prominent anti-apartheid activist, (2017), the UN's involvement in negotiation efforts has often proven advantageous, evident in the Sudan Comprehensive Peace Agreement (2005) and the peace treaty in Liberia (2003).¹⁵ Nevertheless, Zartman (2000) argues that the UN's influence can be hampered by international politics, where powerful nations may leverage their authority to push certain agendas instead of genuinely promoting peace.¹⁶

The study of civil wars is an important area of research in international relations and conflict studies. Understanding the causes and dynamics of civil wars is crucial for not only preventing their outbreak but also for effectively resolving ongoing conflicts. In her book, 'How Civil Wars Start: And How to Stop Them', Barbara F. Walter delves into the intricacies of civil wars, shedding light on their origins and potential strategies for resolution. The book contributes to the literature by discussing how external states can prolong civil wars by blocking resolution efforts. This finding underscores the significance of external actors in shaping the trajectory of civil conflicts (Walter, 2012). The role of external interventions in either exacerbating or mitigating civil wars however has not been analysed in this otherwise good book on civil war. This suggests the need for further research in this area.

¹³ Hampson, F. (2009). *Nurturing Peace: Why Peace Settlements Succeed or Fail*. United Nations University Press.

¹⁴ Zartman, I. W. (2008). *Negotiation and Conflict Management: Essays on Theory and Practice*. Routledge.

¹⁵ Tutu, D. (2017). The Role of the United Nations in Civil War Mediation. *Peace & Conflict Studies*, 24(1), 1-12.

¹⁶ Zartman, I. W. (2000). Negotiating to End Civil Wars. *International Negotiation*, 5(2), 251-270

In the context of the premise that conflict is a reality of life but peacebuilding is not, Hauss (2019),¹⁷ examines protracted conflicts and wicked problems as well as the more difficult process of resolving conflict and establishing peace. Hauss' approach to peace and conflict research is personal and well-informed. The book presents fresh paradigms for thinking about our world's intractable conflicts, based on a strong scientific foundation and decades of expertise in the subject. Each Chapter in this book contains real-life examples, tales, and situations that demonstrate practical work at both the grassroots and top levels. In a world where conflict appears to be on the rise both at home and abroad, this text equips students with the skills they need to cope with conflict constructively in their everyday lives, as citizens, and as future professionals in the expanding area of conflict resolution. It provides insights into the relationship between conflict resolution and peacebuilding. The book highlights the interconnectedness of these processes and emphasises the need for a holistic approach to address the underlying causes of conflict and promote sustainable peace. The study contributes to the understanding of the continuum from conflict resolution to peacebuilding and the importance of addressing structural inequalities and injustices. Future studies could explore the role of transitional justice mechanisms in addressing impunity for crimes committed during conflict and promoting reconciliation.

Human society's evolution and its ability to wage war are inextricably and symbiotically linked. Margaret MacMillan (2020)¹⁸ examines how war has shaped human civilisation and how changes in political structure, technology, or ideologies have altered how and why we fight. *War*. It opens with some questions: When did war initially begin? Is it in our nature to fight one another? Why is battle said to be the most structured of all human activities? Why do soldiers nearly always have to be men? Is it ever possible to regulate war? The book provides a masterful exploration of how Europe chose its path towards war, which will change and enrich how we see this defining moment in our history. This book delves into the intricate details of how war has influenced the course of history and shaped the world as we know it. The impact of war on the international system and the technologies of rebellion is also a significant area of interest. This is an important aspect to consider when understanding the historical context of war and its broader implications.

¹⁷ Charles Hauss. (2019). *From Conflict Resolution to Peacebuilding*. Rowman & Littlefield Publishers, Incorporated, Maryland, USA.

¹⁸ Margaret Macmillan, (2020). *War: How Conflict Shaped Us*. Oxford University Press, New York.

In addition to the international implications, the role of ideology and capital in shaping conflicts cannot be overlooked. Hauss discusses the influence of capital and ideology on democratisation and potentially how these factors contribute to the outbreak of wars. Understanding the interplay between economic and ideological factors can provide valuable insights into the origins of conflicts.¹⁹ Furthermore, the genomic epidemiology of super-spreading events and the transmission properties of SARS-CoV-2 are pertinent to understanding how pandemics and disease outbreaks can impact the dynamics of conflict. Investigating the relationship between disease, public health, and conflict is crucial for a comprehensive understanding of the impact of war on societies. The interplay between nationalism, trade disputes, and pandemics can exacerbate tensions between countries, potentially leading to conflicts. It provides insights into the complex dynamics of trade disputes and the potential for conflicts to arise from economic frictions. Understanding the role of trade and commerce in shaping international relations and conflicts is a crucial aspect of comprehending the historical and contemporary causes of war. Ethnic antagonism and its erosion of commitment to democracy is another area of interest that contributes to our understanding of conflict. The impact of ethnic tensions and the preservation of democratic institutions in the face of internal conflicts are crucial for understanding the broader implications of war.²⁰

While the literature presents valuable insights into the factors and dynamics shaping conflicts, there are several topics under it that can be further researched. Firstly, there is a need for more research on the intersection between health crises, such as pandemics, and their impact on the outbreak and perpetuation of conflicts. Investigating the long-term implications of health crises on social stability and conflict dynamics is an area that requires further attention.

‘The Handbook of the UN’, authored by an international cast of more than 50 prominent scholars, analysts, and practitioners, gives an authoritative and impartial analysis of the UN's seventy-year history in a single volume. It presents a comprehensive and in-depth study of the UN's evolution since 1945, as well as the difficulties and possibilities that the organisation today faces. The authors provide a detailed analysis of the evolution of UN peacekeeping and the diverse challenges encountered in these operations. Moreover, one of the contributors, Jonathan Stokke highlights the transition from aid-based approaches to

¹⁹ Margaret Macmillan, (2020). *War: How Conflict Shaped Us*. Oxford University Press, New York.

²⁰ Ibid.

cooperation in UN development efforts. This transition has significant implications for the effectiveness of the UN's development initiatives. Future research could focus on the evolving role of the UN in addressing emerging global threats (Daws and Weiss, ed. 2018).²¹

The issue of non-international armed conflict (NIAC) has taken centre stage and international law has not remained static but has adopted itself to be applied in such situations. The literature does not talk about the evolving nature of NIAC and its implications for international humanitarian law present a rich area for future research. Potential research directions include the examination of contemporary NIAC scenarios, the impact of evolving warfare tactics on the legal framework, and the role of non-state actors in shaping the landscape of non-international armed conflicts (Shivakumaran, 2012).²²

'Making Conflict and Building Peace' by Doyle and Sambanis (2004) investigates the effectiveness of United Nations peacekeeping efforts following civil conflict. The book compares peace processes that included UN engagement to those that did not, based on a statistical analysis of all civil conflicts since 1945. Doyle and Sambanis highlight the importance of understanding the dynamics of UN peacekeeping operations and their impact on post-civil conflict peace. Their work emphasises the need to analyse the duration of peace after conflicts and the role of the UN in maintaining stability and peace. This perspective delves into the relationship between UN peacekeeping dynamics and the duration of post-civil conflict peace.²³ They emphasise the significance of UN peacekeeping efforts in sustaining peace and stability in post-conflict societies. Furthermore, the changing global order has implications for UN peace operations. The review highlights the multifaceted role of the United Nations in peace operations, peacekeeping, and peacebuilding. The findings analysed underscore the importance of addressing violence against civilians, personnel deployment, duration of post-conflict peace, broader global challenges, and the quality of peace in conflict-affected societies. The book sheds light on the broader socio-political impact of peace operations and calls for a deeper understanding of the interplay between peacebuilding, democratisation, and post-conflict stability. Future research could explore the long-term effects of UN peace operations on democratic governance and societal

²¹ Sam Daws, Thomas G. Weiss, ed. (2018). *The Oxford Handbook on the United Nations*. Oxford University Press, New York.

²² Sandesh Sivakumaran. (2012). *The Law of Non-International Armed Conflict*. Oxford University Press, New York.

²³ Michael W. Doyle and Nicholas Sambanis. (2004). *Making War and Building Peace: United Nations Peace Operations*. Princeton University Press, Princeton, New Jersey.

transformation in conflict-affected countries. The book highlights the complexities faced by the UN in balancing peacekeeping objectives with the need to address security threats in conflict-affected regions. Additionally, it should delve into the role of regional actors and their collaboration with the UN in peace operations, considering the growing importance of regional organisations in conflict resolution (Doyle and Sambanis, 2004).²⁴

Fortna (2018) in her book analysed that consent-based peacekeeping operations that are relatively small and militarily weak are often just as effective as bigger, stronger enforcement missions. Fortna investigates the causal processes of peacekeeping, paying special emphasis to the perspective of the peacekeepers-the belligerents themselves-on whose judgments the peace's durability rests. The book indicates that UN peacekeeping may not always lead to long-lasting peace in post-civil war contexts. However, it is important to note that the specific mechanisms through which peacekeeping affects the duration of peace need further exploration. Further research could delve deeper into the specific strategies or interventions employed by UN peacekeepers that contribute to reducing civilian victimisation. It is crucial to further investigate and identify potential contextual factors that may moderate the effectiveness of peacekeeping in different conflict settings. Thus, there is further scope of future research particularly in understanding the specific mechanisms and contextual factors that influence the effectiveness of peacekeeping efforts. (Fortna, 2018).²⁵

Even with attempts to ensure the enforcement of peace accords, numerous conflicts reignite. The situation in South Sudan exemplifies how fragile political frameworks and lingering grievances can hinder peace initiatives and lead to renewed violence (African Union, 2015).²⁶

Fischer (2017) calls for a more cohesive strategy for post-conflict rebuilding, highlighting the necessity of inclusivity and addressing fundamental issues to prevent violence from recurring.²⁷

The UN's humanitarian interventions in civil wars cover a broad spectrum of actions, from delivering aid to safeguarding civilians. The Responsibility to Protect (R2P) doctrine has further validated the UN's capacity to intervene during crises that jeopardise human rights

²⁴ Michael W. Doyle and Nicholas Sambanis. (2004). *Making War and Building Peace: United Nations Peace Operations*. Princeton University Press, Princeton, New Jersey

²⁵ Virginia Page Fortna. (2018). *Does Peacekeeping Work? Shaping belligerents Choices after Civil War*. Princeton University Press, Princeton, New Jersey.

²⁶ African Union. (2015). Report of the Panel of the Wise on the South Sudan Conflict.

²⁷ Fischer, M. (2017). Rebuilding After Civil Wars: A Framework for Study. *International Studies Review*, 19(1), 25-48.

(Bellamy, 2015).²⁸ However, the selective application of R2P raises questions about the consistency and neutrality of the UN's strategies. The interventions in Libya (2011) and its absence in Syria (2011-) illustrate this problem, as criticisms emerged regarding the inconsistent international responses informed by different geopolitical interests (Crawford, 2013).²⁹ The humanitarian functions of the UN during civil wars have attracted considerable focus, particularly through its agencies like UNHCR, UNICEF, and the World Food Programme (WFP). These organisations provide urgent assistance, protection for refugees, and support for internally displaced persons (IDPs), who are often the most at-risk groups in civil conflicts.³⁰ A report from the UN Office for the Coordination of Humanitarian Affairs (OCHA) indicates that the humanitarian emergencies in Syria, Yemen, and South Sudan have required substantial UN involvement, typically under challenging circumstances (OCHA, 2020).³¹

However, the UN's delivery of humanitarian assistance has encountered major obstacles. Humanitarian corridors are frequently obstructed or attacked, and the distribution of aid can be politically exploited by both state and non-state entities. The UN's capacity to operate in conflict zones is heavily reliant on the security conditions, the access granted by the conflicting parties, and the safeguarding of aid workers. The intricacies of these operations are mirrored in humanitarian intervention literature, with scholars like Slim (2015) highlighting the ethical challenges associated with balancing impartial assistance and the necessity for political neutrality.³²

The geopolitical context profoundly impacts the UN's role in civil wars. The sway of powerful nations frequently leads to selective interventions. For example, the permanent members of the UN Security Council may place their national interests above collective security, as seen in the Syrian Civil War, where the use of veto powers has obstructed decisive measures (Harris, 2016).³³ The involvement of external actors can intensify

²⁸ Bellamy, A. J. (2015). The Responsibility to Protect: A Defense. *Global Responsibility to Protect*, 7(4), 371-392

²⁹ Crawford, N. C. (2013). The Accountability Politics of the UN Security Council. *Journal of International Relations*, 53(2), 263-288.

³⁰ UN. (2008). United Nations Peacekeeping Operations: Principles and Guidelines.

³¹ Report on UN Office for the Coordination of Humanitarian Affairs. 2020.

³² Slim, H. (2015). *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*. Oxford University Press.

³³ Harris, A. (2016). The UN Security Council and the Use of Veto Power. *Global Security Studies*, 7(4), 45-57.

conflicts, complicating the UN's efforts at mediation and fostering distrust among the contending parties (Zelenskyy, 2021).³⁴

Despite the UN's comprehensive mandate and considerable efforts, its involvement in civil wars is often limited due to a mix of political, logistical, and normative obstacles. A major constraint is the political stalemate within the UN Security Council, especially the veto power wielded by the permanent members. In scenarios like Syria, the conflicting interests of the P5 have left the Security Council unable to authorise effective action. Consequently, scholars such as David M. Malone (2004) argue that the UN frequently finds itself immobilised when confronted with civil wars characterised by competing interests among major powers. Furthermore, the UN's financial and logistical resources are frequently inadequate to meet the challenges posed by civil wars.³⁵ Peacekeeping missions are not only costly but also resource-heavy, and the failure to obtain sufficient funding or troop contributions has often hindered their effectiveness. A notable example is the inability to deploy strong forces during the Rwandan genocide, which has drawn significant criticism (Thakur, 2015).³⁶

Lastly, the challenge of maintaining impartiality remains a persistent issue for the UN. The UN's mandate requires it to operate neutrally and impartially; however, in many civil wars, sustaining such neutrality proves challenging. In situations where one party commits clear human rights abuses, the UN's insistence on impartiality can jeopardise its credibility and hinder its capacity to effectively safeguard civilians.

The review of literature regarding the UN's involvement in civil wars illustrates a complicated and multifaceted relationship that impacts conflict resolution and peacebuilding initiatives. While the UN has made notable progress in bolstering its peacekeeping capabilities and adapting to emerging conflict dynamics, challenges remain, including issues of selectivity, political influence, and operational efficacy. Future research should concentrate on creating comprehensive evaluation frameworks that quantitatively analyse the success of UN interventions and investigate innovative approaches to improve peacekeeping performance within the environment of civil war.

³⁴ Zelenskyy, O. (2021). External Influences in Civil Conflicts: A Case Study on Syria. *Middle East Journal of International Affairs*, 8(1), 35-50.

³⁵ Malone, D. M. (2004). *The United Nations and the Politics of International Peacekeeping*. Harvard University Press.

³⁶ Thakur, R. (2015). *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*. Cambridge University Press.

Research Gap

While there is abundant material on the powers and functions and the work and activities of the United Nations, there remains significant gaps when it comes to the question of literature on armed conflict and civil wars—a more distinctive set of preoccupation of the world body in the last couple of decades. This preoccupation has been a contribution of the international political atmosphere consequent to the end of the Cold War and the new unanimity that informed the functioning of the UN Security Council. Coupled with the more recent focus on the imperative of addressing the atrocity crimes and a consensus amongst the world leaders on the subject, the United Nations' activities and action or lack of action has become a major narrative of the globalised and interdependent world. There is therefore a need to focus on the armed intra-state conflict which have increasingly raised the specter of atrocity crimes committed within the borders of the UN member states.

The assessment of literature demonstrates that there is a large gap in the studies regarding the current arrangements under the Charter. Much of the existing research tends to focus on immediate outcomes of UN interventions in civil wars, such as the cessation of violence or the signing of peace agreements. However, there is a scarcity of longitudinal studies that track the long-term impact of these interventions on stability, governance, and social cohesion in post-conflict societies. Understanding the sustainability of peace in the long run, including the factors that lead to either lasting peace or renewed conflict, remains underexplored. Moreover, there has been a lack of studies focused on identifying the mechanisms required for the global community to tackle armed conflicts, as well as strategies to improve peace and security and protect civilians from mass atrocity crimes when the Security Council fails to act.

The effectiveness of the UN peacekeeping doctrine is an area ripe for investigation. While traditional metrics for assessing success are often based on the numbers of missions, troop deployments, and compliance with ceasefires, there is limited research on the adaptability of the UN's peacekeeping mandates to different conflict scenarios.

The existing body of literature on the United Nations and civil war offers valuable insights but also leaves significant gaps that require further investigation. Addressing these research areas can help refine UN strategies, improve the effectiveness of interventions, and foster a better understanding of the complexities involved in civil wars. Filling these gaps is essential for enhancing global responses to civil wars and promoting sustainable peace.

The present study, therefore and as such seeks to present a comprehensive analysis where issues and aspects related to both inter-state wars as well as those pertaining to increasingly significant intra-state civil wars has been presented. The thesis attempts to correlate the threats emanating from the intra-state armed conflict with the threat to the maintenance of international peace and security and thereby invoking the authority of the UN Security Council to take action under Chapter VII of the Charter.

Research Questions

The present thesis attempts to raise some pertinent questions for investigation within the scope of the subject matter under study. Following are the 5 questions for the present research undertaking:

1. How best to understand the legal foundations for the enforcement authority of the Security Council in situations of a civil war involving ‘domestic jurisdiction’?
2. Whether the activities and functioning of the United Nations is based on the provisions of the Charter or these are influenced by the international political climate, particularly relationship amongst the major powers?
3. What influences and impacts the decision-making in the UN Security Council when an armed conflict involving mass atrocity crime is committed?
4. What changes are required to address the inadequacies in the power and authority of the United Nations with regard to Civil war situations?
5. Whether and to what extent the restructuring of the composition of the Security Council can mitigate its inadequacies and strengthen its authority for preventive and enforcement action in regard to intra-state armed conflict.

Research Methodology

The study is qualitative analytical research with an exploratory, comparative and critical approach. The literature draws on a variety of sources, both primary and secondary, found in books and reputable journals on the subject. The study of the concept of civil war and UN itself involved an extensive reading of primary and secondary literature on the subject. Official documents of the United Nations and other international organisations and agencies has served as the basis to trace inadequate mechanism to meet the emerging set of challenges posed by intra-state conflicts. The research relies heavily on original sources. I have accessed Security Council Official Records (SCOR), and Security Council Resolutions (S/RES/). Research has benefited from referencing relevant United Nations reports and documents. The

nature of the theme also required the extensive usage of secondary data to understand the process of peacekeeping and other UN mechanism. Case studies related to significant sites of civil war involving action and or inaction by the UN has been undertaken to help build a comparative framework.

Chapter Contents

The thesis consists of an introduction, six main Chapters and a conclusion.

1. Comprehending Civil Wars: Evolution and Persistence of Intra-state Conflict

The Chapter discusses the concepts of civil war, its implications, and how it has affected the various countries and the lives of civilian population. It also throws some light on the changing nature of war, with a focus on atrocity crimes. It talks about the Geneva Conventions. The four Conventions and three Additional Protocols are detailed in further depth with a focus on Common Article 3 of the Conventions. A detailed examination of the Security Council's techniques for addressing the armed conflict and civil war in the preceding three decades is analysed and it reveals how the power and authority of the Security Council gradually but substantially developed since 1989 and how it has utilised the authority granted to it by the UN Charter to interfere in conflict situations within the borders of member states. This aspect of the functionality of the Security Council is inextricably linked to the effect of the end of the Cold War on United Nations. Given the interrelationship between the questions of the UN Security Council's effectiveness under a new international political climate consequent to the end of the Cold War and the interpretations of the Charter provisions by the member states, the discussion in the Chapter leads to a closer examination of the doctrine of non-interference in the domestic jurisdiction- a subject further developed in the Chapter 2.

2. The United Nations and Issues Related to Domestic Jurisdiction

The UN's evolving role in domestic conflicts to maintain global peace is discussed in the present Chapter. The content highlights the shift from inter-state wars to intra-state civil conflicts as the primary threat. It historically examines the UN's activities during the Cold War while focussing on the Covenant of the League of Nations briefly as historical reference. The paralysis of the Security Council due to Cold War rivalries, forcing power delegation to the General Assembly and its subsequent role in peacekeeping is also analysed. It then examines the period of continued Security Council immobility (1964-1989) despite detente, illustrating its inability to effectively address global issues. The Chapter emphasises the

historical context of the UN's challenges in intervening in domestic jurisdictions to ensure international security.

3. Towards A Strengthened UN System: Case Studies of Namibia, Cambodia and Afghanistan

The Chapter examines three crises – Namibia, Cambodia, and Afghanistan – to assess the UN's effectiveness, particularly the role of the Security Council. The Namibian case, marked by anti-colonial sentiment and the eventual success of pro-independence movement, demonstrated the UN system's capacity to address challenges when political consensus exists. Both Namibia and Cambodia highlighted the intertwined nature of domestic and international contexts, underscoring the UN's responsibility to enforce peace, as seen in the successful peacekeeping mission extension in Cambodia despite its history of violence and foreign intervention. In contrast, the Soviet intervention in Afghanistan in 1979 reignited the Cold War, with the General Assembly condemning the invasion and the Soviet Union ultimately withdrawing under Gorbachev's leadership, leading to Mujahideen control. These three distinct situations reveal both the strengths and limitations of the UN's machinery and the Security Council's ability to respond effectively to diverse global crises.

4. United Nations, Enforcement Action and Humanitarian Intervention: A Study of Iraq, Somalia and Bosnia-Herzegovina

United Nations enforcement actions, mandated by the UN Charter and primarily executed by the Security Council, are measures to maintain or restore international peace and security in response to threats or breaches of international law. These actions range from non-military economic sanctions, used as an initial pressure tactic, to military interventions authorised by the Security Council when sanctions fail, exemplified by the Persian Gulf War. The effectiveness and legitimacy of these interventions are debated, considering sovereignty and Security Council dynamics. Beyond traditional peacekeeping, the UN's role expanded post-Cold War to encompass multifaceted peace operations. Case studies like the enforcement action in Iraq and humanitarian initiatives in Somalia and Bosnia-Herzegovina highlight the complexities and challenges of UN involvement in internal conflicts. The severity of humanitarian crises in the 1990s compelled the international community to address peace and security within state borders,

raising questions about the nature, scope, and impact of Security Council actions and underscoring a global law and order deficit.

5. Non-Intervention of the United Nations: A Study of Myanmar and Syria

The Chapter underscores the critical importance of studying the civil wars in Myanmar and Syria, highlighting the UN Security Council's (UNSC) profound ineffectiveness in alleviating human suffering and upholding international peace in these contexts. These conflicts starkly revealed the limitations of the UNSC's structure, notably the misuse of the veto power held by the P5, which hinders timely and decisive action. The analysis delves into the UN's passive role in the Myanmar civil war, exposing significant deficiencies in global governance, human rights protection, and international diplomacy. Furthermore, it examines the UNSC's response to the Syrian conflict across its various stages, arguing that the Council's legitimacy and efficacy are increasingly questioned due to the P5's repeated use of veto power, which has, in effect, exacerbated crimes against humanity.

Discussion in this Chapter is analysed up to the end of 2024 and precedes more recent developments in both Syria and Myanmar. The case studies analysed here demonstrates how the unchecked exercise of veto power has impeded meaningful intervention and prolonged egregious human rights violations in these two countries.

6. Reform and Restructuring of the United Nations

The United Nations was established in 1945 with the goal of preventing wars, promoting peace, and fostering international collaboration. However, in today's interconnected world, the UN must adapt to new challenges such as climate change, cybersecurity, altering power dynamics, and changing humanitarian needs. In order to remain relevant in a changing world, the UN must continue to restructure its internal structures and encourage collaboration among an increasingly wide spectrum of global stakeholders. Maintaining the organisation's legitimacy and effectiveness will require ensuring that it reflects the reality of today's geopolitical scene, handles new global dangers, emphasises global collaboration, inclusion, and adaptability in order to fulfil its mandate of fostering peace, security, and sustainable development. The Chapter addresses different reforms for the better functioning of the United Nations such as organisational reform, financial reform and reforming the veto system.

Question related to the possible increase in the numbers of permanent members of the Security Council is also undertaken. Moreover, the Chapter involves an analysis of necessary improvement in the efficacy and of the UN. After all, the advocacy for changes in the UN system has gained fresh impetus.

The analysis in the above six main Chapters is followed by a Conclusion to the thesis and a section on Bibliography.

Chapter 1

Comprehending Civil Wars: Evolution and Persistence of Intra-state Conflict

Intra-state conflict is not a new phenomenon. Since 1945, intra-state conflict has been more common and violent than inter-state conflict. With the end of the Cold War, this trend became more pronounced, mostly in the form of ‘ethno-national and separatist-armed conflicts,’ resulting in a substantial shift in the understanding of security challenges and alternative approaches to them, particularly in Europe. The discourse around sovereignty, identity, security, and international responsibility is becoming increasingly important. A theoretical exercise on intra-state disputes calls into doubt the legitimacy of the traditional ‘state-developed notion’ of security, as prepositions in international relations rely on both empirical validity and logic.

Intra-state conflict* provides a persistent danger to global peace and security, ranging from religious crackdowns in Myanmar to confrontations between state and non-state organisations in Yemen and Syria. The conceptual framework and epistemological tenets upon which security studies and conflict resolution procedures are based, needs to be re-organised because human and moral decisions based on the dialectics of intra-state conflicts have been shown to be fundamental aspects of both social and international order.

Foreign engagement in conflict has long been a common practice in the study of armed conflicts and has an impact on conflicts by increasing the number of nations with a stake in internal conflicts.

There are several problems raised by the development in intra-state conflict and third-party involvement. Few questions can be raised: Why has there been an increase in ‘non-international armed conflict’ instances despite a steady decline in inter-state violence? Even while these wars may have detrimental externalities (such as refugee crises) for their own economies, why do outside players frequently participate in them?

* Facets of civil wars are used interchangeably but their meanings are same.

The chapter establishes the tone for the whole thesis by offering a clear and accessible account of the civil wars. It discusses the concepts of civil war, its implications, and how it has affected the nation and the lives of its residents, particularly women and children. It also throws some light on the changing nature of war, with a focus on atrocity crimes. It talks about the Geneva Conventions. The four conventions and three additional protocols are detailed. This section also discusses Common Article 3, which is an important component of this chapter. The final portion of the chapter provides the most detailed examination of the Security Council's techniques for settling civil wars throughout the preceding two decades. It reveals how the Council gradually but substantially developed between 1989 and 2006, and how it utilised the authority granted to it by the United Nations' Charter to domestic conflict situations. This section attempts to assess the operations of the Security Council in the context of civil war.

Civil wars in the twenty-first century are distinct from those that previously existed. These modern civil wars are frequently more ethnic or religious in nature, smaller, and more decentralised. However, paramilitary groups, terrorist groups, gangs, and cartels are also playing a larger role in these battles. Additionally, they don't begin the way most people anticipate. Rarely do they begin as large, violent clashes between a formalised rebel organisation and government forces. Instead, they begin with isolated pockets of rage that fester and grow over time. These group leaders, who are usually more extreme than the ordinary persons, take years to organise, meeting in secret and out of sight. As a result of the UN principle of non-interference in the internal affairs of another state, the Security Council was unable to previously deal with intra-state conflicts. The UN had to deal with new challenges to international peace and security. The fundamental justification for UN operations, intra-state warfare, has mostly disappeared, but the frequency and severity of intra-state armed confrontations inside weak states has skyrocketed. The bulk of armed wars worldwide since 1990 have been intra-state conflicts, according to the Uppsala Conflict Data Programme (UCDP). For example, thirty-three ongoing armed conflicts throughout the world in 2013 were all intra-state disputes.¹

Armed conflict invariably results in forced migration of people, refugee movements, and the devastation of a society's infrastructure. Institutions in society, politics, and economy all suffer irreparable injury. Civil wars occur frequently around the world because the international

¹ Themner L., Wallenstein. P. (2014). Armed Conflicts, 1946-2013, *Journal of Peace Research* 51, No.4.

community hasn't done much to prevent it.² There are significant negative effects of conflict on development. Throughout history, people have fought countless wars for different reasons. Sometimes, government engaged in a war to seize territories or people try to change their government or form an independent one. Although many of these conflicts have stayed the same but the nature of conflict is changing. Armed conflicts and war have caused death of millions of people, displaced communities, caused destructions and contributed to the spread of hunger, poverty, and disease. However, in recent times conflict between nation-states which earlier represented greatest threat to world peace and security have more recently declined in numbers. This however does not mean that nation-states co-exist peacefully or that the threat of full-scale war has disappeared. The ongoing Russia-Ukraine war is a grave reality with wide implications for the return of international wars in the world. In contemporary context, nature of conflict has fundamentally changed and many conflicts and wars are taking place within the borders of nation-states rather than between nation-states. From 1960 onwards we find that a significant number of countries have experienced long period of civil war. The number of conflicts reached its peak during 1980s and 1990s following the collapse of the Soviet Union and the outbreak of the sub-Saharan African conflict.

Civil War: Definition and Classification

Civil war can be defined as a politically organised, large-scale, sustained, physically violent conflict that takes place within the borders of a country involving large groups of inhabitants.³ The final record of the Diplomatic Conference of Geneva of 1949 did not define the term civil war but it described the criteria that separate any act of terrorism, anarchy, or banditry from situations that qualify as non-international conflicts, which includes civil wars.⁴

According to Paul Kenny, a civil war, also known as 'intra-state war is a high intensity conflict'⁵ often involving armed forces within the same state or country. The duration of civil war has increased since the end of the Second World War which has also resulted in increasing number of deaths, forced displacement along with economic collapse.⁶ Stathis Kalyvas in his

² Kalyvas S., Kenny P. (2010). *Civil Wars*. International Studies Association and Oxford University Press.

³ Gersovitz M., Kriger N. (2013). *What is Civil War? A Critical Review of its definition and econometric consequences*. The World Bank research observer. Vol28, no.2. 160-161.

⁴Article 3 of Geneva Convention.

⁵ UN Charter.

⁶ Kalyvas S., Kenny P. (2010). *Civil Wars*. International Studies Association and Oxford University Press.

book 'Civil Wars' maintains that a civil war may be defined as armed conflict between parties who are under a shared authority at the commencement of hostilities and occur inside the borders of a recognised sovereign nation.⁷

A civil war is described in the December 1990 edition of the U.S. Army Field Manuals (Military Operations in Low Intensity Conflict) as a conflict among groups from the same nation must meet five requirements in order for it to be recognised internationally: firstly, the participants must control the land, secondly, they must have a functioning government, thirdly, they must be recognised in certain other countries, fourthly, must have recognisable regular armed forces, and finally, they must have conducted significant military operations.⁸

The Geneva Conventions did not specifically define the term civil war but it outlined the responsibilities of parties involved in armed conflict which is not of an international character. Nevertheless, International Committee of the Red Cross has provided some conditions for the application of the Geneva Conventions through its commentaries. The ICRC has specified the following conditions:

- The party in revolt against the de jure government possesses organized military force within the determinate territory.

- The legal government is obliged to have recourse to the military forces against the insurgents.

- The de jure government has organised the insurgents as belligerents; or
 - it has claimed itself the right of a belligerents;
 - for the purposes of the current treaty, it has recognised insurgents as belligerents;
 - the dispute been referred to the agenda of the Security Council or the General Assembly of the United Nations' as a threat to international peace and security, of aggression or a breach of peace.

⁷ Kalyvas S., Kenny P. (2010). *Civil Wars*. International Studies Association and Oxford University Press.

⁸ Collier, Paul. *Breaking the Conflict Trap: Civil War and Development Policy*. World Bank, 2003.
[ISBN 0821354817](#)

- The insurgents have an organisation claiming to have the characteristics of a state.
 - the civil authority of the rebels exercises de facto control over the populace of the national area.
 - the armed forces work under the direction of an organized authority and should observe the ordinary laws of war.
 - the civil authority of the insurgency consents to abide by the Convention's rules.⁹

Causes of the Civil War

In addition to being extensively researched and discussed, the topic of civil wars endurance is also considered to be crucial. Many civil wars have been particularly unwinnable and have dragged on for many years. One aspect is that civil wars frequently turn into proxy conflicts for foreign powers, which finance their partisans and support ongoing hostilities. Studies on civil wars and democracy have been conducted as part of the democratic peace theory. According to research, governments with intermediate regimes are more likely to experience civil wars than those with the greatest democracy or authoritarianism. Political change, whether it is moving towards greater democracy or greater authoritarianism, increases the likelihood of a civil war.¹⁰ According to one research, even after they have had time to stabilise after a regime transition, intermediate governments are the most likely to have civil war, based on an analysis of the years between 1816 to 1992.¹¹ A quick and significant decrease in total conflict, interstate wars, ethnic wars, revolutionary wars, and the number of refugees and displaced people coincided with the fall of communism and the rise of democratic governments.¹²

Over the years, causes of the American civil war in the 19th century have been variously interpreted. Suffice is to say that immediately after the war ends, each side present their explanations which tends to glorify and justify their own version and denounce those of the opposing side. For example, the historians in the north regarded the civil war in the US in 1860s to liberate slaves. Contrarily, historians in the south saw it as a struggle for independence and

⁹ Commentary of the International Committee of the Red Cross on 1949 Geneva Convention.

¹⁰ Lake, David, and Donald Rothchild, eds. (1998). *The International Spread of Ethnic Conflict: Fear, Diffusion, and Escalation*. Princeton University Press. [ISBN 0691016909](https://doi.org/10.2307/2646199)

¹¹Ibid.

¹² Licklider, Roy. (1995). The Consequences of Negotiated Settlements in Civil Wars, 1945–1993. *American Political Science Review* 89, no. 3. pp- 681–690.

the defense of the ideal of liberty versus the consolidation of authority. Over the decades, historical interpretations reflected disillusionment with the influence of business in American life. Similarly, it stripped of its idealistic coloration and was seen as a contest between south and north.

Louis Hacker spoke about this interpretation in an article written for Harper's magazine in the 1930's. According to Hacker, economic concerns like tariff, bank, land distribution, and internal improvements are more crucial than slavery and rights. These economic interpretations were seriously challenged by a group of historians who concluded that clashes of interest between industrial and agrarian sector were not inevitable. Historians influenced by anti-war sentiments prior to World War II concluded that civil wars are needless and can be avoided. James Randall, a historian, claimed that a fanatical generation was led by an extremist.¹³ Thus, the causes of civil war were seen deeply rooted in the cultural, economic, political, and ideological differences.

Some of the causes of the civil war are as follows:

- Slavery: By the end of 1850, it has become a part to accuse the slave power for the long misdemeanor of rights and liberties and predicted that a political action would help. At the same time the black republican conspiracy to overthrow slavery started. These conspiracies were the reflections that the nation was growing apart and was divided into two groups having completely opposing interests.¹⁴
- Trans-national Ethnic Linkages: There is some data that suggests nations with sizable Diasporas and transnational ethnic ties are more likely to experience conflicts. For instance, the Tamil, Kurdish, and Eritrean Diasporas are sizable and have been significant source of funding for insurgencies.¹⁵ It is challenging to examine the influence of the Diaspora nationally for two reasons. First, there is little information now available about international migration, and second, the risk of civil war is endemic to Diasporas. By focusing on the portion of the Diaspora that is not related to the conflict, Collier and Hoeffler overcome the endogeneity problem when using data on Diasporas who are established in the US.

¹³ Ladenburg Thomas. (1999). *Why do People Fight? The Causes of the Civil War*. Digital History. http://www.digitalhistory.uh.edu/teachers/lesson_plans/pdfs/unit5.pdf

¹⁴ Carl M. Deglar. (1959). *Out of the Past: The Forces that Shaped Modern America*, Harper and Row Publishers, New York.

¹⁵ Fearon, James D. (1995). Rationalist Explanations for War. *International Organisations* 49(3): pp.379- 414.

According to them countries with sizable Diasporas in the US had higher rates of civil war. Transnational ethnic or religious groupings are another example of a human population that might support an uprising. For instance, outside sources provide financial assistance to rebels in Pakistan and Afghanistan.

Ethnic transnational connections exist in several nations. Co-ethnics on the other side of the border could be able to offer more than just money; they might also be able to offer warriors, a secure location for training camps, and opportunity for retreat in between violent outbursts. Gleditsch demonstrates that the occurrence of civil wars is positively connected with the number of ethnic groups that cross international boundaries. Support from outside the country appears to be crucial in making a rebellion possible.¹⁶

- Economic Causes: Early historians who contributed in finding out the causes of civil war mainly focused on economic deprivation and grievances. Ted Gurr, an American political scientist, emphasised how people living under inequality may rebel if they are unhappy with their economic situation. The literature on national conflict emphasised how both relatively poorer and wealthier groups within countries likely rebel against the government if they think that their life would be better under independence. Civil wars in Latin American countries were often focused within a framework of economic grievances arising from unequal land distribution or income inequality. However, subsequent studies on civil war dismissed the role of grievances. Researchers argue that grievances are basically ubiquitous. British economists Paul Collier and Anke Hoeffler argued that low income makes it easier to mobilise insurgencies, since potential recruits have less to lose. Researchers also linked mobilisation to the role of individual incentives. Insurgencies can also occur when participants prosper from war, for example, through looting or gaining control over the natural resources. Empirical studies have proved that there is a link between existence of natural resources and higher risk of civil war. African civil wars are frequently used to promote this viewpoint.¹⁷

¹⁶ Hoeffler, Anke. (2009). On the Causes of Civil War Anke Hoeffler Draft Chapter for the Oxford Handbook of the Economics of Peace and Conflict.

¹⁷ Gleditsch, Kristian Skrede. (2023). *Civil War*. Encyclopaedia Britannica.

- Political Causes: Civil wars can also be brought on by political deprivation, such as colonial servitude or a lack of political rights. Many conflicts after 1945 emerged as groups sought to achieve independence from colonial rule. Both the Algerian War of Independence (1955–1962) and the Indo–China War (1946–75) provided examples of how colonial powers may be subdued by protracted violent campaigns, which aided in the organisation of movements in other nations. Numerous ethnic groups in nations like Ethiopia and the then Soviet Union began comparable national liberation battles.

There is little evidence also as how ethnic diversity is prone to conflicts. Rather more relevant is how ethnic groups are systematically excluded from political power or discriminated against by the state.¹⁸

- Religious Causes: Religion related civil wars have a tendency to occur more frequently in monotheistic countries than in polytheistic ones; one explanation for this is that the latter tend to have more lenient dogmas, allowing for some degree of religious freedom. Within the majority of the populations, Christianity in Europe throughout the Middle Ages was inspired by paganism. Due to restricted access to the Bible and the widespread illiteracy of the populace, there was a substantial degree of synthesis between Christian and pagan themes. It was uncommon for anyone to feel particularly oppressed by religion because it was administered so indiscriminately.¹⁹ There were sporadic outbreaks of violent heresies, as the Albigensian heresy, but historians typically consider these to be the byproduct of peasant uprisings rather than the actual cause of a civil war. As religions tended to become more precisely defined and understood by their believers, inter-religious conflict frequently developed. Soon after Islam's emergence, there was a flurry of revolts against non-Islamic monarchs. Civil wars have frequently occurred in later Islamic history, most of which were caused by the Shiite-Sunni struggle. The Protestant Reformation in Europe had a similar impact, igniting years of religious conflicts on a national and worldwide level.²⁰ The English Civil War was likewise influenced by tensions between Protestant factions, while the Revolt in the Vendée was sparked by state persecution of Catholics during the French Revolution. The Taiping Rebellion, the deadliest civil war in history, was the outcome of a failed religious movement in China.

¹⁸ Gleditsch, Kristian Skrede. (2023). *Civil War*. Encyclopaedia Britannica.

¹⁹ James D. *Civil War*. (2000). World Encyclopaedia. https://www.newworldencyclopedia.org/entry/Civil_war

²⁰ Mack, Andrew. (2002) *Civil War*. Academic Research and the Policy Community. pp- 515–525.

- Autocratic Regime: Struggle for power in autocratic regimes can create a context in which conflicts can occur. Autocratic regimes basically deny citizens right to political participation and resort to repression. Protest against autocratic regimes can turn violent and sometimes it can lead to conflicts, as in South Africa under the apartheid system. Demand for greater political rights and freedom are one of the elements for many insurgencies. Scholars have pointed out that, although autocratic institutions provide fewer elements for nonviolent political activities and protest. As they combine a lack of political freedom with ample chances for protest, which may be missing under oppressive regimes, mixed regimes with autocratic and democratic traits are thus perhaps the most prone to violent conflict.²¹
- Crisis and Emergency Situations: Apart from the above causes mentioned, there are several other factors that may cause civil war. The likelihood of civil war might be boosted by regime transition or any other indications of reduced state power. Moreover, natural disaster and crisis situations can also create conflict within a country. For example, the 1973 earthquake in Nicaragua involving massive corruption and lack of subsequent reconstruction created widespread disillusionment which led to a long-standing Marxist insurgency.²²
- International Reasons: Civil wars can start and develop as a result of factors that are external to certain nations. Participants in civil wars are not usually limited to the country where conflict first started. Ethnic groups often span international boundaries and provide support for insurgencies in other states. A conflict situation in a neighbouring state can generate violent mobilisation, either through amalgamation of successful rebellion or through direct import of arms and combatants. Civil war is also closely linked to inter-state war. Poor relations between states may motivate governments to support insurgencies in neighbouring countries, and this may in turn promote military conflict between states for violating borders or supporting the insurgents.²³

²¹ James D. *Civil War*. (2000). World Encyclopaedia. https://www.newworldencyclopedia.org/entry/Civil_war

²² Mack, Andrew. (2002). *Civil War*. Academic Research and the Policy Community. pp- 515–525

²³ Ibid.

Impact of Civil War

Civil wars often have several consequences but most importantly there are mainly two consequences we will broadly look at – economic and political.

Regarding the political consequences, objective evaluations of structures such as the level of democracy and the subjective evaluations of government performance like, perceptions of efficacy and trust in government are considered. The analysis of nations and regions within nations, individual, local municipalities are also looked at. Whereas, in economic consequences diverse economic activities has been considered like trade, employment, spending and saving.²⁴

It has been estimated that each year civil war reduces the concerned country's GDP growth rate up to 2%. Civil war also has a regional effect; it reduces the GDP of the neighboring countries as well.²⁵ Civil war also has the potential to lock the country in a 'conflict trap' situation where each conflict increases the likelihood of future conflict. According to Collier, who is very much inspired by Hobbes, conflict can reduce development into destruction, disruption, and diversion.

Civil war destroys production and health facilities, reduce the workforce, hinder economic exchange, and increase transportation costs. It also generates chaos brought on by acts of violence, a general collapse of the social order, and the flight of significant number of people. Civil wars lead increased military spending by cutting public funds. It also has an adverse effect on the structure of the economy as the agricultural lands and other primary commodities are less mobile. Conflicts make economies dependent on these commodities which eventually increase the risk of future conflict. Civil wars also reduce government control on the economy which opens up opportunities for the production of illegal drugs.²⁶ War devastates health, lives both directly through battle and indirectly through diseases. It can also devastate physical infrastructures and some political, social institutions that inhibit development.²⁷

²⁴ Christian Davenport, Havard Mok Leiv Nygard, Hanne Fjelde, and David Armstrong. The Consequences of Contention: Understanding the After effects of Political Conflict and Violence. *Annual Review of Political Science*. [doi:10.1146/annurev-polisci-050317-064057](https://doi.org/10.1146/annurev-polisci-050317-064057)

²⁵ Ibid.

²⁶ Christian Davenport, Havard Mok Leiv Nygard, Hanne Fjelde, and David Armstrong. The Consequences of Contention: Understanding the After effects of Political Conflict and Violence. *Annual Review of Political Science*. [doi:10.1146/annurev-polisci-050317-064057](https://doi.org/10.1146/annurev-polisci-050317-064057)

²⁷ Van Raemdonck, D.C. and Diehi, P.F. (1989). After the shooting stops: insights on postwar economic growth. *Journal of Peace Research*.

Civil war is most devastating and can cause devastation. Scholars have pointed out the effects of different war endings and international interventions— particularly their concerns are maintenance of stability and security. Individual behavior after the civil war must also be looked at. Individuals who suffer victimization during civil war are frequently observed getting involved in local activism and politics following the war.²⁸

Mass trauma especially in times of conflict is endemic and this is also one of the most important effects of civil war which is mostly kept under wraps. Mass trauma due to war and persecution especially in African Continent stretches over more than 400 years which is associated with trans- Atlantic slave raids. It was followed by 100 years of colonisation war by the Europeans where they decided that it is their utmost duty to civilize the Africans. This period witnessed religious wars and cruel treatment of Africans by the Europeans along with massacres and genocides of Africans. This ultimately made the Africans fight for their independence from colonial rule. In post-independent Africa, warfare still continued in the form of insurgencies, secession movements, cross-border conflicts, and political wars.²⁹ Millions of Africans have suffered the effects of war, including trauma, displacement, poverty, sickness, starvation, and forced migration. In today's war more civilians die than regular soldiers. The majority of wars in Africa target civilians, including raping women, using them as human shields, employing children as troops, genocides, generating internal displacement and refugees, and involve many other forms of atrocities.³⁰ Battlefields warfare has been replaced by urban warfare in many cases. Soft targets i.e. targeting civilian infrastructures such as churches, mosques, markets, shopping centres, college campuses are more common now.³¹

There are four types of torture that make up the mass trauma of war: physical, psychological, social, and ecological:

- Physical torture: Beatings, gunshots, bombs, landmines and child soldiering. Disfigurements, burnings, forced labour, sexual abuse (rape, public rape, gang rape, and sexual slavery), defilements executions, mass killings, ethnic killings.

²⁸ Kelmendi, Pellumb, and Amanda Rizkallah. (2006). *The Effects of Civil War on Post-War Political Development*. Oxford Research Encyclopaedia of Politics. Oxford University Press.

²⁹ Korieh, Chima J. (2017) *The Asaba Massacre during the Nigerian Civil War- the Asaba Massacre: Trauma, Memory, and the Nigerian Civil War*. Cambridge University Press. *The Journal of African History*. ISBN:9781108515429

³⁰ African Union, AU. (2006). Policy on post-conflict reconstruction and development, PCRCD. *Peace and Security Department. Commission of the African Union*. Addis Ababa, Ethiopia.

³¹ Tete A. (2015). *Human cost of illicit flow of small arms, and light weapons permanent observer of the African Union to the United Nations*. <https://www.un.org/press/en/2015/sc11889.doc.htm>.

- Psychological torture: Threats, interrogations, accusations, abductions, Mock executions, incommunicado, detentions, humiliations, witnessing, deprivation.
- Social sufferings: This includes destroying property and cattle, running away, watching, being displaced, and migrating.³²

War causes destructions. It aims to destroy people's identity and their culture in order to make them bow to the newly imposed ones. Torture is used to ensure submission. The genetic make-up of an enemy is altered by the rape of women. As seen in Rwanda, Darfur, and other places, some wars result in genocides. Such traumatic events go beyond normal human experiences and lead to the myriads of post-traumatic sequels as seen in Africa and some of these go on for generations.³³

One of the most dangerous effects of civil war is forced migration. A permanent or semi-permanent shift in residence, typically over some sort of administrative boundary, is referred to as migration. Contrary to the unique demographic occurrences of birth and death, a person may move about often, for various lengths of time, and across multiple territorial boundaries. Similar to that, the term migration is described as the process of moving people. These individuals include those who are displaced, uprooted, refugees, economic migrants, and those who have been trafficked or smuggled. According to the International Association for the Study of Forced Migration (IASFM), the term forced migration is used to refer to the movements of refugees and internally displaced individuals who have been uprooted due to armed conflict, as well as those who have been uprooted due to famine, chemical or nuclear disasters, natural or environmental disasters, or development projects. The immediate circumstances that lead to such forced mobility include war, persecution of individuals, denial of necessities, and unequal distribution of resources and rights. With the current uptick in civil wars that have resulted in countless civilian losses, the root reasons of forced migrations are attracting more attention. As part of their military and political agendas, guerrilla armies, authoritarian governments, and war still compel many ethnic communities to relocate.³⁴ The fact that these forced migrations occur only in insecure and economically depressed nations intensifies their effects. Conflicts

³² Musisi S, Kinyanda E, Liebling H, Mayengo-Kiziri. (2000). Post traumatic torture disorders in Uganda. A 3-year retrospective study of case records at a specialized torture treatment center, Kampala, Uganda. *Torture* Vol. 10 No. 3.

³³ Musisi Saganoand Kinyanda Eugene, "Long-Term Impact of War, Civil War, and Persecution in Civilian Populations—Conflict and Post Traumatic Stress in African Communities." February 2020, Vol 11.

³⁴ Joyce D. Acquah. *Civil War and Forced Migration: A case study of the livelihoods Strategies of Liberian Refugee Women in Ghana*. Paper presented at the Innovation & Governance in Development Conference.

typically start when one ethnic group tries to seize control of a certain area that it considers to be its ancestral homeland.

These minority groups desire some type of regional autonomy for their country and protection for their cultural values, which they say are being undermined by discriminatory laws and policies, since they are not adequately represented in the governments that have control over them. Only a tiny percentage of people who left their towns due to violent discrimination, civil upheaval, and other grave economic and ecological situations are refugees or asylum seekers.³⁵ Perhaps the most distinguishing characteristic of refugees is that, unlike the majority of other migrants, they draw the world's attention to themselves by emerging from serious crises.

Around 23.7 million internally displaced persons (IDPs) were looking for safety within conflict-affected nations by the end of 2005.³⁶ Only a tiny percentage of those who are oppressed or have limited possibilities in their current areas will really want to migrate, and an even smaller percentage will have the financial resources to do so.³⁷ Example of such situation was seen in the military coup in Myanmar on February 1, 2021, the country has been wracked by widespread chaos and violence, which has been made worse by the public's reluctance to accept a military government in light of the country's experiences in the latter half of the 20th and early years of the 21st centuries.³⁸ The country has seen high levels of forced displacement as a result, including both refugees fleeing abroad with an average estimation of 22,000 since 1 February 2021 and internally displaced persons (IDPs) of 208,000 since 1 February 2021. The specific political strife that is displacing people has been identified as a sign of a state on the verge of disintegrating.³⁹ Two key indicators of this have been emphasised: first, the fact that security levels have been drastically reduced to the point where citizens are no longer protected from violence by the state; and second, the fact that neither the overthrown government nor the new military leadership are reliably supplying goods and services to the populace, primarily as a result of the instability produced and the strikes triggered. The removal of international recognition by both governmental and non-governmental entities is another indication of these internal issues.⁴⁰

³⁵ Joyce D. Acquah. Civil War and Forced Migration: A case study of the livelihoods Strategies of Liberian Refugee Women in Ghana. Paper presented at the Innovation & Governance in Development Conference.

³⁶ Peter Wallenstein and Margareta Sollenberger. Armed Conflict 1989–2000. *Journal of Peace Research* 38, 2001.

³⁷ UNHCR Teaching About Refugees. Who is an Internally Displaced Person? <https://youtu.be/DCzpVQkencw>

³⁸ Ibid.

³⁹ "[Myanmar on the Brink of State Failure](#)". *Crisis Group*. 2021-04-09.

⁴⁰ Cojanu, V. and Popescu, A. I. (2007) Analysis of Failed States: Some Problems of Definition and Measurement. *The Romanian Economic Journal*, 25, pp.113-132

Besides causing havoc damage in the country, civil wars also cause substantial negative effects on the neighbouring countries. These effects range from lost trading opportunities, refugee influx or sometimes spreading of the violence onto its territory. The assumption that adjacent strife constitutes a serious danger to a country's stability is supported by a wealth of data. For example, the civil wars of Libya, Sierra Leone and Guinea are intertwined. The civil war in Burundi spread to Rwanda, the Congo and Uganda. Following the breakup of Yugoslavia, civil war swept across the Balkans. Similarly, Afghanistan's civil war spread and extended to Pakistan's North West provinces.⁴¹

What is not a Civil War?

A civil war is not a military struggle between two governments. Armed conflicts involving an occupying power and non-state entities are also referred to as Inter-state conflicts rather than intra-state ones. Extra state conflicts are fought between a state and non-state forces outside of its own territory, whereas civil wars are fought between a state's government and non-state opposition parties. Therefore, the civil-war data does not include extra state wars in East Timor, Namibia, Southern Lebanon, West Bank and Gaza, or Western Sahara.

The divergence between Security Council interventions in civil wars and those involving occupying powers indicates a fundamental difference in the legal and political landscape of both situations. As evidenced by General Assembly and Security Council resolutions on East Timor, Namibia, Southern Lebanon, Western Sahara, and the West Bank and Gaza, UN intervention in wars in occupied territories is typically motivated by the organisations desire to attain a specific substantive outcome—the withdrawal of the occupying forces.⁴² The United Nations' is normally open to supporting a variety of substantive outcomes of civil wars as long as they carry the promise of lasting peace, despite the fact that individual member nations may also have strong opinions on certain substantive outcomes. Consequently, the Security Council's reasoning for responding to both types of war is fundamentally different.

⁴¹ Ree de Joppe, Bosker Maarten. (2010). Ethnicity and the spread of civil war. *CEPR Discussion Paper* 80.

⁴² Peter Wallenstein and Margareta Sollenberg. (2001). Armed Conflict 1989–2000. *Journal of Peace Research* 38.

The Changing Nature of Conflict

Since the turn of the millennium, the United Nations' along with other international actors have struggled to bring stability and peace to several conflict situations. This contrasts with the crisis in early and mid- 1990s where conflicts needed an immediate settlement both for locally and in geo-political context which took place in smaller territories where relatively less peacekeepers were needed to control the situation. Compared to 1990s, UN is finding it more difficult to restore stability and peace and its peacekeeping operations is needed to be deployed for longer time and some are having uncertain outcomes. The reason might be because the nature of conflict is changing by becoming more intractable and less conducive to political changes. There are mainly three developments which are creating a hindrance for the international organisation such as the UN in peacekeeping, peacemaking, and peace-building:

- Organised crimes have been the fundamental reason that increases the fragility of the state and makes conflict more intractable.
- Internationalisation of civil war i.e., involvement of external actors in civil war which creates hindrance in solving the conflict.
- The growing presence of the jihadist group in conflict situations makes it even more difficult to restore peace and stability.⁴³

One of the key changes in the modern-day conflict is the impact of organised crimes on conflict dynamics. Support for rebel armies by Superpowers contributed to several civil wars. As external state support declined, armed non state groups engaged in shadow economy benefitting from the growth of illicit markets. This is persistent even today as armed groups and other non-state actors are actively engaging themselves in illicit markets and deepening their involvement in criminal activities. All this is significantly altering the political economy of violent conflicts and affecting conflict dynamics in different ways.⁴⁴

Another trend which is making conflict intractable is the rise of internationalised civil wars i.e., when other states intervene militarily on internal conflicts. In 1992, 4% of the conflicts were internationalised whereas by 2016 the number increased to 40%.⁴⁵ Research shows that in domestic conflict when external interventions do not lead to rapid victory then they most likely

⁴³ Einsiedel Von Sebastian. (2017). Civil War Trends and the Changing Nature of Armed Conflict. *United Nations' University Centre for Policy Research. Occasional Paper 10*.

⁴⁴ Ekaterina Stepanova. (200). *Armed Conflict, crime and criminal violence*. SIPRI Yearbook 2010. Stockholm: SIPRI.

⁴⁵ UCPD/PRIO Armed Conflict Dataset version 4.

make internal conflicts deadlier and longer.⁴⁶ Syria is an example, where the military involvement of multiple external actors complicates prospects for a negotiated solution to the conflict. The involvement of states with strong militaries, such as the US or Russia, in internal conflicts is especially likely to cause more fatalities and delay in bringing peace and stability.⁴⁷

Most significant part of changing the conflict dynamics is the growing influence of the jihadist group. Since 2010, there has been a visible rise in organised violence involving ISIS, Al Qaeda and their affiliates.⁴⁸ In 2015, ISIS violence against civilians mostly took place in Syria, Iraq and Nigeria. Since most acts of violence take place in conflict zones, the International Crisis Group has noted that the rise in jihadist violence in recent years is more of a by-product of instability than its main cause.⁴⁹ In countries where they have exacerbated widespread instability, the UN and other international organisations might contribute by making efforts in the peace building or peacekeeping processes.

Atrocity Crimes

Heads of state and government acknowledged in the 2005 United Nations' World Summit that it is the duty of every state to defend its citizens from the four crimes of genocide, war crimes, crimes against humanity, and ethnic cleansing. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court all contain legal definitions of the first three crimes. The status of international crimes is founded on the idea that the deeds committed in connection with them violate human beings' fundamental dignity, whether during peacetime or during times of conflict.⁵⁰

- **Genocide:** A Polish lawyer named Raphael Lemkin first used the term in his 1944 book *Axis Rule in occupied Europe*. 'Genos' is a Greek word meaning race or tribe and 'cide'⁵¹ is a Latin word meaning killing. Lemkin developed this concept during Nazi's systematic murder of the Jewish people during Holocaust. In 1946, the United Nations' General

⁴⁶ Cunningham David. (2010). Blocking resolution: How external states can prolong civil wars. *Journal of Peace Research* 47, vol. 2.

⁴⁷ UCDP Battle-Related Deaths Dataset v.5-2014.

⁴⁸ Melander, Pettersson and Themner. (2016). Organised Violence, 1989-2015, *Journal of Peace Research* 53(5).

⁴⁹ Melander, Pettersson and Themner. (2016). Organised Violence, 1989-2015, *Journal of Peace Research* 53(5).

⁵⁰ Background Briefing: *Defining the Four Mass Atrocity Crimes*. Global Centre for the Responsibility to Protect. February 2018.

⁵¹ Background Briefing: *Defining the Four Mass Atrocity Crimes*. Global Centre for the Responsibility to Protect. February 2018.

Assembly made genocidal acts a crime under international law for the first time. It was coded as a crime in the 1948 'Convention on the Prevention and Punishment of the Crime of Genocide', also known as the 'Genocide Convention'. It was ratified by 149 states. Its definition is contained in Article 2 of the Genocide Convention. Genocide is described as an act carried out with the purpose of completely or partially eradicating a national, ethnic, racial, or religious group by:

- Killing members of the group.
 - Causing serious bodily or mental injuries.
 - Imposing measures to restrict birth within that group.
 - Forcibly transferring children of that group to another group⁵²
-
- Crimes against Humanity: There has been a constant debate regarding the origin of this term. Some scholars have stated that the use of this term started in the context of slavery and slave trade and to describe the atrocities associated with European colonialism in Africa. In contrast, some scholars maintain that the Allied governments, namely France, Russia and Great Britain condemned the mass killing of the Armenians in the Ottoman Empire. The idea of crimes against humanity has changed since then.⁵³ Rome Statute of the International Criminal Court under Article 7 has described crimes against humanity as any acts committed as a part of a widespread or systematic attack against the civilian population. Those acts are:
 - Murder.
 - Extermination.
 - Enslavement.
 - Forcible transfer of population.
 - Imprisonment.
 - Torture.
 - Crimes of apartheid.⁵⁴

⁵²Genocide. Office on Genocide Prevention and Responsibility to Protect. <https://www.un.org/en/genocideprevention/genocide.shtml>

⁵³ Schabas William. (2012). *Unimaginable Atrocities – Justice, Politics, and Rights at the War Crimes Tribunal*. Oxford University Press, 2012 – p. 51-53.

⁵⁴ *Crimes Against Humanity*. Office on Genocide Prevention and Responsibility to Protect . <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>

- War Crimes: The concept of war crimes developed at the end of 19th century and the beginning of 20th century when the international humanitarian law was codified. War crimes are defined as any act against the person or property protected under the Geneva Convention. Those acts are as follows:
 - Willful killing.
 - Torture or inhuman treatment including biological experiments.
 - Taking of hostages.
 - Unlawful deportation or unlawful confinement.
 - Intentionally directing attacks on civilian populations.
 - Bombarding towns, villages, or any dwellings which are not military objectives.
 - Employing poisoned weapons.⁵⁵

- Ethnic Cleansing: The term developed during 1990's conflict in the former Yugoslavia and it originated from a literal translation of Serbo-Croatian expression '*etničko čišćenje*.'⁵⁶ It is defined as a purposeful policy by an ethnic or religious group to remove the civilian population of another ethnic group through the means of violence from certain geographic areas.

Geneva Conventions

The Geneva Conventions is the most important accomplishment of the humans in the last century. It is a series of international treaties that was concluded in Geneva between 1864 and 1949 for the purpose of ameliorating the effects of war on soldiers and civilians. Its development is associated with the Red Cross founded by Henri Dunant, who initiated the development of the Amelioration of the Wounded in Time of War in 1864.⁵⁷

The cornerstone of international humanitarian law is the Geneva Conventions and their Additional Protocols. These specifically protect people who do not take part in hostilities and those who are no longer participating in hostilities such as wounded, shipwrecked soldiers and prisoners of war.

⁵⁵ Ibid.

⁵⁶ *Crimes Against Humanity*. Office on Genocide Prevention and Responsibility to Protect.

<https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>

⁵⁷ Shaw, Malcolm. (2022). *Geneva Conventions*. Encyclopaedia Britannica.

Regardless of the type of war, the position of, or the actions undertaken by, the individuals impacted by the conflict, certain basic humanitarian principles must be upheld. Therefore, the following are forbidden at all times and in all places: murder, torture, corporal punishment, mutilation, assaults on personal dignity, hostage-taking, collective punishments, execution without a legal process, and all other forms of inhumane treatment. The Conventions and Protocol I forbids retaliation against prisoners of war, civilians, civilians and cultural objects, the natural environment, works and installations containing dangerous forces, and the injured, the sick, and the shipwrecked. They also forbid civilian defence personnel and services.⁵⁸

Conventions:

The First Geneva Convention

This convention aims to protect the wounded and sick soldiers on land during war. It is the latest revision to the Geneva Convention, which was first enacted in 1864 and updated in 1906 and 1929. It contains 64 articles for the amelioration of the conditions of wounded and sick in armed forces in the field. It derived its forces from the consent of the states which accepted and applied them during military operations.⁵⁹ Its important articles are as follows:

- Article 12: Article 12 mandates that the wounded and sick soldiers who are out of the battle must be treated humanely and they should not be tortured, killed, injured or forced in any biological experiment. This article is the keystone of the treaty and from this many treaties has derived its origin such as the obligation to respect medical units and establishments (Chapter III), the protective sign (Chapter VII), and others.⁶⁰
- Article 15: Article 15 talks about that the wounded and sick must be cared, protected and collected even though they become prisoners of war.⁶¹

⁵⁸ Summary of Geneva Conventions of 1949. <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0368.pdf>

⁵⁹ ICRC. *"Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949"*.

⁶⁰Summary of the Geneva Conventions of 1949 and Their Additional Protocols. International Humanitarian Law. *American Red Cross*. April 2011.

⁶¹Ibid.

- Article 16: Article 16 mandates that the parties to the conflict must record the identity of the dead and wounded and transfer the information to the opposing party.⁶²
- Article 9: Article 9 allows the International Red Cross or any other impartial humanitarian organisation to protection and relief to the wounded and sick soldiers as well as medical and religious persons.⁶³

The Second Geneva Convention

This convention is for the amelioration of the conditions of wounded, sick and shipwrecked members in armed forces at the sea. It was first adopted on 1949 as the successor of The Hague Convention of 1907. It contains 63 articles.⁶⁴ The most important are:

- Article 14: Article 14 clarifies that even though a warship cannot capture the staff of the hospital's ship but can hold the wounded, shipwrecked and sick as the prisoners of war.⁶⁵
- Article 21: Article 21 allows that appeals to the neutral vessels be made in order to collect and care the wounded, shipwrecked and sick. It further clarifies that the neutral vessels cannot be captured.⁶⁶
- Article 22: Article 22 says that hospital ships cannot be used in any military purpose nor they can be attacked or captured.⁶⁷

The Third Geneva Convention

The third Geneva Convention is related to the treatment of the Prisoners of Wars. It was adopted in 1929 and revised in 1949. It has 143 articles providing that POWs should be treated

⁶² Summary of the Geneva Conventions of 1949 and Their Additional Protocols. International Humanitarian Law. American Red Cross. April 2011.

⁶³ Ibid.

⁶⁴ ICRC. *"Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949"*.

⁶⁵ United Nations'. Geneva Convention for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked members in Armed Forces at the Sea. pp 69,71,72.

⁶⁶ Ibid.

⁶⁷ Ibid.

in humane conditions with adequate food and medical facilities. It also establishes guidelines on labour, recreation and criminal trials.⁶⁸

Some important articles are:

- Article 50 and 54: POWs must be kept in proper clean shelter with food and must be provided with basic needs. They must not be kept in any combat areas exposed to fire nor can they be used as a shield for any military operations. They must be allowed to do non-military jobs and must be paid at a fair rate.⁶⁹
- Article 70-72 and 123: The names of the POWs have to be immediately sent to the Central Tracing Agency of the ICRC and the prisoners must be allowed to connect with their families and they can receive relief packages.⁷⁰
- Article 109, 110: Provides that the seriously ill POWs must be immediately repatriated.⁷¹

The Fourth Geneva Convention

The fourth Geneva Convention is related to the protection of civilians in times of war. It was first adopted in 1949 based on Hague Conventions of 1899 and 1907. The civilian population is protected under an armed conflict by 159 articles of the fourth Geneva Conventions.⁷² Some of the important articles are:

- Article 14: Article 14 implies hospitals and safe areas shall be set up for the injured, ill, elderly, children under the age of 15, expecting mothers, and mothers of children under the age of seven.⁷³

⁶⁸ ICRC. *"Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949"*.

⁶⁹ ICRC. Treaties, States Parties and Commentaries, Convention (III) relative to the Treatment of Prisoners of War. Geneva, 1949. <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-50?activeTab=undefined>

⁷⁰ ICRC. Treaties, States Parties and Commentaries, Convention (III) relative to the Treatment of Prisoners of War. Geneva, 1949.

⁷¹ ICRC. Treaties, States Parties and Commentaries, Convention (III) relative to the Treatment of Prisoners of War. Geneva, 1949. <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-109/commentary/2020>

⁷² International Committee of the Red Cross. *Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949"*.

⁷³ United Nations'. Geneva Convention related to the protection of civilians in the times of war in times of War of 1949. https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

- Article 27: Article 27 implies that the safety, honour, family rights, religious practices, manners and customs are to be respected.⁷⁴
- Article 40: Article 40 states that the civilians cannot be forced to do military work for an occupying force.⁷⁵
- Article 55, 58: These Articles implies that medical supplies and religious objects must be allowed for passage.⁷⁶

Common Article 3

All four Geneva Conventions contains an identical Article 3 relating to conflicts which are not of an international character.

The Common Article 3 specifies that any party to an armed conflict that has domestic rather than international dimensions must be required to comply with these rules:

- Persons including members of the armed forces who are not taking an active part in the conflict, laid down their arms and those who placed *hors de combat* (*out of the fight*) due to sickness, detention or any other reasons. These persons shall always be treated humanely without any distinction based on race, colour, faith or wealth.⁷⁷

The following acts of the above-mentioned persons should be prohibited:

- Prohibition of all sorts of violence to life and persons including mutilation, murder, or cruel treatment.⁷⁸
- Taking of hostages.
- Damaging personal dignity by humiliating and degrading treatment.

⁷⁴Ibid.

⁷⁵ United Nations.

⁷⁶ United Nations'. Geneva Convention related to the protection of civilians in the times of war in times of War of 12 August 1949. https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

⁷⁷ ICRC Database, Treaties, States Parties and Commentaries, Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949., Article 3 - Conflicts not of an international character, <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3>

⁷⁸ Ibid.

- Passing of sentences and carrying out executions without previous judgment pronounced by the Court, affording all judicial guarantees which are considered as indispensable by people.⁷⁹
- Any person who is sick or wounded must be collected and given proper medication.⁸⁰

The two sides in a war may get assistance from an impartial humanitarian organisation like the International Committee of the Red Cross. The parties should strive to bring into force all or parts of the provisions of the present Convention. The application of the previous provisions should not affect the legal status of the parties to the conflict.⁸¹

The Additional Protocols to Geneva Conventions of 1949

Protocol is the etiquette of diplomacy and matters of state in international politics. It might also be used to describe a global accord that enhances or modifies a treaty. A protocol is a set of guidelines that specify how an action should be conducted, particularly in the context of diplomacy. In political and diplomatic spheres of work, protocols are frequently unwritten rules. Protocols outline acceptable conduct in affairs of state and diplomacy, such as respecting a head of state appropriately and placing ambassadors in order when they were accredited by a court, among other things.⁸² In order to enable greater protection to the victims of both internal and international armed conflicts, two protocols supplementary to the Geneva Conventions were adopted in 1977 and the third was added in 2005. Protocol I has been ratified by 174 parties and protocol II by 169 parties. Nations that have ratified the Geneva Conventions but not the protocols are still bound by the provisions of the Convention. It increases the protection provided to military personnel, first responders, and civilians during armed conflict. They provide and codify several foundations for international law and international humanitarian law.⁸³

Protocol I: Protection of Victims of International Armed Conflicts

⁷⁹ Ibid.

⁸⁰ ICRC. [*"Article 3--Conflicts Not of an International Character"*](#).

⁸¹ ICRC. [*"Article 3--Conflicts Not of an International Character"*](#)

⁸² De Froideville, Gilbert Monod, and Mark Verheul. *An Expert's Guide to International Protocol: Best Practices in Diplomatic and Corporate Relations*. Amsterdam University Press, 2016. <https://doi.org/10.2307/j.ctt20krz43>.

⁸³ ICRC. (2014). The Geneva Conventions of 1949 and their Additional Protocols.

It expands and clarifies various concepts of Geneva Conventions. It also tends to increase the protection for women, children and medical professionals. It provides protection for the journalists. The Protocol bans the use of superfluous weapons that can cause destruction and damage the environment. Additionally, it forbids attacking civilians and destroying water sources, dams, houses of worship, and food supply.⁸⁴

Protocol II: Protection of Victims of Non- International Armed Conflicts

This Protocol gives protection to the sick, wounded and guarantees humane treatment for POWs. It prohibits attack on any objects which are necessary for the survival of human population and this includes crops, livestock, irrigation and drinking water. It also prohibits expulsion of civilians from their own land. Lastly, it ensures that all the children are evacuated from conflict zones and reunited with their families.⁸⁵

Additional Protocol III: Adoption of an Additional Distinctive Emblem

Protocol III is about using neutral emblems which would be widely accepted symbol of neutrality and humanitarian aid. In 1949, two emblems were adopted: the Red Crescent and the red lion and sun but it was said that these emblems were associated with religious and political connotations. In order to deal with this problem, in 2005 a diplomatic conference was held to select an emblem devoid of any religious or political connotations. This led to the formation of red crystal emblem in 2005.⁸⁶

Although warfare has dramatically changed since the Geneva Convention of 1949, it is still considered as a guiding pillar of contemporary international law. It protects civilians caught up in the war zones and it also protects people who are affected by the non-international armed conflicts such as civil wars. As warfare has changed leading to new challenges.

The use of artificial intelligence and autonomous weapon systems like military robots and cyber weapons are creating challenges in the creation, interpretation and application of the laws

⁸⁴ The American National Red Cross

⁸⁵ International Committee of the Red Cross.

⁸⁶ International Committee of the Red Cross.

of the conflict.⁸⁷ The complexity of these new threats and the speed in which they are developing is creating complications in the application of the Conventions. Adding to these, the Conventions have not been updated as per the current situations. Also, the speed in which new treaties are being developed in order to deal with new forms of conflict is extremely slow which means that a lot of time is wasted in decision making. Needless to emphasise, the armed conflicts have evolved and this makes the changes brought about by the Protocols in a way obsolete.

The United Nations Peacekeeping Operations

For almost 75 years, United Nations' peacekeeping operations have formed an integral part in mitigating conflicts and promotion of peace and security around the world. The United Nations' Security Council approved the deployment of a few military observers to the Middle East in May 1948 to establish the United Nations' Truce Supervision Organisation (UNTSO) to keep an eye on the Armistice Agreement between Israel and its Arab neighbours. This was the beginning of the first UN peacekeeping mission. Over the last 7 decades, UN Peacekeeping has become the most significant instrument for the United Nations' system to attempt various threats to the maintenance of international peace and security. Peacekeeping has distinctive advantages, such as legitimacy, burden sharing, and the capacity to deploy and sustain troops and police from all over the world. These advantages help countries navigate the challenging transition from conflict to peace. In recent years the area of peacekeeping has widened. It is not only about maintaining peace and security but facilitating the political process, protection of civilians, assisting disarmament, demobilisation and reintegration of former combatants. These operations have also involved in organising elections democratically, defending and advancing human rights as well as supporting the establishment and restoration of the rule of law. In addition to the peacekeeping operations, the UN helps to prevent conflicts, meditates, and also helps in peace building operations post-conflict.⁸⁸

The end of Cold War has opened new genre for the UN peacekeeping operations as the Inter-state war has invariably declined whereas, civil wars have increased. In order to deal with such conflict, UN has developed an inter-governmental advisory body, 'Peace building

⁸⁷ Peace and, Security. "[Amidst new challenges, Geneva Conventions mark 70 years of 'limiting brutality' during war](#)". United Nations'. 2019.

⁸⁸ United Nations' Peacekeeping. Better World Campaign. <https://betterworldcampaign.org/un-peacekeeping>

Commission' in 2005. Almost after twenty-six years of the end of cold war, the United Nations' must engage itself more in civil war and should establish peace and security. During the 1990s, the world watched horrors of the Balkan wars, genocide in Rwanda, debacle in Somalia and now the massive failure in Syria. Urgency of addressing and mitigating civil war as such cannot be overemphasised.⁸⁹

Article 2 (7) of the UN Charter prohibits UN from intervening in matters within domestic jurisdiction of a state but if the Security Council is taking enforcement action under chapter VII, then it is not a restriction. Usually, chapter VII has not been invoked due to the lack of consensus of the permanent members of the Security Council namely the United States, China, France, Russia, and the United Kingdom. UN intervention has been mostly on the request or consent of the affected states but there are some cases where UN has intervened in the conflict without the prior consent or request of the affected states. These cases are of Somalia, Haiti and Iraq whereas there are some cases where UN has not intervened at all even when the effects of the conflicts were disastrous such as in Syria and Myanmar.⁹⁰

Security Council's Approach towards the Changing Nature of Conflict

The Security Council address the evolving nature of conflict particularly intra-state conflict through various means, including peacekeeping operations with complex mandates for civilian protection, mediation efforts, and targeted sanctions. It emphasises addressing root causes, promoting inclusive political processes, and strengthening regional partnerships to prevent and resolve the conflicts, recognising their impact on international peace and security.

Since the end of Cold War, Civil War has become a major challenge for the UN system and more particularly for the Security Council. After the Cold War animosities between the Superpowers subsided, the Security Council's approach to civil war situations changed significantly. Civil wars were treated very differently by the Security Council in the years following the Cold War but Civil wars became Security Council's principal area of attention after the Cold War ended. The UN Charter's preamble's first paragraph conveys the founding fathers' desire to save future generations from the horrors of war.

⁸⁹ Jean-Marie Guéhenno; The United Nations' & Civil Wars. *Daedalus* 2018; 147 (1): 185–196. https://doi.org/10.1162/DAED_a_00483

⁹⁰ Geneva Convention.

The Security Council was given primary responsibility for maintaining global peace and security by the delegates to the San Francisco Conference, which created the United Nations', in order to put this admirable goal into action.⁹¹ Preventing and ending inter-state wars would be the Security Council's main responsibility.

However, the UN Charter also gave the Security Council the authority to intervene in domestic conflicts when they imperil or threaten to endanger the maintenance of global peace and security.⁹² This scourge of war has primarily manifested itself as conflict within the borders of various countries. Between 1945 and 1976, governments and rebels battled each other in 85% of all conflicts, as opposed to war between states. However, because of the Security Council's paralysis brought on by Superpower competition and consequent lack of unanimity in the Council's decision making, civil wars were rarely categorised as a threat to global peace and security until the end of the Cold War. While it actively worked to end a few internal battles, such as those in the Congo, Cyprus, and the Dominican Republic in the 1960s, the UN largely abstained from getting involved in civil wars.⁹³

The Security Council's approach to internal armed conflicts underwent a paradigm shift with the end of the Cold War, and it quickly adopted a more proactive strategy in dealing with civil war circumstances. Security Council meeting in 1992 declared that *'some of the most acute problems result from changes to State structures. [...] The absence of war and military conflicts amongst States does not in itself ensure international peace and security.'*⁹⁴

In 1991, the Security Council made efforts to end the separatist civil war that was erupting in the Socialist Federal Republic of Yugoslavia, but it made clear that its involvement was contingent on the Yugoslav government's approval. It also suggested that widespread conflict that results in significant casualties on both sides and consequences for the countries of the region, in particular in the border areas of the neighbouring countries could pose a threat to

⁹¹ Charter of the United Nations' (1945), Article 24.

⁹² Henry Wiseman, "The United Nations' and International Peace," in UNITAR, *The United Nations' and the Management of International Peace and Security* (Lancaster, UK: Martinus Nijhoff, 1987), pp. 265; Inger Österdahl, *Threat to the Peace: The Interpretation by the Security Council of Article 39 of the UN Charter* (Uppsala: Iustus Förlag, 1998), pp. 18

⁹³ *Ibid.*

⁹⁴ UN Security Council Presidential Statement (January 31, 1992), UN Doc. S/23500.

global peace and security.⁹⁵ Soon after, the Council focused on the consequences on the stability and peace in the region in its first resolutions addressing the civil war in Somalia.⁹⁶

Later resolutions addressing the Somalian civil war, however, excluded any mention of the transnational impacts of the conflict and instead stated that the magnitude of the human tragedy caused by the conflict in Somalia have constituted a threat to international peace and security.⁹⁷ Since then, the Council has consistently used the same justification to describe certain civil wars as risks to global peace and security. The Security Council's engagement with civil war situations has not been consistent over time. In the late 1980s, as the Cold War began to wane, the US and the USSR started to share a greater desire to separate themselves from a number of conflicts involving proxy dynamics, such as those in Afghanistan, Angola, Central America, and Namibia. They looked to the UN and the Security Council in particular, to provide a framework for overseeing this disengagement process.

Early in the 1990s, there was an unusual increase in Security Council activity regarding civil wars as a result of early post-Cold War accomplishments in establishing and maintaining peace in Cambodia, Central America, and Mozambique. The Security Council addressed civil wars through its three resolutions in 1989 and sixty-nine resolutions in 1993.⁹⁸ During early post-cold era, almost 80percent of peacekeeping missions took place in response to civil wars.

⁹⁵ UN Security Council Resolution 713 (September 25, 1991), UN Doc. S/RES/713.

⁹⁶ UN Security Council Resolution 733 (January 23, 1992), UN Doc. S/RES/733.

⁹⁷ UN Security Council Resolution 794 (December 3, 1992), UN Doc. S/RES/794.

⁹⁸ Jochen Frowein and Nico Krisch, Article 39, in *The Charter of the United Nations*, edited by Bruno Simma (Oxford: Oxford University Press, 2002): 723-724; Alexander Orakhelashvili, "The Power of the UN Security Council to Determine the Existence of a Threat to the Peace." *Irish Yearbook of International Law* 1 (2006).

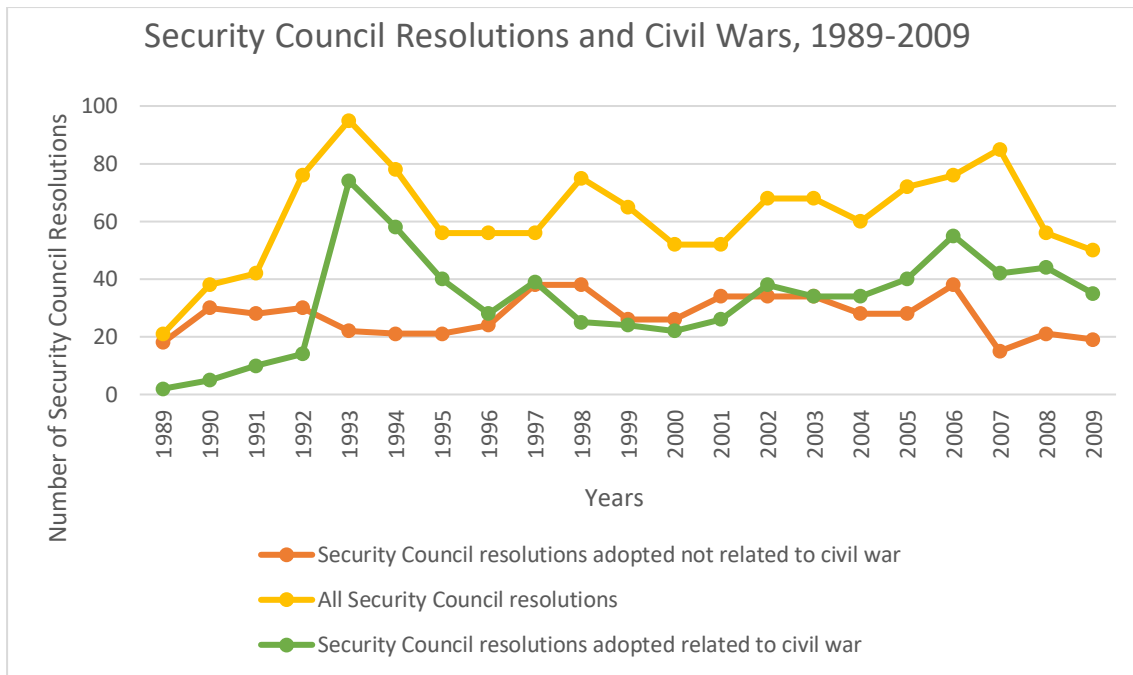


Figure 1 source: International Peace Institute. Security Council Compliance Database.

The trend in UN Security Council resolutions addressing civil wars from 1989 to 2009 is depicted in Figure 1. According to Goulding, early post-Cold War Security Council efforts to end civil wars were successful, which led to a sense of inebritation in New York and the belief that the UN could do no wrong.⁹⁹ This caused the number of resolutions addressing civil wars to increase in the early 1990s, as shown in Figure 1. Other measures of Security Council action show a similar increase: between 1989 and 1993, the Council established 18 peacekeeping operations, compared to 15 over the preceding 43 years. Nearly 80% of the early missions after the Cold War were sent in response to civil wars. In contrast, eighty percent of UN peace operations during the Cold War were set up in areas where inter-state or colonial hostilities were raging.¹⁰⁰

Experiences in Somalia, Rwanda, and Bosnia rapidly put a stop to the newly discovered enthusiasm for United Nations' involvement in civil wars. The United Nations' was held accountable for the failure in each of the three cases to bring about peace and achieve its humanitarian goals. The international community harshly re-evaluated the efficacy of international intervention in civil wars as a result of these losses. Following 1993, the Security

⁹⁹ Marrick Goulding. (1999). The United Nations' and Conflict in Africa Since the Cold War. African Affairs 98.

¹⁰⁰ Cockayne, James, et al. (2010). How Has the Security Council Engaged with Civil Wars Since the Cold War?" *The United Nations' Security Council and Civil War: First Insights from a New Dataset*, International Peace Institute. pp. 6-15. <http://www.jstor.org/stable/resrep09652.8>.

Council's annual adoption rate of resolutions and the number of resolutions addressing civil wars sharply decreased. Figure 1 illustrates that, compared to 1993; the Council adopted less than half many resolutions on civil wars year between 1994 and 2004. The number of resolutions on civil wars increased significantly between 2005 and 2008 compared to the late 1990s and early 2000s, but it remained considerably lower than the equivalent amount for the early 1990s. The number of resolutions addressing civil wars substantially decreased in 2009, reaching its lowest level since 2001.

Security Council's Discretion in Response to Civil Wars

Between 1989 and 2006, there was a progressive change in the Security Council's approach to civil wars, from one of disengagement to one of engagement. It showed that the Council's plans for responding to the civil war throughout this time did not change gradually. This section highlights how the Council's involvement in conflict resolution varied significantly depending on the specific civil war circumstances.

Twenty-seven of the forty-four civil wars that either started or were still going strong from the Cold War era were the subject of Security Council resolutions between 1989 and 2006. While this indicates that the Security Council actively participated in managing or ending the majority of civil wars that were ranging from 1989 to 2006, it also suggests that a sizable portion of more recent civil wars have not received attention from the Security Council.¹⁰¹ The Council's authority is restricted to dealing with disagreements or circumstances that are presently endangering or are likely to damage the upkeep of international peace and security.¹⁰² The Council is given a lot of latitude by the Charter to decide whether circumstances pose or might pose such a threat. Even though they have an impact on human security, civil wars without an international component may not always be seen as a threat to world peace and security.¹⁰³

Regional organisations, many of which have been more active in putting an end to civil wars since the Cold War, are given a key position under the UN Charter. When it comes to peace making, peacekeeping, and peace building, regional organisations and nongovernmental players occasionally have comparative advantages over the United Nations'. For example, non-

¹⁰¹ Adam Roberts and Dominik Zaim. (2008). *Selective Security: War and the United Nations' Security Council Since 1945*. Adelphi Paper 395.

¹⁰² Charter of the United Nations', Chapters VI and VII.

¹⁰³ Article 39. UN Charter.

state organisations may be better able to function than the Security Council outside of the spotlight of the world media.

The lengthy civil war in Aceh, Indonesia, was finally put to an end in 2005 by the Crisis Management Initiative (CMI).¹⁰⁴ The success of CMI may, in part, be attributed to its ability to provide the parties with confidentiality and deniability during the peace negotiations as well as the fact that its participation in the negotiations could not be interpreted as restricting the Indonesian government's freedom to conduct its internal affairs, as might have been the case had an intergovernmental body participated. When African regional and sub-regional organisations have assumed the initiative in attempts to resolve intra-African conflicts, they frequently foster a sense of regional and local ownership that strengthens the process credibility in the eyes of many Africans.¹⁰⁵ Furthermore, the Security Council has been prevented from intervening in the settlement of civil wars within the boundaries of some of the countries in certain regions considered to be of vital concern for one or the other permanent members. China used its veto power in 1997 to postpone the approval of the deployment of UN military observers to monitor the peace accord in Guatemala.¹⁰⁶ Russia made it plain two years later that it would oppose any move to sanction enforcement measures against Serbia in order to put an end to the civil war in Kosovo. Armed opposition parties may worry that the Security Council will be biased in favour of the administration because it is an intergovernmental entity. If one expects that the foreign peacemakers will give equal weight to both sides' interests, the weaker side in a civil war is more inclined than its stronger opponents to support the intervention of international players, like the Security Council, in the ending of the civil war.¹⁰⁷ In fact, the Security Council frequently gives the impression that it respects the civil war parties' aversion to its active involvement in the cessation of hostilities and post-conflict reconstruction, especially on the government side.¹⁰⁸

It would be problematic to attribute all differences in the Security Council's conflict-management strategies to the political positions of the 15 Security Council members because

¹⁰⁴ John Hirsch, Christoph Mikulaschek, and Pim Valdre, rapporteurs. (2008). *Coping with Crisis in Africa: Strengthening Multilateral Capacity for Peace and Security*. New York: International Peace Institute, November.

¹⁰⁵ Ibid.

¹⁰⁶ John Dunbabin. (2008). *The Security Council in the Wings: Exploring the Security Council's Non-involvement in Wars*. (eds) The United Nations' Security Council and War. Vaughan Lowe, Adam Roberts, Jennifer Welsh, and Dominik Zaum. Oxford University Press.

¹⁰⁷ United Nations', Report of the Secretary-General on Enhancing Mediation and its Support Activities, UN Doc. S/2009/189, April 8, 2009. 20.

¹⁰⁸ Ibid.

the level of engagement to resolve the conflict by the Security Council depends on the considerations of both the sides. In light of this, we now describe the traits of the civil wars covered by Security Council resolutions between 1989 and 2006 and contrast them with the traits of the civil wars the Security Council declined to cover.

Angola, Bosnia, and Croatia were the subject of one out of every three Security Council resolutions on civil wars during the first eighteen years of the post-Cold War era. 106 resolutions were passed by the Security Council on Bosnia, 74 on Croatia, and 59 on Angola.¹⁰⁹ Half of the Security Council's official statements on civil wars between 1989 and 2006 were directed at crises in Africa. In reaction to crises in Africa, 46 percent of all resolutions addressing civil wars and 55 percent of all demands made in such resolutions were implemented. Between 1999 and 2006, the Security Council's emphasis on ending civil wars in Africa grew significantly. Nearly two-thirds of all Security Council resolutions during those years that dealt with civil wars and more than 60% of all demands made of civil war parties went to parties to the conflict in Africa.¹¹⁰

The Council frequently changed the regional focus of its civil war settlement efforts in the early years following the end of the Cold War. It mainly discussed the three connected civil wars in El Salvador, Guatemala, and Nicaragua between 1989 and 1990. The Council's attention in 1991 shifted away from Central America and towards Asia and the Middle East, where it addressed the ongoing civil wars in Cambodia and Iraq which were closely related to the UN's enforcement action in Iraq that year as well as Iraq's war with Kuwait in 1990 and with Iran from 1980 to 1988. The Security Council concentrated more on the wars in the former Yugoslavia in 1992. The majority of resolutions and requests on civil wars after 1993 focused on African actors; the only exceptions were 1995 and 1997, when the Council was heavily involved in putting an end to the fighting and coping with its fallout in Bosnia and Croatia.¹¹¹

The Great Lakes Region battles received the Council's most attention among the regions that saw civil wars between 1989 and 2006. Between 1989 and 2006, Burundi, the DRC, Rwanda, and Ugandan conflicts accounted for 21% of all demands made to civil war parties. In Security

¹⁰⁹ Cockayne, James. (2010). How Has the Security Council Engaged with Civil Wars Since the Cold War? The United Nations' Security Council and Civil War: First Insights from a New Dataset. International Peace Institute.

¹¹⁰ John Dunbabin. (2008). *The Security Council in the Wings: Exploring the Security Council's Non-involvement in Wars*. (eds) The United Nations' Security Council and War. Vaughan Lowe, Adam Roberts, Jennifer Welsh, and Dominik Zaum. Oxford University Press.

¹¹¹ Ibid.

Council resolutions, 19% of all appeals to civil war parties were directed at the armed groups in the former Yugoslavia. 16 percent of its demands were directed against the participants in the Southern African civil wars, particularly those in Mozambique and Angola.

Civil wars in the Caucasus were handled by 14% of its requests, and West Africa's civil wars were addressed by 13%.¹¹² The Security Council responded to civil wars in the Americas and Asia on average twelve and fifteen years after these conflicts started, respectively, between 1989 and 2006, by issuing its first resolution. The majority of the civil wars that continued in Asia and the Americas after 1989 actually began before the conclusion of the Cold War, at a time when the Security Council passed few resolutions in response to internal disputes, which helps to explain why such a long period of time passed.¹¹³ In contrast, the Security Council responded to the civil wars in Europe and Africa far more quickly.

UNSC preventative measures may be divided into four major groups. The UN first engages in diplomatic activity, which includes providing its good offices, mediating disputes, conducting fact-finding missions, and setting up special courts. For instance, the UN Secretary-General was tasked with mediating the conflict over the status of Turkish Cypriots in the UNSC Resolution 367 of March 1975. Second, the UNSC approves the use of force. This can be done through UN peacekeeping missions, such as the UN Observer Mission in Georgia, which was established by Resolution 858 in August 1993 to monitor a ceasefire between the Georgian government and Abkhaz separatists, or through authorisations of non-UN multinational forces, like the NATO-led International Security Assistance Force in Afghanistan, which was authorised by Resolution 1386 in December 2001.¹¹⁴

Thirdly, the UN imposes sanctions on nations, and UNSC decisions have the power to renew or broaden those penalties against the concerned nation. Resolution 713, passed by the UNSC in September 1991, which placed a ban on the supply of military equipment to the former Yugoslavia, where a number of conflicts had reached a violent climax or were in danger of doing so, is an illustration of this sort of UNSC action.¹¹⁵

¹¹² Cockayne, James. (2010). How Has the Security Council Engaged with Civil Wars Since the Cold War? The United Nations' Security Council and Civil War: First Insights from a New Dataset. *International Peace Institute*.

¹¹³ Ibid.

¹¹⁴ Beardsley, Kyle, David E. Cunningham, and Peter B. White. Resolving Civil Wars before They Start: The UN Security Council and Conflict Prevention in Self-Determination Disputes. *British Journal of Political Science* 47.3 2017.

¹¹⁵ Ibid.

Fourthly, and in a more passive manner, UNSC resolutions frequently include condemnations in which the Security Council expresses its regret over hostilities, failure to follow earlier UN resolutions or agreements with other countries, or breaches of human rights. This last group contains Resolution 1076, which was adopted in October 1996 and denounced the Afghan civil war, which also involved the Tajik and Uzbek uprisings.¹¹⁶

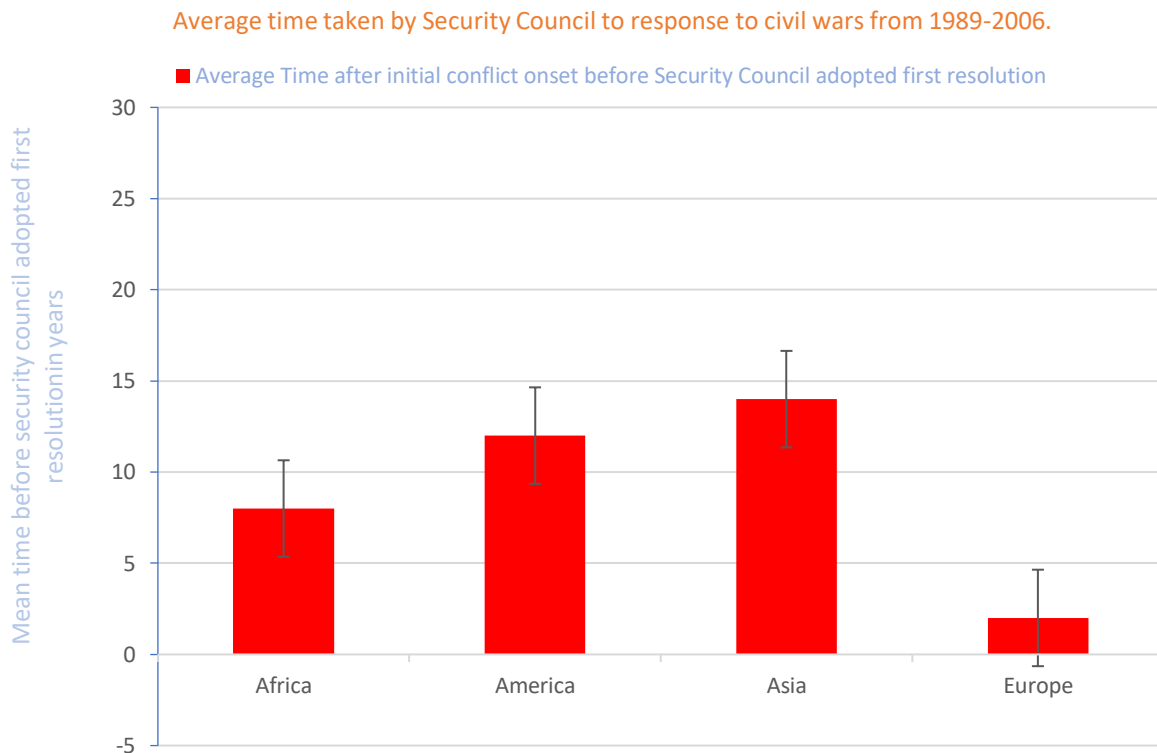


Figure 2 Source: International Peace Institute. Security Council Compliance Database.

Figure 2 demonstrates that, on average, the UNSC adopted its first resolution seven years after an African conflict began. Again, the Cold War-era conflicts in Somalia, Sudan, and Uganda have been ongoing for a very long time. Contrary to more recent disputes in Africa, such as those occurring in Côte d'Ivoire and Guinea-Bissau, the Security Council did not officially respond to these civil wars until considerably later.¹¹⁷

¹¹⁶ Beardsley, Kyle, David E. Cunningham, and Peter B. White. Resolving Civil Wars before They Start: The UN Security Council and Conflict Prevention in Self-Determination Disputes. *British Journal of Political Science* 47.3 2017.

¹¹⁷ Cockayne, James, et al. (2010). How Has the Security Council Engaged with Civil Wars Since the Cold War? The United Nations' Security Council and Civil War: First Insights from a New Dataset. *International Peace Institute*. pp. 6–15.

It is obvious that the Security Council was the first to take a formal stance on armed conflicts in Europe. After an armed conflict achieved the threshold of twenty-five battle-related deaths, which marks conflict commencement, it typically took six months for the first resolution to occur. This finding shows that the Security Council used preventive diplomacy far more frequently in European crises than in other conflicts.

The differences in the Security Council's administration of the civil war between 1989 and 2006 defy easy explanation. They may partially represent the disparate nature of ties between conflict-ridden areas in the Balkans, Caucasus, Africa, Asia, and the Americas on the one hand, and Europe on the other.¹¹⁸ Asia and the Americas are less economically, physically, and culturally connected to Europe than the Balkans, Caucasus, and, to a lesser extent, war zones in Africa. Due to Europe's large representation in the Security Council, this proximity may have an impact on decision-making.¹¹⁹ Five to six of the Council's 15 members are from Europe, and three of them have veto power. The Security Council's comparatively substantial involvement in conflict-resolution efforts in Africa and Europe between 1989 and 2006 may have been influenced by the influence of its European members in their own and other closely related regions.¹²⁰

The Security Council frequently uses UN peace operations as a potent instrument to persuade parties to civil wars to abide by its requests. Additionally, peace operations provide the civil war participants with relatively objective information regarding whether cease-fires, other agreements, and Security Council requests are being complied with. They can therefore lessen the widespread mistrust, uncertainty, and dread among civil war groups.¹²¹ Therefore, peace operations might make it simpler for civil war participants to abide by the Security Council's requests for cease-fires and conflict resolution. In addition to deterring and fighting aggressive spoiler tactics, peace operations that are permitted to use force in the defence of their objectives may also be able to increase the cost of noncompliance.

Peace operations may make attacks more difficult by keeping track of movements during the conflict. Missions under Chapter VI may also act as a red flag, causing the Security Council to

¹¹⁸ Peter Wallenstein. (2011). *Understanding Conflict Resolution: War , Peace and the Global System*. SAGE. ISBN: 1446253678.

¹¹⁹ Ibid.

¹²⁰ Cockayne. n. 114. pp. 20-23.

¹²¹ Barbara Walter. *Committing to Peace: The Successful Settlement of Civil Wars*. Princeton University Press. 2000.

consider giving them a more expansive mandate or approving enforcement action to stop hostile behaviour.¹²² Quick-impact projects (QIPs), direct benefits to ex-combatants, support for institutional reforms in the national security and justice sectors, provision of humanitarian aid, job opportunities, media attention, and international assistance are all examples of additional ways that peace operations can provide peace benefits.

Conclusion

There has been a paradigm change in how conflict is occurring. For those who want to continue using violence, geography is no longer an obstacle. Traditional conflicts, which previously tended to be largely conventional inter-state conflicts, have given way to sub-conventional conflicts marked by intra-state conflict. The capacity of resentful groups to incite violence inside communities has expanded tremendously as a result of the easy access to low-cost, mass-produced small guns, landmines, and improvised explosive devices (IEDs). These dangers are more complicated now because they are transnational in character and because state actors are utilising unconventional warfare as a cover for conventional war.

An alarming trend is the emergence of more potent, well-armed, and intensely driven non-state actors in failing nations with intra-state conflicts. These non-state entities started to administer and govern ever-larger territory as well as threaten traditional state authority. Not only that, the majority of these armed confrontations remained local, some of the most extreme non-state entities started to operate on a global scale.¹²³ All of this combined to create a dynamic that poses a challenge to the international system for maintaining world peace, security, prosperity, and justice, which is still based on individual sovereign nation-states. As a result, intra-state armed conflicts now pose a greater danger to international peace and security than Inter-state wars did during the Cold War.

It is considerably simpler to make the case that the challenges exceed the potential when one considers the history of the peace processes in the 1990s. Many peace initiatives have stalled out, much like a difficult delivery. Attempts to mediate negotiations have all failed miserably

¹²² Cockayne, James, et al. How Has the Security Council Engaged with Civil Wars Since the Cold War? The United Nations' Security Council and Civil War: First Insights from a New Dataset, International Peace Institute. 2010.

¹²³ Michael von der Schulenburg. (2014). *Keeping or Building Peace? The Challenges of Solving Armed Intra-State Conflicts*. Centre on International Cooperation. <https://reliefweb.int/report/world/keeping-or-building-peace-challenges-solving-armed-intra-state-conflicts>

in many conflict zones in various countries.¹²⁴ In Rwanda, the most heinous mass murder since the Second World War began subsequent to a peace agreement itself. However, successful peacemaking still occurs. Peacemakers in Cambodia, El Salvador, Mozambique, South Africa, and many other less dramatic conflicts put a stop to numerous enduring wars of the 1990s. Today, there are many chances for more effective peace processes, and these opportunities help weigh down the barriers to peace overall. The more effective experience with peace-making in the 1990s is what led to these advancements in the field. Effective peace-making still requires finding solutions to security and genuine commitment problems. Unfortunately, the United Nations' is not in a position to take on the challenge whenever and wherever it is required. Long-term, reliable assurances of the security provisions of a settlement are the exception rather than the rule for mediators. Despite weak peace accords in Sierra Leone and the Democratic Republic of the Congo, the international community, represented by the UN, has been considerably less eager to offer the broad external support necessary to strengthen the domestic pressure for peace. The international community should act more quickly to seize opportunities, further develop institutions and normative principles for assisting peace processes with global reach, and be willing to back them with strong, security enhancing peacekeeping capabilities. This is suggested by the mixed record of recent responses to peacemaking in civil wars.

A wide range of contemporary issues have made the United Nations' vulnerable to criticism regarding its capacity to adapt to shifts in geopolitics, most notably the organisation's proactive rather than reactive approach in dealing with global crisis and the rise of countries disinterested in forging international consensus. Thus, to deal with such intra-state armed conflicts which are one of the most serious challenges to international peace and security and a challenge to the civilians as well, the United Nations' must find ways to strengthen its mechanisms in order to strengthen international peace, security and protection of civilians.

¹²⁴ Enika Abazi. (2001). Intra-state Conflicts. International Interventions and their Implications on Security Issues: Case of Kosovo. *COPRI Working Papers*.

Chapter 2

The United Nations and Issues Related to Domestic Jurisdiction

The present chapter is an exercise to locate the significance of the contemporary involvement of the United Nations' into domestic jurisdiction primarily to contain civil wars in various geographical regions of the world. While the objective of the United Nations' continues to focus on the maintenance of international peace and security, it is obvious that majority of the threats to the world order and world peace are chiefly emanating from sources in the domestic realm of the member states. We have already established the highlight of this transition, from the focus on the inter-state wars to wars within the borders and boundaries and increasing number of civil wars with their multiple forms are truly considered as constituting a threat of the international peace and security in the post-Cold War era. In the present chapter we seek to understand and analyse the transformation from a historical perspective and as such the content of the present chapter is distributed into 5 sections. Since the present chapter would be focussing on the immobility of the United Nations' to move forward in its objective to address the varied problems threatening world peace and jeopardising international security in the heydays of the Cold War, it will be appropriate to analyse the political history of attempts to secure world peace through agreements. Two broad international agreements may be analysed—the Covenant of the League of Nations and the Charter of the United Nations'. This is undertaken in the first two sections of the chapter. Section 3 of the chapter seeks to analyse the sources of immobility of the Security Council in undertaking measures required for the fulfilment of its objectives. Basically, here we need to analyse the relationship between the Security Council and the General Assembly and how power balance shifted and re-shifted in the relationship between these two major organs of the United Nations' during the period 1947-1964. This discussion however would be based on the dynamic between the two emergent power blocs divided by ideology and fuelled by ambition to dominate the course of world politics. In the process the UN Security Council became a battleground of ideology and rivalry, compelling the Council to cede a lot of responsibility and hence authority to the UN General Assembly. The next section analyses the General Assembly lead in undertaking peacekeeping missions and how this new instrumentality grew in scope and extend up to the time that the Security once again took reign of the emerging situation, in the mid-1960s.

The Cold War had waned but detente never led to all out cooperation between the superpowers with the result that the UN Security Council was still short of the required consensus for effective action in the world scenario.

The period from 1964 to 1989 therefore was a continuation of the paralysis of the Security Council which had set in early, in 1946-47 itself. We shall look into the instances and examples of the failure of the Security Council to rise to its responsibilities in this period.

The League of Nations

The League of Nations was the first intergovernmental organisation founded ‘to promote international cooperation and to achieve international peace and security’.¹ It was frequently referred to as the predecessor of the United Nations’. The foundational text, the League of Nations Covenant, was drafted during the post-World War I peace talks which consisted of 26 articles that addressed various areas of the organisation, including the qualifications for membership, the activities of the primary organs, the methods for the peaceful resolution of conflicts, and the obligations of Member States.² The Covenant also outlined the fundamental principles upon which the League was founded.

The establishment of the League of Nations signified the beginning of a new phase in international collaboration. The Covenant obligated its Member States to attempt to resolve their conflicts peacefully. By becoming members of the League, countries also gave up secret diplomacy, vowed to decrease their military resources, and pledged to adhere to international law. Each nation committed to upholding the territorial integrity and political sovereignty of all League members.³ By creating a sense of unity among Member States, the League was recognised as the initial endeavour to develop a framework for collective security. This concept was based on the straightforward notion that an attack against any Member State should be viewed as an attack against all other Member States. The League of Nations was also responsible for overseeing the mandate system. The ‘mandated territories’⁴ consisted of former German colonies and Ottoman lands assigned to mandatory powers for supervision until they could achieve independence.

¹ The League of Nations. <https://www.ungeneva.org/en/about/league-of-nations/overview>

² The League of Nations.

³ Henig, R. (2010). *The League of Nations*. Haus Publishing.

⁴ Stahn, C. (2008). The Mandate System of the League of Nations. *In The Law and Practice of International Territorial Administration: Versailles to Iraq and Beyond*. pp. 73–91. Cambridge: Cambridge University Press.

While the Covenant emphasised conflict avoidance and the peaceful resolution of disputes, certain articles addressed the League's role in fostering global cooperation in areas such as health, drug trafficking, transportation, communication freedoms, and human trafficking. The initiatives in these domains became progressively significant over time and, in some instances, laid the groundwork for the establishment of United Nations' entities like Specialised Agencies and UN Funds and Programmes.⁵

Certain duties were delegated to the League through other international agreements, including the peace treaties finalised in Paris. In 1920, the Saar region was placed under the League's administration until a referendum could determine its future. The League also oversaw the Constitution of the Free City of Danzig and the execution of minority treaties. These treaties were established following the Peace Conference in Paris and significantly altered the borders in Europe.

The Covenant of the League of Nations

The Covenant of the League of Nations was created as part of the Treaty of Versailles in 1919, following World War I. Primarily drafted under the leadership of U.S. President Woodrow Wilson, its purpose was to encourage peace, avert conflicts, and create frameworks for global collaboration. The League of Nations was intended as a collective security organization, ushering in a new phase of multilateral diplomacy.

The main objectives of the Covenant included:

- To avoid wars through collective security.
- To settle disputes by means of negotiation and arbitration.
- To encourage disarmament.
- To enhance global welfare by tackling issues like working conditions, trafficking, and healthcare.⁶

The Covenant consisted of 26 articles that detailed the League's foundational principles, organisational design, and functions. These articles specified the rights and responsibilities of member nations and established protocols for international collaboration.

⁵ The League of Nations. <https://www.ungeneva.org/en/about/league-of-nations/overview>

⁶ The League of Nations, Covenant of the League of Nations, 28 April 1919. <http://www.unhcr.org/refworld/docid/3dd8b9854.html>

Articles 2 to 5 established the League's governing bodies: an Assembly that included representatives from all member states and a Council composed of permanent representatives from the United States, Great Britain, France, Italy, and Japan, along with four other members elected by the Assembly. Articles 6 and 7 set up a permanent Secretariat, outlined the League's expenses, and designated Geneva as its headquarters. Articles 8 and 9 discussed about armaments, with all members agreeing to reduce their armaments to the lowest feasible levels, eliminate the detrimental impacts of privately manufactured weapons, and fully disclose their existing armaments and future plans. A permanent commission was also established to advise the Security Council on military, naval, and air matters. Articles 10 to 17 contained the core principle of the League, which was collective security, along with various methods for peacefully resolving conflicts.⁷ In Article 10, each member agreed to uphold the sovereignty and independence of other members and to collaborate in defending them against aggression. Article 11 stated that any war or threat of war was a concern for all members, regardless of direct involvement; each member had the right to request the Council to address the issue and, if necessary, to call for an immediate meeting. In Article 12, all members committed to resolving serious disputes through peaceful means or inquiries by the Council and agreed not to resort to war until these processes had the opportunity to lead to a resolution.

Even if no resolution was reached, they promised to wait an additional three months before engaging in conflict. The different methods for resolution—such as arbitration, legal proceedings, or actions by the Council or the Assembly—were further detailed in Articles 13 to 15, which included provisions for establishing a permanent international court. Article 16 required all members to take collective action against any member that waged war in violation of the Covenant. This collective action was to primarily involve economic sanctions, and, if necessary, military intervention. This article also granted the Council the authority to expel any member that violated the Covenant. Article 17 expanded the system to offer protection to, and in certain situations for, states that were not members. Article 18 was established to fulfil the need for transparent diplomacy. It mandated that all forthcoming treaties be recorded with and made public by the Secretariat.⁸ Article 19 gave the Assembly the authority to suggest modifications to current treaties or situations that could pose a threat to peace. According to Article 20, all members concurred that any treaty conflicting with the Covenant would be

⁷ The League of Nations, Covenant of the League of Nations, 28 April 1919.

<http://www.unhcr.org/refworld/docid/3dd8b9854.html>

⁸ Covenant of the League of Nations.

automatically nullified and committed to refraining from entering into any such agreements in the future. Article 22 affirmed that the Covenant would not undermine the validity of the Monroe Doctrine.

Additionally, Article 22 initiated the mandates system. Articles 23 and 24 corresponded to proposals for global economic and social collaboration under the League's jurisdiction. Members pledged to cooperate on issues such as transport and communications, trade relations, health, and the supervision of international arms trade and to integrate existing international organisations, like the Universal Postal Union, under the League's management. They also committed to creating an International Labour Organization to ensure 'fair and humane working conditions.'⁹ Article 25 guaranteed support for the Red Cross. Lastly, Article 26 outlined the process for amending the Covenant; for an amendment to take effect, it must be approved by a majority of members, including all those represented in the Council.

Strengths and Weaknesses of the League

Strengths

- **Innovative Strategy:** The League exemplified a ground-breaking attempt to establish multilateralism and collective security.
- **Humanitarian Emphasis:** Its focus on social issues, including public health and labour rights, underscored its comprehensive approach to global governance.¹⁰

Weaknesses

- **Lack of Enforcement Capability:** The League had no military forces and depended on member nations for enforcement, which compromised its authority.
- **Exclusion of Major Nations:** The absence of the U.S., despite President Wilson's involvement, as well as the exclusion of Germany and the Soviet Union during its initial years, weakened its legitimacy and effectiveness.
- **Lack of Unanimity:** The need for unanimous decisions obstructed prompt and decisive action.

⁹ League of Nations, Covenant of the League of Nations, 1919.

<http://www.unhcr.org/refworld/docid/3dd8b9854.html>

¹⁰ Walters, F.P. A History of the League of Nations: Volume II. Toronto: Oxford University Press, 1952.

- Inability to Prevent Significant Conflicts: The League did not succeed in stopping aggression from Axis powers, leading to World War II.¹¹

Despite its limitations, the Covenant of the League of Nations represented a daring experiment in international collaboration. It influenced the establishment of the United Nations' in 1945, with many of its principles, including collective security and social welfare initiatives, continued forward. The Covenant stands as a pivotal moment in the evolution of international law and diplomacy.

Causes for the Failure of the League of Nations

The League failed to achieve its primary goal of ensuring global peace. There are several reasons for its failure:

- The major powers, including the United States and the then Soviet Union, were not members of the League of Nations. This was a severe flaw. Japan, Germany, and Italy had quit the League.
- Unfortunately, the League of Nations Covenant became an integral feature of the peace agreement. It would have been preferable if it had been kept separate. Many governments refused to ratify the Treaty of Versailles because they saw it as a vengeance treaty. They were denied membership in the League because they refused to ratify the treaty.
- There was a sentiment among various countries that the League of Nations was heavily influenced by the victorious powers of World War I, particularly France and England. Consequently, other states began to lose faith in the effectiveness of the League of Nations.
- The victorious nations subjected countries like Germany to humiliation. Germany was forced to pay war reparations despite facing significant economic challenges. As a result, prospects for peace were slim.¹²

¹¹ Ibid.

¹² Benes, Eduard. (1932). *The League of Nations: Success and Failures. Foreign Affairs.*

- Following World War I, conditions in Europe led to the emergence of dictatorships in countries such as Italy, Japan, and Germany. In the Far East, Japan invaded Manchuria, and the League was unable to address Japan's actions. Japan even considered withdrawing from the League. Similarly, Italy experienced the rise of Fascist Dictatorship, which promoted a sense of narrow nationalism among its people.
- Germany was also unwilling to accept the obligations set forth by the Treaty of Versailles. There was a Nazi regime in Germany as well, with Hitler advocating for a false sense of patriotism. He also spoke about the superiority of the German race in comparison to others. He sought to extend Germany's influence over Austria and Poland, launching invasions of these nations. In violation of the Treaty of Versailles, Germany expanded its military capabilities. When the League questioned this, Germany withdrew from the League.
- Smaller countries began to lose their trust in the effectiveness of the League. They believed the League of Nations lacked the ability to manage the aggressive actions of the major powers.
- France's pressure on Germany to fulfil war reparations during an economic crisis had severe repercussions for the country's politics. This played a significant role in the collapse of the Weimar Republic and the ascent of Hitler in Germany, ultimately contributing to the League's failure.
- The establishment of the League of Nations after the First World War was initially received positively. However, the member nations failed to collaborate effectively, leading to the League's inability to accomplish its goals. Consequently, the Second World War erupted. In the end, the United Nations' was created following the dissolution of the League.¹³

Thus, The League of Nations aimed to disrupt the ongoing pattern of conventional power struggles and establish a transparent and collaborative platform for tackling global issues with the goal of promoting peace and stability. However, the League was never powerful enough to

¹³ Benes, Eduard. (1932). The League of Nations: Success and Failures. *Foreign Affairs*.

have a considerable influence on politics, and thus, the objectives of disarmament and war deterrence was not achieved.

The United Nations

At the end of World War II, group of sovereign governments came together to create an organisation and determined that their interactions should be guided by a set of legally binding principles, entrenched in a charter, and overseen by a small number of countries in name of the Security Council. The primary goal of the United Nations' Charter is to establish rules for relations between sovereign states while refraining from meddling in their internal affairs, including civil wars. This is so because the international system that the United Nations' Charter established is predicated on the idea that sovereign nations serve as the cornerstone of the global order are the benevolent custodians of their people. The Inter-Allied Conference, which resulted in the Declaration of St. James's Palace on June 12, 1941, was the initial step towards the creation of the United Nations'.¹⁴ The Atlantic Charter, which outlined objectives for the post-war world, was written by British Prime Minister Winston Churchill and American President Franklin Roosevelt by August 1941.

Roosevelt, Churchill, and Harry Hopkins penned the wording of the United Nations' Declaration on December 29, 1941. The United Nations' Declaration was signed on New Year's Day 1942 by Roosevelt, Churchill, former Soviet foreign minister Maxim Litvinov, and Chinese Premier T. V. Soong. The next day, officials from 22 other countries also put their signatures on the document. The Declaration of the United Nations' had been ratified by 21 more nations as of March 1 of that year.¹⁵ The UN Conference on International Organization officially began on April 25, 1945, in San Francisco after months of preparation. Government representatives from 50 countries as well as a variety of non-governmental organisations were present.¹⁶

In the initial years of the United Nations', the Cold War tensions between the United States and the then Soviet Union, along with their respective allies, obstructed its goal of maintaining global peace. Following extensive decolonisation, the UN saw a major increase in

¹⁴Albright, M. K. (2003). United Nations. *Foreign Policy*, 138, pp. 16–24. <https://doi.org/10.2307/3183651>

¹⁵ Albright, M. K. (2003). United Nations'. *Foreign Policy*, 138, 16–24. <https://doi.org/10.2307/3183651>

¹⁶ Ibid.

membership.¹⁷ By the 1970s, the financial support from the UN for programs aimed at social and economic development significantly surpassed that allocated for peacekeeping efforts.

The UN System is composed of various specialised organisations, funds, and projects, including the World Bank Group, the World Health Organization, the World Food Programme, UNESCO, and UNICEF, among many others.¹⁸

The United Nations' is able to address a diverse range of concerns because of its distinctive international nature and the authority granted by its Charter, which is regarded as an international treaty. Consequently, the UN Charter serves as an instrument of international law, to which UN Member States are obligated. The UN Charter encapsulates the fundamental principles of international relations, including the equality of States in sovereignty and the ban on the use of force in global affairs.

The United Nations Charter

The idea of non-intervention as a norm guiding interactions between member nations is not specifically stated in the UN Charter. Instead, it is suggested in Article 2 of the United Nations' Declaration of Principles. Article 2(1), for instance, bases the organisation on the 'principle of the sovereign equality of all its members,'¹⁹ while Article 2(3) advocates for the amicable resolution of global conflicts. However, Article 2(4) and Article 2(7) are the two most pertinent clauses for the purposes of non-intervention. The latter creates the UN's jurisdiction in relation to the area of sovereign states' discretion, thereby defining the parameters for UN intervention itself, whereas the former establishes the general prohibition of the use of force and, in this regard, can be said to govern the proscription of military intervention by states.

Article 2(4)

States are required by Article 2(4) to abstain from using or threatening force in their dealings with one another. It is the clearest clause in the Charter prohibiting the use of force to intervene. As such, its interpretation serves as the foundation for the discussion over unilateral military actions.

¹⁷ "[UN Early years of the Cold War](https://www.un.org/peacekeeping/)". *peacekeeping.un.org*.

¹⁸ United Nations', Dept of Public Information (1986). *Everyone's United Nations'*. UN. pp. 5. ISBN 978-9211002737.

¹⁹ UN Charter.

Article 2(4) reads as follows:

*'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the Purposes of the United Nations'.*²⁰

As a result, the use of force is generally prohibited under Article 2(4). More specifically, it forbids the use of force in situations other than war, such as when one party threatens to use force. As a result, it makes the ban on using force a universal and enforceable norm.²¹ The vast majority of legal academics believe that Article 2(4)'s rule has a *jus cogens*²² nature. First, the Charter restricts the justification for self-help by establishing a system of communal security. Second, Article 2(6) of the Charter states that the Organisation will guarantee non-Members' adherence to its principles 'so far as may be necessary for the maintenance of international peace and security,'²³ which suggests that the UN may also take action against non-Members in response to their use of force or threat of violence. Therefore, all states—member and non-member—are bound by the ban on the threat or use of force. Thirdly, non-members may 'bring to the attention of the Security Council or of the General Assembly any dispute'²⁴ in which they are parties, according to Article 35(2). Lastly, in the case that a member's duties under the UN Charter clash with those under other international accords, Article 103 specifies whose obligations come first. As a result, the Charter plays a crucial role in offering a framework for outlawing force and giving it '*jus cogens*'²⁵ validity.

Despite the general agreement about the importance of the rule against the use of force and its status as customary international law, Article 2(4) presents interpretive challenges since it lacks definitions for the several concepts it specifies.²⁶

²⁰ Article 2(4). UN Charter.

²¹ Louis Henkin. (1991). *Use of Force: Law and US Policy*. International Law and the Use of Force, New York, Council on Foreign Relations Press. pp. 38

²² Malcolm N. Shaw. (1991). *International Law*, Cambridge, Grotius Publications Limited. pp. 675.

²³ UN Charter.

²⁴ Antonio Cassese. (1994). *International Law in a Divided World*. New York, Oxford University Press. pp. 141.

²⁵ Malcolm N. Shaw. (1991). *International Law*, Cambridge, Grotius Publications Limited. pp. 686.

²⁶ Belatchew Asrat. 1991. *Prohibition of Force Under the UN Charter. A Study of Article 2(4)*, Uppsala, Sweden, *Iustus Förlag*. pp. 51-52.

The Notion of Force

Both the threat and the actual use of force are prohibited by Article 2(4). Nevertheless, the word ‘force’²⁷ is neither defined nor qualified in Article 2(4). The general consensus is that the term ‘force’ in Article 2(4) refers only to armed force and does not encompass other forms of force, such as economic and political pressure. This understanding of force is supported by the General Assembly Declaration on the Principles of International Law, which is regarded as the primary interpretation of the fundamental tenets of the UN Charter.²⁸ The Declaration alone makes reference to military force when interpreting the concept of abstaining from the threat or use of force in international affairs. It addresses various forms of coercion within the framework of the basic rule that states should not interfere in areas that fall outside their domestic purview. Therefore, it may be deduced that the General Assembly intended for the term ‘force’ in Article 2(4) to refer only to military force. Furthermore, the ICJ upholds this narrow interpretation of force in the Nicaragua case, citing this resolution to ascertain the extent of the customary international law ban on force.²⁹

However, the word raises additional concerns about the application of ‘indirect’³⁰ force. The idea of indirect force includes when a state permits forces from another nation to use its territory to combat a third state and/or supply weapons to rebels in another country.³¹ While this issue is often examined in legal research in relation to the definition of intervention, it is equally pertinent in the context of Article 2(4).³²

Regarding the ban on the use of indirect force, the Declaration on the Principles of International Law stipulated the following in its section on the more general prohibition of force:

‘Every state has the duty to refrain from organising or encouraging the organisation of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state. Every state has an obligation to abstain from planning, promoting, aiding, or taking part in acts of terrorism or civil unrest in another state, as well as from permitting coordinated activities within its borders that aim to carry out such acts, when the acts mentioned in this paragraph entail the threat or use of force.’³³

²⁷ Ibid.

²⁸ Ian Brownlie. (1963). *International Law and the Use of Force by States*. London, Oxford University Press. pp. 364.

²⁹ Bruno Simma. (1994). *The Charter of the United Nations*, A Commentary, Oxford, Oxford University Press. pp. 112;

³⁰ Ibid.

³¹ GA Res. 2625 (XXV), 24 October 1970.

³² ICJ Reports (1986). 191.

³³ Oscar Schachter. (1991). *International Law in Theory and Practice*. Dordrecht, The Netherlands, Martinus Nijhoff Publishers. pp. 111,

In its 1986 Nicaragua ruling, the ICJ restated the Declaration on the Principles of International Law and confirmed that the definition of indirect force given above falls within Article 2(4). The idea of indirect force is thus equally included by the ban on the use or threat of force.³⁴

Threat of Force

The definition of the threat of force has received significantly less attention in legal decisions than the application of real force. Brownlie in his book stated that a ‘threat of force to be an express or implied promise by a government of a resort to force conditional on non-acceptance of certain demands of that Government.’³⁵ Another author points out that the goal and result of the threat—a real limitation of the options that states would otherwise have—are more important than the type of force used when using threats as a method of coercion.³⁶

The Declaration on Principles of International Law states that ‘the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force,’³⁷ acknowledging the use of threat as a tool of coercion. Thus, the threat of force is included in Article 2(4), which might potentially lead to a state's political independence and territorial integrity being violated. However, there appears to be more tolerance for the threat than for the actual use of force in state practice because most threats of force have typically been justified on the grounds of the right to self-defence.³⁸

This tolerance stems from the widespread understanding that it is difficult to demonstrate coercive intent in an international system that is marked by power imbalances and the ensuing dominant and subordinate relationships between states. Nevertheless, academics concur that Article 2(4) makes it illegal to openly and directly threaten to use force to pressure another state into ceding territory or making significant political concessions.³⁹

³⁴ ICJ Reports (1986).

³⁵ Ian Brownlie. (1963). *International Law and the Use of Force by States*. London, Oxford University Press. pp. 364.

³⁶ Romane Sadurska. (1988). Threats of Force. *American Journal of International Law*. Vol. 82, No.2. pp. 242.

³⁷ The Charter of the United Nations’.

³⁸ Belatchew Asrat. 1991. Prohibition of Force Under the UN Charter. A Study of Article 2(4), *Uppsala, Sweden, lustus Förlag*. pp. 51-52.

³⁹ Belatchew Asrat. 1991. Prohibition of Force Under the UN Charter. A Study of Article 2(4), *Uppsala, Sweden, lustus Förlag*. pp. 51-52.

The Frame of International Relations

The use or threat of force in international relations between nations is forbidden under Article 2(4). As a result, using force domestically is not prohibited. Stated differently, states are not denied the ability to take action to uphold law and order inside their own borders by the requirements of Article 2(4).⁴⁰ Therefore, without violating Article 2(4), nations are permitted to employ force to quell riots and insurrections as well as to punish dissidents. In particular, the fundamental structure of international relations suggests that civil conflicts are exempt from the clause. This illustrates the widespread belief that since international law is intended to regulate relations between nations, domestic disputes fall outside its purview.⁴¹ However, if the UN condemns the domestic use of force and declares it to be a threat to international peace and security, the situation no longer only concerns internal matters. Internal problems are now viewed by the UN as possible ‘threats to international peace and security,’⁴² and as such, issues of global concern. However, the UN's portrayal of this and its subsequent engagement in internal disputes should be evaluated in light of Article 2(7), which deals with the Organisation's intervention in domestic affairs and is therefore outside the purview of Article 2(4). The question of whether or not a state's use of force and its intervention in a civil war in another state violates the general ban on the use of force is pertinent to Article 2(4).

Traditional international legal thought states that the size of a civil conflict must determine how outside powers should respond to it. Even if the war is classified as a ‘rebellion,’ the ruling government is still regarded as legitimate and is free to put an end to the uprising in accordance with its own internal laws.⁴³ Therefore, while help to the rebels is forbidden, outside support to the government upon request is allowed. In this regard, assistance provided to the government at its request does not violate Article 2(4). External governments must maintain a stance of ‘neutrality,’⁴⁴ just like in any other international conflict, if the rebel forces have seized control of a sizable portion of the country and received official acknowledgement of a status of ‘belligerency’.⁴⁵ Therefore, conventional legal philosophy forbids supporting the

⁴⁰ Oscar Schachter. (1991). *International Law in Theory and Practice*. Dordrecht, The Netherlands, Martinus Nijhoff Publishers. pp. 111.

⁴¹ Ibid.

⁴² United Nations Charter.

⁴³ Hans Kelsen. (1951). *The Law of the United Nations*. London, Stevens & Sons Limited. pp. 934.

⁴⁴ UN Charter.

⁴⁵ UN Charter

rebels but allows third parties to intervene in a civil war to support the legitimate government. However, the challenge stems from the absence of objective standards for how external governments identify internal disruptions.⁴⁶ Generally speaking, international law is not very effective in defining the nature of internal conflict.

Consequently, civil wars are portrayed mostly in accordance with political convenience due to the significant discretion that foreign nations possess.

There have been several attempts to establish a set of guidelines pertaining to states' rights and obligations regarding internal conflict within the framework of the United Nations'. All countries were urged to 'refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence, or integrity of any state, and fomenting civil strife and subverting the will of the people in any state'⁴⁷ by the Essentials of Peace Resolution of 1949. Another resolution in 1950 denounced aiding or intervening in civil wars with the intention of changing the lawful government by the threat or application of force.⁴⁸ That no state should 'interfere in the civil strife of another state'⁴⁹ was also stated in a 1965 resolution. The Declaration on the Principles of International Law asserts that 'organising, instigating, assisting or participating in acts of civil strife or terrorist activities in another State'⁵⁰ constitutes a threat or use of force more authoritatively and in greater detail than any of these. Reiterating that no state may 'interfere in civil strife'⁵¹ in another state, the resolution includes a similar clause in the succeeding principle regarding the obligation of non-intervention in situations within the domestic jurisdiction. The use of force by the colonial power to quell rebels is typically defined not as an internal matter but rather in the framework of the principle that forbids the use of force in international relations when civil unrest involves the right to self-determination, especially in states that were under colonial rule. Therefore, it begs the question of whether third-party states' involvement in this type of civil strife is consistent with the spirit of Article 2(4) and the non-intervention principle.⁵² In this regard, every state has an obligation to 'refrain from any forcible action'⁵³ that would obstruct the exercise of self-determination, and such

⁴⁶ Hersch Lauterpacht, L Oppenheim. (1995). *International Law: A Treatise, Vol. 1- Peace*, London, Longmans, Green & Co. 305

⁴⁷ GA Res. 290 (IV), 1949.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ GA Res. 380 (V), 1950.

⁵¹ Ibid.

⁵² GA Res. 2131 (XX), Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty. 1965.

⁵³ GA Res. 2625 (XXV), 24 October 1970.

peoples are entitled to receive support for their struggle to that end, according to both the UN's Definition of Aggression and the Declaration on Principles of International Law.⁵⁴ Therefore, civil wars including the desire for self-determination may give nations a rationale for using force to support the interests of the peoples pursuing it.

Territorial Integrity and Political Independence

The phrases 'political independence'⁵⁵ and 'territorial integrity'⁵⁶ are frequently used to describe 'the total of legal rights which a state has.'⁵⁷ In reality, concepts like sovereignty and 'inviolability'⁵⁸ are frequently added to these phrases to emphasise them. For instance, 'sovereignty, territorial integrity, or political independence'⁵⁹ is particularly mentioned in the Definition of Aggression, which was agreed upon in 1974. In addition to invasions, the resolution proposes a broad definition of the prohibition of armed intervention and aggression that covers sending mercenaries or armed bands to commit violent crimes, shelling another state's territory, closing its ports, and attacking another state's forces. Therefore, it may be deduced that the use of force to destroy a state's geographical existence or political independence is not the only use of force prohibited by Article 2(4). Instead, it includes states' basic rights in its protection. Accordingly, any kind of cross-border use of military force is illegal by Article 2(4), even if it is not intended to deprive that state of a portion of its territory. As a result, academics contend that the term 'integrity'⁶⁰ in the clause denotes inviolability, which forbids any form of coercive cross-border action.

This conclusion is further supported in the preamble to the Charter, paragraph 7. It states that 'armed force shall not be used, save in the common interest.'⁶¹ However, the International Court of Justice's ruling in the Corfu Channel case, which rejected the British argument that a British minesweeping operation in Albanian territorial waters did not violate Albanian sovereignty because it did not endanger Albania's political independence or territorial integrity (nor resulted in territorial loss or harmed Albania's political independence), suggests that

⁵⁴ GA Res. 3314 (XXIX), 14 December 1974.

⁵⁵ GA Res. 290 (IV), 1949.

⁵⁶ Ibid.

⁵⁷ Brownlie.n.12. pp. 268.

⁵⁸ Ibid.

⁵⁹ GA Res. 3314 (XXIX), 14 December.1974.

⁶⁰ The Charter of the United Nations'. 117.

⁶¹ The Charter of the United Nations'.

Article 2(4)'s ban on force is all-encompassing. As a result, it is not limited to defending political independence or territorial integrity in the most literal sense.⁶²

Article 2(7)

Article 2(7) establish a principle of non-intervention and instructs the UN's organs to respect states' internal affairs with regard to the organisation's meddling in member states' internal affairs. It reads:

*'Nothing in the present Charter shall authorize the United Nations' to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter but this principle shall not prejudice the application of enforcement measures under Chapter VII.'*⁶³

The obligation of non-intervention imposed on nations by general international law is distinct from the concept of non-intervention outlined in Article 2(7). Instead of one state interfering in another's internal affairs, Article 2(7) expressly refers to the organisation's action. In 'dealing with matters are essentially within the domestic jurisdiction of a state,'⁶⁴ it serves as 'an interpretative guideline'⁶⁵ for UN bodies. There are others who contend that Article 2(7) is a 'life-saver'⁶⁶ clause for member states, giving them a veto-like power to limit the authority of UN bodies.

Three rules are contained in Article 2(7). The UN's organs are the target of the first clause. They are instructed to honour 'domestic affairs.'⁶⁷ The UN members are the target audience for the second rule. It contends that they shouldn't bring issues to the UN for a peaceful resolution that is fundamentally under local authority. Therefore, the UN bodies are instructed to assert their authority to hear disputes pertaining solely to issues covered by international law, rather than issues that are under a state's sole purview. The article's last section outlines the one exemption to the UN's general rule of interfering in a state's internal affairs. In light of the enforcement actions outlined in Chapter VII of the Charter, it therefore creates a restriction of domestic jurisdiction.

⁶² ICJ Reports (1949), Corfu Channel Case, (Merits), pp. 35.

⁶³ The Charter of the United Nations'.

⁶⁴ Ibid

⁶⁵ Ibid.

⁶⁶ Kelsen. The Law of the United Nations', pp. 770.

⁶⁷ The Charter of the United Nations'.

The definitions of 'not to intervene'⁶⁸ and 'matters which are essentially within the domestic jurisdiction'⁶⁹ are at the centre of the issues raised by Article 2(7). UN bodies have a great lot of discretion in applying these phrases to individual situations because Article 2(7) provides no precise standards for defining what should be considered fundamentally domestic or what constitutes interference. Therefore, in light of UN practices, it is vital to consider the implicit standards for acceptable UN interference in domestic matters.

The Scope of the United Nations' Jurisdiction

While Article 2(7) forbids involvement, it does not forbid all UN resolutions or acts pertaining to internal matters. Thus, it would be inaccurate to limit the definition of intervention to cases of forcible involvement by the UN. Therefore, the definition of 'to intervene'⁷⁰ and the idea of intervention as outlined in Article 2(7) should be applied to UN actions that do not constitute enforcement action. This raises concerns about what actions that are beyond the purview of Chapter VII may be said to come under UN authority as well as the means by which the UN might get over Article 2(7)'s ban on domestic meddling.⁷¹

The UN has the authority to intervene directly or indirectly in a state's internal affairs, as evidenced by its historical activities. It has the ability to meddle in a state's internal affairs without actually occupying the state's territory. Activities like placing the matter on the agenda of any UN body, having a discussion about it there, and offering suggestions are all included in this type of involvement. The organisation's approach to these indirect initiatives has remained constant. UN bodies have automatically examined and debated the problems at hand, notwithstanding the sporadic protests from the governments involved. UN organisations have deemed themselves competent to the degree that international concern has been voiced on a particular issue when formulating recommendations and passing resolutions expressing a certain stance on an internal problem.⁷² Even while the issue might not be considered a danger to or violation of the peace (requiring enforcement action under Chapter VII), the possibility of global repercussions 'may nonetheless serve as a basis for jurisdiction.'⁷³ Therefore, any

⁶⁸ UN Charter.

⁶⁹ Ibid.

⁷⁰ Article 2. UN Charter.

⁷¹ Oscar Schachter. (1974). 'The United Nations' and Internal Conflict' in John Norton Moore, *Law and Civil War in the Modern World*, Baltimore. The Johns Hopkins University Press. pp. 402.

⁷² Ibid.

⁷³ Higgins. *The Development of International Law*. pp. 77.

issue that is seen to pose a threat to the peace may be declared to be of "international concern," which exempts it from 'domestic jurisdiction'.⁷⁴

The idea of international concern was initially developed in 1946 in connection with the Spanish situation. A resolution was passed to establish a subcommittee to assess whether the situation in Spain 'has led to international friction and does endanger international peace and security,'⁷⁵ despite the Security Council's recognition that the nature of a regime was unquestionably a matter of domestic jurisdiction. This ruling was important because it made it clear that fact-finding investigations, particularly those pertaining to topics that are typically acknowledged to be within domestic authority, do not, by themselves, amount to intervention and are thus not covered by Article 2(7). Despite not being an existing threat within the meaning of Article 39, 'the subcommittee determined that the circumstances in Spain constituted a potential menace to international peace,'⁷⁶ the continuation of which was 'likely to endanger the maintenance of peace and security within the meaning of Article 34.'⁷⁷ The subcommittee concluded that the Security Council lacked the authority to direct or authorise enforcement measures under Article 40 and 42.⁷⁸ Instead, the Security Council was to handle the issue in accordance with Chapter VI of the Charter, which outlines procedures for amicable resolution and adaptation. The Spanish question established the notion that 'matters prima facie of domestic jurisdiction may be of international concern in certain circumstances,'⁷⁹ even though other resolutions failed. In order to grant the Security Council, the power to go beyond the sole exception to Article 2(7), which is the implementation of enforcement measures under Chapter VII, the concept of international concern was to become a key component going forward. This would allow 'the Organisation a wide field of possibilities in situations that had been hitherto deemed to fall within the domestic jurisdiction.'⁸⁰

More specifically, the idea of international concern which is more expansive than the idea of a violation or threat to international peace, suggests that, even in the face of Article 2(7)'s restricting provisions, action may be taken in response to threats that are not as serious as those that call for enforcement actions.

⁷⁴ Ali L. Karaosmanoğlu. (2002). UNFICYP and The Problem of Consent in Reşat Arm, Cyprus and International Law. Ankara Foreign Policy Institute. pp. 98;

⁷⁵ SC Res. 7. 1946.

⁷⁶ UN Charter.

⁷⁷ Ibid.

⁷⁸ UN Yearbook 1946-1947. pp. 348.

⁷⁹ Ibid.

⁸⁰ Higgins, The Development of International Law, pp. 79.

Several General Assembly resolutions, such as those addressing South Africa's apartheid, have the concept of international concern as the foundation of jurisdiction. The General Assembly insisted in a number of resolutions on the subject that apartheid was 'a grave threat to the peaceful relations between ethnic groups in the world'⁸¹ that it was 'prejudicial to international harmony'⁸² and that it had cause 'international friction.'⁸³ Similarly, the Security Council, which determined that the Angolan situation's continuation constituted an actual and potential cause of international friction, supported the General Assembly's statement that it was likely to endanger international peace and security.⁸⁴ As a result, the organisation has demonstrated a propensity to use international concern to connect domestic issues with global peace.

Since international concern is a political assertion, the criteria are still somewhat ambiguous. Just by virtue of the makeup of its members, which are states, the decisions made by UN bodies are political in the traditional sense of the word. The broader goal of the UN, particularly the aim of maintaining international peace and security, gives UN organs considerable latitude to deal with issues falling under domestic jurisdiction.⁸⁵ These decisions are typically the result of a coalition of national interests, reflecting considerations of the benefits and costs of the proposed measures. To put it another way, any issue may be justified by one of the UN's objectives. Accordingly, these standards are the 'reflect a particular combination of circumstances and is the product of political processes.'⁸⁶

Having said that, the UN has also more actively interfered in states' internal affairs since its founding. The organisation has either taken action on state territory or made an effort to sway a state's political, military, and economic decisions. The United Nations' uses a variety of non-military intervention strategies, including the study, investigation, and inquiry of any subsidiary organisation or commission established in line with Article 34 of the UN Charter. According to this UN practice, actions taken outside of a state's borders are not forbidden under Article 2(7), provided that there is international concern. Since governments are not required to acknowledge the Organisation's investigation and observational operations on their soil, the ban on UN involvement in domestic matters appears to solidify when a fact-finding mission is conducted immediately. According to a widely recognised principle of international law, any

⁸¹ GA Res. 820 (IX), 14 December 1954.

⁸² GA Res. 1375 (XIV), 17 November 1959.

⁸³ GA Res. 1598 (XV), 13 April 1961

⁸⁴ GA Res. 1603 (XV), 20 April 1961.

⁸⁵ Karaosmanoğlu. UNFICYP and The Problem of Consent. pp. 98

⁸⁶ Schachter. The United Nations' and Internal Conflict. pp. 402.

actions taken by an international body on a state's territory are considered a breach of that state's sovereignty. The permission of the legitimate authority to the investigation on its territory seems to be the key to getting beyond the ban on interference in these situations, except from the exemption allowed by Article 2(7) (i.e., enforcement measures under Chapter VII).

The deployment of foreign military troops in a sovereign state and conducting military operations on its territory are the two most significant issues under Article 2(7). One may distinguish between the UN's coercive and non-coercive military measures in this regard.

The question of what constitutes non-forceful military action and the circumstances in which it would not be deemed to violate Article 2(7) emerges since coercive involvement may be construed as an enforcement action. As long as the goal is not to force the parties to a dispute to agree on a certain resolution or to tip the political and military scales in favour of one party at the expense of the other, the UN's activities are not regarded as coercive. Since peacekeeping missions need the 'consent of the protagonists, impartiality on the part of the United Nations' Forces, and resort to arms only in self-defence,⁸⁷ they might be viewed in this way as activities requiring no forceful means. Therefore, in cases of domestic conflict, the 'consent'⁸⁸ of a state or of the parties to a dispute within a state is not only a crucial political factor guaranteeing the parties' cooperation with the peacekeepers, but it is also a necessary legal requirement to circumvent the Article 2(7) prohibition of intervention.⁸⁹

The Scope and Content of Domestic Jurisdiction

A further challenge in interpreting Article 2(7) pertains to the question of what constitutes 'domestic jurisdiction.'⁹⁰ It is not clear from the Charter what is meant by domestic jurisdiction. The meaning of the word was not brought up during the San Francisco Conference in 1945. There was no implicit agreement on its meaning, which is why it was left out. Article 2(7), on the other hand, 'was purposefully left ambiguous in recognition of the fact that it dealt with an issue so difficult of solution that it was better left unsolved,'⁹¹ according to the argument.

⁸⁷ The Blue Helmets: A Review of United Nations' Peace-Keeping, New York, The United Nations'. 1996.

⁸⁸ Karaosmanoğlu. UNFICYP and The Problem of Consent. pp. 99.

⁸⁹ Ibid.

⁹⁰ UN Charter.

⁹¹ UN Charter.

Only one instance in the 26 years of League practice clarified the boundaries of this word. Whether a 'particular matter is or is not solely within the jurisdiction of a state is an essentially relative question; it depends upon the development of international relations,'⁹² the Permanent Court of International Justice said in its advisory opinion to the League Council on the subject of the Nationality Decrees issued in Tunis and Morocco.

The Court further argued that a state's ability to exercise discretion is nonetheless constrained by whatever commitments it may have made to other nations, even in situations where the issue was not primarily controlled by international law. In this situation, international legal norms restrict jurisdiction that, in theory, only belongs to the state.⁹³

This formulation led to the development of two particular rules. First off, there is no clear-cut list of matters that are solely within a state's purview that make up the subject of domestic jurisdiction. Its exact parameters must be established based on the particular facts of each case as well as the current status of international relations. Second, the duties and promises that a state may have consciously made to other nations under a particular treaty or accord limit its domestic authority. Therefore, international law 'removes the subjects regulated in these conventions'⁹⁴ from local jurisdiction and is established by bilateral and multilateral treaties.

The significance placed on the term 'matters essentially within the domestic jurisdiction'⁹⁵ is another issue pertaining to the interpretation of the domestic jurisdiction clause. While the UN Charter provision replaced 'essentially'⁹⁶ with 'solely'⁹⁷ and omitted the international law criterion to determine whether a matter falls within domestic or international jurisdiction, the corresponding provision of the League Covenant in Article 15(8) referred to a matter which by international law is solely within the domestic jurisdiction. According to academics, the replacement was intended to limit the Organisation's authority over its member nations. Regarding this, Vincent contends that the goal of Article 2(7)'s non-intervention principle is to 'preserve the state against the emergence of a super state.'⁹⁸ Thus, Article 2(7) is the quintessence of the sovereignty dogma's tendency to resist progress. However, another

⁹² PCIJ Report, Ser. B. No. 4 (1923)

⁹³ M. S. Rajan. (1960). Defining Domestic Jurisdiction: Is It Necessary? Is It Feasible? Is it Useful? *The Indian Journal of International Law*. New Delhi. Vol. 1. No.1. pp.147-148.

⁹⁴ *Ibid.*

⁹⁵ UN Charter.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ R. J. Vincent. (1974). *Non-intervention and International Order*. Princeton, Princeton University Press. pp. 235.

commenter points out that nothing can be categorised as basically or completely domestic by nature. An issue can only be considered to be exclusively, though not fundamentally, within a state's domestic jurisdiction if there is no customary or contractual international law governing it. This suggests that the only way to answer the issue is to use international law. However, a state may still assert that a topic is essentially within its domestic jurisdiction even if it is subject to an international legal duty, that is, even if the matter is not regarded as exclusively falling within domestic jurisdiction.

As a result, it may be assumed that the state in question is merely obligated under general international law or, if applicable, a particular treaty, but not under the Charter's legal framework. As a result, the word essentially makes domestic jurisdiction's definition far more ambiguous and flexible.⁹⁹

Article 2(7) did not name international law as a reference for establishing the boundaries of domestic jurisdiction, in contrast to the Covenant clause. John Foster Dulles, the US envoy at the San Francisco Conference, gave an explanation for the absence, stating that international law was avoided by definition since it was always changing.¹⁰⁰ However, Australian representative, Dr. Evatt, said that since there was no alternative criterion for identifying a jurisdiction's character, including international law in the clause would be superfluous.¹⁰¹ Scholars contend that it is not appropriate to overstate the importance of the international law criteria. The first is that the phrase domestic jurisdiction has not been precisely defined by international law, and the second is that general international law does not contain any particular guidelines for identifying the types of jurisdictions. On the other hand, it may be deduced that the deciding element in domestic jurisdictional concerns was meant to be 'political and circumstantial, rather than exclusively or constantly be of a legal character.'¹⁰² The United Nations' current practice shows that political influences continue to affect its interpretation, leaving it unclear.

⁹⁹ Alf Ross. (1950). *Constitution of the United Nations*. Copenhagen, Ejnar Munksgaard. pp. 129.

¹⁰⁰ Kelsen, *The Law of the United Nations*. Oxford University Press. pp. 776-779.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

Exceptions to Article 2(4) and Article 2(7)

The UN is designated as the only body with the legal right to use force to uphold global peace and security, even though the Charter system forbids nations from threatening or using force. The sole exception to the non-intervention clause allowed by the Charter is the enforcement actions under Chapter VII. However, nations' prohibitions of using force are also not absolute. An exemption to this norm is allowed by the UN Charter for both individual and collective self-defence actions.¹⁰³

Enforcement Measures

According to Article 1(1) of the UN Charter, the primary goal of the organisation is to maintain peace and security. According to Article 24, the Security Council has primary jurisdiction in this area. Thus, the maintenance and restoration of peace are the main topics of Chapter VI. It is the key component of the UN's collective security apparatus. The Security Council has the authority to decide on military and economic actions to preserve or restore world peace and security that are legally obligatory on all UN members.¹⁰⁴

Security Council

The Security Council must first ascertain whether there is a 'threat to peace, breach of the peace, or act of aggression'¹⁰⁵ in order to take action under Chapter VII (Article 39). However, Chapter VII does not provide clear definitions of what an act of aggression, a violation of the peace, or a threat to peace is. This is entirely up to the Security Council's discretion. According to Akehurst, 'A Modern Introduction to International Law', 'anything that the Security Council declares to be a threat to the peace is a threat to the peace.'¹⁰⁶

Furthermore, Article 39 does not define anything as a danger to or violation of international peace. It refers to 'any'¹⁰⁷ threat to peace, notwithstanding the declared goal of preserving or re-establishing international peace.

¹⁰³ UN Yearbook (1954). pp. 94-95

¹⁰⁴ Akehurst, A Modern Introduction to International Law. Oxford University Press. pp. 181.

¹⁰⁵ UN Charter.

¹⁰⁶ Akehurst, A Modern Introduction to International Law. Oxford University Press. pp. 192.

¹⁰⁷ UN Charter.

Therefore, in accordance with the article's phrasing, the Security Council's definition of a threat to peace need not be based on the situations listed in Article 2(4). To put it another way, a dispute between two states is not always a danger to peace. Furthermore, when read in connection with Article 2(7), the Organisation is permitted to engage in domestic jurisdictional concerns where the Security Council determines, in line with Article 39, that there is a threat to or violation of the peace. As a result, domestic issues like civil war, human rights abuses, or the presence of an oppressive regime may be included in the definition of a threat to peace, a breach of peace, or an act of aggression. Article 39 gives the Security Council sole authority to determine what elements pose a threat to or violate international peace in this situation, as well as who should be the target of enforcement actions intended to preserve or restore it. In reality, the Security Council has frequently determined that a number of these circumstances amount to a danger to or violation of the peace. Therefore, once the Council concludes that there is a real threat to international peace and security, the 'essentially'¹⁰⁸ domestic nature of the matter does not prevent it from acquiring authority. In this regard, the 'forcible interference in the sphere of a state'¹⁰⁹ is implied by Article 39 in conjunction with Articles 41 and 42. In contrast to, say, the 'threat or use of force' under Article 2(4), which is a more 'objectively determinable conduct',¹¹⁰ the concepts of 'threat to peace, breach of the peace' allow for a far more subjective interpretation.

Before taking any further action under Chapter VII, the Security Council must decide if there is a threat to the peace, a breach of it, or an act of aggression. Regarding this, mechanisms for non-military consequences against a state that violates the law are included in Article 41. The Council may take action employing air, sea, or land forces in line with Article 42 if the sanctions implemented in accordance with Article 41 are deemed insufficient or fail. The member states are bound by the Security Council's decision (Article 25). In reality, enforcement measures have evolved and become more innovative as a result of the lack of agreements between the Organisation and member states to provide the 'armed forces, assistance, and facilities'¹¹¹ in response to the Security Council's request for military measures (Article 43) and the non-existence of a Military Staff Committee (Article 47). The Security Council's expansion of its authority over time to permit nations to employ force in certain situations or to suggest such action in others is one example of this innovation.

¹⁰⁸ UN Charter.

¹⁰⁹ Ibid.

¹¹⁰ UN Charter.

¹¹¹ GA Res. 814 (IX). 1954.

Role of Regional Organisations Regarding International Peace and Security

Regional bodies are one possible source of approval for initiatives. According to Chapter VIII of the Charter, ‘regional arrangements or agencies’ may play a part in preserving global peace and security, provided that their activities align with the goals and tenets of the UN (Article 52). UN nations who are parties to such agreements are required by Article 52(2) to attempt ‘peaceful settlement of local disputes’¹¹² within the parameters of such agreements before referring them to the Security Council. Therefore, since forces involved in peacekeeping are not covered by Article 2(4), regional groups are permitted to conduct peacekeeping missions. The 1961 Arab League Force stationed in Kuwait, the 1965 Inter-American Peace Force formed by the Organisation of American States and stationed in the Dominican Republic, the 1976 Arab League-sponsored Inter-Arab Deterrence Force in Lebanon, the 1981–1982 Organisation of African Union Force in Chad, and the 1995 IFOR/SFOR and 2004 EUFOR in Bosnia-Herzegovina,¹¹³ respectively, are a few examples of this.

Article 53(1) empowers the Security Council the ability to ‘use such regional arrangements or agencies for enforcement action under its authority’¹¹⁴ in relation to enforcement measures. The article's following sentence makes it very evident that regional entities lack autonomous enforcement action authority. Article 54 requires the Security Council be kept fully ‘informed of activities undertaken or in contemplation under regional arrangements’¹¹⁵ pertaining to ‘the maintenance of peace and security’¹¹⁶. Therefore, it is explicitly stated in the Charter that regional groups may only engage in peacekeeping-related activities. It states that these bodies cannot use Chapter VII powers unless they have first received approval from the Security Council.

Role of the General Assembly Regarding International Peace and Security

The General Assembly has been given a secondary role in peace and security affairs under the UN Charter. As per Article 11, the General Assembly has the authority to examine and recommend issues pertaining to preserving world peace and security. Nevertheless, it is prohibited from providing such suggestions ‘while the Security Council is exercising in respect

¹¹² UN Charter.

¹¹³ Kelsen. *The Law of the United Nations*, pp. 731

¹¹⁴ Article 53. UN Charter.

¹¹⁵ Ibid.

¹¹⁶ UN Charter.

of any dispute or situation the functions assigned to it in the present Charter... unless the Security Council so requests,¹¹⁷ as per Article 12.

Notwithstanding these restrictions, the Uniting for Peace Resolution of 1950 clearly gives the Assembly the power to suggest enforcement actions, including military action, in the event that the Security Council is unwilling to take action. Therefore, in the event that the Security Council does not take decisive action, the General Assembly may be able to provide approval. Additionally, the Uniting for Peace resolution stipulates that an Emergency Special Session may be called within 24 hours. It gives the General Assembly the authority to exercise these powers only in response to an act of aggression or a breach of the peace; it excluded the danger to peace from its purview.

The resolution is important because it significantly expands the Assembly's jurisdiction and grants the General Assembly the authority to determine whether an act of aggression or a breach of peace has occurred, a power that the Security Council is solely granted under the Charter. In this regard, some contend that the Resolution has essentially reorganised the UN's system for collective security.

Despite the resolution's technical existence, its practical applicability appears to be diminishing, as evidenced by the fact that the General Assembly has only used the rights granted by it once, in the Korean case (1951). As a result, the General Assembly's engagement in peace and security issues has been limited to scrutiny, debate, and even censure. However, it is crucial to remember that, even in the lack of Security Council approval, an intervention often possesses substantial moral and political legitimacy if it has the support of at least two thirds of the General Assembly.

Self-Defence as an Exception to Article 2(4)

As previously explained, states are severely prohibited from employing force to settle disputes under Article 2(4). However, the one exception to the ban on the unilateral use of force is provided by Article 51, which outlines the circumstances in which individual states may use force and incorporates the right to both individual and collective self-defence. It states that until the Security Council has taken the required actions to uphold international peace and security, nothing in the current Charter shall impede the 'inherent right'¹¹⁸ of individual or collective

¹¹⁷ Article 12. UN Charter.

¹¹⁸ Kelsen, *The Law of the United Nations*. Oxford University Press. pp. 797-798;

self-defence in the event of an armed assault on a Member of the United Nations'. The Security Council's authority and responsibility under the current Charter to take any action it deems necessary to maintain or restore international peace and security will not be impacted in any way by measures taken by Members in the exercise of this right of self-defence; instead, they must be reported to the Security Council right away.¹¹⁹

Due to the lack of clarity around the definition of self-defence and the conditions under which it may be used, Article 51 is highly contentious. This also holds true for the definition of armed attack. The most controversial question is whether the right to self-defence can be used in the event of an armed assault or just in situations when one has already taken place. Some contend that Article 51 restricts the exercise of such a right to situations in which there has been a real armed attack when read in conjunction with Article 2(4)'s broad ban on the use of force. According to this perspective, the right to self-defence cannot be used in any other situation. The phrase inherent right is used in this context to suggest that this right is unquestionable for both members and non-members, and to suggest that the UN may help a non-member defend themselves against an armed attack. Therefore, it is maintained that the word inherent was meant to emphasise that every sovereign state has the right to defend itself against an armed invasion.

However, some legal experts contend that Article 51 should not be read to preclude the right to self-defence in the event of an impending assault. According to this perspective, the limiting meaning of the word 'if,' as it appears in Article 51 is 'if and only if.'¹²⁰ In light of this, these academics note that by defining the right to self-defence as inherent, the article suggests that pre-Charter customary international law recognised this right, which allows for preventative actions.¹²¹ It is therefore maintained that the provision had no intention of limiting the already-existing customary right. According to this reasoning, Article 51's use of the word 'armed attack'¹²² only describes one circumstance in which a state may use its right to self-defence. The legal standards for acceptable self-defence that were developed in the *Steamer Caroline* case of 1837 are cited by proponents of this viewpoint as representing the supreme customary law. Anticipatory self-defence is permissible when 'the necessity of that self-defence is instant,

¹¹⁹ D. W. Bowett, *Self-Defence in International Law*, New York: Frederick A. Praeger. 1958. pp. 185

¹²⁰ Hersch Lauterpacht, L Oppenheim. *International Law*. Oxford University Press. pp. 300-301.

¹²¹ Article 51 of UN Charter.

¹²² *Ibid.*

overwhelming, and leaving no choice of means and no moment for deliberation,¹²³ according to the language used in the wake of this case.¹²⁴

Regarding anticipatory self-defence, no definitive ruling has been made in international litigation. By not taking a position on the matter, the ICJ in the Nicaragua case left the topic open. The idea that the UN Charter forbids the use of force unless it involves an armed attack appears to be prevalent in the literature, even though numerous governments have repeatedly fought for such a right. However, the question of whether Article 51 permits pre-emptive and/or preventative military action has lately come into focus due to the US military intervention in Iraq in 2003. In this regard, the recent High-level Panel Report recognised the customary right of anticipatory self-defence in situations when there is an immediate threat, provided that a proportionate reaction is given, while highlighting the limited wording of Article 51.¹²⁵ The study distinguished between pre-emptive and preventative action, nevertheless, and presented a compelling case for Security Council permission in cases involving non-imminent and non-proximate dangers. The Panel's refusal to suggest revising or reinterpreting Article 51 demonstrates how persistent the concern is for upholding the non-intervention standards and the ban on the use of force in its limited sense.

The decision to use force in self-defence is a subjective one, which leads to another issue with exercising the right to self-defence. Each state has the right to determine for itself whether to use force to defend itself due to the structure of the international system. The legal dilemma of whether some situations call for the justifiable use of self-defence still exists, nevertheless. The right to self-defence may be used 'until the Security Council has taken the measures necessary to maintain international peace and security,'¹²⁶ according to Article 51.

Therefore, Article 51 acknowledges that there can be urgent circumstances that call for a quick defensive reaction. Therefore, the article's wording permits states to temporarily assess the gravity of the situation and choose to take defensive action, but it also exposes the state's justification to international scrutiny by stating that measures taken in the exercise of self-defence shall be immediately reported to the Security Council. In this regard, previous international precedent shows that a defensive response is not always justified based only on

¹²³ Ibid.

¹²⁴ Jennings, R. Y. (1938). The Caroline and McLeod Cases. *American Journal of International Law*. 32(1): 82-99. ISSN: 00029300

¹²⁵ A More Secure World: Our Shared Responsibility, Report of the Secretary-General High-level Panel on Threats, Challenges and Change, United Nations', 2004.

¹²⁶ UN Charter.

the state's assessment.¹²⁷ Japan, for instance, insisted that its 1941 assault in Manchuria was defensive. However, the League of Nations came to the conclusion that the Japanese conduct could not be justified as a lawful use of the right to self-defence. The International Military Tribunal's 1946 Nuremberg ruling, which stated that 'whether action taken under the claim of self-defence was in fact aggressive or defensive must ultimately be subject to investigation or adjudication if international law is ever to be enforced,'¹²⁸ similarly rejected the German Nazi leaders' claim that Germany acted in self-defence and that each state must decide whether a particular situation yields to the exercise of the right to self-defence. Therefore, the prevailing opinion among legal experts sees Article 51 as prohibiting the use of force for self-defence other than that in reaction to an armed assault since there are no objective standards for evaluating the apparent imminence of an attack and the resulting potential for abuse.

Although a concept of non-intervention pertaining to state-to-state interactions is not expressly established in the UN Charter, it is evident in the main General Assembly statements and implied in the general ban on the use of force in international affairs. Any unilateral use of force that is not approved by the UN is prohibited by Article 2(4). In this way, it serves as the foundation for the principle that states should not interfere with one another.

Due to its constant reaffirmation in several international treaties and General Assembly statements, the standard it sets has universal and urgent applicability.

Despite ongoing disagreement, the article's substance is generally understood to refer to the use or threat of military action, whether directly or indirectly directed against another state. The Charter has significantly reduced the range of acceptable self-help techniques by permitting just one situation as an exemption to the ban on the use of force. The current discussion is on preventative measures in situations where the threat is not immediate, notwithstanding the arguments around the right to anticipate self-defence.

Although governments are prohibited from using force under the UN Charter, the Organisation itself is allowed to use force and intervene as it sees fit. There is a lot of space for political considerations and discussions since it gives the Security Council, in particular, extensive authority over issues pertaining to global peace and security. The UN has created specific procedures for its interventions that fall short of enforcement measures, even though the

¹²⁷ J. L. Brierly. (1942). *The Law of Nations, An Introduction to the International Law of Peace*. London, Oxford University Press. pp. 257; McCormack, *Self-Defence in International Law*, p. 259.

¹²⁸ Higgins. *The Development of International Law*. Oxford University Press. pp. 205-207.

enforcement actions under Chapter VII are the only exception to the organisation's ban against interfering in domestic matters. The UN has considered that a statement of international concern on a particular issue and the consent of the state in question are necessary steps in this respect.

In a nutshell international society continues to believe that the norm of non-intervention is the most important safeguard for maintaining order and promoting peaceful coexistence among states, as evidenced by the UN Charter's strong affirmation of this principle as the primary governing rule of state relations.¹²⁹

Relation between the Security Council and the General Assembly of the United Nations during the period 1947-1964

The authors of the Charter assigned the Security Council the primary responsibility for preserving world peace and security. However, changes outside of the UN significantly changed its function in the global political system. The San Francisco dream was never more completely achieved in post-war reality because of the steadily worsening ties between the Soviet Union and the Western Powers.

The dynamics of the post-war global political landscape had a significant impact on the operations of the United Nations'. Two crucial developments led to a dramatic shift in the United Nations' structure: the diminished role of the Security Council and the increased influence of the General Assembly in the UN system. This transformation stemmed from the Security Council's failure to fulfil its expected functions and authority. Its effectiveness relied heavily on the stance of the major powers regarding key issues in international politics, but the rise of a bipolar world ultimately hindered the Security Council's ability to exercise the powers and authority granted to it by the Charter. The rivalry among superpowers had significant consequences for the operation of the Council, resulting in its 'paralysis'.¹³⁰

The creation of the United Nations' was based on several fundamental assumptions. Morgenthau has outlined these assumptions. First, it was believed that the major powers would work together to address any threats to peace and security, regardless of where they originated. Secondly, it was anticipated that their collective wisdom and strength would be adequate to counter these threats without going to war. It was also expected that no such threat would come

¹²⁹ Hersch Lauterpacht, L. Oppenheim, International Law. Oxford University Press. pp. 302-303

¹³⁰ Martin Wright. (1978). *Power Politics*. Penguin Books, Royal Institute of International Affairs pp.200.

from any of the great powers themselves. However, none of these assumptions proved effective, particularly concerning the interactions among the major powers. The constitutional framework of the Charter experienced a significant change. The UN evolved into something quite different from its original purpose. The distinction between constitutional intentions and political reality was distinctly illustrated by the Security Council's inability to fulfil its duties and the General Assembly's rise to prominence.¹³¹ Nicholas rightly argues that 'the core of the Security Council plan lay in great power unity.'¹³² However, in a world plagued by mutual suspicion and rivalries among major powers, achieving any form of great power unity became unfeasible, hindering the implementation of concrete actions by the Security Council. The Security Council turned into a 'product of the Cold War'¹³³, obstructing its effective operation and leading to a decline in its reputation as the foremost body of the United Nations'. The Council was immobilised due to the hostility between the then Soviet Union and the United States, who preferred to use the Council as a platform for their conflicts. Consequently, the Council could not act as intended. The Security Council was largely seen as merely a venue for Cold War rhetoric.

The adversaries of the Cold War lacked trust in one another and could not envision collaborative efforts under UN auspices to carry out collective actions. It is not surprising that, from its very beginning, the Security Council became the centre of the intense drama of the Cold War, ensnared in the turmoil of Soviet-Western tensions.¹³⁴

The Security Council functions as a 'bargaining mechanism, consistently available for negotiating mutually accepted actions'¹³⁵ during crises among individual nations and groups. Its aim is to sustain a fragile peace and avert the escalation of conflicts into more violent confrontations. However, when parties remain rigidly committed to opposing viewpoints, the UN has struggled to facilitate any collective resolution. Goodrich notes that because of its inherent composition and operating methods, the Security Council has struggled to realise effective collaboration and uphold the principles outlined in the Charter. The methods and procedures employed by the Council to fulfil its role in maintaining peace and security have been significantly influenced by post-war developments. The stalemate in relations between

¹³¹ Morgenthau. (1985). *Politics Among Nations*. New Delhi, Ludhiana, Kalyani Publishers 1985. pp.507

¹³² H.G. Nicholas. (1975). *The United Nations as a Political Institution*. Oxford, Oxford University Press. pp.77.

¹³³ Morgenthau, n. 47, pp.516.

¹³⁴ Sydney D. Bailey, The UN Security Council: Evolving Practice. *The World Today*, 34: 3, March 1978, pp.101.

¹³⁵ LM. Goodrich. (1964). *The United Nations*. New York, Thomas Y Crowell Company. pp.213.

major powers largely hindered the possibility of reaching concrete decisions.¹³⁶ As a result, one of the defining characteristics of the United Nations’—the authority to employ military action granted to the Security Council under Chapter VII of the Charter—has not been effectively realised.

The years 1946 to 1952 witnessed the swift escalation of significant tensions between the Soviet Union and the Western Powers. Throughout this time, there was a noticeable decline in international relations. The frequent use of the veto by the permanent members of the Security Council largely contributed to the deterioration and the inability of the Security Council to fulfil the authority granted to it by the Charter. As a result, the Security Council became more focused on the conflicts among the permanent members instead of offering solutions for various crises. The Western blocs’ numerical advantage in the different bodies of the UN was evident, as only a small number of the 51 original members were part of the Eastern bloc.

The group comprising Asian and Latin-American countries was small and largely aligned with the West. The West had substantial representation, and many countries supported its stance. This situation compelled the Soviet Union to engage in a number of delaying tactics within the Council, where it had significant success. Consequently, even though the Security Council was endowed with specific powers and considerable discretion for effective operation, the nature of the global political landscape following the Second World War negatively impacted its functioning.¹³⁷

The western nations recognised that any actions through the UN could only be pursued if the General Assembly was involved when the Security Council faced a stalemate due to the veto power. The diminished role of the Security Council and the rise of the General Assembly marked what can be considered the most significant constitutional change in the United Nations’ because the Security Council was unable to fulfil its responsibilities, a void emerged that the General Assembly filled.¹³⁸ H.G. Nicholas notes that among all the UN organs, none has demonstrated a greater gap between potential and reality than the Security Council. The failure of the Security Council to assume control altered the distribution of authority between the two UN bodies. A significant number of UN member states began to act on the Assembly's recommendations as though they carried legal weight.¹³⁹ The support of a two-thirds majority

¹³⁶ Ibid.

¹³⁷ Robert Rhedes, James. (1970). International Crises, the Great Powers and the United Nations. *International Journal*, 25: 2, Spring, 1970, p.351.

¹³⁸ Ibid.

¹³⁹ Nicholas. N. 48. pp 77.

within the General Assembly for decisions aimed at enhancing its role in maintaining international peace and security contributed to the Assembly becoming the politically pre-eminent organ of the UN.

Several key questions can be raised: Was the changed international political landscape solely responsible for this development? Additionally, did the overwhelming support for the West in the General Assembly, contrasted with the feeble backing for the Soviet Union, drive the United States and United Kingdom to amplify and advance the role of the General Assembly? The reality is that a certain duality exists within the UN Charter itself that would have unavoidably ushered the General Assembly into a more assertive role in the future. When considering Article 12 of the UN Charter, it appears to grant the Security Council a certain precedence regarding the peaceful resolution of conflicts, and Chapter VI of the Charter frequently refers to the Security Council more than it does to the General Assembly. In the area of Pacific Settlement of Dispute, the General Assembly is granted extensive powers for inquiry and discussion. Moreover, the Council's priority as stipulated by Article 12(1) of the Charter concerning matters of international peace and security was effectively circumvented by transferring several cases from a deadlocked Council to the General Assembly through a simple majority vote, under the assumption that this was a procedural issue that did not necessitate the affirmative votes of the permanent members as outlined in Article 27(3).

The dual nature of the Charter allowed the General Assembly to broadly interpret Article 12 and propose recommendations on topics that were simultaneously on the Security Council's agenda. Morgenthau has highlighted the flawed reasoning in the assertion that the Assembly was addressing a different facet of the same issue to justify such instances. In reality, it was a 'legal manoeuvre'¹⁴⁰ aimed at undermining the authority and precedence granted to the Security Council by Article 12. This empowered the Assembly to claim nearly unlimited jurisdiction over any matter presented to it.¹⁴¹

The attempts by the Western Powers to boost the status of the General Assembly were also quite significant. In 1947, at the suggestion of the United Kingdom, a special session of the General Assembly was convened to discuss the future of the Palestine mandate. This established an important precedent, as the Assembly was operating within a realm that the creators of the Charter had intended for the Security Council. In another crisis in 1949 related

¹⁴⁰ Morgenthau, n. 47, pp 506.

¹⁴¹ Ibid.

to Greece, the General Assembly advised that direct military support be withheld from nations that were backing the guerrilla forces in Greece.¹⁴²

Morgenthau argued that the General Assembly should not have been able to override the Security Council in this situation. However, it was possible due to the majority's willingness in the Assembly to assume responsibility in political matters. This was made easier by the strong support of most of the permanent members for the Assembly's enhanced role.¹⁴³

The extent to which the Security Council, granted enforcement powers under Chapter VII of the UN Charter but obstructed in its operations by the dynamics of the Cold War, will be examined below.

Korean Crisis

The Korean question marked the first instance of enforcement action taken under the charter. The Korean War commenced on June 25, 1950, when around 75,000 troops from the North Korean People's Army surged across the 38th parallel, which separates the Soviet-aligned Democratic People's Republic of Korea in the north from the pro-Western Republic of Korea in the south. This invasion represented the initial military confrontation of the Cold War. By July, American forces had joined the conflict to support South Korea. For American officials, it was viewed as a battle against the forces of international communism. After some initial exchanges of territory across the 38th parallel, the fighting reached a stalemate, resulting in rising casualties without meaningful progress. Concurrently, American leaders were persistently attempting to negotiate an armistice with the North Koreans. They were concerned that the alternative might lead to a more extensive conflict involving Russia and China—or even, as some cautioned, a potential World War III.

Response to the Council

To address the crisis, the Security Council approved a number of draft resolutions. In one of these resolutions, the Council called for an immediate cease-fire and for North Korean armed forces to withdraw to the 38th Parallel. It also urged member states 'not to provide any aid to the North Korean authorities.'¹⁴⁴ In another resolution, United Nations' members were

¹⁴² General Assembly Resolution. No.288. 1949.

¹⁴³ Morgenthau. (1985). *Politics Among Nations*. New Delhi, Ludhiana, Kalyani Publishers. pp.508

¹⁴⁴ UN Doc. S/1501, 25 June, 1950.

requested to supply air, sea, and ground forces to be placed under U.S. command, in order to support and protect South Korean troops.

The temporary absence of the Soviet Union from the Security Council allowed for rapid action on the Council's part. The Soviet representative had left the Council on January 13, 1950, and declined to acknowledge any decisions made by the Council as legitimate. Consequently, the Soviet representative maintained that the two resolutions regarding the Korean crisis had 'no legal force,'¹⁴⁵ due to the absence of two permanent members of the Security Council, the Soviet Union and China.

Disagreements among the members of the Security Council were highlighted during the discussion of the draft resolution that authorised the use of force against North Korea. Some members argued that the United Nations', as an organisation dedicated to maintaining international peace and security, should refrain from permitting any action that could involve the use of force and undermine trust in the organization. The Yugoslavian representative expressed that 'the objective of the Security Council's actions should be to prevent changes to a given situation through force, rather than to deploy military action to alter the existing de facto situation at the onset of hostilities, as doing so could set a dangerous precedent for intervening in the internal matters of a country.'¹⁴⁶

It was argued that the Security Council's authorisation of force would only worsen an already fragile international atmosphere, deeply influenced by the Cold War. Clearly, the Korean War was a direct result of the overarching tensions characteristic of the Cold War. A small number of nations emphasised the importance of resolving the conflict through mediation. Nonetheless, numerous countries believed that collective military action could be employed to establish stability across Korea. The United States strongly advocated for the complete elimination of North Korean forces as a combat entity.¹⁴⁷

Through draft resolution S/1588 in 1950, the Security Council voted to establish a 'unified command under the US,'¹⁴⁸ and by invoking Article 43, it urged UN members to provide military forces and other support for that command. The Security Council expressed its overarching goal by referencing Article 39 of the Charter, recommending that member states

¹⁴⁵ UN Doc. S/1511, 27 June 1950.

¹⁴⁶ SCQR. 474 meeting, 27 June, 1950.

¹⁴⁷ Security Council Official Record (hereafter SCOR), 476th meeting, 5th year, 7 July, 1950, p.2.

¹⁴⁸ SCQR. 475 meeting, 30 June, 1950, pp.3

assist the Republic of Korea 'to repel the armed attack and to restore international peace and security in the region.'¹⁴⁹

A significant element of the Security Council's reaction to the Korean Crisis was that the Council's call for members to use force did not constitute a mandatory requirement under Chapter VII. The Council merely recommended that member states pursue certain objectives. It became evident that the Council lacked the necessary concrete foundation to act decisively with the support of member states and its Military Staff Committee. Nevertheless, this did not prevent the Council from legitimately authorising military actions in the case of Korea.

The clear division among the permanent members of the Security Council was so evident that it entirely hindered the Council from implementing any definitive measures. Several draft resolutions, including S/1653 proposed by the United States, draft resolution S/1668 presented by the Soviet Union after its return to the Security Council, and draft resolutions S/1679 again from the Soviet Union, were not approved by the Security Council due to the lack of consensus among its permanent members.

Transfer of the Issue to the Assembly

Uniting for Peace Resolution

The deadlock within the Security Council led to the adoption of the Uniting for Peace Resolution by the General Assembly on November 3, 1950, which effectively shifted the power to make specific recommendations to the Assembly when the Security Council was incapacitated by vetoes while fulfilling its duties related to maintaining global peace and security. This aim was pursued through the Uniting for Peace Resolution.¹⁵⁰ It marked a significant milestone in the history of the United Nations'. The details of its provisions must be listed here for a clear understanding of its implications:

The primary objectives of the United Nations' include 'preserving international peace and security, fostering friendly relations among countries based on the respect for equal rights and the self-determination of peoples, and implementing measures to enhance global peace.'¹⁵¹ Emphasising the significance of the Security Council's key role in 'maintaining international

¹⁴⁹ UN Charter.

¹⁵⁰ A/RES/377 (V)

¹⁵¹ UN Charter.

peace and security, as well as the responsibility of its permanent members to strive for consensus and to exercise caution when using their veto power';¹⁵²

- Aware that the inability of the Security Council to fulfil its duties for all Member States does not absolve United Nations' Members from their obligations under the Charter to uphold international peace and security;
- Acknowledging specifically that this failure does not diminish the rights of the General Assembly nor exempt it from its responsibilities under the Charter concerning the maintenance of international peace and security.¹⁵³

If the Security Council fails to fulfil its primary responsibilities for maintaining 'international peace and security in situations where there seems to be a threat to peace, a breach of peace, or an act of aggression, due to a lack of consensus among the permanent members, the General Assembly shall promptly address the issue with the intention of providing suitable recommendations to member states for collective actions.'¹⁵⁴ This includes responding to breaches of peace or acts of aggression and, when necessary, the deployment of armed forces to sustain and restore international peace and security.

The Uniting for Peace Resolution, which changed the fundamental nature of the United Nations', emerged as a direct result of the Cold War influence on the organisation. This resolution aimed to elevate the role of the General Assembly in issues related to security and peace. Its implications were significant and wide-ranging. The resolution played a key role in diminishing the dominance of the Security Council within the UN framework while enhancing the authority of the General Assembly. The lack of great power unity has caused political conditions to worsen, necessitating the creation of new tools for furthering UN goals. The resolution guaranteed the General Assembly more power and acknowledged the Security Council's ineffectiveness. Therefore, a fresh issue regarding this resolution may be posed, rather than focussing on its constitutionality: what effect did the resolution have on the UN? Was there a positive change?

The resolution signalled the Security Council's stultification process. It caused a great deal of controversy and was eventually seen as an infringement of the Security Council's jurisdiction. However, there is no question that the General Assembly lacks the authority to conduct any

¹⁵² UN Charter.

¹⁵³ General Assembly, Uniting for Peace Resolution, 3 November, 1950.

¹⁵⁴ General Assembly, Uniting for Peace Resolution, 3 November, 1950.

enforcement action in terms of the Charter's provisions. The Security Council is primarily in charge of enforcement action. Many academics began to question the resolution's constitutionality.

According to Kelsen, an Austrian jurist and political philosopher, "a resolution to this effect is superfluous if the General Assembly has this power under the Charter, if the General Assembly does not have the power, the resolution amounts to an attempt to amend the Charter in a way different from that prescribed by Article 108 and 109."¹⁵⁵ Such a resolution is equivalent to an attempt to interpret the Charter if it is unclear whether the General Assembly has this authority under it. In accordance with the UN Charter, the Assembly may submit an issue to the Security Council without offering any recommendations if it determines that the use of force is required. The Security Council is an enforcement body, and the General Assembly serves as a venue for discussion and debate. Indeed, this was the initial goal of the UN Charter's framers.

The Uniting for Peace Resolution did, in fact, had a revolutionary effect since it aimed to engage the General Assembly after the permanent members of the Security Council used their veto power to render the Council ineffective. The resolution was unquestionably innovative, as the United Nations' was 'conceived as a global organisation, depending upon a process of negotiation and accommodation for keeping the peace.'¹⁵⁶ The United Nations' became an organisation of governments looking to the united governments for leadership and largely concerned with countering threats from behind the iron curtain when the Security Council's responsibilities were transferred to the General Assembly.¹⁵⁷

The requirement for the General Assembly to have the authority to take action in situations when the Security Council was unable to act because of the major countries' inability to agree may not have occurred to the drafters of the UN Charter. However, the Uniting for Peace Resolution's function of bringing the General Assembly to life during the Security Council's paralysis also contributed to the accomplishment of a significant goal. It proved that the UN Charter was a flexible text with the capacity to adapt to the many demands and requirements of a changing world, rather than a static, inert, and stagnant thing.

¹⁵⁵ Hans Kelsen. (1951). *The Law of the United Nations: A Critical Analysis of its Fundamental Problems*. London, Stevens and Sons. pp.360.

¹⁵⁶ Hans Kelsen. (1951). *The Law of the United Nations: A Critical Analysis of its Fundamental Problems*. London, Stevens and Sons. pp.360.

¹⁵⁷ L.M. Goodrich. (1964). *The United Nations*. New York, Thomas Y Crowell Company. pp.213.

The resolution undoubtedly strengthened the UN apparatus for preserving peace, even as it changed the distribution of power among its agencies. The UN must be able to adapt to the changes and adjustments it experiences from time to time and successfully react to the demands of a dynamic environment. This resolution was an attempt to develop a new tool for maintaining security and peace. Julius Stone views this resolution as 'a watershed between returning to a loose cooperative plan for peace-enforcement and having high hopes for an organic international executive to enforce peace.'¹⁵⁸

Critical Analysis

A pivotal point in the history of international law, the International Court of Justice's (ICJ) Advisory Opinion on the legality of the "Uniting for Peace" resolution in the context of the Korean Crisis provides important insights into the interplay of institutions within the United Nations' (UN) system and the balance of power. The case started when the UN General Assembly decided to use Uniting for Peace, or Resolution 377A (V), during the Korean War in 1950. This resolution was passed in reaction to the Soviet veto that prevented the UN Security Council from acting decisively, which resulted in a stalemate inside the Council at a time when prompt and concerted action was required to solve the aggression of North Korea against South Korea.

Whether the Uniting for Peace resolution was in accordance with the UN Charter, namely with respect to the functions and duties of the Security Council and the General Assembly, was the legal question put before the ICJ. By giving the General Assembly, the authority to take action, including recommending the use of force, in situations where the Security Council was unable to act because of the veto of any of its permanent members, the Uniting for Peace resolution essentially aimed to get around the Council's deadlock. Essentially, the conventional view of the Security Council's sole duty in such affairs was being challenged, with the General Assembly being requested to take on a more active role in preserving peace and security.

The connection between the General Assembly and the Security Council in areas of peace and security was clarified by the ICJ's Advisory Opinion. It maintained the legitimacy of the Uniting for Peace resolution, acknowledging that the General Assembly might offer suggestions when the Security Council was unable to act because of a permanent member's veto.

¹⁵⁸ Julius Stone. (1954). *Legal Control of International Conflict*. Philadelphia. pp 266.

On matters of international peace and security, such as the use of force and enforcement actions, the ICJ did, however, also reiterate the Security Council's supremacy in rendering legally binding judgements. Thus, the Advisory Opinion maintained a cautious balance, stating that the Security Council was ultimately in charge of preserving peace under the Chapter VII of the UN Charter.

The idea of abstention in UN decision-making, especially in the Security Council, is one of the most significant issues brought up in the context of the ICJ's conclusion. "Dissension is not always reflected in abstention." The significance of this idea is clarified by the ICJ's ruling on the *Uniting for Peace* resolution, especially in light of how the permanent members of the Security Council's veto power impacts the council's capacity to take action.

The idea of veto power, which is granted to the Security Council's five permanent members—the United States, the United Kingdom, Russia, China, and France—is the foundation of its decision-making process. Any significant resolution in the Security Council must get the support of nine of the fifteen members, including all five permanent members, in accordance with the UN Charter. Because of this special arrangement, a resolution can be blocked by a single veto from any one of the five permanent members, regardless of what the majority of the Council believes. In some cases, other members' abstention does not indicate disagreement; rather, it indicates that a certain course of action has not received enough support.

The Soviet Union's rejection of Security Council resolutions during the Korean Crisis essentially stopped the Council from acting, paralysing it. Nonetheless, the Soviet Union's absence should not be seen as a fundamental departure from the necessity of action or the collective security concept. The veto was a reflection of larger geopolitical tensions during the Cold War and the Soviet Union's strategic objectives rather than a sign of disagreement to the fundamental objective of preserving peace on the Korean Peninsula. Political factors, not a total denial of the necessity of a response to North Korea's invasion of South Korea, led to the veto decision.

Since it emphasises the intricacy of international diplomacy and the legitimacy of acts conducted within the confines of the UN system, the idea that 'abstention does not necessarily constitute dissension' becomes particularly important in comprehending the ICJ's Advisory Opinion. Even if the Soviet Union's veto of the *Uniting for Peace* resolution in the Security Council may have made it seem impossible to take action, it did not mean that the larger international agreement on the significance of collective action had broken down. Instead, the

General Assembly's use of the Uniting for Peace resolution gave the world community a legal way to respond when the Security Council's impasse made a prompt response impossible.

The interpretation of the UN Charter and the distribution of power within the UN system are still greatly impacted by the ICJ's Advisory Opinion on the Uniting for Peace resolution. The ruling emphasised the legal restrictions on the General Assembly's authority and made clear the Security Council's continued dominance in areas pertaining to global peace and security.

However, the Court acknowledged that abstention in the Security Council, as demonstrated by the Soviet veto, does not always mean that the aims of collective security are rejected or that there is a complete lack of agreement. Complex geopolitical factors that go beyond a simple vote or veto are frequently involved in the settlement of international disputes and the choice to act on issues of peace and security.

In conclusion, the ICJ's Advisory Opinion upheld the legitimacy of the Uniting for Peace resolution as a short-term, supplemental measure that acknowledged the need for adaptability in crisis management while maintaining the Security Council's supremacy. The opinion emphasised that the political dynamics of international diplomacy are reflected in the Security Council's abstention, particularly in the event of a veto, and does not always indicate dissent or division. Without jeopardising the fundamental framework of the UN system, the Uniting for Peace resolution permitted ongoing international action in cases of impasse. In the end, the Court's ruling reaffirmed how crucial it is to preserve equilibrium between the Security Council's decision-making power and the General Assembly's advising function in order to preserve the legitimacy and efficacy of the UN as a whole.

Two other crisis situations—Suez and Congo—where the detrimental effects of the global political climate on the Security Council's operations made the Council ineffectual in handling the problems will be covered in the section that follows. As a result, the Uniting for Peace Resolution's practicality became a crucial issue. The resolution was an effort to handle crisis scenarios when the majority of Council members wanted to transfer authority to the Assembly or if the Security Council was stalled by a lack of agreement among permanent members. In his explanation of the resolution's fundamental rationale, Charles de Visscher expressed that the General Assembly's authority to recommend what the Security Council could not order had to be organised, either by renouncing the UN's fundamental function or by appealing to the organisation's higher demands. In 1950, the United Nations' adopted this second option,

arguing that an institution's survival and mission, which were created for long-term goals, could not be jeopardised by the failure of one of its organs.¹⁵⁹

There was undoubtedly some usefulness to the Uniting for Peace Resolution. Lawrence Finkelstein claims that examples of the General Assembly's expanded roles in the realm of peace and security include its vote to act as a forum for negotiating the terms of the armistice for the Korean war, its approval of the UNEF, and its direction of the Congo operation following the Security Council's failure to reach an agreement. Therefore, the Uniting for Peace Resolution, which was enacted during the Korean crisis in 1950, was significant because it served as a model for later peacekeeping missions in addition to attempting to address the demands of a dire situation.

In the following section we shall attempt to understand and analyse the efficacy and the limitations of the United Nations' when faced with a crisis situation such as the one related to Korea, Suez Canal and also the crisis in Congo. These cases demonstrate that even while the Security Council is trying to rise to address the crises, in the absence of fullest cooperation of the Superpowers, it is well-nigh to demonstrate the efficacy and effectiveness of the UN system. None of these situations were entirely related to domestic jurisdiction. Rather these were extreme situations which showed the level of cooperation or the absence of it so far as veto wielding countries in the Security Council were concerned. In regard to Korea, unanimity in the Security Council was secured as the Soviet Union was boycotting the meetings of the Security Council. Later on, the Soviet Union claimed that the Security Council's decisions on Korea were illegal.

In the context of Suez, even while the USA and Soviet Union were ready to cooperate, the United Kingdom and France were completely hostile to the type of decisions Superpowers wished for. In the context of Congo, both the superpowers were at loggerheads and it was the General Assembly that activated the decision-making leading to establishment of a UN presence in the civil war-torn country.

¹⁵⁹ Charles de Visscher. (1957). *Theory and Reality in Public International Law*. Princeton, Princeton University Press. pp.112.

All these brief accounts of Korea, Suez crisis and the UN in Congo showed the limitations of the UN. It also demonstrated that the authority of the General Assembly is limited and that the Soviet Union and later even France is not willing to let go of the benefit and advantages of their permanent status in the Security Council.

Suez Crisis

In July 1956, Egyptian President Nasser nationalised the Suez Canal. France and the United Kingdom objected to this Egyptian government move after they were unable to convince President Nasser. They requested that the Security Council take up the issue in order to bring the Suez Canal under international control through direct discussions that took place outside of the UN. They noted at the Security Council meeting that the situation that the Egyptian government's unilateral move to terminate the international operation system in the Suez Canal requires the Security Council's consideration.¹⁶⁰

The Egyptian representative to the UN also asked that the Council be called immediately because of unjustified external meddling in Egypt's domestic affairs and because 'actions against Egypt by France and the United Kingdom constituted danger to international peace and security and are serious violation of the UN Charter.'¹⁶¹

The situation further worsened on October 29, 1956, when Israel conducted a severe act of military aggression against Egypt. On October 30, 1956, the British government sent the Egyptian government an ultimatum, requesting that it put an end to all hostilities, remove all Egyptian military troops within ten miles of the Suez Canal, and consent to French and British soldiers occupying a portion of Egyptian land. This was ignored by Egypt which led to the bombing of Egypt on 31 October, 1956. The governments of the United States, United Kingdom, and France had consistently failed to resolve the difficulties between them and Egypt, through negotiations as per the provisions of Article 33 of the UN Charter.¹⁶² This was communicated by the United States' representative in the Security Council. The Soviet representative declared during the discussion that the actions of France and the United Kingdom went against the UN Charter's core principles of peace, which forbid members from using force against another state's political independence and territorial integrity.

¹⁶⁰ SCOR. 732 meeting. 24 September, 1956, UN PQC, S/3654

¹⁶¹ SCOR. 732 meeting. 24 September 1956. UN Doc. S/3656

¹⁶² SCOR. 732 meeting. 24 September 1956. UN Doc. S/3656

Response of the Council

The Security Council as a whole believed that a peaceful resolution to the problem was urgently needed. Both the United States and the Soviet Union introduced a draft resolution calling for an immediate ceasefire in order to keep the Anglo-French joint venture from becoming a cause of international concern. According to the Soviet delegation, Egypt was exercising its right as a sovereign state to control the Suez Canal; hence the United Kingdom and France had no right to employ force against it.¹⁶³

The majority position in the Council debate emphasised the need to restore peace and tranquilly and stop the Israeli, British, and French armies from using military force against Egypt. The Yugoslavian delegate proposed a compromise that aimed to balance Egypt's sovereign rights over the Suez Canal with the justifiable interests of the international community. When the draft resolutions were put to a vote, the US and Soviet Union's efforts in the Security Council were deemed unsuccessful. Britain and France vetoed the Security Council's effective action.¹⁶⁴

Due to the two permanent members of the Security Council casting negative votes, this caused the Council to become paralysed in its efforts to address the problem.

Transfer of the Issue to the Assembly

Consequently, the Uniting for Peace Resolution was invoked and the contentious Security Council matter was moved to the General Assembly for more deliberation. The Yugoslavian representative clarified that if the Security Council action is once more blocked by the Veto; the UN's obligation would not have ended but will instead have transferred to all of its members.¹⁶⁵

In order to address the situation in the Middle East, the General Assembly convened in an emergency special session on November 1, 1956, and in resolution 997 (ES-1), it demanded an immediate ceasefire.¹⁶⁶

¹⁶³ SCQR. Supplement for July, August, September, UN DOC S/3649, 1956, Para 19, p.35

¹⁶⁴ SCQEL 751 meeting, 31 October, 1956, Para 15, p.4

¹⁶⁵ SCQR. 751 meeting, 31 October, 1956, Para 33, p.6

¹⁶⁶ General Assembly Official Records (GAOR), First Emergency Special Session, Plan meeting, 561,1 November, 1956, pp.1-2

In addition, the Secretary-General informed the General Assembly that the French and British governments would maintain police presence until the creation of a United Nations' peacekeeping force. The Secretary-General was then instructed by the General Assembly to create 'a plan for the setting up of an emergency international UN force.'¹⁶⁷ Later, the resolution proposed by Canada to establish the United Nations' Emergency Force (UNEF) was approved by the General Assembly.¹⁶⁸

The United Nations Emergency Force

On November 7, 1956, Argentina, Burma, Ceylon, Ecuador, Ethiopia, Sweden, and Denmark presented a draft resolution to the General Assembly, which was later accepted. It said that it agreed with the guiding principles that govern the UNEF's structure and operations. A seven-member Advisory Committee was also constituted under the resolution to direct UN involvement in the matter. Since Article 39 of the Charter states that the Security Council is ultimately responsible for maintaining global peace and security, the legal and constitutional foundation for the Force's formation remained uncertain.¹⁶⁹

The United Kingdom and French delegations insisted that the draft resolutions of the Soviet Union and the United States, as well as those of Yugoslavia, did not fall under the purview of the United Nations' Peace Resolution. They maintained that Chapter VI of the Charter, not Chapter VII, contained the framework for the proposed resolutions. They emphasised that the Egyptian complaint was exempt from the Uniting for Peace Resolution's rule that the Security Council may only present instances to the General Assembly that deal with acts of aggression, threats to peace, and violations of peace.¹⁷⁰ The French delegate said that during the discussion of the Suez issue, there had been no indication of a lack of agreement among the permanent members of the Security Council. However, the majority of Security Council members disagreed with these claims. They believed that the General Assembly was automatically tasked with considering a crisis under the Uniting for Peace Resolution clause after the veto had immobilised the Security Council.¹⁷¹

¹⁶⁷ GAOR 1st Emergency Special Session, Plan, meeting, 563, UN DOC A/3276, 3 November, 1956, p.55, (G.A. res. 998 (ES-1))

¹⁶⁸ General Assembly resolution 1000 (ES-1) G.A. plan meeting, 567, DOC A/3308.

¹⁶⁹ The Withdrawal of UNEF: Report of the Secretary-General. Annual Review of UN Affairs, 1966-67, New York, 1968, pp.88-89.

¹⁷⁰ SCORL 751 meeting, 31 October 1956, Para 82, 85, p.13.

¹⁷¹ Ibid.

Furthermore, Article 24 of the Charter does not grant the Council exclusive jurisdiction while taking into account its provisions. The Charter's Articles 10, 11, and 14 are sufficiently comprehensive to provide the General Assembly the authority to take specific actions to uphold global peace and security. As a result, the socialist bloc's argument that the UNEF is illegal—that is, that the Security Council is only authorised under Chapter VII of the Charter to establish an international military force—is erroneous. When the General Assembly created the UNEF during the Suez Crisis, it was 'a paramilitary force, which performed a preventive role' by using the technique of 'obstruction'¹⁷² to stop the situation from getting worse. The Secretary-General said that because it was created in line with Article 22 of the Charter, it was a 'subsidiary organ of the General Assembly.'¹⁷³

A cease-fire quickly came about as a result of the UN's intervention. The Secretary-General worked hard to make UNEF a more powerful organisation. Due to persistent Afro-Asian pressure, Soviet intervention threats, US pressure, and also domestic public opinion, France and Britain were forced to withdraw their forces from Egypt as quickly as possible. This was accomplished on December 22, 1956.

Critical Analysis

An analysis of the UN's response to the Suez Crisis reveals that the Security Council was rendered inactive as a result of the inability of the permanent members to agree. This is just another example of how the Uniting for Peace Resolution expanded the General Assembly's authority. In order to preserve world peace and security, the Assembly created an emergency force and exercised control over the ineffective Security Council. Because the two permanent members of the Security Council were targeted, the General Assembly's decision was all the more noteworthy.

Ignoring the Security Council's involvement in the Suez situation would be a mistake. After being informed of the issue, the Council convened right away and passed a number of decisions that stopped things from getting worse. But in the end, the General Assembly had to approve the creation of UNEF. After all, the Council can operate effectively as long as the major powers do not obstruct it from doing so because of their own political and ideological demands.

¹⁷² Alan James. (1969). *Politics of Peacekeeping*. New York, Fredrick A. Praeger.

¹⁷³ Report of Secretary-General on Status of UNEF in Egypt, UN POC A/3526, 8 February, 1957

Congo Crisis

On June 30, 1960, the Republic of Congo gained independence from Belgium after 80 years of colonial rule. By September 20, it was admitted to the UN. However, the secession of the mineral-rich province of Katanga jeopardised the new republic's stability.¹⁷⁴ President Joseph Kasavubu and Prime Minister Patrice Lumumba were appointed by constitutional means, but Belgium challenged their authority through military and economic pressure. At independence, Congo inherited assets worth \$240 million but faced a staggering debt of nearly \$350 million.¹⁷⁵

Belgium's financial strategies exacerbated the crisis, leading to a rebellion within the Force Publique, which allied with forces loyal to Katanga's Prime Minister, Kalonji Tshombe. The unrest prompted the return of Belgian troops, which heightened tensions and drew in assistance from the U.S., France, and Britain. Both Kasavubu and Lumumba sought military support from Western nations, only to be denied. The situation caught the attention of the USSR, which threatened consequences over the perceived Western aggression. Ultimately, the conflict highlighted the Cold War dynamics, as both the U.S. and USSR vied for influence in the region. The UN was called to provide military assistance to help stabilize the country and maintain its independence.¹⁷⁶

Response of the Council

Since a 'dangerous policy of aggression and provocation was being played out in that country,'¹⁷⁷ the Soviet Union urged the Security Council to act quickly to stop the attack against Congo.

During the debate on the matter, a number of Security Council members contended that the United Nations' should approve military intervention through an emergency force because the situation in Congo was endangering international peace and security and it was essential to

¹⁷⁴ Rivkin, A. (1960). The Congo Crisis in World Affairs. *Civilisations*, 10(4), 473–479. <http://www.jstor.org/stable/41230711>

¹⁷⁵ Gibbs, D. N. (1993). Dag Hammarskjöld, the United Nations', and the Congo Crisis of 1960-1: A Reinterpretation. *The Journal of Modern African Studies*, 31(1), 163–174. <http://www.jstor.org/stable/161349>

¹⁷⁶ UN DOC. S/4382, 13 July, 1960.

¹⁷⁷ SCQR. 873 meeting, 13/14 July, 1960, Para 103, pp. 20

keep Congo from turning into a battlefield for the benefit of outside parties. In response, the Security Council passed a resolution calling for the ‘withdrawal of the Belgium troops from Congo.’¹⁷⁸ Additionally, the UN decided to give the Congolese government military support for the creation of its own national security force.

On the request of the Congolese government, the Secretary-General presented a report to the Council defending UN participation. As a result, the United Nations’ Force was eventually established as a temporary security force in Congo with the government's approval. The UN operation in Congo was crucial to preventing a situation that might jeopardise global peace and security and establishing political, economic, social, and administrative stability in the country, according to the Security Council President's statement.¹⁷⁹

The United Nations’ Operation in Congo

Ultimately established as United Nations’ Operation in Congo (ONUC), the peacekeeping force was sent to Congo as an instrument of government to uphold law and order and save human life. It was fully commanded by the UN. The ONUC's primary tenet was that it would only employ force in self-defence. When stating that the ONUC should not contain military troops from any of the permanent members of the Security Council or units from any other nation with a special interest in the issue, the Tunisian representative emphasised the organisation's impartial nature.¹⁸⁰ The Ceylonese ambassador said that ‘certain internal matters were being dealt with by United Nations’ only at the request of Congolese government to the UN’¹⁸¹ and that the host nation's approval was crucial.

The Belgians left all of Congo save Katanga when the Security Council passed resolution 145 in July 1960. The Secretary-General refused to allow ONUC to battle its way into Katanga in order to change its neutral nature. At this point, the Belgian government was urged to remove its soldiers from Katanga by another resolution voted by the Security Council. The UN Force was forced to invade Katanga and deploy its weapons in order to complete their mission because of Belgian engagement in the region. ‘If the UN forces encounter armed resistance during their operation to enter Katanga, the ONUC is entitled to eliminate such resistance by

¹⁷⁸ SCOR, 879 meeting, 21 July 1960, pp. 4

¹⁷⁹ UN DOC. (S/4389 & Add 1-3), SCOR. 15 years, 873 meeting, 18 July 1960, pp4

¹⁸⁰ SCOR. 879 meeting, 21 July, 1960 Para 12 and 13, pp. 3

¹⁸¹ SCOR. 879 meeting, 21 July, 1960. Para 70, P. 15.

any means available to them,'¹⁸² the Soviet official contended. In its decision of August 9, 1960, the Security Council expressed the view of its members that the full execution of the current resolution required ONUC's entry into Katanga.

The UN effort in Congo, however, should not compromise its neutral character or take on the characteristics of a belligerent in large-scale military operations.¹⁸³

Critical Analysis

Chapter VII of the Charter did not provide a legal foundation for the Security Council's decisions, which were enacted as enforceable recommendations under Article 99. The Secretary-General referenced Articles 25, 40, and 41, emphasising that ONUC needed to maintain neutrality and avoid involvement in internal disputes between Katanga and the central government.¹⁸⁴

The principle of non-interference became a conflict point during the Cold War, as the Security Council struggled to address the Congo situation amid Soviet accusations challenging the UNSC's legitimacy.¹⁸⁵ Tensions rose when ONUC actions, like shutting down radio broadcasts and closing airports in Leopoldville, led to claims from the Soviet Union that the UN was violating non-interference.¹⁸⁶

The Belgian government in Katanga openly defied Security Council resolutions, aided by NATO allies, while the Soviet delegation argued that the UN Force ignored the lawful Congolese government. They warned that the nation might face new colonial oppression under the guise of UN intervention.¹⁸⁷

Unanimity in the Security Council was compromised by distrust between the Soviet and Western blocs, hindering efforts to resolve the crisis.¹⁸⁸ Secretary-General Dag Hammarskjöld faced the contentious role of deploying a peacekeeping force amid fluctuating government legitimacy.¹⁸⁹

¹⁸² SCOR. 885 meeting, 8 August, Paragraph 62, 63, 65, 66, 67, pp. 12-13.

¹⁸³ Ibid.

¹⁸⁴ UN DOC. S/4417. 1960.

¹⁸⁵ SCOR. 901 meeting, 14/15 September, 1960, Para 17. pp. 4

¹⁸⁶ SCOR. 889 meeting, 21/24 August 1960, Para 48 pp. 11.

¹⁸⁷ SCOR. 889 meeting, 21/24 August 1960, Para 48 pp. 11.

¹⁸⁸ SCQR. 904 meeting, 16 September, 1960, Para, 29, pp. 7

¹⁸⁹ S/4523.

As violence and attacks on UN personnel increased, the Security Council authorized the Secretary-General to use force as a last resort. The Council insisted that the Congolese people should resolve their issues through parliamentary restoration. Although achieving unity took time, UN forces managed to suppress opposition. Ultimately, by the conclusion of ONUC's mission, major political factions had been brought together, establishing a path for the Congo's constitutional development.¹⁹⁰

Conclusion

The United Nations' plays a pivotal role in addressing global issues while grappling with the delicate balance between international intervention and respect for domestic jurisdiction. At its core, the principle of domestic jurisdiction provides sovereign states the authority to govern their own affairs without external interference. This principle is enshrined in the UN Charter, particularly in Article 2(7), which upholds the sovereignty of member states, emphasizing that the UN cannot intervene in matters deemed to be within the domestic jurisdiction of any state. However, this principle often comes into tension with the UN's mandate to promote peace, security, and human rights globally.

As the global landscape evolves, the UN faces increasing challenges that blur the lines of domestic jurisdiction. Issues such as humanitarian crises, armed conflicts, and gross human rights violations necessitate international involvement. The situation in Syria, for example, has raised significant debate over the legitimacy and effectiveness of the UN in addressing humanitarian concerns while respecting national sovereignty. Critics argue that the UN often hesitates to intervene in situations where the domestic jurisdiction is invoked, leading to protracted suffering and instability. This raises pivotal questions about the moral responsibilities of the international community in the face of state actions that violate fundamental human rights.

Moreover, the emergence of concepts like the Responsibility to Protect (R2P) illuminates the UN's evolving understanding of sovereignty. R2P asserts that when a state fails to protect its citizens from mass atrocity crimes, the international community has an obligation to intervene, even if this means encroaching on domestic jurisdiction.

¹⁹⁰ Security Council Resolution. 161, 21 February, 1961.

This doctrine reflects a significant ideological shift within international relations, prioritising the protection of individuals over strict adherence to state sovereignty. Nevertheless, the application of R2P remains controversial and inconsistent, often resulting in selective interventions based on political motivations rather than a cohesive moral framework.

Moreover, the case studies of the Korean Crisis, the Congo Crisis, and the Suez Crisis represent significant moments in the mid-20th century that not only shaped the geopolitical landscape but also tested the effectiveness of the United Nations in addressing complex international conflicts. Each crisis underscored the tensions between Cold War ideologies, colonial legacies, and sovereign rights, highlighting the challenges faced by the UN in its mission to maintain peace and security. The Korean Crisis marked an early test of the UN's commitment to collective security. With North Korea's invasion of South Korea, the UN Security Council swiftly authorised military intervention, reflecting a robust response to communist aggression. This decisive action set a precedent for future interventions but also demonstrated the pitfalls of international military engagement, particularly when geopolitical interests converge with national conflicts. In contrast, the Congo Crisis illustrated the complications involved in post-colonial nations navigating their newfound independence. The assassination of Prime Minister Patrice Lumumba and subsequent unrest posed significant challenges for the UN, revealing limitations in its peacekeeping capabilities.

The crisis emphasised the need for a nuanced understanding of internal dynamics and the complexities of state-building in a rapidly changing global context. The Suez Crisis epitomised the struggle between traditional colonial powers and emerging post-colonial states. The UN's involvement marked a significant departure from traditional diplomatic practices, advocating for a peaceful resolution through the establishment of a United Nations Emergency Force. This intervention was pivotal, showcasing the potential for the UN to mediate international disputes and foster negotiation rather than conflict. In summary, the Korean, Congo, and Suez crises collectively demonstrate the evolving role of the UN and the intricate balance it must strike between intervention and respect for sovereignty. These crises highlight enduring lessons regarding international cooperation, the challenges of state sovereignty, and the necessity for adaptive strategies in an increasingly interconnected world.

The complex relationship between the UN and issues related to domestic jurisdiction underscores a fundamental dilemma in international law and relations. While the UN must maintain the principle of sovereignty to ensure global order, it cannot turn a blind eye to humanitarian crises that arise from state actions. Moving forward, the UN must strive to find a balanced approach that respects domestic authority while also safeguarding human rights and preventing atrocities. Enhancing cooperation among member states, fostering dialogues on sovereignty, and establishing clearer guidelines for interventions can create a more effective international framework that respects both individual rights and national autonomy. Ultimately, the UN's ability to navigate these challenges will define its relevance and effectiveness in the 21st century

Chapter 3

Towards A Strengthened UN System: Case Studies of Namibia, Cambodia and Afghanistan

The present chapter seeks to delve into the intricacies of international crises in three different regions and countries that tested the decision-making processes and procedure, the UN machinery, and the resilience of the United Nations system, especially the efficacy of the UN Security Council. The choice of the three cases of Namibia, Cambodia and Afghanistan is deliberate. The UN response to three crisis situations demonstrated both the possibilities as well as the limitations of the UN Security Council. The Namibian issue involved the question of perpetration of colonial control and the struggle against the colonial powers and the general disposition of the international community against South Africa. It also involved the success of the pro-independence parties and the facilitation of the process by the international public opinion in general and the General Assembly in particular. Afterwards, Namibian crisis was handled by the Security Council subsequently as well in a way that demonstrated that given the right political environment of agreement and unanimity, the UN system can rise to the challenges to the maintenance of international peace and security. The Namibian crisis as well as the second case study of Cambodia also shows that the domestic and international context is often mixed up and that the United Nations has a responsibility to invoke its power and authority to demand and if necessary, impose peace. This was successfully attempted in Cambodia, a site for gruesome brutality, extreme violence perpetrated by the state authorities, foreign intervention, resultant war which had the potential to snowball into a major regional conflict. The expansion of the mandate of the peacekeeping operations in the case of both Namibia and Cambodia also showed the promise of the peacekeeping operations. The 1979 military intervention of USSR in Afghanistan heralded a return of the Cold War in a massive way, with the pro and anti USSR political and military formations were backed by the two Superpowers and their allies. Pakistan emerged as the frontline state in organising massive support for the Mujahedeen forces. The Soviet invasion in Afghanistan was decried by the UN General Assembly and in the face of massive resistance the Soviet forces were unable to sustain their control over the country in an effective manner. However, it was the changes brought about by the new Soviet leadership of Gorbachev which signaled a Soviet willingness to reappraise its policy in Afghanistan. This reappraisal finally snowballed into a withdrawal of the Soviet forces and a resultant victory and control of the country by Mujahidden forces.

The present chapter is a detailed account of the impact of international political climate on the three pressing issues of international concern which impacted international peace and security. The timeline of the discussion coincided with the imminent changes in the functioning and authority of the UN system in general and the Security Council in particular.

The United Nations Security Council's operations are significantly impacted by the global political landscape. So much depends on the context in which it functions and the changes that the international environment experiences from time to time that it is unrealistic to expect the UN to perform an active and autonomous role. During the Cold War, the major powers were hesitant to provide the UN a lot of power. Great power unity was crucial to the UN's efficacy, but throughout the Cold War, this unity was generally elusive. The Security Council could only operate in an environment free from the chilling effects of the Cold War. The absence of the Soviet delegate allowed the Council to occasionally and unintentionally, as in Korea to fulfill its obligations under the Charter. As soon as its representative returned to the Council, the Soviet veto once more rendered it ineffective.

The end of the Cold War brought about significant changes. The subject matter of Chapter 3 is the analysis of these changes and the various attempts to analyse how the Security Council was brought once again on the center stage of the United Nations concern and action for the maintenance of international peace and security. Now, with the permanent members enjoying their newfound unity and collaboration, regional issues were prepared to be handled and resolved by the Security Council. The Security Council's efforts to resolve the long-standing Namibian issue was one way that this collaboration was expressed. The chapter examines the Council's response mechanisms and involvement in various regional disputes.

Security Council in the 1960s

The United Nations experienced a severe financial crisis in the early 1960s. The Assembly's authorisation of the peacekeeping mission was a manifestation of the General Assembly's expanded authority within the UN system. Many of the peacekeeping missions established under the Assembly's auspices were opposed by a number of nations, including the Soviet bloc and France. The UN had to spend a lot of money on peacekeeping. Many nations claimed they were exempt from paying for costs associated with peacekeeping missions, which led to a significant number of them defaulting on their UN contributions. It was argued that since the General Assembly lacks the authority to carry out tasks related to politics and security under

the Charter, costs for peacekeeping missions approved by the Assembly should not be included in the UN's regular budget and should instead be covered by voluntary contributions.

France and the Soviet Union opposed the General Assembly's entry into areas designated for the Security Council, where their opinions and viewpoints were safeguarded by Article 27(3)'s unanimity rule. The issue was imposed by them. The Americans were likewise prepared to make concessions for the sake of a United Nations. But the US modified its position for a different reason. Furthermore, the United States had lost its 'automatic'¹ majority in the Assembly due to the rise of 'neutralist'² members, who were primarily from Asia and Africa. In the past, this helped the West counterbalance the Soviet veto in the Security Council. To break the deadlock in the Assembly over the member states' contributions, a solution had to be found. The financial and political crises in 1964 were resolved when the voluntary contribution principle was adopted going forward.

The financial crisis, dispute, and compromise led to a decrease in the prominence of the General Assembly. The General Assembly lost the increased power and authority it had obtained in the 1950s. The United Nations top leaders were resentful of its expanding influence. The manner by which the financial crisis in 1964 was resolved, demonstrated that the General Assembly had to take a backseat to the permanent members' resolute resistance to the Assembly's expansion.

The United Nations' concern and action for the preservation of global peace and security once again placed the Security Council at the forefront. However, because the Security Council was still impacted by the Cold War, the newly gained tone of confidence was not matched by the degree of expertise demonstrated. Although there was a detente, the Cold War had not ended. The polemics went on. However, it was also clear that both the US and the USSR wanted to strengthen their relationship. Naturally, one significant accomplishment was the collaboration of Superpowers on disarmament initiatives like the Nuclear Non-proliferation Treaty and the Partial Nuclear Test Ban Treaty. But the issue remained: Will the Council be able to carry out its duties in an efficient manner? Larry Fabian wrote in 1976 that he did not see 'any possibility of a doctrinal expansion of the UN peacekeeping into a more activist. Independent interventionist role.'³

¹ H.G. Nicholas. (1975). *The UN as a Political Institution*. London, Oxford University Press.

² Ibid

³ Larry L. Fabian. (1976). Towards a Peacekeeping Renaissance. *International Organisation*. Vol 3:(1).

The bipolar paradigm of international relations changed, which was a significant event that affected how the Security Council operated.

A new tendency towards polycentrism was seen. Bipolarity did not end as a result of this; rather, several new power centers and several unique, frequently incongruous regional subsystems arose. The Security Council was in charge of creating new peacekeeping troops, and it was the Council—not the General Assembly—that established the United Nations Emergency Force (UNEF) in the Middle East in 1967. The Superpower competition for dominance and control in the Third World, however, continued to impede the Security Council's re-vitalisation. Consequently, the Security Council was unable to address the issues pertaining to the upkeep of global peace and security in any significant manner. Nonetheless, assurances of sustained backing for UN initiatives were consistently abundant. The Central Committee of the Communist Party of the Soviet Union's General Secretary, L.I. Brezhnev in 1974, for instance, stated that his nation wished 'to see the UN effective and authoritative directing Its efforts towards maintaining peace and security.'⁴

However, the Council was still subject to the veto. Naturally, the Superpower relations changed as a result of the detente. Regretfully, this change was not reflected in the functioning of the Security Council. Superpowers were more interested in managing their affairs outside of the UN's framework. As a result of their ongoing antagonistic relationship, the Security Council was unable to effectively respond to actual crisis circumstances. On many of the topics that the Superpowers considered to be of prime importance, there was a tendency to circumvent the Security Council. Both parties maintained that since Cold War disputes cannot be resolved through mediation, the UN should not become involved. Thus, the major antagonists made an effort to circumvent the UN by deciding to settle their issues outside of its framework. The two countries' interests were beginning to merge, and the Third World's dominance of the General Assembly was the main factor that made this both possible and appealing. The advent of a new, hostile majority of Third World nations in the General Assembly by the early 1960s meant that the body was no longer a reliable instrument for advancing the circumvention strategy to the benefit of the West.

⁴ L.I. Brezhnev as quoted in A Kozyrev and N. Vilov. (1974). Its Role in Promoting Detente. *International Affairs*, 10: 24. Moscow.

Additionally, the Soviets were hesitant to back the General Assembly's adoption of a political role since they had previously opposed it. The only venue from which they could communicate with the assurance that their interests would not be impeded was the Security Council. The General Assembly's makeup changed between the 1950s and the first part of the 1960s. It became the location of the bulk of the world's impoverished and disadvantaged population. However, the general competing interests of the two Superpowers worldwide always hindered Security Council action on specific issues. Therefore, it is possible to identify a state of impasse in the UN's operations. The Security Council remained divided, and the Secretary General lacked an autonomous political position.⁵

The General Assembly's resolutions and the Security Council's sporadic recommendatory resolutions under Chapter VI primarily reflected the verbal level of what could be done in terms of international action to protest violations of international peace and security under the given circumstances. Therefore, the only way the UN could overcome the stalemate situation were by either reorganising the General Assembly to provide it a new set of duties and powers or by reviving the Security Council's function, as originally outlined in the Charter. Although the second alternative was theoretically feasible, it could not be implemented, and the first option was unquestionably unacceptable to the Superpowers. After the Soviet Union made the decision to alter its general strategy towards the UN, efforts were made to close the gap between the idea of the Security Council's authority and power and the reality of its non-use. Mikhail Gorbachev's ascent to power in March 1985 made this feasible.

Gorbachev's Policy of New Thinking

Due to the underlying mistrust and anxiety that had strained relations between the two Superpowers, the arms race was becoming out of control. But in the end, neither side was able to increase their level of security through the use of weapons, and the threat of war remained very real. Both the United States and the Soviet Union possessed sizable nuclear arsenals that could precisely hit their objectives. Furthermore, Soviet society began to become increasingly aware of the detrimental tendencies in the nation's internal growth in the late 1970s and early 1980s. The Soviet Union was drawn into a massive weapons race after emphasising the use of force and power to strengthen its national security, even while its economy was in shambles but this fact had been officially hushed up.

⁵ Benjamin Rivlin. 'The UN Secretary-General ship at Fifty', in Dimitris Bourantonis and Jarrod Wiener (eds), (1995). *The United Nations in the New World Order*. London, Macmillan Press Ltd., pp. 89-92.

The UN needed to be given greater and more importance by the new Soviet leadership. As a result of being gradually forced to acknowledge the pointlessness of waging proxy wars in Third World nations and other areas, the two Superpowers were prepared to work together to fortify the UN apparatus in order to achieve world peace and security.

To what degree Gorbachev's 'new thinking'⁶ strategy affected the peace and security component of international relations is a crucial subject. The question is whether Gorbachev's reform initiatives, especially in his foreign policy and his handling of regional conflicts had resulted in notable changes in the UN Security Council?

Gorbachev insisted that 'offensive means to security undermine this goal'⁷ and that for security to be stable, it must be reciprocal. It has been noted that Gorbachev's domestic reform programmes directly led to his foreign relations initiatives. Gorbachev realised that a less tense international environment and lower Soviet military spending were necessary for the success of his reform initiatives. The rapidly shifting geopolitical landscape was detrimental to Soviet objectives. Gorbachev's Soviet Union thus desired a means of escaping its too ambitious political and military commitments.

Under Gorbachev, the country's foreign policy underwent radical changes that were inextricably related to the profound restructuring of the former Soviet society. During the 27th Congress of the Communist Party of the Soviet Union in February 1986, Gorbachev elaborated on the idea of his new thinking. He stated that global problems impacting all of mankind needed to be addressed and handled. Soviet leaders declared their readiness to prioritise the 'all-human'⁸ objective of protecting humanity and to take an 'above-class stance'⁹ in pursuing it, and they underlined the necessity of a concerted effort to prevent the worldwide threat of nuclear war. Western nations were urged to follow likewise.

Gorbachev gave the idea that the presence of nuclear weapons automatically meant the possibility of nuclear war by denouncing nuclear deterrence as a menace to all nations. The Soviet leadership came to the conclusion that all nations must work together to find political solutions to their issues since no state is capable of ensuring its own security via military defence and unilateral action. The fundamental goal of the new Soviet strategy was to maintain

⁶ David Holloway, *Gorbachev's New Thinking*, Foreign Affairs, Vol.68, No.1, 1988-89.

⁷ Seweryn Bailer, 'Domestic and International Factors in the Formation of Gorbachev's Reforms,' *Journal of International Affairs*, Vol.42, No.2, Spring 1989

⁸ Robert Jarvis, 'Cooperation Under the Security Dilemma', *World Politics*, Vol.32, No.2, January 1987, pp.167.

⁹ *Ibid.*

national security with fewer military operations.¹⁰ Furthermore, new attitudes and policies on the nature of regional conflicts and new ways to their settlement became an essential component of the Soviet foreign policy strategy as the major powers were involved in a variety of regional wars, whether in the Middle East, Afghanistan, or Kampuchea (official name of Cambodia from 1976 to 1979). In the words of Primakov, on the eve of Communist Party of the Soviet Union, Central Committee Plenary Meeting in April 1985:

*'Arms reduction are the main way to neutralise the moral danger, for the arms race - both quantitative and especially qualitative - has brought mankind to the very brink of an abyss which could mean the end of the world civilization..... In the new Soviet foreign policy philosophy, settlement of regional conflicts and solution of humanitarian problems, including general observance of human rights are seen as major ways of stabilizing the international situation.'*¹¹

Thus, resolving regional disputes was viewed as an essential responsibility whose resolution was required to guarantee global security. These actions signalled a radical shift in Soviet perspective and strategy and were part of Gorbachev's concept of new thinking in Soviet foreign policy. As a result, the Soviet Union's stance on regional disputes and the United Nations began to shift. This led to a significant departure from previous strategies and demonstrated that the Soviet Union was now firmly attempting to assimilate into the international community. Andrei V. Kozyrev in his 'the New Soviet Attitude Towards the United Nations correctly contended that the Soviet Union was forced to adjust its stance on the UN's role as a result of these 'sea-changes.'¹²

As a natural by-product of its internal policies, the Soviet Union re-examined the function and position of the UN as well as the possibilities of multilateralism. The Soviet Union's internal reorganisation was intended to establish a civil society, carry out reform, and dismantle the nation's administrative command structure. Economic backwardness and sedation were the results of the system. On the other hand, the Gorbachev era's increased demands for scientific, technical, and economic advancement necessitated a more extensive engagement with the global economic system.¹³

¹⁰ Richard K Herrmann, 'Soviet Behaviour in Regional Conflicts: Old Question, New Strategies and Important Lessons', *World Politics*, Vol.44, No.3, April 1992, pp.432.

¹¹ Yevgani Primakov. (1988). USSR Policy on Regional Conflicts. *International Affairs*. Moscow. pp.3.

¹² Andrei V. Kozyrev. (1990). The New Soviet Attitude Towards the United Nations. *The Washington Quarterly*. Vol.13, No.3.

¹³ Andrei V. Kozyrev. (1990). The New Soviet Attitude Towards the United Nations. *The Washington Quarterly*. Vol.13, No.3.

With the democratisation of Eastern Europe, the rise of democratic tendencies in many Third World nations, and the creation of a complex and interconnected global community, international relations were also undergoing a shift. Most importantly, however, was the expansion of the areas of agreement between the US and the USSR, which aided in strengthening the UN's Security Council's function. Regular Soviet-US political interactions always included topics considered by the Security Council and the UN as a whole on their agenda. A highlight was the joint declaration on 'Responsibility for Peace and Security in a Changing World' that was adopted by the two nations on October 3, 1990. Building the UN's capacity was its main goal, with the ultimate goal of enhancing global peace and security. In order to further its international and domestic interests, the Soviet Union was attempting to redefine its membership in the UN under the given conditions in keeping with Gorbachev's innovative philosophy.

New Soviet Thinking about the United Nations

Gorbachev's extraordinary article 'New Thinking in Soviet Foreign Policy' from September 1987 marked the beginning of new Soviet thought about the UN system. Dag Hammarskjöld's idea of the UN 'as a place for the mutual search for a balance of differing, contradictory, yet real interests of the contemporary community of states and nations'¹⁴ was adopted by Gorbachev in the essay. He suggested the establishment of a tribunal to look into acts of international terrorism 'under the UN agencies and called for the dramatic intensification and expansion of the cooperation of states in uprooting international terrorism.'¹⁵ He concurred that 'if human rights are violated in it, the world cannot be considered secure.'¹⁶ He also maintained that national laws and administrative regulations pertaining to humanitarian matters must always be brought into compliance with international obligations and standards. He also made encouraging remarks about the value and capabilities of the international court and suggested that the Security Council and General Assembly seek the International Court of Justice's advisory view on global issues more frequently.

¹⁴ Thomas M Frank. (1989). Soviet Initiative, U.S. Response - New Opportunities for Reviving the United Nations System. *The American Journal of International Law*. Vol.83. pp.535-541.

¹⁵ Ibid.

¹⁶ Ibid.

Gorbachev added that he was ‘convinced that a comprehensive system of security is at the same time a system of universal law and order ensuring the primacy of international law in politics,’¹⁷ underscoring his nation's new stance.

Gorbachev insisted on strengthening the Secretary-General's position and said the international community should support the UN Secretary General in his efforts to promote good offices, mediation, and reconciliation.

On September 22, 1988, Soviet Deputy Foreign Minister Petrovsky presented a proposal to the UN members for their consideration titled ‘Towards Comprehensive Security through the Enhancement of the Role of the UN.’¹⁸ The document promoted the widespread deployment of UN peacekeeping missions and offered a far more detailed range of possibilities for the reorganisation and revitalisation of the UN. The importance of international law in interstate relations was now emphasised by the Soviet Union. By rejecting the conventional idea of class conflict as the method of analysing international relations, the text further emphasised the Soviet ideological rethinking.¹⁹ The declaration emphasised that the Superpowers should actively collaborate with one another and make full use of the UN's capabilities from a fresh standpoint in the context of multilateralism. ‘Such traditional rivals as the USA, NATO, were no longer viewed as enemies’²⁰ by the Soviets. Economic stagnation, health crises, and environmental concerns from climate change, desertification, and ozone layer degradation are the true foes. Petrovsky therefore underlined the need to use the UN system's current machinery to combat these actual adversaries on a worldwide, cooperative basis.

These declarations of intent were accompanied by noteworthy deeds. Gorbachev announced the unilateral reduction of Soviet forces at the 1988 General Assembly session. Additionally, the nation started funding UN peacekeeping missions.²¹ In order to stop the South African colonisation of Namibia and the Iran-Iraq conflict, the USSR joined with the US. UN monitors were also permitted to oversee the execution of the US-USSR pact, which ended the Soviet military presence in Afghanistan, at the Soviet Union's instigation. As a result, a revived Security Council that was influenced by Gorbachev's new thinking was better equipped to use its power in the aforementioned emergency scenarios.

¹⁷ David Holloway. (1988). Gorbachev's New Thinking. *Foreign Affairs*. Vol.68, No.1.

¹⁸ UN Doc, A/43/629 Annex (1988).

¹⁹ John W. Blodgett. (1991). The Future of UN Peace-keeping. *The Washington Quarterly*. Vol.14, No.1.

²⁰ Frank. n. 13. pp. 537

²¹ W Breslauer. (1989). Linking Gorbachev's Domestic and Foreign Policy Agendas. *Journal of International Affairs*. Vol.42, No.2. pp.272.

The United Nations function as a global regulator became apparent as a result of these significant shifts. As a result, the organisation became stronger as a 'joint search'²² tool to balance the conflicting interests of several governments. The transformation was remarkable. As the then UN Secretary General, Javier Perez de Cuellar, put it, 'rebirth of UN and of international relations began from Moscow in April 1988'.²³

The 44th session of the General Assembly, which approved a joint Soviet-American initiative to advance global peace, security, and cooperation, was another significant event. A resolution to this effect was subsequently approved by consensus. The resolution served as a powerful catalyst for the UN's revitalisation. In order to find multifaceted ways to implement and strengthen the principles and system of international security and international peace and cooperation laid down in the Charter, the resolution, which was co-sponsored by the US and the USSR, called on '*all states to cooperate within the framework of the UN.....*'²⁴

Impact of the New Soviet Policy

The Soviet position had changed, the cold war was ending, the confrontational strategy had been abandoned, and the ideological components of state-to-state relations had vanished.²⁵ The 'new détente'²⁶ period was dawning on Superpower relations. Under the influence of 'radical reform for revolutionary change',²⁷ the stage of Soviet expansionism in the Third World that had strained ties between the US and the USSR was coming to an end. The resulting conciliatory and cooperative climate, together with the changed perspectives of the Superpowers, was beneficial for the United Nations. It was anticipated that Security Council would take the initiative and resolve the numerous crises that threatened international peace in an effective manner. In reference to the Security Council, academics started using words like 'resurgent, revitalised, and revival'²⁸ to reflect its altered status and function.

The contribution of the Cold War and the bipolarity in the world without a major conflict is a relevant subject concerning the shifts in international relations, the work of the UN, and its effects. Insecurity indeed, power dynamics played a role in the stability and relative peace that

²² Obrad Racic. (1995). The UN after Cold War. *Review of International Affairs*.

²³ Andrei Kozyrev. (1990). The USSR's New Approach to the UN. *International Affairs. Vol 2: (1)*. Moscow.

²⁴ UN/DOC 44/21. 1989.

²⁵ The Foreign Policy and Diplomatic Activity of the USSR. November 1989 - December 1990). Survey report prepared by the USSR Ministry of Foreign Affairs, in International Affairs. MOSCOW. No-4 1991.

²⁶ Seweryn Bailer and Michael Mandelbaum, eds. The Global Rivals. New York, Alfred A Knopf, 1988.

²⁷ Michael Mandelbaum, 'Superpowers in Sync.' US News and World Report. 1987, pp.23.

²⁸ Charles Krauthammer. (1990). The Unipolar Moment. *Foreign Affairs. No. 1, Vol. 70*, Winter 1990-91, pp.33.

the world experienced during the Cold War era. However, at the end of the Cold War, there was a new US world order rather than one based on global consensus, which is another issue facing the world today.

The dissolution of the Soviet Union, the end of the Cold War, and the new dynamic between the great powers had resulted in the United States' dominance and supremacy in international affairs, which has an impact on how the Security Council operates. M.S. Rajan in his book 'The United Nations since the End of the Cold War' asserts that 'the distortions in the functioning of the United Nations and in the implementation of Charter provisions had not entirely been eliminated by the end of the cold war.'²⁹

Instead, at the end of the Cold War, Chapter VII and Article 51 of the Charter provisions had been misused in the new era. There has been debate over the 'revitalised'³⁰ Security Council's involvement and activities in several regional crises. However, maintaining peace and security should be the first priority for any international institution, and the UN Charter was quite clear in emphasising this point. The United Nations use of armed action was clearly envisioned in the Charter as a crucial component of the post-second World War II order. As intended by the UN's founders, it was thought that the Security Council could now firmly address acts of aggression and threats to peace and security since the conclusion of the Cold War. The function of the Security Council underwent a significant shift after the end of the Cold War. The Security Council now placed more focus on efforts to maintain peace by proactive measures in crisis-ridden circumstances, preventative diplomacy, and peace-making.

Three crisis situations—Namibia, Cambodia, and Afghanistan—that had posed a danger to peace and security for long many decades and had eluded resolution for years are examined in this chapter to exemplify the challenges faced by the UN system as a whole during the period leading to the end of the Cold War in the late 1980s. The analysis is expected to show how despite overwhelming support for peaceful measures, continuation of Cold War and the resultant lack of unanimity amongst the major powers prevented the UN from effective action.

²⁹ M.S. Rajan. (1995). The United Nations, since the End of the Cold War. International Studies. pp 89-96.

³⁰ Ibid.

Namibian Crisis

The United Nations had a special role in helping Namibia gain its independence. The goal of the United Nations mission in Namibia was to help a nation move from colonial, racist rule to independence and self-determination as a sovereign state.

The United Nations effort was more than simply basic peacekeeping; it included both military and civilian components and aimed to change the constitution, society, and politics of a people who had never seen democracy or self-government before. After a protracted fight, Namibia finally gained its independence thanks to a number of factors.

The Namibian people's unwavering efforts, the United Nations support of the country's cause and its creation of a plan for its independence, and the ongoing pressure from international public opinion were all factors.

Background

As the League of Nations' mandated authority following World War I, South Africa oversaw the administration of South-West Africa, today's Namibia. After the League was replaced by the United Nations, South Africa made an effort to fully integrate Namibia's territory into the Union of South Africa.³¹ Since the residents of the territory had not yet gained enough political autonomy or development to be able to voice their opinions on the matter, the UN General Assembly declined to approve such incorporation. South Africa finally opted to stop delivering regular mandate reports to the UN, claiming that the facts in the reports were being used against it, since it was reluctant to be accountable to the United Nations.³²

The General Assembly viewed the conflict as 'a serious threat to international peace and security'³³ in addition to a colonial issue in order to exert pressure on the South African government. A resolution advocating for a 'limited trade embargo on South Africa'³⁴ was adopted. Additionally, it asked its members to abstain from giving South Africa military hardware and weapons. However, the United States, Canada, and other Western nations

³¹ Klaas Woodring. (1981). Namibia: Reflections on Alternative Plans for Independence, *Australian Outlook*. Vol.35, No.3, pp.295;

³² Katja Vivi, P.M. (1988). A History of Resistance in Namibia. Letchworth, U.K., 3.M. Dent.

³³ GA/RES/1899 (XVIII). 1963.

³⁴ Ibid.

opposed the imposition of these sanctions. The General Assembly then took a significant step by ending South Africa's mandate and announcing that the Territory will fall under the direct jurisdiction of the UN.³⁵ A General Assembly resolution established an 11-member United Nations Council for South-West Africa. South Africa vehemently objected to the General Assembly's initiative, claiming that the UN had violated Article 2(7) of the Charter by supporting a national liberation movement within the Republic's borders, effectively intervening in matters that were essentially within its domestic jurisdiction.³⁶ South Africa also refused to accept the termination of the Mandate and the apparatus established by the UN for administering the Territory.

The General Assembly offered monetary and psychological assistance to those battling for Namibia's independence, especially to the Southwest Africa Peoples' Organisation (SWAPO), in an effort to undermine South African authority over the Territory (henceforth referred to as Namibia). The General Assembly acknowledged SWAPO as the legitimate representation of the Namibian people through a resolution.³⁷ In accordance with the pertinent articles of the Charter, it further urged the Security Council to take all necessary steps to put an end to South Africa's unlawful occupation of Namibia.

Response of the Council

The Security Council became actively involved in resolving the Namibian issue. The Council came to the conclusion that if a question presents an issue of international significance that crosses state lines, it no longer qualifies as essentially a subject of domestic jurisdiction.³⁸

An important milestone was reached in 1971 when the General Assembly revoked South Africa's unlawful mandate, as affirmed by the International Court of Justice (ICJ) in an advisory decision. The ICJ upheld South Africa's obligation to remove its administration from Namibia and held that the Security Council had the primary power and duty to preserve peace, which 'entitled the Council to make a binding determination.'³⁹

³⁵ GA/RES 2145 (XXI). 1966.

³⁶ GA/RES 2248. 1967.

³⁷ GA/RES 3111. (XXVIII).

³⁸ United Nations. A Summary of twenty years of effort for the Council for Namibia, on behalf of Namibian independence. New York, UN Council for Namibia, 1987.

³⁹ IC J Reports. 1971. pp.16-58

Resolution 264

At its subsequent meeting, the Security Council underlined that the ongoing South African occupation violated UN norms and infringed upon UN jurisdiction. In a resolution, it demanded that South Africa leave Namibia immediately or else it would determine what steps could be required to ensure South Africa complies with the Charter.⁴⁰

France and United Kingdom were the only members of the Security Council to abstain from vote on this resolution. It was due to the absence of a common and adequate political will among the Great Powers that the United Nations failed to take any effective steps, to achieve the liberation of Namibia.

Though the resolutions that were adopted by the Security Council were not drastic as mandatory economic sanctions or military action but it still failed to elicit support from the western powers. This is the answer to the question as to whether chapter VII of the UN Charter was never applied in the case of South Africa. The General Assembly's request for a trade boycott and the Security Council's proposal for a weapons embargo lacked the legal authority of a chapter VII command to member states. The United Nations used the Security Council's contact procedures and polite, amicable discussions with the South African administration. The Western powers, particularly the United States, France, and the United Kingdom, backed this specific stance. According to the French delegate, 'there is currently no situation that poses a threat to peace.'⁴¹

The primary cause of the West's stance was their financial stake in Namibia and South Africa through capital investment. It also relied on the wealth of Namibia's natural resources.⁴²

Contact Group

The Western powers called a Contact Group in 1977 in response to a significant development of the installation of a Marxist dictatorship in Angola in 1975. The Soviet Union's willingness and ability to effectively back political movements for freedom in areas of Africa through

⁴⁰ SC/RES 264 (1969), 26 January, 1969.

⁴¹ SCOR. 1963 meeting, 19 October, 1976, Para 14.

⁴² K. Shrimad Geeta. (1993). Role of the United Nations in Namibian Independence. *International Studies*. Vol. 30, No.1.

military means became apparent to the Western countries. South Africa consistently crushed Namibians' national ambitions and disregarded international opinion. The Western nations believed they could stop UN sanctions from being imposed by starting a conversation and negotiation process between the South African government and SWAPO.⁴³

However, several UN members did not trust the proposal of the five western nations that made up the Contact Group—Canada, the Federal Republic of Germany, France, the United Kingdom, and the United States. In order to protect the West's substantial interests in the region, it was perceived as an attempt to save South Africa and assist it in becoming a neo-colonialist state.⁴⁴ The Contact Group was also keen to find a peaceful solution and wished to prevent South Africa from taking any drastic measures since 'armed liberation struggles threatened the safety of continued economic investment.'⁴⁵

Resolution 385

Finding a formula for Namibian independence that would satisfy both South Africa and South African Peoples' Organisation (SWAPO) was the goal of the negotiations. To give the negotiation a representative tone, all of Namibia's political parties, the Frontline States, and the Organisation of African Unity (OAU) were to participate. A Security Council resolution supported the Contact Group's recommendations. The resolution's main points were to demand that South Africa stop its policy of Bantustans and so-called homelands, which violate Namibia's territorial integrity and national unity, and to denounce the country's use of Namibian territory as a base for attacks on neighbouring nations.⁴⁶ The resolution denounced South Africa's unlawful annexation of Namibian territory as well as its implementation of repressive and racially discriminatory policies and legislation there. The resolution asked for elections to be held for the whole country of Namibia as a single political entity, with UN oversight and control. The resolution further called on South Africa to stop its unlawful rule over Namibia and hand over authority to the Namibian people with UN support.⁴⁷

⁴³ Margaret P Karns. (1987). *Ad Hoc Multilateral Diplomacy: The United States, the Contact Group and Namibia. International Organisation. Vol. 41, No. 1.*

⁴⁴ Michael Spices. *Namibia – Elusive Independence. The World Today, October, 1980, pp.406*

⁴⁵ David j. Whittaker. (1995). *United Nations in Action.* London, UCL Press Ltd. pp.204

⁴⁶ SC/RES 385. 1976.

⁴⁷ *Ibid.*

Proximity Talks

Contact Group 'proximity meetings'⁴⁸ on the settlement plan were held at the cabinet level in February 1978. The South African government in Pretoria persisted in its racial discrimination policy in Namibia and refused to abide by any of the conditions made in the Security Council resolutions. In accordance with Chapter VII of the Charter, the Security Council was called upon to adopt appropriate measures during the discussions. This was in line with the defiant stance of South Africa, a member state that had consistently and routinely disregarded the organisation's and the Council's decisions. The idea of introducing mandatory sanctions on South Africa was warranted. The Council ought to 'enforce economic sanctions and a mandatory arms embargo against South Africa'.⁴⁹ South Africa should be 'treated as an international outlaw. A triple Western veto shouldn't thwart such constructive action.'⁵⁰

The blockage of Namibia's path to independence by the stubborn and adamant refusal of the racist regime of South Africa, to honour the United Nations resolutions was another issue raised by the non-aligned, non-permanent members of the Security Council.⁵¹ Under chapter VII of the UN Charter, they called on the Council 'to take measures as might be necessary, in particular mandatory economic sanctions.'⁵²

Mandatory Arms Embargo

The Namibian crisis, saw a pivotal moment with the 1977 UN Security Council Resolution 418. This resolution imposed a mandatory arms embargo on South Africa, aiming to pressure the regime to end its occupation of Namibia and its apartheid policies. The embargo sought to halt the flow of weapons and military equipment's, signalling international condemnation and support for Namibia's self-determination.

Acting immediately and in conformity with the Charter obligations, the Security Council imposed an obligatory weapons embargo against South Africa in 1977. The reluctance of South Africa to comply with Security Council resolutions, its policy of military build-up in Namibia

⁴⁸ SCOR. 1958 meeting, 5 October, 1976, 31 years, paras - 70, 71, 72.

⁴⁹ SCOR. 1958 meeting, 5 October, 1976. Para 85, pp 16.

⁵⁰ SCOR. 1959 meeting, 10 October, 1976, Para-71, pp.8

⁵¹ SCOR. 1957 meeting, 30 September, 1976, Para-27, pp.3

⁵² Ibid.

and its efforts to entrench illegal occupation of Namibia provoked significant condemnation by the international community and this led to Security Council action under Chapter VII. However, as was already indicated, the Security Council's arms embargo lacked the required, authoritative forcefulness that is connected to the actions that the Security Council adopts under Chapter VII.

The 'close nexus of the Western powers with the South African regime'⁵³ was the cause of this. The white minority colonial regime in South Africa and the Western powers had always maintained close political cooperation.

The government of South Africa was able to continue its internal aggression and run amok in its foreign endeavours because of the protection and support it received from its main trading partners and allies. The international organisation was unable to operate effectively as a consequence of the Western nations' active backing.⁵⁴

Resolution 435

After being approved by the South West Africa People's Organization, the Settlement plan—later published as UN document, was given the UN mark of approval in September 1978 in the shape of a Security Council resolution.⁵⁵ The resolution envisaged:

*'An end to South Africa's illegal administration of Namibia and transfer of power to the people of Namibia with the assistance of the United Nations in Accordance with Security Council resolution 385 (1976); the establishment of a United Nations Transition Assistance Group (UNTAG) under the authority of the Security Council for a period of up to twelve months, in order to ensure the early independence of Namibia, through free and fair elections, to be held under the supervision and control of the United Nations; the cooperation of South Africa and SWAPO in the implementation of the plan.'*⁵⁶

Resolution 435 (1978) of the Security Council was the most important since it provided the sole legitimate foundation for Namibia's peaceful transition to independence. The Security Council reiterated that democratic elections for Namibia as a whole as a single political entity

⁵³ SCOR. 1991 meeting, 24 March, 1977, Para-17. pp.2

⁵⁴ SCOR. 2077 meeting, 5 May, 1978. para 65. pp.7

⁵⁵ UN Doc. S/12636, 10 April, 1978

⁵⁶ SC/RES/435. 1978.

with a suitable role in the UN are essential to an internationally acceptable transition to independence.⁵⁷

However, the government held 'illegal elections'⁵⁸ in December 1978 in flagrant disregard for the Security Council. This decision by the South African dictatorship raised a number of problems. Did South Africa try to divert the Security Council's attention from its need to uphold its own resolutions 385, 431, 432, 435, and 439? Did South Africa want to block the General Assembly from addressing the perilous situation in Namibia in accordance with its own resolutions 2145 (1996) and 2248 (1967)? Or was it simply another attempt to thwart Namibia's quest for independence by sabotaging attempts to find a fair and long-term solution to the country's problems?

The South African government's decision to organise elections and attempt to force an unrepresentative constitutional arrangement on Namibia was sharply denounced by the Security Council and SWAPO. The Security Council announced that, following free and fair elections conducted under close UN observation, a political system would be formed in Namibia in accordance with the resolutions of the Security Council.

SWAPO Secretary of Foreign Affairs, pointed out that *'there exists a state of war in our country..... atrocities were being committed against the people by the occupation regime and its unilateral actions aimed at frustrating the UN plan on Namibia'*⁵⁹

The South African government aimed to carry out this initiative in order to solidify its apartheid policies. The deceitful plan by South Africa to establish and solidify an internal settlement that would keep SWAPO out of power by giving Namibia firm control of the disgraced Democratic Turn Halle Group included the illegal elections.⁶⁰

South Africa maintained that the Republic of South Africa's constitutional arrangements were outside the purview of this and all other UN bodies, and that it rejected any attempt to meddle in its domestic affairs.⁶¹

⁵⁷ Call for pressure on South Africa on Namibian Question', UN Chronicle. Vol, XIX No.4, April, 1982, pp.23.

⁵⁸ Ibid.

⁵⁹ Peter Mueshinange. (1979). The Situation in Namibia. *Africa Quarterly*, Vol XIX Nos 3-4. pp. 309. Statement made before 34th Session of the United Nations General Assembly on the Question of Namibia, 1979.

⁶⁰ Clark, B. Akporode. (1979). The UN and Namibia. *Africa Quarterly*. Vol. XIX, Nos. 3-4.

⁶¹ Council Rejects South African Constitution' UM chronicle. Vol. XXI, No. 6, 1984. p. 13.

The Policy of Linkage

The attempt by South Africa and the United States to connect Namibia's independence with the evacuation of Cuban forces from Angola created a significant obstacle to the execution of the United Nations Plan, as suggested by the Security Council resolution of 435 (1978). This approach was not supported by all Contact Group members, especially France, which left the group in December 1983. The majority of UN members opposed the creation of any 'connection or parallelism'⁶² between Namibian independence and other 'extraneous and irrelevant'⁶³ issues, specifically the removal of Cuban soldiers from Angola.

According to Security Council resolution 435 (1978), Namibia's independence cannot be held hostage to the settlement of matters that are outside its purview. This was reiterated in resolution 539 (1983).

Towards a Resolution

Even though the UN agenda included political events like Namibian independence and Angolan settlement, very little real progress was made. Thankfully, there was a noticeable shift in the global climate about Namibia's independence process. Reconciliation and a peaceful resolution of disputes were already underway. Mikhail S. Gorbachev's new Soviet foreign policy led to a decrease in Soviet assistance for national liberation movements across the world.⁶⁴ The end of the Cold War and the Superpowers' determination to use Namibia as a platform for collaboration rather than warfare undoubtedly aided in the advancement of Namibia's peace settlement.

In the meanwhile, on December 9, 1977, the Security Council passed a resolution on sanctions against South Africa, based on the Committee's proposal.⁶⁵ 'No State should contribute to South Africa's arms production capability by purchasing arms manufactured in South Africa,'⁶⁶ the Committee on Sanctions advised in its report.

⁶² SC/RES 539. 1983.

⁶³ Ibid.

⁶⁴ Kurt Campbell and Nell Mac Farlane (eds). (1989). *Gorbachev's Third World Dilemmas*. New York, Routledge.

⁶⁵ SC/RES 558.1984.

⁶⁶ UN DOC S/14179.

The obligatory arms embargo against South Africa, which was established in resolution 418 (1977), was reiterated in this resolution. Despite not being required, this resolution constituted a tangible step in the right direction. In a different resolution, the Security Council ‘strongly warned South Africa that failure to cooperate fully with the Council and the Secretary-General, in implementing the resolutions, would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the UN Charter, including chapter VII, as additional pressure to ensure South Africa's compliance’⁶⁷ with earlier Council resolutions on the matter.

Since the arms embargo ‘was an ill-conceived attempt to destroy South Africa's capacity to exercise its basic right to self-defence,’⁶⁸ the South African envoy objected to it.

At the American suggestion, Angola and Namibia's negotiations were restarted in the middle of 1988. The United States made an effort ‘to demonstrate its indispensability in the settlement of regional disputes.’ External diplomacy linked ‘Namibia's independence from South Africa to a political trade-off.’⁶⁹

The Two Agreements

Meanwhile, on December 22, 1988, two historic agreements were signed at UN Headquarters in New York, finally resolving the question of connecting Namibia's independence with the evacuation of Cuban forces from Angola. This important discovery had a favourable impact on Namibia's independence. The first agreement, a bilateral one between Cuba and Angola, called for the complete removal of Cuban forces from Angola by July 1991, a span of 27 months.⁷⁰ According to the second, which was a tripartite agreement signed by the Republic of Cuba, the People's Republic of Angola, and the Republic of South Africa, Security Council resolution 435 would take into effect on April 1, 1989.⁷¹

⁶⁷ SC/RES. 566 (1985).

⁶⁸ Security Council Unanimously Reaffirms Arms Embargo Against South Africa. UN Chronicle. Vol. XXI, No. 10 -11, 1984, pp. 25.

⁶⁹ Allen Lynch. (1989). Gorbachev's International Outlook. *Occasional paper 9*. Institute for East-West Security Studies.

⁷⁰ UN DOC. S/20345, 22 December, 1988.

⁷¹ UN DOC S/20346, A/43/989, 1988.

The United Nations Transition Assistance Group (UNTAG)

The United Nations Transition Assistance Group (UNTAG), established in accordance with Security Council resolution 435 of 1978, served as the representative of the UN mission in Namibia. In order to facilitate Namibia's transition to democracy and stability, the UN peacekeeping force was established. Instead of using collective security measures, UNTAG relied on peaceful conflict resolution. Among the strategies used to ensure the effective execution of UNTAG's mission were third-party mediation and the good offices of the UN Secretary-General.

Before UNTAG was deployed, a number of resolutions were voted by the Security Council to expedite Namibia's independence process. It created the United Nations Angola Verification Mission (UNAVEM) to oversee the Angolan-Cuban accord's implementation as well as the complete departure of Cuban forces from Angola.⁷²

Resolution 629, which established the date of Namibia's independence on April 1, 1989, was adopted by the Security Council. The Security Council adopted the 'independence plan'⁷³ and Secretary-General Perez de Cuellar's proposals, which included a reduction in the size of the UNTAG mission, in a separate resolution on February 16, 1989.

In addition to approving the Secretary-General's report and his explanatory statement for the execution of the UN plan for Namibia, the resolution reiterated the UN's legal responsibility over the country until its independence.⁷⁴

The extent of the UNTAG's armed component became a point of contention. The Security Council resolution 435, which authorised the first UN independence plan in 1978, called for the deployment of 7,500 troops in total to Namibia. However, the Council's permanent members believed that the region's better political situation negated the need for a sizable presence. The Secretary-General was urged to 'review costs without jeopardising UNTAG's ability to ensure Namibia's independence through free and fair elections under UN supervision and control.'⁷⁵ The non-aligned nations, especially the African nations, voiced their worry that South Africa may influence the Namibian election process if the UN had a reduced presence.

⁷² SC/RES 626, 1988.

⁷³ SC/RES 632, 1989

⁷⁴ S/20412, S/20457.

⁷⁵ Namibia: The making of a New Nation', UN Chronicle. Vol. XXVI, No. ,1, March, 1989, p. 34.

However, in order to make the operation more cost-effective, the Secretary-General promised the concerned nations that an estimated 4,650 troops would be deployed initially, with the remaining troops being kept as reserve force. This would bring the authorised upper limit of UNTAG's military component to 7,500 troops. If the smaller military force proved inadequate, the UNTAG reserve force would be called upon.⁷⁶ By unanimously adopting a resolution and approving the Secretary-Generals' recommendations on UNTAG, the Security Council provided a positive signal for the execution of Namibia's independence plan.⁷⁷

Nearly 8,000 men and women from more than 120 nations made comprised the UNTAG, a varied combination of international civilian, law enforcement, and military representatives.⁷⁸ The UNTAG was tasked with overseeing the destruction of South African military camps in Namibia, confining SWAPO troops to their bases in Angola, monitoring the actions of the South West Africa police, and establishing the political circumstances required for a free and fair election.

The United Nations most successful peacekeeping mission to date was called UNTAG. Over the course of the operation, which lasted more than a year, over \$383 million was spent overall, including liquidation expenses.⁷⁹ It was necessary for UNTAG members to abstain from all political engagement in Namibia as well as any behaviour that might conflict with the neutral and global nature of their work.

Critical Analysis

The late 1980s represented a pivotal juncture in the protracted Namibian crisis, a period characterised by intensifying internal resistance against South African occupation, escalating regional conflict, and finally, the dawn of a negotiated settlement. This analysis will critically examine the key factors that defined this period, highlighting the interplay of political, military, and international pressures that ultimately led to Namibia's independence in 1990.

For decades, Namibia, then known as South West Africa, was illegally occupied and administered by South Africa, a situation condemned by the United Nations and the international community. South Africa, defying international law, extended its apartheid

⁷⁶ UN DOC S/20412, 1989.

⁷⁷ SC/RES 632, 1989.

⁷⁸ The Blue Helmets: A Review of the UN Peacekeeping Operations. New York, United Nations, 1990.

⁷⁹ UN DOC, S/12827, 1978.

policies to Namibia, creating a system of racial segregation and oppression that denied the black majority fundamental human rights and political participation. This oppressive rule fueled the rise of the South West Africa People's Organization (SWAPO), which emerged as the primary liberation movement, initially advocating for peaceful means but later resorting to armed struggle through its military wing, the People's Liberation Army of Namibia (PLAN).

The late 1980s witnessed a significant intensification of the Namibian War of Independence, also known as the South African Border War. PLAN, operating from bases in neighboring Angola and Zambia, launched increasingly sophisticated guerrilla attacks against South African Defence Force (SADF) installations and personnel within Namibia. The SADF, in turn, responded with brutal counter-insurgency operations, including large-scale cross-border raids into Angola, often resulting in civilian casualties and further destabilising the region. The conflict became deeply intertwined with the Angolan Civil War, with South Africa backing the UNITA rebels against the MPLA government, which supported SWAPO. This regionalisation of the conflict heightened international concern and further complicated the path to a peaceful resolution.

A critical aspect of the Namibian crisis in the late 1980s was the growing internal resistance within Namibia itself. While SWAPO's external armed struggle garnered international attention, various internal movements and actors played a crucial role in challenging the status quo. Church organisations, student groups, and trade unions increasingly mobilised against apartheid policies and demanded self-determination. These internal pressures, often operating in a precarious environment of state repression, complemented SWAPO's efforts and demonstrated the widespread desire for change among the Namibian people. The contract workers' strike of 1971-72, though occurring earlier, continued to symbolize the deep-seated grievances of the Namibian workforce against the exploitative labor system imposed by South Africa.

The international dimension was arguably the most decisive factor in resolving the Namibian crisis in the late 1980s. Years of diplomatic pressure from the United Nations, the Organization of African Unity (OAU), and various Western powers gradually isolated South Africa. UN Security Council Resolution 435 of 1978 provided a framework for Namibia's independence through free and fair elections under UN supervision, but its implementation was repeatedly blocked by South Africa, often due to Cold War dynamics and the linkage of Namibian independence to the withdrawal of Cuban troops from Angola.

However, by the late 1980s, several converging factors created a window of opportunity for a settlement. The waning of the Cold War reduced superpower rivalry in the region, diminishing the strategic importance of South Africa in the eyes of the West. The increasing cost of the border war, both in terms of human lives and economic resources, began to strain the South African state. Internally, growing anti-apartheid sentiment and economic sanctions further weakened the apartheid regime. The decisive defeat of the SADF at the Battle of Cuito Cuanavale in Angola in 1988 served as a significant turning point, demonstrating the limits of South Africa's military power and compelling it to reconsider its regional strategy.

The confluence of these factors paved the way for the Tripartite Accord, signed in December 1988 by Angola, Cuba, and South Africa, with the United States mediating. This agreement linked the withdrawal of Cuban troops from Angola to South Africa's withdrawal from Namibia and the implementation of UN Resolution 435. The subsequent deployment of the United Nations Transition Assistance Group (UNTAG) in 1989 oversaw the ceasefire, the return of exiles, the registration of voters, and the holding of free and fair elections.

In conclusion, the Namibian crisis of the late 1980s was a complex and multifaceted culmination of decades of illegal occupation, internal resistance, regional conflict, and international pressure. The intensification of the armed struggle by PLAN, coupled with growing internal mobilisation, demonstrated the unwavering determination of the Namibian people for self-determination. However, it was the significant shift in the international landscape, the mounting costs of the war for South Africa, and the decisive diplomatic efforts that ultimately created the conditions for a negotiated settlement and Namibia's hard-won independence in 1990. This period serves as a powerful reminder of the interconnectedness of local struggles, regional dynamics, and global politics in achieving decolonisation and justice.

Despite having all the elements of a conventional peacekeeping mission, the United Nations presence in Namibia was largely a non-military, non-traditional civilian operation with significant political and electoral responsibilities. It was anticipated that the UNTAG would 'disband the citizen and ethnic forces, instil confidence, legitimise the transition to independence, help counter incentives to renege, and use strong monitoring mechanisms to allay fears of defection.'⁸⁰ More significantly, in order to guarantee free and fair elections in Namibia, UNTAG had to support a comprehensive political education program.

⁸⁰ Virginia Page. (1995). Success and Failure, in Southern Africa: Peacekeeping in Namibia and Angola', in Donald. C. F. Daniel and Bradd Hayes (eds.), Beyond Traditional Peacekeeping, London, Macmillan Press Ltd.

Even though it was initially intended to be a military operation, its own personality emerged as the military component was reduced and the number of civilian police monitors was increased.

UNTAG's power was primarily political and it did not have the ability to enforce compliance against any serious opposition.

In the words of the Secretary-General, Perez de Cuellar:

'UNTAG is a unique United Nations experience – a peace keeping operation with both a military and a civilian significance.... UNTAG could serve as a precedent for other future UN undertaking' ⁸¹

Voter registration was conducted under the supervision of the UNTAG between July 3, 1989 to September 23, 1989. Over 97% of the registered electorate cast peaceful ballots on November 11, 1989.⁸² The findings were announced on November 14, 1989. On November 21, 1989, the newly elected Constituent Assembly convened and drafted a constitution, which was ratified on February 9, 1990. On March 21, 1990, Namibia finally becomes an independent state.⁸³ An unprecedented experience in peacekeeping came to an end with Namibia's independence and the UNTAG's final pullout after its mandate expired. An earlier and more effective role for the Security Council was thwarted by the economic and commercial ties of a few western nations with the regime of South Africa.

The United Nations reputation and authority had been damaged by the use of the veto to show support and help for South Africa. The Namibian issue was left unsolved for a very long time. Actually, it took over 10 years for the United Nations peacekeeping force to be sent to Namibia in order to support the nation's efforts to achieve the objectives of peace, stability, development, and a democratic political system. Notwithstanding the United Nations active participation in Namibia, the Western countries' stance gave the South African government the confidence to disregard international opinion and criticism. Some elements of the international community defied the Security Council's actions, which included economic sanctions and a weapons embargo against South Africa, because they lacked the strong power of those enacted under Chapter VII of the Charter.

⁸¹ A Unique UN Experience, UN Chronicle. Vol. XXVI, No. 2 June, 1989, pp. 11.

⁸² UN DOC. S/12827. 1989

⁸³ UN DOC. S/12827.

Cambodian Situation

An extraordinary international diplomatic effort was made when the United Nations intervened in Cambodia to try to end the country's protracted political turmoil. Despite the different opposing Cambodian parties' obstructive practices, the UN's participation in Cambodia was political in that it aimed to fill a political vacuum. Due to the internal conflicts and power struggles, Cambodia was engulfed in internal upheaval for a considerable amount of time. When Prince Sihanouk was overthrown in a coup on March 18, 1970, trouble for Cambodia began to commence.⁸⁴ As a result, competing groups emerged within Cambodia's internal political structure.

Background

Vietnam's invasion of Cambodia in December 1978, which resulted in the forcible overthrow of the Democratic Kampuchea government and the installation of the People's Republic of Kampuchea government in January 1979, further exacerbated matters. The Soviet Union supported this Phnom Penh government.

Under Prince Sihanouk's leadership, three opposition groups—the Khmer Rouge (PKD), the Khmer Peoples' Liberation Front (KPNLF), and the United National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC)—formed a coalition government-in-exile. The United States, China, and many Associations of South-East Asian States (ASEAN) members backed this alliance.

The United Nations Response

Following Vietnam's invasion, the UN got embroiled in Cambodia's political dilemma. The majority of United Nations members believed that the invasion constituted a flagrant breach of Article 2(4) of the Charter. However, there was a fundamental dispute within the organisation over the nature of the fight in Cambodia because of the dominance of the Cold War ideological divide. Vietnam and its allies in the Soviet bloc asserted that the National United Front for National Salvation, a group of dissident Cambodians committed to overthrowing a genocidal

⁸⁴ Michael Leifer. (1993). The Indochina Problems in T.B. Millar and James Walter (eds), Asian Pacific Security after the Cold War. pp.56-68.

regime, had overthrown the Democratic Kampuchea government and that the new government was qualified to represent Cambodia in the UN. Vietnam's enemies argued that 'an illegal act of external military involvement'⁸⁵ had impacted the Phnom Penh government transition and that it had to be eliminated.

Following the paralysis of the Security Council, the Secretary-General reviewed the crisis situation in Cambodia. Several resolutions were passed advocating for the Cambodian people's right to self-determination and the withdrawal of all foreign forces.⁸⁶ The Secretary-General was asked to continue coordinating and overseeing emergency aid while using his good offices to reach a resolution. The Secretary-General's view was a solution to the Kampuchean question could not be attained via armed means. In his view, the area could only achieve long-term peace and security through a 'comprehensive political settlement in a process of genuine negotiation and mutual accommodation.'⁸⁷

Here, the question is whether the political authorities of Cambodia had exhausted all of their attempts to find a peaceful, political settlement to the power struggle before the issue was deliberated upon by the World Organisation?

Prince Sihanouk met with Hun Sen, the prime minister of the Phnom Penh administration, in France in December 1987. Negotiations and communication started to pick up steam, and attempts were made to end the issue. However, little progress was made and the talks ended in a standstill. On April 9, 1990, Sihanouk announced the 'Sihanouk Plan,'⁸⁸ a fresh peace initiative. At their meeting in Tokyo, the leaders of the three factions decided to hold the Paris International Conference on Cambodia, freeze all military operations and forces in place, initiate a Supreme National Council, and engage in voluntary self-restraint on the use of force.

A major barrier to the peaceful settlement of the Cambodian war was the Khmer Rouge's refusal to cooperate with any deal they did not sign. Prince Sihanouk's peace proposal consequently failed.

⁸⁵ Mats Berdal and Michael Leifer, 'Cambodia', in James Mayall(ed), *The New Interventionism, 1991-94. UN experience in Cambodia, Former Yugoslavia and Somalia*. Great Britain, Macmillan Press Ltd., 1996. pp-32.

⁸⁶ Ibid

⁸⁷UN DOC A/43/730.

⁸⁸ Abdul Gaffar Peang-Meth. (1992). *The United Nations Peace Plan, the Cambodian Conflict and the Future of Cambodia. Contemporary South-East Asia. Vol. 14, No. 1.* pp. - 33

Vietnam's Indo-China Strategy, which was aided materially by the Soviet Union, was mostly to blame for the ongoing violence in Cambodia. In an effort to strengthen ties with other countries, Gorbachev's administration sought to reduce Soviet engagement in regional conflicts, which signalled a shift in Soviet policy. When Vietnam announced its force withdrawal from Cambodia between September 21 and 26, 1989, there was no international mechanism in existence.

Five permanent members of the Security Council called the Paris Peace Conference on Cambodia from July 30 to August 30, 1989, as a consequence of improved East-West ties. During the course of their discussions, the permanent five members demanded that the United Nations be given more authority in order 'to achieve a comprehensive political settlement.'⁸⁹ During the meeting, it was proposed that in order to promote peace and stability in Cambodia, 'the United Nations should supervise and control Cambodia's civil administration until the elected government is established'.⁹⁰

In order to ensure the evacuation of all Vietnamese occupying forces under efficient international inspection and supervision, the Permanent Five underlined the expanded responsibility of the UN. In addition to calling for world support of Kampuchea's stated position as a sovereign, independent, peaceful, neutral, and non-aligned state, the delegates demanded a halt to 'all foreign interference and external arms supplies to opposing Cambodian forces.'⁹¹

Framework for a Comprehensive Political Settlement

On August 28, 1990, the five permanent members came to an agreement known as the 'Framework for a Comprehensive Political Settlement of the Cambodian Conflict,'⁹² which outlined the essential components of a comprehensive political settlement of the war in Cambodia that was founded on an expanded role for the UN. The framework document was divided into five sections: elections conducted under UN auspices; military arrangements

⁸⁹UN DOC S/21087, 1990

⁹⁰UN DOC S/21087. 1990

⁹¹UN Chronicle. Vol. XXVII, No. 3. 1990.

⁹² UN Doc. A/45/472. 1990.

during the transitional period; human rights protection and international guarantees; and transitional arrangements pertaining to the administration of Cambodia prior to elections.⁹³

The meaning of the phrase ‘Comprehensive’ may be questioned. The anti-Vietnamese alliance used the word as a code to mean that a solution needed the involvement of all Cambodian factions and not just the withdrawal of Vietnamese forces but also a change in the political status quo. The phrase also suggested that Cambodians would be given the chance ‘to determine their own political future through free and fair elections, organised and conducted by the United Nations, in a neutral political environment, with full respect for national sovereignty of Cambodia.’⁹⁴

The Paris Peace Plan

The Secretary-General and the P5 collaborated to draft the peace agreement. Following negotiations that took place in Paris from November 23 to 26, 1990, this paper on the resolution of the Cambodian problem was released. In his report to the Security Council, Secretary-General Javier Perez de Cueller detailed the four main papers that the Paris Conference on Cambodia endorsed.⁹⁵ Details on the mandate and level of authority granted to the vast United Nations peacekeeping force, also known as UNTAC (United Nations Transitional Authority in Cambodia), were included in these accords. The Final Act of the Conference and three documents were part of the Paris Peace Plan: The Declaration on the Rehabilitation and Reconstruction of Cambodia; the Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality, and National Unity of Cambodia; and the Agreement on a Comprehensive Political Settlement of the Cambodian Conflict.⁹⁶ It has been proposed that the Khmer leaders needed their political future to be ‘re-arranged for them by outside players’⁹⁷ since they were unable to effectively shape it on their own. Here, it is important to highlight the parallels between ideas in the Sihanouk Plan and the structure of the UN Peace Plan. Both designs had the same goal in mind.

⁹³S/21689, 31 August, 1990.

⁹⁴ Mats Berdal and Michael Leifer, ‘Cambodia’, in James Mayall(ed), *The New Interventionism, 1991-94. UN experience in Cambodia, Former Yugoslavia and Somalia*. Great Britain, Macmillan Press Ltd., 1996.

⁹⁵ Report of Secretary-General to the Security Council. UN DOC A/46/608-S/23177. 1991.

⁹⁶UN Chronicle vol. XXVII, No. 4. 1990

⁹⁷Peang– Meth. *The United Nations Peace Plan, the Cambodian Conflict and the Future of Cambodia*, Contemporary South-East Asia. Vol. 14, No. 1. 1992, pp. - 33.

Both want to put a stop to hostilities and arrange general elections overseen by the UN. Once more, the goals of both proposals were to bring democracy, peace, and human rights to Cambodia.

The Supreme National Council (SNC) was to be given more power under Sihanouk's proposal than those specified in the UN Peace proposal, which was the main distinction between the two plans. The Supreme National Council was to be the political embodiment of Cambodia's sovereignty and was made up of the leaders of the country's four factions. Recognising that the warring sides could not agree, the UN Peace Plan, on the other hand, determined that UNTAC, not the SNC, would lead important ministries like foreign affairs, defence, finance, etc. The SNC was given an advising role. Since the UN peace plan's acceptance was essential to the peaceful resolution of the Cambodian problem, the Cambodian people were forced to accept the SNC's limited position. Even if the United Nations Security Council was merely required to take recommendatory measures under chapter VI of the Charter, did this not involve the forced imposition of an agreement on a sovereign nation's domestic political system? Did it not surpass the components included in the chapter on the Pacific Settlement of International Disputes?

The best chance for the Khmer country and its citizens to avoid more conflict and devastation at the moment was the United Nations Peace Plan. The Security Council passed a few resolutions to accomplish a comprehensive political settlement in order to carry out the Peace Plan. Under the direction of an efficient UN peacekeeping effort, the Council demanded the 'withdrawal of all foreign forces, cessation of external military assistance, a durable cease-fire, and re-grouping of armed forces of the various factions into designated cantonment areas.'⁹⁸

According to the resolution, 'free and fair elections organised and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia'⁹⁹ should allow the people of Cambodia 'to exercise their inalienable right to self-determination.'¹⁰⁰ The Council's decision authorised the establishment of a Supreme National Council as the exclusive, valid entity and source of power that will represent Cambodia's independence, national sovereignty, and unity throughout the transitional phase.

⁹⁸ Security Council Resolution 668. 1990.

⁹⁹ Security Council Resolution 668. 1990.

¹⁰⁰ Ibid.

The President of the Supreme National Council asked the UN to deploy ‘observers to Cambodia, in order to sustain the impetus of the peace process and to monitor the fragile cease-fire,’¹⁰¹ and the Security Council agreed. Thus, on October 16, 1991, the Security Council passed resolution 717. Wherein it was said that ‘until the arrangements outlined in those agreements are implemented, a United Nations presence in Cambodia is imperative immediately following the signing of the agreements for a comprehensive political settlement of the Cambodia conflict.’¹⁰² It made the decision to create UNMIC, the United Nations Advanced Mission in Cambodia. It reiterated that ‘a peaceful, just, and durable solution to the Cambodia conflict’¹⁰³ may finally be provided by such a comprehensive political settlement.

United Nations Advance Mission in Cambodia (UNAMIC)

In November 1991, the more than 200 UNAMIC military soldiers arrived in Cambodia with a six-month mission to establish the foundation for the 22,000-strong force that would follow. UNAMIC's principal objective was to support the cease-fire's maintenance. Additionally, it was to coordinate with the SNC on UNTAC deployment preparations and other issues pertaining to the UN's involvement in implementing the Paris Agreements. UNAMIC was supposed to serve as a temporary solution and clear the path for the eventual deployment of the United Nations peacekeeping force, or UNTAC, in Cambodia.¹⁰⁴

The situation in Cambodia deteriorated as a result of the UNTAC deployment being delayed. The violence persisted unchecked. Hun Sen's Vietnamese government and Pol Pot's Beijing-backed Khmer Rouge rebels persisted in fighting fierce battles and disregarding the cease-fire agreement. The groups in Cambodia were unable to cooperate, even in the political sphere. The Secretary General and co-chairman of the Paris Peace Conference, France, and Indonesia jointly appealed for a ‘voluntary cease-fire as a gesture of good faith for the success of peace process’¹⁰⁵ in response to the violence in Cambodia. In a same vein, the SNC resolved to demand an immediate, unconditional voluntary cease-fire and an end to foreign military support.

¹⁰¹ UN Doc, S/23066. 1991.

¹⁰² UN Doc, S/23066. 1991.

¹⁰³ Ibid.

¹⁰⁴ UN Doc. S/23097, S/23097/Add 1. 1991.

¹⁰⁵ UN Doc. A/46/161 - S/22552, 1991.

United Nations Transitional Authority in Cambodia (UNTAC)

Through the approval of a resolution, the Security Council created the UNTAC, which is directly accountable to the Secretary-General, for a maximum of 18 months. The Secretary-General encouraged 'both the deployment and the further implementation of his plan be done in the most efficient and cost-effective way possible,'¹⁰⁶. In a separate resolution, the Security Council ordered 'all Cambodians to comply fully with the new cease-fire arrangements.'¹⁰⁷ It urged the Supreme National Council to actively collaborate with the UN in implementing the Paris Agreements and declared its unwavering support for the Paris Peace Plan.

Unquestionably, the altered political landscape contributed to the development of a friendly atmosphere where a revitalised Security Council was able to find answers to vexatious issues. Both military and civilian people made up the peacekeeping force that was stationed in Cambodia, and its mission which included peacekeeping, peace-making, and peace-building was unprecedented.¹⁰⁸

Established for a maximum of eighteen months, UNTAC was a complicated and costly undertaking costing \$1.9 billion. After executing and directing a multi-party election, it sent approximately 22,000 personnel to supervise the nation's transition to a new administration. The main objective of the UN peacekeeping mission in Cambodia was to provide an impartial political climate where Cambodians may freely choose their own destiny within the parameters of UN-sponsored and administered democratic elections. Human rights, civil administration, upholding law and order, resettling Cambodian refugees, and restoring vital infrastructure in Cambodia during the transitional phase were all included in UNTAC's mission. The Secretary-General expressed the opinion that:

*'Ending two decades of conflict, devastation, and suffering was a delicate and challenging task for the UNTAC. UNTAC's role was to support the Cambodian parties in meeting the task of bringing about free and democratic elections and establishing the circumstances necessary for a durable peace. The Security Council's unwavering support for UNTAC was unified and unwavering.'*¹⁰⁹

¹⁰⁶ Security Council Resolution 745. 1992.

¹⁰⁷ Ibid.

¹⁰⁸ Security Council Resolution 718. 1991

¹⁰⁹ UN DOC S/23613 Add - 1.

International opinion of the United Nations peacekeeping mission in Cambodia was overwhelmingly positive, and the UNTAC was seen as being crucial to bringing about peace and stability as well as to resolving the country's crisis.

A significant question may be raised here as to whether the pre-requisites necessary for any peacekeeping operation's success were available during the UN Mission in Cambodia? The Security Council underlined that 'the full and complete cooperation of all the parties concerned was crucial to the effectiveness and ultimate success of UN intervention.'¹¹⁰

The Secretary-General said that our combined resolve to see this great endeavour through to completion will determine its future. Only to the degree that it has the required financial and personnel resources will UNTAC be able to carry out its duties in an efficient manner. The success of this great endeavour will also depend on our joint will,¹¹¹ the Secretary-General added. UNTAC will only be able to carry out its duties efficiently if it has the required financial and personnel resources at its disposal.

'The Security Council had initiated the most important and complete operation ever undertaken by the United Nations in the maintenance of peace,'¹¹² the French representative said during the Security Council discussion. All parties involved, especially the Cambodian people as a whole, must fully cooperate with UNTAC and provide it with sufficient financial resources.

The debate's outcome was the adoption of a directive, which requested all parties involved to conduct the peacekeeping mission as effectively and economically as possible.

UNTAC's mission to disarm Cambodia's belligerent and revolutionary forces was another significant but challenging issue. The Khmer Rouge's known weapons and supply caches, which were held in reserve throughout Cambodia and by other groups, were definitely concerning. In addition to discovering and confiscating these weapons, UNTAC was tasked with disarming and demobilising 70% of the combatants from each side, leaving 30% of all fighters armed. The violence in Phnom Penh prompted concerns about the role and efficacy of the UN peacekeeping forces as well as their capacity to contribute to the establishment and upkeep of peace. The Russian Federation's representative pleaded with the Cambodians to: Agree to the full disbandment of their armed forces before the conclusion of the election registration process; Agree to the destruction of any weapons and ammunition placed in

¹¹⁰ S/PV 3057. 1992.

¹¹¹ Ibid.

¹¹² S/PV 3057.

UNTAC custody that exceed what UNTAC may determine is required for the upkeep of national defence and civil order or that the new Cambodian government may require.¹¹³

Given the degree of violence and instability that characterised Cambodia, could UNTAC's mandate had allowed for military action in order to improve the effectiveness of the peacekeeping operation by using the United Nations norm of 'appropriate measures'¹¹⁴ in such chaos? Did using force just for self-defence suffice to handle resistance and violent conflict? Did enforcement actions solve the problem? By directing the peacekeeping effort, the Security Council was able to persuade the majority that 'a lasting settlement could be achieved through the UN action, a comprehensive agreement, and democratic rationalism.'¹¹⁵ Even if required under Chapter VII power, there was no genuine support in the Security Council for significant enforcement action or the use of such action. It would simply have 'blown the operation apart and put the unity of the force at risk.'¹¹⁶

Although the UNTAC faced logistical and practical challenges, it made a concerted effort to overcome them. The Party of Democratic Kampuchea (PDK) presented a significant obstacle to the UNTAC's efforts to organise elections.

As mandated by Phase II of the cease-fire in Cambodia, the PDK was unable to demobilise its forces. The PDK was denounced by the Security Council, which also urged that it promptly meet its responsibilities under the Paris Agreements. It further asked that PDK not obstruct other political parties' voter registration efforts or the 'full deployment of UNTAC in areas under PDK control.'¹¹⁷ The Secretary-General noted that the PDK's opposition to UNTAC had really reached such a grave level that the Council, the international community, and the Cambodian people faced the risk of paralysis of the peace process.¹¹⁸

The Security Council directed UNTAC to 'proceed with preparations for free and fair elections to be held in April/May, 1993, in all areas of Cambodia, to which UNTAC had full and free access as of 31 January, 1993.'¹¹⁹ The resolution also confirmed that 'the elections for a

¹¹³S/PV. 3057.

¹¹⁴ David, J. Whittaker. (1995). *United Nations in Action*. London, University College of London, Press Ltd.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ UN Doc S/24091. 1992

¹¹⁸ UN Chronicle: Vol. XXX, No.1. 1993

¹¹⁹ S/RES 792. 1992.

Constituent Assembly in Cambodia would be held no later than May 1993.’¹²⁰ The Council also denounced PDK's noncompliance with its duties.

The Council's acceptance and endorsement of this resolution triggered the process of having elections and helping the Cambodian people make decisions about their democratic political destiny, hence it was in fact crucial. The following comment given by the United Kingdom's representative to the Council highlighted the Council's tenacity and efficacy in bringing peace, stability, and a democratic political culture to Cambodia:

*'What must not happen and what will not happen is the postponement of the elections. The Cambodian people have waited long enough for the opportunity to frame their own constitution and to choose their own government'*¹²¹

In a separate resolution, the Council urged all Cambodian parties to put an end to all acts of violence and threats motivated by political or ethnic affiliations, and urged UNTAC ‘to continue to make every effort to create and maintain a neutral political environment conducive to the holding of free and fair elections.’¹²² Additionally, the Council urged all parties ‘to uphold their commitment under the Paris Agreements’.¹²³ The five permanent members of the Security Council unanimously endorsed a few more resolutions that were beneficial in the better political climate. Through the free and fair election of a Constituent Assembly, which will subsequently draft and approve a new Cambodian constitution and change into a legislative assembly that would establish a new government, the Security Council's resolutions granted the Cambodian people the right to choose their own political destiny.

In resolution 826, the Council reaffirmed ‘its readiness to fully support the Constituent Assembly and the process of drawing up a constitution and establishing a new government for all Cambodians and to support subsequent efforts to promote national reconciliation and peace-building.’¹²⁴ It also reaffirmed its determination to support the election results, provided that the UN certified them as free and fair. The Council threatened to take additional action against any parties that failed to uphold their responsibilities and warned that it would not accept the use of violence to obstruct or overthrow Cambodia's democratic process.

¹²⁰ Ibid.

¹²¹ S/PV. 3143. 1993.

¹²² S/RES 810. 1993.

¹²³ S/RES 810. 1993.

¹²⁴ S/RES 826. 1993.

The Security Council was undoubtedly holding and overseeing elections for Cambodia's political stability and improvement, but its attempts to force a democracy on the country's citizens from without were dubious. Did that not qualify as meddling in a nation's domestic affairs?

The Elections

The climax of what the Secretary-General had described as the biggest and most ambitious operation ever carried out by the UN was the holding of elections in Cambodia. For the Secretary-General, the elections were 'free and fair'.¹²⁵ In the multiparty elections run by the UNTAC, almost four million Cambodians had cast votes. According to the survey, the FUNCINPEC received 45% of the vote and 58 assembly seats.¹²⁶ The National Assembly was established as a consequence of the elections. A Constitution drafted by the Assembly went into force on September 21, 1993.

With features like multiparty elections, freedom of campaign, secret ballots, and the ability for anybody to create a party, the elections mostly followed the norms of western democracy. UNTAC served as an example of 'the challenges of the second generation of United Nations Operations'¹²⁷ from the perspective of the global community. 'A diplomatic success for the United Nations,'¹²⁸ the elections served as the centrepiece of the overall settlement in Cambodia.

In a resolution voted by the Security Council, it declared its unwavering support for the newly elected Constituent Assembly and the constitution it drafted in compliance with the Paris Agreements of October 1991. All parties were urged to work together for a smooth transition in that nation and to completely accept the election results. The Council praised Prince N. Sihanouk's leadership, his efforts to bring about national reconciliation, and his ongoing contributions to stability and camaraderie among Cambodians.¹²⁹

¹²⁵ UN Doc. S/25913. 1993

¹²⁶ Ibid.

¹²⁷ UNTAC. UN Electoral Law for Cambodia 1992. New York: United Nations, 1992.

¹²⁸ Ibid.

¹²⁹ S/RES 840. 1993.

‘The King of Cambodia shall reign but shall not govern’¹³⁰ under the new Constitutional Monarchy that was established in Cambodia. The first Prime Minister was Ranariddh, and the King was Sihanouk. Hun Sen served as the second prime minister of the newly founded liberal democratic regime. By passing a second resolution, the Security Council affirmed that the United Nations peacekeeping mission in Cambodia would come to an end when a new Cambodian government was established, effectively terminating UNTAC's role under the 1991 Paris Agreement.¹³¹

Critical Analysis

When evaluating the United Nations operation in Cambodia, one may wonder if it was successful in completing the duty that was given to it. In the Agreement of Paris? Promoting national reconciliation and ensuring the exercise of the Cambodian people's right to self-determination via free and fair elections were the objectives outlined by the treaty's signatories.¹³²

Was it realistic to think the UN mission could accomplish such a lofty objective? The State of Cambodia (SOC), which was established by the Vietnamese, and the Party of Democratic Kampuchea (the Khmer Rouge), which was one of the Cambodian groups that signed the treaty, had been fighting a full-scale war for many years. Additionally, Cambodia had limited prior experience holding free and fair elections, which made it extremely difficult to achieve the treaty's objectives.¹³³

Furthermore, does the United Nations response meet the treaty's objectives? UNTAC's sluggish deployment and inability to exercise even a minimal amount of control over the Cambodian parties were two of its primary issues. Financial considerations were a major factor in UNTAC's delayed deployment. In the 1990s, the UN started an unprecedented number of foreign peacekeeping missions. Due to their personal issues, the five Council permanent members were late on their payments to the global organisation. They acknowledged the need of the United Nations having sufficient financial resources and were enthusiastic in their

¹³⁰ S/RES 860. 1993.

¹³¹ S/RES 860. 1993.

¹³² United Nations, Agreements on a Comprehensive Political Settlement of the Cambodian Conflict. New York United Nations, 1991.

¹³³ Janie Frederic Metz, 'The Many Faces of UNTAC: A Review Article. Contemporary Southeast Asia. Vol. 17, No. 1, June 1995. pp. 86-87

support of the Paris Agreements, but they 'hesitated to commit themselves to UNTAC's actual operation.'¹³⁴ Furthermore, the sluggish deployment of UNTAC was caused by inadequate planning, a degree of subpar staff, and the failure to resolve a few basic administrative issues.

Before a whole United Nations mission was sent to Cambodia, eleven months had passed. UNAMIC's deployment to Cambodia was poorly organised. It was put together at the last minute as a temporary UN presence in Cambodia before the main UN mission could arrive, and it was riddled with uncertainties. This simply made the situation more difficult. UNAMIC arrived with weak leadership and limited powers.

Additionally, the United Nations Mission lacked adequate power and oversight when it was eventually put into action. This raises the issue of whether the UN Mission in Cambodia would have done better if it had sought to impose peace and included certain elements of force in its peacekeeping mission. Should the Khmer Rouge have been bombed by the UN to make it abide by the treaty it had signed? That really would not have been an option. The implementation of a cease-fire and the voluntary cooperation of the Cambodian parties formed the basis of the treaty. A peacekeeping operation would have failed miserably if force had been used, and the nations who sent soldiers to the UN peacekeeping effort would have been forced to re-evaluate their pledges right once. Indeed, this would have negatively affected the UN effort in Cambodia.

The crucial responsibility of establishing a 'neutral political environment'¹³⁵ fell to the UNTAC. Did this mean that UNTAC was granted the power to take the place of the native institutions? Would the UN be able to establish its own judicial system, courts, and other administrative bodies? Wouldn't such an act have been in conflict with the principles of Cambodian national sovereignty, total independence, and non-interference that the 1992 Paris Agreement aimed to preserve? Lastly, in a mission intended in part to restore sovereignty to the Cambodian people, could the UN have rightfully assumed such neo-colonial powers?¹³⁶ Cambodia's political and administrative institutions were weak, and UNTAC's mission was overly ambitious in attempting to impose a neutral and ideal standard on an imperfect system.

¹³⁴ Sarpong Peou. 'Further look at UNTAC's performance and Dilemmas: A Review Article', *Contemporary Southeast Asia*. Vol. 17, No. 2, September 1995, pp. 215.

¹³⁵ Metz. n. 131.

¹³⁶ *Ibid.* pp. 91

Boutros-Ghali correctly noted that ‘the most impartial election possible under imperfect circumstances’¹³⁷ was essential to the Mission's success.

The type of democracy that would emerge ‘in the meeting between the rather different traditions of governance in Cambodia and the UNTAC-brand ready-made liberal democracy’¹³⁸ has been questioned. Were Cambodian society and its citizens prepared and eager to accept democracy and democratic government? The level of socio-economic and political development of Cambodia was at its lowest and floundering when the UN attempted to fashion a new political order in the country. There was always a chance that Cambodia will revert to an authoritarian political system because of its weak democratic heritage. Certain aspects of Cambodia were completely counterproductive to the success of democracy. Political parties were not democratic, there was no functional multiparty democracy, its political culture was non-democratic, and neither the military nor the police nor the social forces had any democratic traditions or inclinations. Fundamental prerequisites for democracy's survival, including ‘a certain socioeconomic level, a benign political culture, and the right composition of social forces were lacking.’¹³⁹ The goal of the UNTAC was to ‘plant democracy in Cambodia.’¹⁴⁰ There were inconsistencies in the Agreement in addition to UNTAC's mandate being overly ambitious and unachievable. Although the Agreement placed a heavy emphasis on Cambodia's claim to sovereignty and independence, it also included a comprehensive overview of the Constitution's construction and the fundamental ideas that will guide society going forward. Indeed, UNTAC's entire makeup was questionable. As UN military monitors, the Big Powers attempted to give peacekeeping in Cambodia a semblance of legitimacy. Was the aggravation of the internal chaotic situation in Cambodia not caused by the major powers backing and meddling in the country's internal affairs, as well as their strategies of pitting one party against another? Without the significant assistance and backing of one or more foreign powers, none of the four fighting groups in Cambodia, with the exception of the Khmer Rouge would have survived.

Thus, it is challenging to determine whether the UNTAC was successful or not. Even though UNTAC was successful in holding elections in May 1993, with almost 90% of the registered voters casting ballots, there was no assurance that these elections would be the first in a series

¹³⁷ Ibid.

¹³⁸ Joakim Ojendaal. (1996). Democracy lost? The Fate of the UN – Implanted Democracy in Cambodia', *Contemporary Southeast Asia*. Vol. 18, No. 2.

¹³⁹ George Sorensen, *Democracy and Democratization*. Boulder Colorado. Westview, 1993.

¹⁴⁰ Robert Pinkney. *Democracy in the Third World*. Philadelphia. Buckingham, Open University Press, 1993.

of events that would result in the establishment of a new political order that would support stability and reconstruction at home as well as a stable position for Cambodia in the region and internationally.¹⁴¹ Furthermore, during the changeover period, the Cambodian groups persisted in their animosity and mistrust of one another. As it attempted to manage and lessen violent competition while preparing for the scheduled elections, UNTAC encountered significant challenges as the groups persisted in their power struggle.

Nonetheless, in many respects, the UN's activities in Cambodia were distinct and unprecedented. The most noteworthy was the election's victory, which allowed Cambodians to exercise their right to self-determination. For the first time, the Cambodian people became liberated from foreign rule after holding free and fair elections. Additionally, the arrival of UNTAC marked the end of the full-scale conflict and the return of around 3,70,000 refugees. Despite its flaws, UNTAC was one of the Security Council's major peacekeeping missions that covered the several facets of peacekeeping, including peace-making, peacekeeping, and peace building. By establishing such a standard, UNTAC gave future UN peacekeeping operations the chance to function more efficiently. Cambodians had the chance to 'rebuild their country, to pull it out of the ruins of decades of war and mass abuse'¹⁴² due to the peace process and the UN mission.

It is important to note the Secretary-General's remarked about UNTAC that, this all-encompassing approach to international help goes well beyond resolving conflicts or offering humanitarian relief for the first time in UN history. Instead, as part of the peace process, UNTAC actively worked to promote Cambodia's social, political, and economic institutions. Only because of a revived Security Council that was able to do its fundamental duty of maintaining peace and security—made possible by the beneficial shift in the global political landscape—was such a complicated operation feasible.¹⁴³

¹⁴¹ Frank Frost, *The Peace Process in Cambodia*. Australia: Centre for the study of Australia - Asia Relationship No.69. 1993.

¹⁴² Metzl. n. 131.

¹⁴³ Boutros Boutros-Ghali, *The United Nations and Cambodia. 1991-1995*. The Blue Book Series, Vol. II, Department of Public Information, UN, New York, 1995.

Afghanistan Imbrolio

The political unrest and chaos started in Afghanistan in 1978 when Nur Muhammed Taraki's Peoples' Democratic Party of Afghanistan (PDPA) unexpectedly came to power in an April Marxist coup. A widespread uprising posed a growing danger to the Taraki dictatorship despite increased Soviet support, and its connection to Moscow was reduced in September 1979 when Taraki was overthrown and assassinated by his subordinate, Hafizullah Amin. In December 1979, the Soviets stepped in to help. Babrak Karmal took Amin's place when he was executed. Karmal's administration made an effort to take over the nation with the assistance of Soviet land and air forces as well as civilian advisors.

In the late 1970s, Afghanistan's internal political climate was very unpredictable and disorderly. By using violence and conflict within the nation, the various groups organised along factional, tribal, and ethnic lines participated in many efforts to take governmental authority and control.¹⁴⁴

Prior to the Soviet pull out, Najibullah was the final Soviet puppet to govern Kabul. The previous president accepted the UN proposal in order to stay in power when the Soviet empire fell apart. The proposal called for a peaceful handover of power to a committee made up of Afghan intellectuals, tribal elders, and Mujahideen. However, Najib and the UN Plan were still being targeted by ideological and ethnic interests.

The outcome was the staged overthrow of the Communist government in Kabul, which was succeeded by an ethnic coalition of former Mujahideen and Communists. This was seen as a win for the Mujahideen over the Soviets. This group's principal leaders were Rabani, Rashid Dostum, and Ahmed Shah Masoud, among others. At this point, the three major regional powers—Pakistan, Iran, and Saudi Arabia—also became involved, interfering in Afghanistan's internal political affairs.¹⁴⁵ Afghanistan was split according to the so-called Peshawar accords, which were agreed upon by both parties' agreement amongst the powers and with their minions' assistance. Sibghatullah Mojadidi was selected and celebrated as the first president of the Mujahideen administration in order to complete the appearance of a transfer of power to the Mujahideen. Burhanuddin Rabbani took over as his replacement.

¹⁴⁴ Ralph. H. Magnus and Eden Nay. (1995). Afghanistan and Central Asi: Mirrors and Models. *Asian Survey*. Vol. XXXV, No.7. pp.605.

¹⁴⁵ Ralph. H. Magnus and Eden Nay. (1995). Afghanistan and Central Asi: Mirrors and Models. *Asian Survey*. Vol. XXXV, No.7. pp.750-758.

Afghanistan's governance was still split between several factions. Up to the start of September 1996, Kabul and five neighbouring north-eastern provinces were under the authority of Rabbani's government troops and those of his main military commander, Masoud. Six northern provinces were under the leadership of General Dostum and his supporters in the Supreme Coordination Council. The Taliban movement was the most important of the groups and held control of 14 provinces in the South and West in addition to others. The Taliban and government forces were still engaged in combat in the Kabul area. The Taliban took control of Kabul, and just like they had done in other regions they had previously ruled, they strictly enforced Shariah Islamic law on the people of Kabul. General Dostum and his supporters in the Supreme Coordination Council gave up their neutrality between the Taliban and the government troops as the Taliban continued their military march north from Kabul. The Supreme Council for the Defence of Afghanistan, a new coalition made up of Dostum and his supporters, Hezb-I-Wahdat, Rabbani, and Commander Masoud, was established on October 11, 1996. The alliance's goal was to use military tactics to stop the Taliban troops from making any more gains.

The fact that Afghanistan was essentially divided between the north and the south was an important development. The split was not just military but also ethnic: the Supreme Council controls nearly all districts where the majority is Tajik, or Uzbek, while the Taliban, whose leadership and soldiers are primarily Pashtuns, dominate nearly all Pashtun-majority areas.

The United Nations Response

The events in Afghanistan that started in December 1979 and resulted in the former Soviet Union's overwhelming military engagement there posed a major threat to global peace and security as well as the legitimacy of the UN.

Important considerations were brought up by the Soviet intervention: was this not an act of aggression by a powerful nuclear state against a minor, non-aligned nation? Was it not a flagrant transgression of the UN Charter's guarantee of member nations independence and sovereign equality? If so, did it necessitate a United Nations action? Undoubtedly, the Soviet Union's engagement prompted the UN to take action.

The United Nations response can be examined from the following angles: the 1980 UN mediation, the ongoing UN mediation through the Secretary-General's personal representative,

which resulted in the 1988 Geneva Accords, and the peacekeeping function performed by the UN Good Offices Mission in Afghanistan and Pakistan (UN GOMAP). The UN Security Council made an effort to consider the matter. In January 1980, it convened six times to talk about the issue.¹⁴⁶ Nations sent a letter on January 3, 1980, requesting a meeting of the Council. The letter demanded that the Council convene immediately to discuss the Afghan crisis and its effects on global peace and security.

The Soviet Intervention in Afghanistan

Together with his counterpart from the German Democratic Republic, the Soviet delegate insisted that taking into account the developments in Afghanistan amounted to meddling in the internal affairs of a member state. Afghanistan did not threaten the peace and stability of the nations in the area, nor did it threaten the nations that had asked the Council to assemble. The Afghan government also objected to the Security Council's analysis of domestic affairs.

The Soviet Union claimed that the main reason its forces were in Afghanistan was to defend the nation from 'imperialist aggression'¹⁴⁷ supported by Egypt, China, Pakistan, and the United States. Unquestionably, the Soviet Union's immediate objective in intervening in Afghanistan was to save the most recent Marxist regime that it had imposed. Moscow tried to persuade the world that it would only accept a peaceful resolution when 'foreign aggression'¹⁴⁸ against the Babrak Karmal government had stopped, and that it would remove its 'limited contingent of troops'¹⁴⁹ as soon as that happened.

The Soviet Union and its allies, including Afghanistan, as represented by its new government, based their argument primarily on the claim that the events in Afghanistan were issues that essentially fell under the domestic jurisdiction and that the General Assembly and Security Council had violated Article 2, Paragraph 7 of the Charter by considering the situation in Afghanistan. Furthermore, Article 51 of the Charter, which acknowledges states' rights to individual or collective self-defence, was in compliance with the Afghan government's request for Soviet military help and the Soviet Union's affirmative answer. The Soviet stance was

¹⁴⁶ Salamat Ali. (1992). A Shaky Start: Ethnic rivalries pose a threat to new regime. *Far Eastern Economic Review*.

¹⁴⁷ Salamat Ali. (1992). A Shaky Start: Ethnic rivalries pose a threat to new regime. *Far Eastern Economic Review*.

¹⁴⁸ Ibid.

¹⁴⁹ Frank Frost. (1993). The Peace Process in Cambodia. Australia. *Centre for the study of Australia - Asia Relationship No.69*.

predicated on a misreading of Article 2(7) as that nation had stepped in to block a government of its choosing and was then welcomed to the nation by that government.

The Use of Force

Strictly speaking, the principle of non-interference restriction on domestic jurisdiction does not impair the world body's ability to voice concerns or respond to circumstances involving acts of aggression or threats to international peace. The member nations are required under Article 2(4) to abstain from using 'threat or use of force'¹⁵⁰ in any way that is incompatible with the goals of the UN. As a result, using force in any way that is not allowed by Article 2(4) is prohibited. The 'right of individual and collective self-defence'¹⁵¹ (Article 51) and preventative or enforcement actions under Chapter VII are the two exceptions to the ban on the use of force. The 'right of individual and collective self-defence'¹⁵² is only accessible when the Security Council has taken the required actions, and the Security Council has the authority to sanction enforcement actions. Because the Security Council had taken over the issue by early January 1980, the Soviet Union lacked the right to carry out its armed operation in Afghanistan.

The non-aligned nations took the lead in endorsing a draft resolution that demanded the removal of foreign forces from Afghanistan and denounced the armed involvement in the country as being incompatible with the core tenets of the UN Charter.

'For the immediate, unconditional, and total withdrawal of foreign troops from Afghanistan in order to enable its people to determine their own form of government and choose their economic, political, and social system, free from outside intervention, subversion, coercion, or constraints of any kind whatsoever,'¹⁵³ was the resolution adopted by the General Assembly on January 14, 1980. The majority of the member nations stated that they believed the armed involvement in Afghanistan violated a core UN Charter tenet.

¹⁵⁰UN Charter.

¹⁵¹Article 51. UN Charter.

¹⁵² Article 51. UN Charter.

¹⁵³ General Assembly Resolution. ES - 6/2.

The Response of the Assembly

Every year, resolutions expressing disapproval and concern were voted by the General Assembly in the absence of any constructive action by the Security Council, which was controlled by the Soviet veto. The General Assembly called on all parties involved to strive towards the swift establishment of a political settlement and the establishment of the prerequisites for the Afghan refugees to be able to return home in safety and dignity in 1984. The Assembly also reaffirmed that a peaceful resolution to the issue required maintaining Afghanistan's sovereignty, geographical integrity, political independence, and non-aligned nature.

‘The establishment of a fully representative, broad-based authoritative council, through a peaceful dialogue among the Afghans, is the most appropriate way to achieve a lasting settlement in Afghanistan,’¹⁵⁴ the Assembly stated in another resolution. Several nations maintained that the invasion and occupation of Afghanistan violated the Charter and international law and amounted to meddling in Afghanistan's domestic affairs. The peace and stability in Afghanistan were being disrupted by the Soviet Union, which supported the Babrak Karmal dictatorship with over a lakh of its troop’s contrary public opinion, and the United States, which was supplying the Afghan guerillas with money and weapons through Pakistan. Some powers claimed that the aggressiveness coming from Pakistan across the border was the true cause of the issues surrounding Afghanistan. As a result, they promoted a peaceful resolution of the issue in accordance with UN resolution.

The United States, the other Superpower, was extremely irritated by the Soviet conduct. The relationship between the two nations suffered as a result. In an effort to find a solution, the UN Secretary General started the diplomatic process. From January 21 to February 7, 1983, his personal representative Diego Cordovez, Under-Secretary-General for Special Political Affairs, had in-depth discussions and consultations in Iran, Afghanistan, and Pakistan about four previously determined issues. These included the voluntary repatriation of refugees, international assurances, non-intervention, and the removal of foreign soldiers. ‘The United Nations initiatives are the only active mechanism of negotiations towards the achievement of the political settlement,’¹⁵⁵ the Secretary-General declared.

¹⁵⁴ General Assembly Resolution 38/29. 1983.

¹⁵⁵ General Assembly Resolution 50/88. 1995

In March 1983, he discussed the matter with Andrei Gromyko, the foreign minister, and Y. V. Andropov, the then-president of the Soviet Union. The Soviet authorities, according to the Secretary-General, had firmly advocated a political settlement and had encouraged him to keep up his efforts through the good offices mission.

The Proximity Talks

The Proximity Talks on Afghanistan, which took place in Geneva on August 29 and 30, 1985, were a significant development. Superpower competition became enmeshed in the Geneva discussions on Afghanistan. The animosity between the Superpowers overshadowed the three rounds of 'indirect talks'¹⁵⁶ between Pakistan and Afghanistan that were held under UN auspices.

According to diplomatic observers, the US was not interested in finding a quick political solution to the Afghanistan issue. They made the observation that the US could prefer to view the issue as a component of broader accommodation with the Soviet Union.

The main topic of discussion at the UN-sponsored negotiations between Islamabad and Kabul was the demand made by Pakistan and other countries opposed to the Soviet presence in Afghanistan that Moscow quickly evacuate all of its soldiers. The five permanent members of the UN Security Council, along with Pakistan, China, and Iran, can assure Moscow that there won't be any outside intervention in Afghanistan once Soviet forces go, according to General Zia of Pakistan.

Change in the Soviet Policy

With Mikhail Gorbachev's rise to power, the Soviet Union's foreign policy underwent a radical change at this point. In order to resolve the lengthy political and military impasse, the Soviet commander made the decision in late 1987 to pursue a negotiated exit from Afghanistan. Gorbachev repeatedly said that he wanted the standoff in Afghanistan to end, that the engagement had been a significant financial burden, and that this did not entirely align with his 'global peace offensive.'¹⁵⁷ The UN would oversee and confirm the execution of the Peace Accord, according to the new Soviet leadership, which was strongly in support of expanding

¹⁵⁶ General Assembly Resolution 50/88. 1995.

¹⁵⁷ Baksh Rais. Afghanistan after Soviet Withdrawal. Current History. March 1992. pp. 23

the UN's role in resolving international crises. The Secretary-General and his Personal Representative oversaw the drafting of the four legal documents that made up the Afghanistan Peace Accord, which was signed on April 14, 1988.

The Afghanistan Peace Accord

Afghanistan and Pakistan had a bilateral agreement pertaining to non-intervention and non-interference:

- The Soviet Union and the United States agreed to ‘refrain from any form of interference or intervention’¹⁵⁸ in their statement of assurances on the settlement;
- The document pertaining to the link between the three previous documents and the issue of troop withdrawal from Afghanistan, in which the Soviet Union and the United States serve as witnesses.
- Technical treatise addressing the refugee issue.¹⁵⁹

The General Assembly then urged all involved parties to sincerely execute and scrupulously uphold the peace deal in Afghanistan. Additionally, all involved parties were urged to cooperate towards the swift realisation of a comprehensive political settlement. The Assembly emphasised the necessity of an intra-Afghan conversation to form a broad-based administration ‘to ensure the broadest support and immediate participation of all segments of the Afghan people’¹⁶⁰ when it adopted this resolution on November 3, 1988, without a vote. All parties involved were also urged to endeavour towards the establishment of peaceful and normal circumstances so that Afghan refugees might freely return to their homeland in safety and dignity.

Although the Accord did not address a conclusion to the conflict, it did start the process of the Soviet military's withdrawal from Afghanistan. George Schultz, the Secretary of State of the United States, stated on January 7, 1989, that a satisfactory agreement must include the termination of Soviet military assistance to the Kabul government and that the ‘withdrawal schedule must be front-end loaded, so that once it starts there's a certain inevitability to it,

¹⁵⁸ Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan. U.S. Department of State.

¹⁵⁹ Afghanistan in 1988. Asian Survey. Vol. XXIX, No. 2. 1989.

¹⁶⁰ General Assembly resolution 43/20. 1988.

there's no turning back.'¹⁶¹ Schultz further insisted that US aid will stop, as 'withdrawal proceeds and takes place, and then only in a peaceful atmosphere in which the aid was not needed.'¹⁶²

The United Nations kept up its aggressive involvement. In his report, the Secretary General emphasised that the UN was dedicated to creating the conditions necessary for the Afghans to achieve their aspirations for regional security and peace and harmony in their own nation.¹⁶³ On November 7, 1988, the Secretary-General met with the Afghan Prime Minister in New York, then on November 10, 1988, he met with the Alliance of Afghan Mujahideen Chairman. He promised during these discussions that he would support and help bring about an early, comprehensive political settlement in Afghanistan.

The problem was now being attempted to be resolved under the guidance and supervision of the United Nations due to the Soviet Union's more optimistic outlook under Gorbachev and the Afghan Prime Minister's altered strategy. On November 9, 1988, Afghan Prime Minister suggested a United Nations-sponsored international conference to ensure his nation's neutrality and a demilitarisation program overseen by the international community.

It should be mentioned that the US and the USSR were beginning to understand one other better. Both were named as a settlement's 'guarantors.'¹⁶⁴ The 1988 planned negotiations between Soviet Foreign Minister E.A. Shevardnadze and US Secretary of State George Schultz further demonstrated that they were headed in the same direction: a political solution. Even while there was still a lot of mistrust, mutual confidence grew as opinions became more similar.

On October 31, 1988, the Security Council passed a resolution amid the mutual trust and goodwill of the two significant Accord members establishing formal plans 'for the temporary dispatch to Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices'¹⁶⁵ and overseeing the Geneva Agreements' implementation. By February 15, 1989, the Soviet Union had likewise fully withdrawn its forces from Afghanistan in accordance with the Geneva Accords.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ UN Doc. A/43/720. 1988.

¹⁶⁴ Security Council resolution 622. 1988.

¹⁶⁵ UN Doc. S/20465

The 'scrupulous method'¹⁶⁶ in which the departure timeline was reached was praised by the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP).

Problem Areas

The Secretary-General Javier Perez de Cuellar stated 'it was imperative to move forward to ensure the full and faithful implementation of all obligations under the Accords, all provisions of which were to be implemented in an integrated manner'.¹⁶⁷ Establishing circumstances that would enable Afghans to fully exercise their right to self-determination was the main goal of the Accord. He urged the guarantors, the US and the USSR, as well as the parties, Afghanistan and Pakistan, to take decisive action to carry out the Accord in order to bring about peace. However, the presidents of Pakistan and Afghanistan, Najibullah, each protested to the president of the Security Council about the other side's breach of the Accord.

The president of Afghanistan asked for the Security Council to meet 'to review the process of implementation of the Geneva Accord.'¹⁶⁸ He said that a 'dangerous situation was taking shape around his country, as a result of the Government of Pakistan's irresponsible policy'¹⁶⁹ in a letter to the Council President dated April 3, 1989. Along the Afghan-Pakistan border, he demanded 'permanent United Nations observer posts in specified locations.'¹⁷⁰

In response, the Pakistani delegate said that Articles 34 and 35 are irrelevant to the current condition of affairs in Afghanistan. Furthermore, peace and security as defined by Article 34 are not in any way threatened by the circumstances inside Afghanistan. Furthermore, neither Article 34 nor Article 35 of the Charter apply to the situation in Afghanistan because it is an internal concern. Since, 'unproductive recrimination could only hinder efforts to facilitate a comprehensive political settlement.'¹⁷¹ Pakistan also rejected a Security Council discussion on the situation within Afghanistan.

¹⁶⁶ UN Chronicle. Vol. XXVI, No. 2. 1989.

¹⁶⁷ UN Chronicle. Vol. XXVI, No. 2. 1989.

¹⁶⁸ UN Doc. S/20469.

¹⁶⁹ Ibid.

¹⁷⁰ UN Doc. S/20482.

¹⁷¹ UN Chronicle. Vol. XXVI, No.3. 1989.

On the matter, the Security Council was divided. The German Democratic Republic insisted that two key conditions for putting an end to the carnage were the attainment of a cease-fire and the cessation of military conflict that was sparked by foreign forces.

In order to guarantee not only peace in Afghanistan but also that nation's independence, sovereignty, and territorial integrity, the Cuban delegate called for the full application of the organisation's moral reserves and energy.

The delegates of the United States, China, the United Kingdom, and Canada thought that the Afghan problem was solely a local matter. The United States rejected any attempt to maintain the 'illegitimate Kabul regime, or to impose a political settlement on Afghans'¹⁷² by using the UN's existing mechanisms to address issues brought about by the Afghan conflict.

The Soviet Union backed Afghanistan's request to the Security Council in light of the threat posed to that nation by Pakistan's aggressive actions, arguing that the current situation in Afghanistan was not solely an internal matter and that it was endangering the peace and stability of South-West Asia.

United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP)

In a unanimous decision, the Security Council extended UNGOMAP's mandate until March 15, 1990.¹⁷³ The goal of the UNGOMAP peacekeeping mission in Afghanistan was to act as a mediator between the parties involved. It helped to keep the conflict localised and provided Afghanistan and Pakistan with plenty of chances to work out a settlement. By extending the UNGOMAP's mission, the UN Security Council was able to keep the disagreement from turning into a bloodier confrontation. Additionally, the UNGOMAP assisted the parties to conflict in taking use of the pacification chances and reducing the likelihood that outsiders would try to force their presence on the regions that were in conflict. After the UNGOMAP mandate ended on March 15, 1990, the Secretary-General carried out his good offices mission by creating the Office of the Secretary-General in Afghanistan and Pakistan (OSGAP).¹⁷⁴

The Soviet delegate proposed having an intra-Afghan discussion and hosting an international conference during a Security Council debate. The Secretary-General was led by this to 'call for

¹⁷² S/PV 2855, 1989

¹⁷³ Security Council resolution 647. 1990.

¹⁷⁴ S/PV 2855, 19 April, 1989.

an international consensus, a kind of common understanding between Afghanistan, Pakistan, the United States, and the Soviet Union.¹⁷⁵ All those concerned in addressing the Afghan problem were asked to establish a formula for gaining for Afghanistan a government elected freely by its people, without foreign involvement. The Secretary-General said that the agreement should also state that all other transfer agreements must be implemented, that hostilities must end, and that the supply of weapons to all parties must stop. In order to maintain the nation's sovereignty, geographical integrity, political independence, and nonaligned Islamic identity, a broad-based government had to be established through the Intra-Afghan discourse.¹⁷⁶

The idea of holding an international meeting was rejected by a Pakistani official, because it 'would not facilitate a comprehensive settlement.'¹⁷⁷ The official said that by upholding the UN Charter's concept of self-determination, which was central to the Afghan people's fight for independence, was the true concern. Only when a thorough political solution has been reached and a broad-based government that is completely representative of the Afghan people has been created in the nation will the situation in Afghanistan be resolved.

Secretary-General Boutros Boutros-Ghali stated, 'all Afghans must spare no effort to consolidate peace, promote national unity, and safeguard the territorial integrity and sovereignty of Afghanistan.'¹⁷⁸ As tension and instability erupted throughout the nation, the situation in Afghanistan remained dire. The Security Council members asked the Afghan government to take all necessary steps to safeguard the safety and security of all diplomatic and foreign missions, expressing their worry about the widespread violence that had broken out in Kabul.

If the parties involved would not put down their weapons and start a discussion, the Secretary-General threatened to terminate all humanitarian and other UN operations in Afghanistan. According to the terms of the Accord, Hizb-e-Islami leader Gulbuddin Hikmatyar or his designee would become prime minister, and Afghanistan President Burhanuddin Rabbani would continue in his position. The two would administer the government after consulting with other Afghan leaders.¹⁷⁹

¹⁷⁵ UN Doc. A/45/635. S/21879.

¹⁷⁶ UN Doc. A/45/635. S/21879.

¹⁷⁷ S/PV 2859, 1989.

¹⁷⁸ UN Chronicle. Vol. XXIX, No. 4. 1992.

¹⁷⁹ Dough Bandow. Pulls and Pressures: President's peace offer marred by ethnic violence. Far Eastern Economic Review. 1992, pp. 18

In response to questions about the UN's involvement in Afghanistan, Sevan the Secretary-General's personal representative, told reporters in New York that the UN had mediated the political process impartially and was promoting discussion. To 'have in Afghanistan a government freely elected by the Afghan people,'¹⁸⁰ he urged everyone interested in finding a solution to the country's problems.

The General Assembly resolution 48/208, which asked the Secretary-General to send a United Nations Special Mission to Afghanistan to gather information from Afghan leaders about how the United Nations can help Afghanistan bring about national reconstruction, peace, and conciliation in the region, was noted by the Security Council in a statement released by the Council's president on January 24, 1994, S/PRST/1994/4.¹⁸¹

The United Nations Special Mission

The Secretary-General appointed Mahmud Mestiri of Tunisia to lead a Special Mission of the United Nations. It was 'clear to almost everyone in Afghanistan that no military victory by either side was possible and a continuation of war served no purpose'¹⁸² according to the Special Mission, which travelled the nation from March 27 to April 29, 1994. Since the Afghans considered the UN as their last and only hope for peace, the organisation and the world community needed to 'assist the Afghan more actively in bringing peace to their country.'¹⁸³ There was a chance to 'use practical diplomatic approaches to alter the present stalemated political and military equation.'¹⁸⁴ With patience, 'steadfastness, and creative political approaches, it was possible to create a momentum for peace,'¹⁸⁵ the Mission concluded, despite the fact that it would not be an easy assignment.

The Council urged all Afghans to keep cooperating with the Special Mission in its efforts to assist Afghans in starting a peaceful political process to put an end to their disputes in another Presidential Statement, S/PRST/1994/43, dated August 11, 1994. Since the ongoing civil conflict in Afghanistan has destroyed its people and is creating a 'threat to the stability and security of other states in the region,'¹⁸⁶ it encouraged the parties to cease hostilities. In order

¹⁸⁰ UN Chronicle Vol. XXVII, No. 4. 1992.

¹⁸¹ UN Chronicle Vol. XXVII, No. 4. 1992.

¹⁸² UN Doc A/49/208. S/1994/766. 1994.

¹⁸³ UN Doc A/49/208. S/1994/766. 1994.

¹⁸⁴ S/1994/766. 1994

¹⁸⁵ Ibid.

¹⁸⁶ UN Doc A/49/208. S/1994/766. 1994

to 'assist the Afghans in rebuilding their shattered country, to take necessary steps to promote peace in Afghanistan, to stop the flow of weapons to the parties,'¹⁸⁷ the international community was called upon.

Peace Initiatives

In order to support the UN peace efforts, the Council asked the interested nations 'to form a working group'.¹⁸⁸ An international conference on Afghanistan, consult with Afghan leaders on establishing a 'transition authority, a total ceasefire, and holding of free and fair elections'¹⁸⁹ were among the priorities it emphasised. The urgency of resuming UN efforts, which would involve a renewed political and physical presence in Afghanistan, was also discussed. Mestiri carried on with his 'shuttle diplomacy'¹⁹⁰, meeting with Afghan factional leaders and Pakistani officials in Kabul and other Afghan towns.

He attempted, but was unable, to transfer President Rabbani's authority to an interim council that the UN had established. Mestiri thus warned Afghanistan in a statement that 'the United Nations would render Afghanistan in political isolation'¹⁹¹ if the country's president did not cede power. In 1994, he also initiated the so-called 'Quetta Process,'¹⁹² which involved calling a broad range of Afghan leaders to a conference in Quetta, Pakistan. A four-member Afghan panel was established in early 1995 as a result of the Quetta discussions with the goal of gaining support from the warring groups for a government of national unity. The rise of the Taliban movement, which was supposedly composed of students from military seminaries in the southwest of the country, swiftly eclipsed the Quetta process.

The Taliban

Afghanistan was still unable to find peace. The Taliban had become a new power, and their attitude seemed to be crucial to Mestiri's UN peace strategy. Since the Taliban had drastically changed the balance of power inside Afghanistan, the United Nations peacemakers' assignment

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ S/1994/766. 1994.

¹⁹⁰ Khalilzad, Z. (1996). Afghanistan in 1995: Civil War and a Mini-Great Game. *Asian Survey*, 36(2), 190-195.

¹⁹¹ UN Chronicle. Vol. XXXI, No.3. 1994.

¹⁹² UN Doc A/49/208. 1998.

was all but impossible. As the sole neutral force in Afghanistan, the Taliban sought to disarm all Mujahideen groups in order to bring about peace in the nation. In actuality, it was requesting the most influence over any UN-sponsored agreement at the cost of the conventional Mujahideen groups. The Taliban thought they could change the course of events if Pakistan provided them with more air and ground support. As the Taliban's opponents had always said, senior U.N. officials secretly feared that Pakistan had helped to create the group. They claim that the goal was to establish the north-south route through western Afghanistan, which connected Pakistan and its ports with the recently independent Central Asian republics.

Undeterred, the UN intensified its efforts at mediation, calling an outside powers' conference in New York and seeking to establish communication with the warring groups. Even the possibility of the UN sending in foreign monitors to keep an eye on Kabul's demilitarisation was mentioned in passing by Boutros-Ghali. However, since the Taliban had held almost three-quarters of the nation, UN officials were gloomy about the chances of reconciliation. When the Taliban suggested establishing a government with shared authority in November 1995, hopes for a resolution surged once more. Mestiri received assurances from President Burhanuddin Rabbani that he would resign.

The United Nations representative said that a new council consisting of twenty-eight members will take over. However, the inevitable transition of power never happened. Mahmood Mestiri was replaced as head of the United Nations Special Mission to Afghanistan by Norbert Holl, a United Nations mediator, who re-established communication with the different Afghan authorities. A summit of nations having sway over Afghanistan was summoned by the UN Secretary General. However, there were some who questioned this approach even within the institution. The Security Council urged all nations to abstain from meddling in Afghanistan's domestic affairs. This implied that the United States, Pakistan, and Saudi Arabia—all of whom were giving the Taliban financial, political, and military support were urged to refrain from meddling in Afghanistan.¹⁹³

The Security Council adopted resolution 1076, in which it called on all Afghan parties to immediately cease all armed hostilities, renounce the use of force, set aside their differences, and engage in a political dialogue aimed at achieving national reconciliation and a lasting

¹⁹³ UN DOC. S/PRST/1996/40.

political settlement of the conflict, as well as establishing a fully representative and broad-based transitional government of national unity.

The members of the Security Council expressed their belief that foreign intervention was impeding international efforts to achieve a negotiated settlement to the conflict. According to Secretary General Boutros-Ghali, who stated that the 'military option still seemed the course of action preferred by the main warring parties, who did not seem genuinely ready to pursue a peaceful political settlement through the United Nations.'¹⁹⁴

Under UN auspices, a number of discussions were held to negotiate a cease-fire for war-torn Afghanistan. The United Nations has been 'trying to persuade the rival groups to agree to a cease-fire; an exchange of prisoners and the formation of a technical committee to oversee the truce,'¹⁹⁵ according to Norbert Holl during one of the meetings. A discussion on other topics, such 'the formation of a broad-based government, demilitarisation of Kabul, and creation of a neutral security force for the city,'¹⁹⁶ may result from success.

The Taliban now had the obligation of giving Afghanistan the option of choosing to stay involved in ethnic and factional conflict and destruction or to experience peace and normalcy. It is important to give careful thought to Pakistan's proposal that 'political negotiation between the Taliban and the various ethnic groups should take the place of factional fighting in Afghanistan.'¹⁹⁷ For war-weary Afghanistan to regain internal peace and stability, a broad-based administration is essential. In the regional context, it will also serve as a stabilising force.

Given that the Taliban had solidified their rule over Kabul and a sizable portion of the nation, there is a strong probability that the unrest will subside and that the much-needed process of national reconciliation will be started.

The General Assembly further emphasised that the Afghan parties bear the primary responsibility for finding a political solution to the conflict in a resolution voted by the assembly on February 13, 1997, A/RES/51/195. All Afghan parties were urged to put an end to military conflict and promote 'national reconciliation through a political dialogue.'¹⁹⁸

¹⁹⁴ UN Doc. A/50/908. 1996.

¹⁹⁵ UN Chronicle. Vol. XXXIII, No. 2, 1996.

¹⁹⁶ Ibid.

¹⁹⁷ Don Krumm. No Exit: Staying the Course in Afghanistan. US Committee for Refugees. World Refugee Survey. 1998, pp. 124

¹⁹⁸ General Assembly Resolution A/RES/51.

Critical Analysis

Should the UNGOMAP mandate be extended in light of Afghanistan's domestic unrest? Despite not completely resolving the issue, its efforts had calmed the atmosphere after ten years. Should the UN have stayed involved? Was it impossible to carry out the UN mission in a country where internal rivalries and bloodshed predominated and were exacerbated by foreign intervention? Should the UN have attempted to use force to change its diplomatic and mediating function into a peacekeeping mission in order to accomplish its goal?

The UN did support the peace process even if it was unable to bring about peace and stability in the nation. There were moments when normalcy appeared achievable. The UN's role in Afghanistan cannot be judged as a success or failure. Without UN intervention in Afghanistan, the repercussions would have been severe and terrible. Unfortunately, violence still goes on in Afghanistan and among its people.

The world community, has lost a great deal of patience and interest in Afghanistan. The international world had done a great deal of work, money, and humanitarian aid to help the war-torn and crisis-ridden nation achieve peace and stability, but the results are largely inconclusive. Humanitarian workers have frequently questioned if foreign aid may potentially prolong death fighting, and occasionally there are even questions raised about the United Nations ability to continue providing humanitarian help.

Conclusion

The journey towards a strengthened United Nations system is both imperative and complex, reflecting the dynamic challenges that our world faces today. As the UN navigates the evolving landscape of global politics, economics, and social issues, the need for reform and adaptation becomes increasingly evident. A robust UN system must prioritise effective multilateralism, ensuring that all member states have a voice and that collective action is both equitable and responsive to the needs of diverse populations.

Central to this endeavour is the enhancement of peacekeeping operations, which must be equipped with the necessary resources and mandates to address contemporary conflicts. The integration of sustainable development goals into the fabric of UN initiatives is also crucial, promoting a holistic approach that links peace, security, and development while addressing the root causes of conflict.

Moreover, fostering collaboration with regional organisations can amplify the UN's impact, as local actors often possess vital insights and connections that contribute to more effective interventions. The emphasis on human rights and social justice must remain at the forefront, ensuring that the rights and dignity of all individuals are protected and promoted.

Ultimately, a strengthened UN system hinges on the commitment of member states to uphold the principles of cooperation and solidarity. By embracing transparency, inclusivity, and accountability, the UN can restore faith in multilateral institutions and better address the complexities of global challenges, from climate change to inequality and beyond. As we move forward, the collective responsibility of the international community will be pivotal in shaping a resilient and responsive UN that can effectively promote peace, security, and sustainable development for future generations. The path ahead may be challenging, but it is vital for the prosperity and well-being of global society.

Furthermore, the case studies of Namibia, Cambodia, and Afghanistan illustrate the multifaceted challenges and successes encountered within the framework of a strengthened United Nations system. Each country exemplifies distinct historical and socio-political contexts, yet they collectively underscore the critical role of the UN in facilitating peace, development, and human rights.

Namibia's transition to independence with significant UN support highlights the importance of international cooperation in nation-building processes. The UN's involvement in Namibia facilitated a peaceful transfer of power and fostered democratic governance, serving as a model for future interventions in similar contexts.

In Cambodia, the UN's efforts were pivotal in restoring stability after years of conflict and genocide. The successful implementation of the 1991 Paris Peace Agreements and the establishment of a 'hybrid court' reflect the potential for the UN to adapt its strategies to local needs. However, challenges remain, particularly regarding political will and addressing ongoing human rights concerns, indicating that the UN's engagement must be continuous and responsive.

Afghanistan presents a more complex narrative, where the UN's extensive involvement aimed at rebuilding a war-torn society has faced ongoing setbacks. The deterioration of the security situation and the resurgence of Taliban control underline the limitations of international intervention without sustained local support and capacity-building.

This situation reveals the necessity for the UN to reevaluate its strategies and enhance collaborative approaches that empower local stakeholders.

Ultimately, these case studies affirm that a strengthened UN system must prioritise adaptive strategies, inclusive governance, and long-term commitment to building resilient institutions. By learning from past experiences in Namibia, Cambodia, and Afghanistan, the UN can enhance its effectiveness in fostering sustainable peace and development across diverse global contexts, ensuring a more secure and equitable future for all nations.

Chapter 4

United Nations, Enforcement Action and Humanitarian Intervention: A Study of Iraq, Somalia and Bosnia-Herzegovina

Humanitarian intervention is an exception to the ‘comprehensive ban on the use of force,’ permitting states to employ military force for humanitarian reasons. It marks a significant shift from the conventional legal framework regarding the use of force, which only permits the use of force in self-defense against armed attacks of a considerable magnitude. This doctrine has its philosophical roots in the works of Hugo Grotius and has garnered support from thinkers like Rawls, yet it has faced criticism from various philosophers, including Kant and Hegel.¹

Conflicts which usually involve ethnic conflict, religious polarisation, human rights abuses, and the breakdown of pre-existing political, social, and economic structures—pose no less a threat to global security and stability than military action by one nation against another. By 1990, the Superpower struggle had ended, and the cooperative attitude allowed the UN Security Council to play a bigger part in both preventing and resolving conflicts. As former UN Secretary-General Boutros Boutros-Ghali said, ‘there is now a unique chance to start using the UN apparatus for the purpose for which it is created, namely, maintaining peace’². Since the Gulf crisis, the members of the Security Council had continued to collaborate on several new global issues, preserving their newly discovered spirit of collaboration.

United Nations enforcement actions are measures taken to maintain or restore international peace and security in response to threats or breaches of international law. Established under the UN Charter, these actions are primarily carried out through the UN Security Council, which has the authority to determine the existence of threats and decide on appropriate responses. Enforcement actions can include a range of measures such as economic sanctions, military interventions, and peacekeeping missions. Economic sanctions are often the first step, aiming to pressure a state into compliance without resorting to military force. If sanctions prove ineffective, the Security Council may authorise the use of force to compel compliance, as seen in instances such as the Persian Gulf War in the early 1990s, when the UN authorised

¹ Edward Newman. (2021). Exploring the UK's Doctrine of Humanitarian Intervention. *International Peacekeeping* 28, no 4, 632-660.

² Boutros Boutros - Ghali, 'UN Peacekeeping in a New Era: A New Chance for Peace', *World Today*. April, 1993, pp. 66.

enforcement action against Iraq following its invasion of Kuwait. The effectiveness of UN enforcement actions has been a topic of debate, raising questions about sovereignty, the legitimacy of intervention, and the political dynamics within the Security Council. Nonetheless, the UN continues to play a crucial role in addressing threats to international peace and security through a variety of enforcement mechanisms.

The idea of humanitarian intervention and the requirements that aim to provide a set of guidelines that further the objective of establishing peace and security is discussed in the first section of this chapter. The second segment provides a thorough understanding of the complex concept of peace, which is an essential part of UN humanitarian aid. Since the UN Security Council is being asked to carry out an increasing number of new duties outside of the conventional features of peacekeeping, the multifaceted peace operations that arose towards the end of the Cold War placed significant demands on UN peacekeeping. This is covered in the third section of the chapter. The final portion of this chapter offers a thorough summary of the enforcement action in Iraq and numerous humanitarian initiatives that took place throughout the civil wars in Somalia and Bosnia-Herzegovina. The UN operations, task forces, and resolutions that have been put into place to support peace, security, and stability in the war-torn nations are also covered in this part. The severity of the humanitarian crisis in Bosnia-Herzegovina, and Somalia forced the international community to confront issues of security and peace even inside the borders of those countries. The nature, scope, and effects of the Security Council's action in these crises are only a few of the numerous concerns that have been raised by its involvement. A global law and order deficit is demonstrated by these intricate humanitarian crises of the 1990s.

The topic of humanitarian intervention was a point of contention in the post-Cold War era by academics, decision-makers, governments, international organisations, and non-state actors. The use of armed force in another state without the permission of that state's government, with or without authorisation from the UNSC, to stop or prevent 'egregious and widespread violations of international humanitarian law or human rights'³, was referred to as humanitarian intervention.⁴ The United Nations had acknowledged that the escalation of armed conflicts and civil wars around the globe poses a threat to global peace and security. Consequently, the UN must put in place measures to manage these conflicts and guarantee the safety of people.

³ Owen Moelwyn Hughes. (2012). How effectively are human rights upheld? *Politics Review Resources, Global Politics, Vol. 22, No. 2.*

⁴ Ibid.

The liberal school of thinking clarifies when a country or organisation engages in humanitarian operations the aim is to uphold and advance human rights and freedoms, foster collaboration, and achieve peace and security.⁵ Liberalism contends that while carrying out the humanitarian intervention, the UN and other member nations are primarily concerned with reestablishing security and stability in the war zones.⁶ Modern liberal internationalism was one of the liberal streams that addresses the propriety of humanitarian action.⁷ Michael Walzer, a leading expert on this issue contends that military action was acceptable as a last option and as a way to save people from crimes against humanity and other human rights abuses.⁸ Liberal internationalists contend that multilateralism keeps Superpowers from using interventions to further their own interests rather than those of humanity, so such interventions should be carried out multilaterally with UN Security Council's approval rather than unilaterally.⁹

The United Nations engagement in humanitarian intervention during the post-Cold War era was justified by the following factors: a) when an internal conflict was more likely to endanger global peace and security. b) the bordering states may be involved in internal disputes in several ways. They had the ability to send a lot of people fleeing into nearby states.¹⁰

When rebel organisations utilise the territory of adjacent governments as bases, sanctuaries, or as a means of transferring money, supplies, and weapons to them, cross-border military operations and interdiction campaigns frequently follow. Furthermore, neighbouring powers may also get more directly engaged in domestic conflicts: they might help insurrectionists or interfere militarily for merely opportunistic reasons; they can act for genuine national security grounds; they can intervene to safeguard ethnic brothers. If an internal conflict sparks violence elsewhere in the region, it may also be a danger to the peace and security of the area. To put it briefly, if an internal conflict had spread to an area that poses a security danger to the international community, it was more likely to be viewed as one if it was not confined inside the borders of the state that gave rise to it.

⁵ Walzer, M. (1977). *Just And Unjust Wars*. New York: Basic Books. ISBN: 0465037046

⁶ Ibid.

⁷ Edward Newman. (1995). Realpolitik and the CNN Factor of Humanitarian Intervention. in Dimitris Bourantonis and Jarred Wiener (eds), *The UN in the New World Order*. London, MacMillian Press Ltd.

⁸ Walzer, M. (1995). The Politics of Rescue. *Social Research*, 62(1), 53–66.

⁹ Moszkowicz, D. (2007). Michael Walzer's Justification of Humanitarian Intervention: Communitarian? Cosmopolitan? Adequate? *Political Theology*, 8(3), 281–297.

¹⁰ The Year in Review - World Refugee Survey. 1993. pp 2.

Policy discussions at the national and international levels began to include humanitarian intervention as a governmental activity. However, it begs the question of precisely what humanitarian action is? In the context of international affairs, the terms ‘humanitarian’¹¹ and ‘intervention’¹² make up the notion of humanitarian intervention. The term humane, which denotes being considerate and courteous to others, is where the word humanitarian comes from. Humanitarianism may be defined as an ‘ethical code of kindness, charity, and sympathy that is applied equally and globally to all people’.¹³

Humanitarian intervention was not defined by a single legal or conventional term. Variations in the definition include whether humanitarian intervention was restricted to situations in which the host state had not granted consent, whether it was restricted to punitive measures, and whether it was restricted to situations in which the UN Security Council had expressly authorised action.¹⁴ On several fundamental aspects, there was, nonetheless, broad agreement:

- Its primary characteristic was the use and threat of armed action.
- It involves deploying armed troops into the airspace or territory of a sovereign state that hadn't engaged in hostilities with other states in order to meddle in their domestic affairs.
- Interventions are made in reaction to circumstances that are driven more by humanitarian goals than by direct challenges to a state's strategic interests.¹⁵

During the Cold War, nations prioritised maintaining order and sovereignty over upholding human rights, making armed humanitarian intervention an illegal tactic. The 1990s saw a dramatic shift in public opinion, particularly in liberal democratic governments, which set the standard for advancing new humanitarian demands in global society.¹⁶ The UN Secretary-General Boutros Boutros-Ghali's ‘Agenda for Peace’¹⁷ and the establishment of the UN Department of Peacekeeping Operations forced states, including the great powers to contribute to and finance a novel form of humanitarian intervention.

¹¹ Rivlin Benjamin. (1997). *The United Nations and regionalism in an era of globalization in envisioning the United Nations in the twenty-first century*. United Nations University.

¹² Ibid.

¹³ Conforti B. & Focarelli C. (2010). *The law and practice of the United Nations*. Oxford University Press Inc., New York

¹⁴ Jennifer M. Welsh. (2004). *Humanitarian Interventions and International Relations*. Oxford University Press Inc., New York. pp. 5.

¹⁵ Ibid.

¹⁶ Craig N. Murphy. (2006) *The United Nations Development Programme, A Better Way?* Cambridge: Cambridge University Press.

¹⁷ Ghali, Boutros Boutros. (1992). *An Agenda for Peace*. Department of Public Information, UN, New York.

Some nations were in favour of establishing statutory requirements that must be fulfilled before intervention occurs, but it's unclear who would be in charge of establishing the requirements and ensuring that they are followed.¹⁸

The following are some of the requirements that aim to provide a set of guidelines that further the objective of establishing security and peace.

- The possibility of serious, widespread human rights breaches.
- Unambiguous, factual proof of the danger or incident.
- The state government was incapable or unwilling to make amends.
- The urgency was obvious.
- Using force ought to be the very last option.
- The international community and the general public are given a clear explanation of the goal.
- Ending the violations of human rights.
- The people for whom the activity was meant support it.
- States in the area are in favour.
- The success rate needs to be increased.
- Careful planning of the post-conflict peacebuilding.
- The amount of force used must be appropriate to accomplish these objectives.
- Throughout the action, international law governing the conduct of war shall be adhered to.¹⁹

There was still a certain truth in the discussion of humanitarian action. Humanitarian concern was just one of several elements that influence governmental decision-making.²⁰ Political, military, and economic interests are only a few of the factors that governments, whether in the Security Council or working with allies, take into account when making decisions.²¹ Though they are unlikely to serve as the sole justification for a decision to intervene, the criteria for intervention—such as the proportionate use of force, high likelihood of success, well-

¹⁸ Boutros-Ghali. (1994). *Building Peace and Development*. Report of the work of the organisation for the forty - eight to the forty – ninth session of General Assembly. New York. UN.

¹⁹ Craig N. Murphy, (2006) *The United Nations Development Programme, A Better Way?* Cambridge: Cambridge University Press.

²⁰ Department of Political Affairs, (DPA) (1997). *Preventive Action and Peace-making*. UN Publication.

²¹ Bellamy, Alex J., and Tim Dunne. (2016). *The Oxford Handbook of the Responsibility to Protect*. Oxford Handbooks.

articulated goals, post-conflict plans, adherence to the laws of war, etc.—might be helpfully developed to guide behaviour in an intervention.²²

Principles of Peacekeeping

For the purpose of maintaining international peace and security, UN peacekeeping operations remain distinctive due to three guiding principles and these three ideas are connected to one another. They are as follows:

- The consent of the parties: The major combatants in the dispute provide their approval for UN peacekeeping missions to be deployed. This necessitates the parties' dedication to a political process. Their consent to participate in a peacekeeping mission gives the UN the political and operational flexibility it needs to fulfil its mandate.²³ Without this kind of agreement, a peacekeeping mission runs the risk of getting involved in the conflict and getting distracted from its primary duty of maintaining peace in favour of enforcement action.
- Neutrality: While impartiality should not be mistaken for neutrality or passivity, it is essential in preserving the primary parties' cooperation and consent. While carrying out their duty, United Nations peacekeepers should not be neutral in their interactions with the warring parties. Instead, they should be impartial.²⁴ A peacekeeping operation should not support activities by the parties that breach the agreements made during the peace process or the international standards and values that a United Nations peacekeeping operation respects, in the same way that a competent referee was unbiased but will punish breaches. Even while a peacekeeping operation needs to build and maintain positive relationships with the parties, it must carefully avoid any actions that might tarnish its reputation for objectivity.

²² Bailey, Sydney Dawson. (1982). *How wars end: the United Nations and the termination of armed conflict, 1946-1964*. Oxford University Press. London.

²³ *United Nations Peacekeeping Operations Principles and Guidelines*. United Nations Department of Peacekeeping Operations.

²⁴ Department of Political Affairs, (DPA) (1997). *Preventive Action and Peace-making*. UN Publication.

- The refrain from using force unless necessary to defend oneself or the mandate: UN peacekeeping missions do not serve as a means of enforcement. However, if they are defending their mandate and acting in self-defense, they are permitted to employ force at the tactical level with the Security Council's approval. The Security Council had granted UN peacekeeping operations robust mandates that allow them to use all necessary means in certain volatile situations to protect civilians under imminent physical threat, thwart violent efforts to meddle in politics and/or assist national authorities in maintaining peace and order.²⁵ Robust peacekeeping should not be mistaken with peace enforcement, as defined by Chapter VII of the United Nations Charter, even if they may occasionally seem comparable on the grounds:
 - The Security Council had authorised the tactical use of force, which was supported by the host nation and/or the main combatants, in order to maintain effective peacekeeping.
 - However, military intervention at the national or international level—which was normally prohibited for nation-states under Article 2(4) of the Charter until authorised by the Security Council—may be used in the context of peace enforcement. It also does not require the approval of the primary parties.²⁶

Force ought to be used in a UN peacekeeping mission as a last option. In order to maintain approval for the mission and its mandate, it should always be calibrated in a precise, proportionate, and suitable manner, according to the idea of the minimal force necessary to accomplish the intended impact. The UN peacekeeping operation's use of force always had political ramifications and frequently results in unanticipated events. Decisions about its use must be made at the right level within a mission, taking into account a variety of factors such as mission capability, public perceptions, humanitarian impact, force protection, personnel safety, and security, and above all the impact that such an action will have on local and national support for the mission.

²⁵ Orakhelashvili Alexander. (2006). *The Power of the UN Security Council to Determine the Existence of a Threat to the Peace*. Irish Yearbook of International Law.

²⁶ Rich, Roland. Lanham. (2022). *The United Nations as Leviathan: Global Governance in the Post-American World*. Hamilton Books.

Multi-dimensional Concept of Peace

One noteworthy development was that the UN Charter had served as the foundation for a multifaceted concept of peace that, in addition to offering peaceful dispute resolution under Chapter VI and enforcement action under Chapter VII, had the effect of civilising acts of conflict between member states by bringing them together in multilateral institutions and establishing legitimacy for their relationships. Since the UN Security Council was being asked to carry out an increasing number of new duties outside of the conventional features of peacekeeping, the multifaceted peace operations that arose towards the end of the Cold War placed significant demands on UN peacekeeping.

Authorised by political bodies or the Secretary-General, the UN's second-generation peace operations, also known as new peacekeeping, had been used 'to oversee or execute the political solution of an inter-state or internal conflict with the consent of the parties.'²⁷ The main goal of second-generation operations was to support a state or group of states in carrying out a political settlement to a dispute that had been agreed upon. It aims to resolve the fundamental conflict rather than just prevent its escalation. As a result, it was focused more on the long term than the short-term objective of ending armed conflict.

Multidisciplinary peace operations involve civil administration, electoral administration, and reconstruction of a shattered nation, social and economic development, refugee rehabilitation, and more. In the wake of violence, the goal was to strengthen and integrate the impacted nation's political, social, and economic fabric so that it may continue to operate as a viable and independent member of the global community.

The idea of the Security Council intervening on humanitarian grounds in war-torn nations characterised by instability and turmoil was a significant and contentious development that had occurred in this new era of international relations inside the multifaceted UN operation. The purpose of the UN Security Council's humanitarian intervention was to alleviate the local population's suffering during a prolonged conflict or overall disorder. 'Action across recognisable territorial boundaries ostensibly aimed at alleviating grave human need, be it the result of starvation, disease, atrocity or gross persecution, widespread dispossession, or the immense danger of these or other threats'²⁸ is what was meant by humanitarian intervention.

²⁷ Steven R Ratner (ed). (1996). *The UN Peacekeeping in 1997*. London, Macmillan Press Ltd.

²⁸ Edward Newman. (1995). Realpolitik and the CNN Factor of Humanitarian Intervention. in Dimitris Bourantonis and Jarred Wiener (eds), *The UN in the New World Order*. London, MacMillian Press Ltd. pp.19

The phrase had been used to refer to both short-term responses to urgent needs, with or without the receiving territory's approval, and longer-term rebuilding projects that include food distribution, housing, medical supplies, and military protection and rescue.

Humanitarian intervention had been attempted to alleviate suffering in a nation torn by conflict, while conventional and multifaceted peace operations aid in securing an emerging peace. Humanitarian interventions are regarded as a short-term solution to alleviate immediate suffering and assist non-combatants in surviving the horrors of war.

The Dilemma

However, it was impossible to overlook the issue of whether humanitarian intervention—which violates a state's sovereignty—should be carried out at all as a necessary consequence of the UN organisation's new peacekeeping missions. It can be questioned whether humanitarian intervention can truly live up to its rhetoric of altruism in the post-Cold War era, free from the geopolitics of bipolarity and spheres of influence? Or does the North have the right to intervene on behalf of the South, or the powerful against the weak?

Given the strong roots of the idea of state sovereignty and non-interference in the internal affairs of other states in customary international practice, one may argue that traditional international law poses a significant barrier to humanitarian assistance. It had been maintained that humanitarian concerns had almost always been used to justify hegemonic and imperialist endeavours. Furthermore, the UN and individual nations' philosophy and practice of humanitarian action had been severely hampered by the Charter.

The main textual restriction on the United Nations' operations is found in Article 2(7) of the Charter, which forbids the organisation from 'intervening'²⁹ in issues that are essentially under the domestic jurisdiction of any state, with the exception of situations in which the UN was enforcing laws, which are by definition not predicated on the parties' consent. The doctrine of limitless national sovereignty, which implied unbridled authority for the domestic governments, gave rise to the non-intervention principle. As stated in Article 2(7) of the UN Charter and Article 15(8) of the Covenant of the League, this internal sovereignty was meticulously safeguarded under the guise of domestic jurisdiction. This section, according to the Charter's drafters, expresses an inherent restriction on any international body.

²⁹ Article 2(7). UN Charter.

Indeed, Article 2(7) would provide a considerable impediment to the new peacekeeping since so many of the UN's recent efforts in the fields of civilian administration, economic rehabilitation, election oversight to fall within the domestic authority of a member state. Therefore, peacekeeping was prohibited by Article 2(7).³⁰

The International Court of Justice ruled in the Nicaragua Case that international law could not support the claim of collective self-defense against a state's actions that did not qualify as an armed attack. Stated differently, current international law prohibits collective humanitarian involvement in response to an unlawful conduct that does not amount to an armed attack. Can an international organisation act as the global community's representative when it comes to humanitarian intervention?

In his book 'Humanitarian Intervention and International Law', V.S. Mani has claimed that morally acceptable humanitarian interventions are extremely uncommon and that neither the state system nor any international manifestation of it under state control can be completely relied upon for the fair, nondiscriminatory, and efficient application of human rights in order to stop and alleviate human suffering.³¹

Furthermore, the UN was prohibited from actively participating in civil conflicts under the Charter itself. The very reasoning for the UN's institutional constraints in properly handling civil wars and intra-state conflicts. Sovereign governments established the UN with the primary goal of addressing matters pertaining to inter-state peace and security. The Charter's tenets of sovereignty and non-interference in internal matters uphold the structural constraints on handling civil wars and intra-state disputes. The United Nations is a state-centered organisation, and its Charter imposes strict prohibitions on meddling in internal matters.

As the political and international climate had improved in the post-Cold War era, the Security Council had sanctioned additional peacekeeping missions under Chapter VII of the Charter, with an expanded mandate for political, social, and economic rebuilding in war-torn nations.

Additionally, it had occasionally approved the use of force to maintain peace and safeguard UN peacekeeping missions.

³⁰ ICJ Report. 1986. pp. 106.

³¹ V.S. Mani. (1991). Humanitarian Intervention and International law. *Indian Journal of International Law*. vol 2(1). pp. 19.

However, questions have been raised about whether many UN peacekeeping missions are lawful. The UN had been acting outside of its own charter and in direct opposition to it, which was against Articles 2(4) and 2(7).³² However, the possibility of humanitarian intervention on a scale not before considered had been made possible by the transformation in international relations. Additionally, popular perceptions of 'the balance between respect for state sovereignty and humanitarian demands had changed in many parts of the world.'³³

As the former Secretary - General, Perez de Cuellar stated:

*'We are witnessing what is probably an irreversible shift in public attitudes towards the belief that the defence of the oppressed in the name of morality should prevail over frontiers and legal documents.'*³⁴

The international legal order was based on the principle of respect for state sovereignty. Even more fundamental was the UN Charter's prohibition on states using or threatening to use military force against another state's political independence or territorial integrity. An important question that comes up is what happens when a government massacres its own citizens, when a state's population faces famine or calamity and the leadership of that state rejects international assistance, or when the state's authority disintegrates. Under these circumstances, can the world community continue to watch passively?

Humanitarian intervention happens when a significant portion of a state's population faces imminent mortality or when widespread suffering takes place. The protection of a state's population is always the stated goal of UN action in that state. Does international law allow for armed intervention in a state to stop widespread death or suffering among the populace, even if that state's administration does not want it to? Conventionally, military intervention on another state's territory is viewed as a breach of the UN Charter's Article 2(4) ban on the use of force, regardless of the noble intentions behind it.

Some prominent international lawyers had argued for the case of humanitarian intervention on the assumption that such intervention was designed to maintain one of the values on which the UN Charter was built, namely, the protection of human rights.

³² Jasjit Singh. (1996). UN Peacekeeping, Operations: The Challenge of Change. *Strategic Analysis. Vol. XIX.* pp. 539.

³³ Christopher Greenwood. (1993). Is there a right of humanitarian intervention? *The World Today.* pp. 34

³⁴ *Diplomatic World Bulletin.* Vol. 22. 1991.

Former Secretary-General Boutros-Ghali stated:

*'It is indisputable that the centuries-old doctrine of absolute and exclusive sovereignty no longer stands and is in fact never so absolute as it is conceived to be in theory, even though respect for the fundamental sovereignty and integrity of the state remains central.'*³⁵

The United Nations must be given more authority over human rights issues and to ensure that humanitarian interventions conducted under its auspices are legitimate. The rights and dignity of all people are strongly upheld by the United Nations Charter. The world's will to 'reaffirm faith in fundamental human rights, in the dignity and worth of the human person'³⁶ was expressed in the Preamble. The United Nations was committed to promoting universal respect for and observance of human rights and basic freedoms for everyone, regardless of race, sex, language, or religion, as stated in Article 55 of the Charter. In order to accomplish the goals outlined in Article 55, Article 56 urged each member 'to take joint and separate action in cooperation with the organisation.'³⁷

Accordingly, it might be claimed that anytime these UN Charter obligations were broken, the UN must act to provide humanitarian assistance. Furthermore, a 'failed state'³⁸ provides another justification for humanitarian intervention. A failed state presents the international community with countless issues. According to Boutros-Ghali, 'if you don't step in, you will pay the price sooner or later.'³⁹ Additionally, 'it can cost you ten times as much afterward'⁴⁰.

Civilised society find it difficult to tolerate widespread suffering, particularly when it is depicted in graphic images on television and on the nightly news, without calling for action.⁴¹ What exactly does that something involve, one would wonder.

The fact that few democratic governments are immune to popular pressure to 'do something, don't just stand there, since mass violence and suffering is an affront to the world's conscience'⁴² was interesting. The international community's mood encourages the world organisation to carry out ambitious mandates through its peacekeeping operations and to

³⁵ Boutros Boutros - Ghali, *An Agenda for Peace*. (1992). New York. United Nations.

³⁶ Michael Reisman. (1973). *Humanitarian Intervention to protect the Ibos'*, in Richard B. lilac (ed), *Humanitarian Intervention and the United Nations*. Chartollesville, University Press of Virginia.

³⁷ Statement by Boutros Boutros - Ghali, *Time*, 1 August, 1994, pp 21,

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² M. Akehurst. *Humanitarian Intervention*. in H. Bull (ed.). (1994). *Intervention in World Politics*. (New York, Oxford University Press.

intervene humanitarily. As some of our traditional prosperity is founded on the idea of ‘don't do anything, just stand there,’⁴³ it had been said that this was especially ironic.

The notion that widespread humanitarian suffering might jeopardise global peace and security had gained traction in recent years. As a result, there was a larger responsibility to address this new aspect of collective security. The importance of humanitarian intervention was further highlighted by the realisation that serious humanitarian suffering necessitated action from the international community within the framework of the UN, either by right or obligation, even without the recipient territory's consent.

Therefore, in cases when humanitarianism and sovereignty conflict, the preservation of life should take precedence over sovereignty. ‘The once-sacrosanct state sovereignty is no longer an acceptable justification for violations of the rights of civilians in zones of armed conflict, if it ever is,’⁴⁴ in the words of the Secretary-General. Furthermore, it had been noted in a number of instances that humanitarian aid enhances peacekeeping operations. International peace and security may also be threatened by humanitarian catastrophes, or they may exacerbate pre-existing dangers that might lead to humanitarian crises. According to Boutros-Ghali, ‘unless significant related humanitarian issues are addressed as part of the package, no peacemaking effort can be effective or endure.’⁴⁵

One may wonder if international relations had advanced sufficiently to allow for the invasive nature of the second-generation operational peacekeeping features. The answer is in the positive as there was more agreement and objectivity in ensuring adherence to human rights standards and promoting the democratisation process, both of which had severely undermined the areas covered by Article 2(7). For example, the fact that Namibia, Haiti, Nicaragua, Cambodia, Somalia, and Mozambique had frequently complied with and actively supported their missions indicates that the world community believes the UN was qualified to handle these issues under the Charter.

Additionally, the new peacekeeping, results from the agreement of all conflict parties, including all pertinent groups in an internal conflict. In terms of intervention in a state's internal affairs, this prohibits humanitarian intervention.

⁴³ M. Akehurst. Humanitarian Intervention. in H. Bull (ed.). (1994). *Intervention in World Politics*. (New York, Oxford University Press.

⁴⁴ Larry Minear and Thomas A. Weiss. (1997). *Humanitarian Action in Times of War*. Lynne Rienner, Boulder & London.

⁴⁵ Ghali Boutros Boutros. *An Agenda for Peace*. (1992). New York. United Nations.

Perez de Cuellar, Secretary General stated in his 1991 Annual Report to the General Assembly that 'sovereignty would only be weakened if it were to carry the implication that it includes the right of mass slaughter or of launching systematic campaigns of decimation or forced exodus of civilian populations in the name of controlling civil strife or insurrection'.⁴⁶ But, as the argument goes, some types of extensive UN activity could infringe upon a state's sovereignty.

Furthermore, as noted by Boutros-Ghali, 'the era of total and exclusive sovereignty is past. Reality never matched its theory'⁴⁷. He also emphasised a similar process was dictated at the global level as the new period starts democratisation at the national level. Globally speaking, democratisation of international relations refers to all governments taking part in the creation of new standards for international behaviour.

As a result, given the altered environment, state sovereignty needs to signify something different. State sovereignty violations are and will continue to be crimes against the international system, but they also jeopardise human rights and a world that is peaceful. A peaceful global existence can undoubtedly be disrupted by narrow nationalism. This is because nations are too interdependent, national borders are too porous, and transnational realities—such as poverty and misery on the one hand, and technology and investment on the other—are too dangerous to allow for 'egocentric isolationism'⁴⁸, which was frequently referred to as national sovereignty or the domain of exclusive domestic jurisdiction.

The Security Council's humanitarian intervention in failed states had been carried out without the consent of the concerned country, even in situations where there was no clear and immediate threat to international peace and security. However, despite numerous normative justifications favouring international intervention in cases of acute situation, humanitarian problems essentially remain a domestic affair that falls under the jurisdiction of sovereign states, according to many experts on international law. Nevertheless, humanitarian intervention had been controversial and frequently viewed favourably.⁴⁹ Previously, UN peacekeeping forces were deployed to mitigate conflict between nations by deploying impartial peacekeepers along the warring path after the full consent of conflicting parties.

⁴⁶ S/PV 3046, 31 January, 1992, pp. 8.

⁴⁷ Boutros Boutros- Ghali, *An Agenda for Peace*. (1992). New York. United Nations.

⁴⁸ Larry Minear and Thomas A. Weiss. (1997). *Humanitarian Action in Times of War*. Lynne Rienner, Boulder & London.

⁴⁹ A.K.P. Mochtan. (1995). *Selective Peacekeeping: Towards Effective Intervention*. *The Indonesian Quarterly. 1st Quarterly, No. 1, Vol. XXIII*.

When the UN makes a unilateral determination on what qualifies as humanitarian difficulties or when the intervening party does not have the approval of the nation and its citizens, the matter becomes contentious.⁵⁰

Humanitarian and Political Action

The close connection between political and humanitarian action is another crucial element that requires consideration in this context. A contrast between the United Nations' political and humanitarian endeavours was previously made during the Cold War. Reducing mass suffering and resolving refugee issues were featured in the second category, while preserving global peace and security was listed in the first. The two roles of the UN were entirely distinct from one another because it allowed the opposing power blocs to operate on behalf of all of mankind during the Cold War, such an arrangement worked to meet the interests of the two power blocs. In addition, it concealed the degree to which they took advantage of humanitarian concerns in their quest for power. The idea that the two fields—one that addresses the basic needs of the oppressed population and the other that focusses on general humanitarian actions carried out for the survival and welfare of the war-ravaged population and the ensuing political climate that prevails in such societies—can be kept clearly apart now that the Cold War was over, was not very convincing. The truth was that humanitarian aid, even when it was meant to be objective and unbiased, was always subjected to political repercussions and was sometimes purposefully used by conflicting parties for their own purposes. In the states afflicted by conflict, relief convoys are frequently escorted by highly armed contingents.

In order to eliminate obstacles to the provision of humanitarian aid, the UN Security Council had frequently approved the use of force under Chapter VII of the Charter. The problem gets more difficult when humanitarian organisations need authorisation to enter a nation where law and order had entirely disintegrated or the state apparatus had failed. Furthermore, the issue of access to the population devastated by war was ultimately a political and military one in intra-state wars where two or more factions are vying for control of the same region, as in Angola, Sudan, and the former Yugoslavia. Recent events had shown that the UN and other non-governmental organisations' humanitarian efforts cannot survive without getting entangled in the murky seas of domestic politics.

⁵⁰ A.K.P. Mochtan. (1995). Selective Peacekeeping: Towards Effective Intervention. *The Indonesian Quarterly. 1st Quarterly, No. 1, Vol. XXIII.*

Humanitarian help must only be given to non-combatants based on need, regardless of their beliefs, origins, or ideologies. The principles of neutrality and impartiality of relief activities must also be respected. Additionally, the agreement of the parties to a dispute must serve as the foundation for humanitarian action. However, these humanitarian aid tenets had been consistently violated during the hostilities. As a result, the aid organisations' authority and respect had diminished. The sad state of humanitarian aid was partly a result of the complexity of the crisis scenario. The media had generated high expectations, which had forced the UN and other humanitarian organisations to get engaged in a number of ambitious initiatives, making it very difficult for the UN to be selective about the war situation today. Maintaining impartiality and neutrality had frequently proven to be challenging, and it can occasionally be challenging to identify a fighter from a non-combatant. For example, in Bosnia-Herzegovina, all physically fit men were mobilised, making it difficult to identify an innocent casualty. Relief aid was frequently used for military and political ends by all parties to the conflict. Furthermore, the neutrality of the military presence in a given unstable, conflict-ridden nation was sometimes questioned when humanitarian missions were aided by UN-mandated soldiers.

The drawback of humanitarian efforts was that they are unable to address complicated political crises on their own. Humanitarian activity cannot replace political action or deception, but it can occasionally serve to defuse stressful situations and lessen violations of human rights. Another drawback of humanitarian action was that nations had a tendency to utilise it as a stand-in for political action rather than trying to address crises situations by implementing appropriate political measures through dialogue and agreements. States frequently conduct massive relief efforts in order to appease public opinion and the international media, rather than attempting to address the underlying causes of an issue. Security Council members quickly agree on humanitarian aid but take a long time to resolve contentious issues like troop deployment and the use of force in peacekeeping missions. Additionally, it had been asserted that 'governments had been able to minimise their own responsibility for mistake and failures by placing primary emphasis on the role of humanitarian action.'⁵¹

Humanitarian intervention was justified on moral grounds. Moral imperatives must be used to support the case for humanitarian intervention's legitimacy. Fundamentally, the idea of state sovereignty must yield to the preservation of human life when it was under grave danger. When feasible, collective action—that is, through the UN—should be used to stop genocide and other

⁵¹ Jasjit Singh. (1996). UN Peacekeeping, Operations: The Challenge of Change. *Strategic Analysis. Vol. XIX.*

atrocities of a comparable magnitude. An intervention carried out under the auspices of an international organisation would be considerably more morally acceptable than a state acting alone. Additionally, the globe will progressively cultivate a new sense of global duty and solidarity in this way. The concept that 'acts that shock the conscience of the civilised world, are no longer protected by the idea of an exclusive domestic jurisdiction and are similarly the legitimate concern of the world community'⁵² was becoming more widely accepted. It now appears to be more widely accepted that the UN may utilise its authority under the Charter to interfere in a state for humanitarian reasons.

A review of UN efforts in Somalia, classified as complex crises, is presented in the part that follows. In order to handle the crises, the Security Council established hitherto unheard-of, comprehensive, and ambitious missions, with only patchy success. Later, I have examined the UN's enforcement action in Iraq and humanitarian intervention in Somalia and Bosnia-Herzegovina.

United Nations Action in Iraq

The unprecedented shift in the global political landscape signalled an increase in the Security Council's operations. Superpower collaboration had a major influence in the Security Council's ability to successfully carry out its mandate and establish itself in a variety of crisis scenarios. The Superpowers presented a collaborative proposal to advance global peace, security, and collaboration at the 44th session of the UN General Assembly in 1989. The United Nations' revitalisation was greatly aided by the subsequent unanimous adoption of a resolution to that purpose.⁵³

During the Gulf War, this Superpower cooperation was put to the test. Iraq violated peace in a blatant and serious way, which led to the Gulf War. International law was broken by its acts. It was not possible to investigate the potential for 'bilateral cooperation and assistance in the resolution of common problems in the Asia-Pacific region and of the conflicts which acted as sources of instability and tension.'⁵⁴ In the post-Cold War age of unparalleled Superpower

⁵² Guenter Lewy. (1992). The Case for Humanitarian Intervention. *Orbis*. No. 4, Vol. 37. pp. 632.

⁵³ Andrei Kozyrev, 'The USSR's New Approach to the UN', *International Affairs* (Moscow), July, 1990, p. 14.

⁵⁴ Hans Arnold, 'The Gulf Crisis and the United Nations', *Aussen Politik*, Vol. 42, January, 1991, p. 68

collaboration, Iraq's actions were unquestionably 'a direct challenge to the emerging authority of the United Nations.'⁵⁵

After the Cold War ended, Iraq's unexpected, unlawful, and unjustified invasion on Kuwait on August 2, 1990, constituted a grave violation of peace. The Security Council's prompt response and action were required to support the revitalisation and transformation of the body into an efficient platform for resolving all crisis situations. The Security Council's response to the Gulf War was unquestionably exceptional as, following the exercise of all other diplomatic options to resolve the conflict, the Council passed resolutions allowing member states to employ force in accordance with Chapter VII of the Charter. As a result, the Security Council used peace enforcement throughout the Gulf War.⁵⁶

How and why the Iraqi attack occurred, why there was such a great outcry, and how the UN was able to take such an extraordinary step against the aggressor for the first time are all crucial points that need to be emphasised here.

Background

The August 2, 1990, Iraqi invasion of Kuwait sparked a political upheaval in West Asia. Walid Khalidi noted in his account of the origins of the Gulf War that the situation that resulted in Saddam's invasion of Kuwait was caused by a number of underlying factors.

The main architect of the autocratic government in Iraq was Saddam Hussein. He eventually invaded Kuwait as a result of his ambitious plan to take over the Arab world. Another factor contributing to the Gulf War was the unstable and disruptive Arab world. Saddam was foolishly conscious that there was no dominating political leadership and that the Arab world was not united.

Another aspect of the Gulf crisis was the rise of Iraq as a regional force following the Iran-Iraq war. The invasion of Kuwait was ultimately caused by the relatively greater military disparity between the Arab nations, tensions between them stemming from territorial disputes, intense

⁵⁵ Omprakash Mishra, 'The UN's response to the Gulf Crisis', in Arun Kumar Banerjee, (ed), *The Gulf War and The Energy Crisis in India*, Published for the School of International Relations and Strategic Studies, Jadavpur University, by K. P. Bagchi and Co.

⁵⁶ Arvind Gupta, 'Soviet Responses to the Gulf Crisis', *Strategic Analysis*. Vol. Xin, No. 7, October, 1990, pp. 2-3.

competition among the nations for control of the political landscape, and Saddam's unwavering faith in his overall military might.

The conflict between Iraq and Kuwait has been brewing for a while. Relations between Iraq and Kuwait have long been tainted by the border conflict. Kuwait was considered an important component of modern-day Iraq since it was traditionally claimed by Iraq as an administrative sub-district of the Iraqi province of Basra during the Ottoman era. A contract between Britain and Kuwait at the turn of the century declared Kuwait to be a British Protectorate. That was the case until 1961. It gained political independence in that year. After handing Kuwait complete independence and ending their protection pact, the British withdrew. However, Iraqi Prime Minister Abdul Kassem declared his plan to acquire Kuwait in April 1961.⁵⁷ British troops were stationed near the Iraq-Kuwait border in retaliation. Kuwait's independence was acknowledged by the Baathist administration in Baghdad, which took over from Kassem two years later. But once the Baathist regime was overthrown in November 1963, the new Iraqi leadership reiterated its claims to Warba and Bubian and brought up the Iraq-Kuwait boundary once more. Iraqi soldiers had invaded Kuwait in 1969 and 1973. Iraq and Kuwait came to an agreement in July 1977 to remove their forces from one other's shared border. Up to the day Iraq began its war against Kuwait, the two countries were still in negotiations over contentious border issues.⁵⁸

The resurgence of violence in the Gulf was thought to be a rerun of the Iran-Iraq conflict. One of Iraq's complaints against Kuwait during the Iran-Iraq war was that Kuwait was extracting oil from the vast Rumaila oil field, the southernmost portion of which stretched into territory of Kuwait. Kuwait was accused by Iraq of illicitly extracting oil from the majority of the field. The Hussein dictatorship also suffered significant casualties during the eight-year conflict. The public debt of Iraq has risen to a startling 70 billion dollars. Kuwait's unwillingness to wipe off the billions of dollars in debt that Iraq had accrued during its conflict with Iran greatly irritated Baghdad.⁵⁹

⁵⁷ William B. Quandt. (1990-91). The Middle East in 1990. *Foreign Affairs*, Vol. 70, No. 1. pp. 50.

⁵⁸ Ibid.

⁵⁹ James E. Akins. (1991). Heading Towards War. *Journal of Palestine Studies*. Vol. XX, No. 3. pp. 16 - 20.

When Baghdad accused Kuwait of being an 'economic aggressor,'⁶⁰ tensions between the two countries reached a breaking point. Saddam said during the Baghdad Summit on May 30, 1990, that, given the situation in Iraq, any excess production by some Gulf nations over their OPEC oil production limits constituted economic warfare. Shortly after the Iran-Iraq war broke out, Iraqi Foreign Minister Tariq Aziz accused Kuwait of stealing oil from the Rumaila Oil field in a letter sent to the Arab League on 15 July 1990. In addition, he accused Kuwait of lowering Iraq's oil revenue by participating in a 'imperialist-Zionist Plan' to maintain low prices through overproduction and of erecting military facilities on Iraqi territory.⁶¹

Iraq requested payment for the 'theft' of Iraqi oil and the cancellation of the massive military financing that Kuwait had provided to the country during its conflict with Iran. Kuwait, however, turned down these requests. Thus, Saddam Hussein accused Kuwait of engaging in 'alleged economic warfare against Iraq' at a 1990 meeting with US Ambassador April Glaspie.⁶² Glaspie insisted that we have no stance in Arab-Arab issues, such as your boundary dispute with Kuwait, in reaction to the Iraq-Kuwait dispute. The Arab world was taken aback by the worsening ties between Iraq and Kuwait. Arab leaders believed that the situation would end if the disagreements between Iraq and Kuwait could be settled through negotiations. Disparities also emerged among the Arab nations in how they handled the Iraq-Kuwait conflict.⁶³ Cataclysmic changes were brought about by the Gulf crisis in the Arab world. Inter-Arab Organisations saw bitter conflict as alliance partner changes escalated. Attempts at mediation by Arab nations like as Saudi Arabia, Egypt, and Jordan were unsuccessful. The Kuwait-Iraq negotiations in Jidda collapsed on August 2, 1990.⁶⁴ Iraq allegedly demanded that Kuwait give up disputed land and wipe off billions of dollars in Iraqi obligations, but Kuwait refused.

The entire world was outraged by Iraq's assault against Kuwait, and it reacted to Iraq in a quick, heartfelt, and spontaneous manner. The new Gulf crisis, which positioned Iraq against both

⁶⁰ Baren Roy, 'Iraq Delinquency and United Nations's Unique Responsibility', *Mainstream*. Vol. XXVIII, No. 43, 18 August, 1990, pp.3.

⁶¹ The Washington Post, July 19, 1990. *The Middle East Journal*. Vol. 45, No. 1, Winter 1991

⁶² Donald Neff, The U.S. Iraq, Israel and Iran, Backdrop to war, *Journal of Palestine Studies*. Vol. XX, No. 4, Summer 1991, pp. 39.

⁶³ Donald Neff, The U.S. Iraq, Israel and Iran, Backdrop to war, *Journal of Palestine Studies*. Vol. XX, No. 4, Summer 1991, pp. 39.

⁶⁴ Pierre Salinger, The United States, The United Nations and The Gulf War', *The Middle East Journal*. Vol. 49, No. 4, Autumn, 1995. pp. 600.

regional and Superpowers, was in line with the altered global dynamics of the post-Cold War era.

Undoubtedly, Iraq had not only militarily occupied other state, but had also liquidated its very existence. Iraq thus violated the basic principles of the Charter of the United Nations. However, how could the United Nations take such an unprecedented action against the aggressor for the first time, and why did the Iraqi move spark such a powerful and unplanned global protest? The Security Council has never previously passed so many resolutions approving enforcement action. Therefore, it is impossible to overlook the legality of these resolutions or the potential for them to be exploited to abuse UN power. It is also necessary to look into the rationale behind the military action conducted by the coalition led by the United States against Iraq. It is true that member states are more influenced by power politics than by the values outlined in the UN Charter, especially when it comes to using or approving force to settle disputes or uphold global peace and security.

The 'egregious abuse' of the United Nations Security Council's power by the majority of its members to conceal their own interests and motivations must also be examined if the Iraqi invasion was so wrong as to be illegal.⁶⁵

Undoubtedly, the collective action taken under the umbrella of the United Nations is a vindication of international law and of the notion of collective security. A failure to adequately respond would have negated all of the Security Council's advantages, since the Council has recently begun to respond to and assert itself in numerous crisis situations. The attack of Iraq was a major breach of international law and a terrible violation of peace. However, it is ludicrous to say that Iraqi aggression threatens international peace. It has been observed that the annexation of Kuwait by Iraq does not pose the same threat to international peace as the Soviet Union's post-war annexation of the three Baltic states, China's occupation of Tibet, Israel's occupation of West Jordan, and Vietnam's occupation of Kampuchea. In essence, the Gulf crisis was a regional crisis which put the industrialised countries' economic interests at jeopardy. Therefore, a swift and decisive reaction was required to address the Gulf issue before the negative effects on the West's crucial economic interests became disastrous.

⁶⁵ K. R. Singh. (1991). Changing International Environment and Regional Stability in West Asia. *Asian Studies*. Vol. 9, No. 2. 1991. pp. 35.

It has been correctly asserted that ‘the Iraqi action threatened the structure of the world economy as well as the structure of international peace and security.’⁶⁶

The aggressive action of Iraq was denounced by the United Nations members as a grave breach of global peace and security. This raises the question of whether the invasion that aimed to eradicate and enslave a sovereign state should have been accepted? Was it not likely that the combustible elements in the Middle-East would have burst into flames unless immediate preventive measures were thoughtfully and carefully implemented? When the United Nations Security Council's response to the Gulf crisis is examined below, some contentious issues will be taken into consideration, such as whether the member states' launch of the Gulf war under the Security Council's authorisation as a form of sanction against Iraq was necessary, and how far in maintaining and restoring international peace and security, can the United Nations legitimately resort to force are some of the controversial issues that will be considered, when the response of the United Nations Security Council to the Gulf crisis is analysed below.

The 2003 Conflict

The 2003 Iraq War, also known as the Second Gulf War, was a significant military conflict that began on March 20, 2003, and lasted until December 2011. It was initiated by the United States, along with coalition forces, under the premise of eliminating WMD believed to be possessed by the Iraqi regime under President Saddam Hussein. The conflict marked a pivotal turn in Middle Eastern politics and had far-reaching consequences both regionally and globally.

The roots of the conflict can be traced to the 1991 Gulf War when a U.S.-led coalition expelled Iraqi forces from Kuwait. Following this, Iraq was subjected to stringent international sanctions and ongoing military surveillance. By the early 2000s, the U.S. government, led by President George W. Bush, portrayed Iraq as a significant threat due to its alleged development of biological, chemical, and nuclear weapons, coupled with its ties to terrorist organizations, although no conclusive evidence of such ties was established.⁶⁷

⁶⁶ Cvijeto Job. (1990). There can be Neither Peace nor Better International Relations with Aggression. *Review of International Affairs*. Vol. XII, No. 973, pp. 8

⁶⁷ K. R. Singh. (1991). Changing International Environment and Regional Stability in West Asia. *Asian Studies*. Vol. 9, No. 2. pp. 42.

The war officially commenced with 'Operation Iraqi Freedom,' characterised by a swift invasion that relied on a combination of airstrikes and ground troops. The early stages of the conflict were marked by rapid military success. Major cities, including Baghdad, fell within weeks, and on April 9, 2003, Saddam Hussein's regime was toppled. However, the initial military victory quickly transitioned into a prolonged occupation. The power vacuum created by the downfall of Hussein's rule led to significant instability and the emergence of insurgency groups.⁶⁸

Throughout the occupation, the coalition forces faced immense challenges, including rising sectarian violence and the increasing strength of insurgent groups, particularly Al-Qaeda in Iraq. This period was characterised by numerous attacks against U.S. forces and their allies, as well as significant civilian casualties. The war had dire humanitarian implications, leading to millions of displaced individuals and widespread destruction of infrastructure.

As the years progressed, U.S. President George W. Bush faced growing criticism regarding the war's justification, especially regarding the initially claimed presence of WMDs. In 2004, a comprehensive search by the Iraq Survey Group confirmed that Iraq had dismantled its WMD program years earlier, leading to widespread frustration among the American public and international community.⁶⁹

The war's impact extended beyond Iraq and deeply affected U.S. foreign policy and military strategy. It sparked widespread protests globally and intensified debates surrounding pre-emptive military action and the ethics of intervention. Additionally, the power struggles that ensued in Iraq led to increased sectarian divisions between Shiites and Sunnis, and the rise of extremist groups would contribute to the broader conflicts in the region.⁷⁰

By the time U.S. combat operations officially ended in December 2011, the cost of the war was staggering: thousands of American and coalition troops lost their lives, and Iraq suffered heavy civilian casualties. The country was left with political instability that has continued to affect its society and governance.

⁶⁸ K. R. Singh. (1991). Changing International Environment and Regional Stability in West Asia. *Asian Studies*. Vol. 9, No. 2. pp. 42.

⁶⁹ William B. Quandt. The Middle East in 1990, *Foreign Affairs*, Vol. 70, No. 1, 1990-1991, pp 61.

⁷⁰ Ibid.

The 2003 Iraq War remains a contentious chapter in modern history, marking significant shifts in geopolitical dynamics and raising vital questions about the responsibilities and consequences of foreign intervention in sovereign nations. Its legacy continues to influence discussions about U.S. military engagement and the complexities of addressing security threats in unstable regions.

The United Nations Response

The Gulf crisis endangered international peace and security in an unprecedented manner and as such the response of the executive branch of the world organisation, the Security Council, was immediate and extremely successful. The legislation and strategy that the Security Council used to address the Gulf crisis require a thorough analysis.

Within hours after the first news of the Iraqi invasion, the Security Council met in response to pleas from Kuwait and the US, and it unanimously enacted resolution 660 (1990). In a letter to the president of the Security Council, Kuwait's permanent representative to the UN asked for 'an immediate meeting of Security Council to consider the Iraqi invasion of Kuwait.'⁷¹

The Security Council claimed to be operating in accordance with Articles 39 and 40 of the Charter in resolution 660 of August 2, 1990. Under Article 40, the Security Council calls on the parties 'to comply with provisional measures' that it has established, and under Article 39, it decides 'the existence of any threat to the peace, breach of the peace, and acts of aggression.'

Thus, in resolution 660, the Security Council called on Iraq and Kuwait 'to begin Immediate intensive negotiations' (provisional measures under Article 40) in addition to demanding Iraq's unconditional and prompt departure (under Article 39).

The invasion was not denounced by the Council as an act of aggression and a violation of Article 2(4). It was obviously both.

In order to implement sanctions under Chapter VII, the Council decision 660 concluded that there had been a breach of the peace. Indeed, all five of the Council's permanent members expressed their disapproval of the invasion and believe that Iraq's actions constitute aggression and a breach of Article 2(4).

⁷¹ UN Doc. S/21423, S/PV 2932. 1990.

While the USSR voiced ‘profound concern and alarm,’ the US referred to it as a ‘heinous act.’⁷² The omission of express condemnation of Iraqi action as a violation of Article 2(4) of the charter in the Council resolution may have only ‘reflected the hope of some members of the Council that Iraq would be more likely to negotiate if it were not expressly condemned for the supreme crime of aggression,’⁷³ as per Oscar Schachter.

However, Iraq proceeded to bolster its control over Kuwait after rejecting the Security Council decision as ‘iniquitous, precipitous, and unjust.’⁷⁴ The Security Council made the decision to apply a wide range of financial penalties. On August 6, 1990, the Council adopted resolution 661, which prohibited commercial and financial transactions between Iraq and Kuwait and imposed a global oil embargo and sanctions. The Charter's Article 41 permitted certain economic actions. This was a ‘major shift’ for the Security Council, given that the cold war had paralysed it for forty years. In particular, the tiny and vulnerable states like Kuwait, which rely on the Security Council for protection and support, were highlighted as having a responsibility under this. All governments were supposed to be bound by Resolution 661, which called for economic sanctions. As the US envoy said, ‘it will reflect a new world order of international cooperation.’ However, the Cuban and Yemeni officials said that ‘the United Nations' actions in many other similar cases before—for instance, when the United States invaded Panama or South Africa occupied Angolan territories, etc.—were inconsistent.’⁷⁵

The ‘annexation of Kuwait by Iraq has no legal validity and is null and void,’ according to a few other resolutions enacted by the Security Council. In a different resolution, it called on Iraq to allow third-country nationals to leave Kuwait and Iraq right away and to give consular representatives instant access to them.⁷⁶

In exchange for the withdrawal of US forces from Saudi Arabia and the cessation of the economic blockade, President Saddam Hussein promised to free all foreign prisoners of war. Stronger resolutions from the Security Council increased pressure on Iraq as it persisted in defying the international community.⁷⁷

⁷² UN Doc. S/PV 2932. 1990.

⁷³ Oscar Schachter. (1991). UN law in Gulf Conflict. *American Journal of International law*. Vol. 85. pp, 452.

⁷⁴ UN Doc. S/21503. 1990.

⁷⁵ S/PV/2933. 1990.

⁷⁶ S/RES/662. 1990.

⁷⁷ S/RES/665. 1990.

A Security Council resolution pertaining to steps to guarantee resolution 661's implementation was approved. It was requested that 'member-states cooperating with the government of Kuwait' that were 'deploying maritime forces employ measures commensurate to the specific circumstances.' Therefore, in order to guarantee adherence to its resolution 661, the Security Council acknowledged the actions of a few member nations. Additionally, the Council asked member nations to coordinate their efforts 'as appropriate' through the Council's Military Staff Committee.⁷⁸

A couple of additional resolutions were adopted by the Security Council. A decision pertaining to the assessment of 'humanitarian circumstances' was issued on September 13, 1990. Iraq's move to order the closure of diplomatic and consular posts in Kuwait and to revoke the privileges and immunities granted to their staff prompted another resolution. Iraq was restricted by the Security Council. The Vienna Conventions of 18 April 1961 on diplomatic relations and 24 April 1963 on consular contacts were gravely violated by Iraq's behaviour. In each of these conventions, Iraq was a party. The resolution 667, passed on September 1990, condemned Iraq's actions, calling them 'a new escalation of its violation of international law,' and called for 'immediate consultation before taking any more tangible action'.⁷⁹

The Secretary-General was alerted to the 'special economic problems they were confronting as a result of implementation of sanctions' during the first week of September 1990, after 106 nations had complied with the sanctions.⁸⁰ On September 24, 1990, the Security Council subsequently passed resolution 669, which allowed it to review aid requests in accordance with Article 50 of the UN Charter. Resolution 670 of September 25, 1990, invoked provisions of Articles 25 and 48 of the Charter. The United Nations' members 'agree to accept and carry out the decisions of the Security Council, in accordance with the Charter,' as per Article 25. UN members may be asked 'to take such action, as the Security Council may determine to carry out the decisions of the Security Council for the maintenance of international peace and security' in accordance with Article 48(1). Resolution 670 declared the Security Council's intention 'to ensure by all necessary means' the implementation of the sanctions outlined in Resolution 661 and denounced Iraq's breach of international law. Resolution 670 at least did not consider the military option, even if it was never completely ruled out.

⁷⁸ UN Doc S/21479.

⁷⁹ UN Doc S/21498. 1990.

⁸⁰ UN Doc, S/22021,1990, S/22193. 1991.

The resolution's reference to 'further serious action under the Charter, including under Chapter VII,' is crucial. Since enforcement measures that would not include the use of armed force were already activated by resolution 661 of August 6, 1990, this served as a clear signal to Iraq that it faced the possibility of military action if it did not comply with the Council's decisions. Additionally, the decision expanded the scope of the punishment to cover all modes of transportation, including aircraft. The 'urgent need' for the unconditional and immediate withdrawal of all Iraqi forces from Kuwait was emphasised in Resolution 674, which also called on Iraq to abide by the United Nations Charter, the Fourth Geneva Convention, the Vienna Convention on diplomatic and consular relations, and international law. The United Nations Security Council's goal was to stop Iraq's invasion and occupation.⁸¹

Iraq proceeded to solidify its occupation of Kuwait while continuing to disregard the Council resolution. The 'deadline' for Iraq to fully execute the Security Council decision was established at 15 January 1991, however Iraq ignored it. After assembling strong troops in Saudi Arabia and the Persian Gulf, the United States and the coalition states came to the conclusion that military action would likely be necessary to force Iraq to leave Kuwait. In its decisions, the Council acknowledged the right to collective self-defence.⁸² A language affirming 'the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait' was included in the preamble to resolution 661.

The idea that any state may assist a state that has been unlawfully targeted was endorsed by the Council. The British government adopted the stance that 'states had used force to enforce an embargo or actively to remove Iraq from Kuwait throughout the crisis, based on the right of collective self-defence with Kuwait.'⁸³ The actions committed against Iraq were motivated by the need for collective self-defence. The government had opposed the idea that 'the right to self-defence had ended in line with Article 51' after the Security Council had taken action under Resolution 661.⁸⁴

⁸¹ S/PV 2938. 1990.

⁸² Colin Warbrick, 'The Invasion of Kuwait by Iraq', *International and Comparative Law Quarterly*. Vol. 40, Part 2, 1991. pp .482.

⁸³ P. Lewis, 'US Preparing Draft on Claims Against Baghdad', *New York Times*. 1990.

⁸⁴ *Ibid*.

Resolution 678

The passage of resolution 678 on November 24, 1990, was perhaps the most important event in the context of the UN reaction. Many nations were eager to extend economic sanctions because they believed that Iraq would be unable to handle the mounting strain. Some member states, such as Cuba, felt that the draft resolution S/21969, which was eventually adopted as resolution 678 (1990), 'was opting for use of force, for war, instead of a peaceful solution, the new resolution 678 is one more step towards war.' However, a few participating nations, most notably the United States and the United Kingdom, emphasised the need for collective self-defence since the failure of economic sanctions necessitated the use of armed forces in accordance with Article 51. Saudi Arabia, other Gulf states, and nearby oceans were the sites of military deployments by a coalition of United Nations member states, which included the US, UK, Northern Ireland, France, and other European nations, as well as many Arab nations. Thus, the groundwork was laid for the use of force to compel Iraq to abide by the explicit and resolute international community will be stated in Security Council resolutions. The coalition of states' extensive military intervention was deemed to be legally justified under resolution 678. The resolution was approved in accordance with Article 51 and Chapter VII of the Charter. According to paragraph 1 of the resolution, the Council agreed to give Iraq 'one final opportunity, as a pause of goodwill,' to fully execute Security Council resolution 660 (1990) and any subsequent resolutions by January 15, 1991, at the latest. 'The Member states cooperating with the government of Kuwait were authorised to use all necessary means'—words that are understood to mean military force—to uphold and implement the resolution and to 'restore international peace and security in the area' if Iraq did not comply, the Council stated in paragraph 2 of the resolution.⁸⁵

A diplomatic resolution to the problem had been vigorously pursued by the United Nations. Armed troops were only used when several requests, diplomatic efforts, and a clear warning from the Council were ignored. Although not under UN supervision or control, the force operated in compliance with Council authorisation.⁸⁶ The alliance successfully drove Iraqi forces out of Kuwait and reinstated Kuwaiti sovereignty through an aerial bombing campaign and a land invasion.

⁸⁵ UN Doc S/PV/2951. 29 October, 1990.

⁸⁶ Eugene Rostow, 'Until What? Enforcement Action or Collective Self-defense? In *Agora: The Gulf Crisis in International and Foreign Relations law American Journal of International Law*. 1991.

A complex United Nations effort aimed to bring complete peace to the area once hostilities were halted on February 28, 1991.

Though, the Council responded and attempted to adopt various actions under the UN Charter against Iraq in order to end the latter's occupation of Kuwait, although there has been debate on the effectiveness, wisdom, and legitimacy of such measures. The Security Council's resolution 678, which underlined the UN's broad support for military action if Iraq did not withdraw by January 16, 1991, was the most contentious part of the council's reaction to the Gulf War.⁸⁷

United Nations Assistance Mission for Iraq (UNMAI)

UNMAI was established in 2003 by United Nations Security Council Resolution 1500, the United Nations Assistance Mission for Iraq (UNAMI) was a Special Political Mission that was requested by the Government of the Republic of Iraq.⁸⁸ The mandate of UNAMI is to offer guidance and support to the Iraqi government and people on many matters. This entails fostering regional communication between Iraq and its neighbours, supporting the defence of human rights, and pushing for judicial and legislative changes in addition to encouraging open political discourse and national reconciliation. It also involved helping with the electoral process and national census preparation.⁸⁹ In addition, the Mission was tasked with coordinating the development and humanitarian initiatives of the United Nations Agencies, Funds, and Specialised Programs in collaboration with civil society and government partners. UNAMI links Iraqi partners, including the government and civil society organisations, with the technical expertise of the UN Country Team in Iraq, even though it does not directly implement humanitarian or development programs. It also increases awareness of these issues in Iraq.⁹⁰

In addition to offering guidance and suggestions on important policy matters, UNAMI was assisting the government in its efforts to encourage an inclusive discourse among political players. This includes extensive interaction with institutional stakeholders and civil society.

⁸⁷ Colin Warbrick, 'The Invasion of Kuwait by Iraq', *International and Comparative Law Quarterly*. Vol. 40, Part 2, April, 1991, pp.482.

⁸⁸ S/RES/2732.

⁸⁹ S/2024/369.

⁹⁰ Ibid.

By means of its good offices mission, UNAMI also fostered regional collaboration and communication between Iraq and surrounding nations. Along with the UN Country Team, UNAMI had expanded its advising and technical support role since 2021 to combat the negative effects of climate change, such as water shortages, desertification, and drought.

Iraq had held national elections, elections for the Iraq Governorate Council, and legislative elections in the Kurdistan part of the country with assistance from UNAMI, which was a major supporter of the process by which Iraqis drafted and approved a new constitution. The United Nations had continued to offer the Independent High Electoral Commission aid, policy recommendations, and technical support ever since the commission was established. In accordance with Security Council Resolution 2576, UNAMI carried out one of the largest electoral assistance programs globally in 2021 to support the parliamentary elections on October 10. This project included 150 UN international electoral experts being deployed both ahead of the election day and on election day. The proposal by the Iraqi government to have the United Nations Assistance Mission for Iraq (Unami) withdraw by the end of 2025 was another step towards diminishing the role of other countries in its political affairs. Not long after the American assault finished in 2003, the UN peace operation was established. By December 31, 2025, Iraq anticipates that the UN political mission will conclude its operations, concentrating on finalising its ongoing development work and handing over pertinent documents to the Iraqi government.

United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD)

By decision 2379 of September 21, 2017, the Council created UNITAD, initially for a two-year term. From then, it had reaffirmed the process yearly; the most recent renewal came from resolution 2697 on September 15, 2023, which extended the team's tenure for a final, non-extendable year. The goal of UNITAD's mandate was to assist Iraq in gathering, preserving, and storing evidence of acts that may constitute war crimes, crimes against humanity, and genocide in order to hold the Islamic State in Iraq and the Levant, or ISIL, also referred to as Da'esh, accountable for the crimes it committed in the nation. The material gathered was meant to assist investigations conducted by Iraqi authorities or, upon request, by authorities in other countries.

Resolution 2379 stressed that UNITAD must operate in accordance with its mandate, the UN Charter, UN best practices, and pertinent international law, including international human rights legislation. It must also be impartial, independent, and credible. As UNITAD was carrying out its duty in compliance with UN best practices, it does not provide information regarding criminal cases where the death penalty may be applied. Currently, Iraq's judicial system does not address the international crimes that UNITAD was tasked with looking into. Because of this, those who break international criminal law in Iraq were typically accused with terrorism-related offences. The United Nations Security Council mandated UNITAD, an unbiased and independent accountability mechanism, to support domestic efforts to hold ISIL accountable by gathering, preserving, and archiving evidence of acts that may constitute war crimes, crimes against humanity, and genocide committed in Iraq.⁹¹ In response to a call for support from the Iraqi government, the worldwide community came together to form UNITAD.

An essential component of UNITAD's mission and operations was efficient collaboration with the Iraqi government. Under the direction of a Special Advisor, UNITAD collaborates closely with local partners to carry out its work in a way that fully respects national sovereignty and supplements national authorities' investigations.⁹² In order to preserve the team's work for upcoming attempts to hold ISIL/Da'esh accountable for its crimes, the Council must support efforts to guarantee an orderly drawdown as UNITAD's mission comes to an end.

Creating an evidence management system that will enable the UN Secretariat to appropriately store the team's holdings for upcoming investigations in compliance with international criminal law guidelines was a crucial step in this direction. Other crucial elements include continuing to build Iraqi authorities' capacity so they can efficiently store, evaluate and use divulged data for domestic prosecutions; and collaborating with other nations to support prosecutions in their respective territories.

The United Nations Iraq-Kuwait Observation Mission (UNIKOM)

Resolution 689, which was accepted by the Security Council on April 9, 1991, authorised the Secretary General's proposal to create the United Nations Iraq-Kuwait Observation Mission (UNIKOM). UNIKOM was created to keep an eye on the demilitarised zone (DMZ) that was

⁹¹ S/RES/2697.

⁹² Ibid.

formed along the Iraq-Kuwait border and to record any unfriendly or possibly hostile activity that was conducted from one state's territory to the other.⁹³ The Secretary-General suggested keeping UNIKOM in place while the mission worked to stabilise the demilitarised zone in a report dated September 24, 1998, S/1998/889. Additionally, UNIKOM 'continued to carry out its tasks, thereby contributing to the maintenance of calm and stability along the border,' according to the Secretary-General's Report S/1999/330.

According to Cuba, Yemen, and Ecuador, the resolution that placed extremely severe terms and conditions on Iraq aimed to render it helpless, and Iraq was forced to accept the resolution 687 without change. Only until Iraq approved the resolution did the Security Council announce that a formal cease-fire would be implemented. Cuba, Yemen, and Ecuador abstained from voting prior to the ratification of resolution 687 as they had concern about certain provisions of the resolution pertaining to compensation, the sanctions against Iraq, and the UN's definition of the Iraq-Kuwait boundary.⁹⁴ Each argued that the Charter did not provide the Security Council the power to perform a function that should, in fact, be carried out by the parties themselves or, with their consent, brought before the International Court of Justice.

Resolution 687's establishment of extensive and stringent control over a nation's internal affairs for the first time was another feature to which objections were raised. The question was whether this did not go against the UN Charter's tenets. According to Article 2(7) of the Charter, the UN cannot get involved in issues that are primarily within a state's domestic authority, and member states are not obligated to submit such issues for resolution under the Charter. It was argued that the Charter violated by the ongoing imposition of severe restrictions and sanctions on Iraq with the goal of destroying its military capability.

However, in support of the Security Council's decision, members have declared that the actions taken against Iraq were enforcement actions under Chapter VII in reaction to aggression, threats to peace, and violations of the peace. Consequently, they do not amount to a breach of Article 2(7). In actuality, however, the Security Council has taken the stance that 'questions of international concern transcending state boundaries will cease to be essentially matters of domestic jurisdiction.' The Security Council enacted many further resolutions, including resolutions 688, 699, 700, and others, with the ultimate goal of preventing Iraq from posing a

⁹³ Current Peacekeeping Operations; United Nations Iraq-Kuwait Observation Mission. UNIKOM. (Prepared by the Peace and Security Section, United Nations Department of Public Information Not an Official Document of the United Nations. 1999. pp. 2.

⁹⁴ S/PV 2982, 5 April, 1991. pp. 27-37 and pp 46-52.

danger to regional peace and security in the future. The Council determined to demolish Iraq's facilities that may cause mass destruction, including those that had chemical, biological, and nuclear weapons, through these resolutions. However, it was countered that 'the ultimate aim of all UN actions has been taken out of context to use unnecessary and disproportionate force against Iraq, which cannot be justified.' A question can be raised that if the UN action would be deemed consistent with the goals and ideals of the UN Charter, as stated in Article 24 of the Charter.⁹⁵

Since the Security Council did not impose constitutional rulings or alter the Iraqi regime, it should be noted that it only took action to maintain regional peace and security, and the Council resolutions establishing the terms for a final cease-fire implicitly recognised the Charter's principles of sovereign equality and states' right to political independence and territorial integrity. Furthermore, it is 'in the nature of punitive action against a delinquent state' for the UN to impose severe and extreme restrictions on Iraq and impose sanctions during the post-hostility period. For the UN to have authority, Iraq must pay the appropriate price for its aggression, which is adherence to the cease-fire terms outlined in resolution 687.⁹⁶

Some Council members have questioned the validity of the UN Security Council's decision to engage in Iraq's domestic affairs during the Gulf War under the pretext of humanitarian intervention. Iraq also vehemently objected, arguing that it should handle the internal conflict on its own and that accepting the Council's cease-fire terms did not include allowing foreign forces to use their authority and police powers in domestic matters.

The establishment and protection of 'safety zones' or enclaves in Iraq by foreign forces was protested by some of the dissenting members of the United Nations because it was not explicitly endorsed by the Security Council and because it violated the basic charter provision against coercive intervention in matters essentially within domestic jurisdiction. These members of the Council were undoubtedly reluctant that the UN should carry out humanitarian intervention because doing so would set a precedent for coercive intervention in countries that also faced ethnic or religious conflicts.

The debate seemed to be inconclusive because some permanent members, including the United States, France, and Britain, claimed that Iraq's repression of the Kurds and other groups constituted a humanitarian emergency that could threaten global peace and security or

⁹⁵ S/PV. 2981, 1991.

⁹⁶ Ibid.

exacerbate already existing threats. Furthermore, it was during the Gulf Crisis that the importance and necessity of humanitarian intervention were fully realised; the humanitarian nature of certain activities to be conducted by the United Nations, such as providing protected action, allowing for the relief and eventual return of the refugees, etc., was considered most essential. Attention began to focus on the proposal that UN peacekeeping troops be deployed where internal strife or disorder gave rise to the need for humanitarian assistance. Most governments would disagree to giving the UN the broad right to introduce troops for humanitarian purposes against the wishes of the government. However, in situations of humanitarian need where the territorial government is unable or unwilling to offer protection and assistance, the UN may use Chapter VII and its mandatory jurisdiction under Articles 42 and 48.

As an aftermath of the crisis, another issue that continued to hold the attention of the international community is the crisis is the economic and military sanctions imposed on Iraq. The Security Council implemented sanctions in an effort to destabilise the Iraqi economy and compel an immediate exit from Kuwait. Even though the latter goal was not met by the economic sanctions, which forbade any financial or commercial dealings with Iraq or Kuwait, and military action was required, the impact of the sanctions on Iraq had undoubtedly not lost its significance or efficacy. Taking into account that sanctions have put pressure on Iraq to comply with UN initiatives to check for and eradicate WMDs strengthens this defence of the sanctions' effects. UN inspectors verified that Iraq had eradicated its weapons of mass destruction capability by the middle of 1995, with the significant exception of biological weapons. U.S. military-imposed sanctions have facilitated the demilitarisation of Iraq and allowed access for international military troops and aid organisations to defend the Kurdish minority. The sanctions have stopped Saddam Hussein from regaining his military might with a fury, which has greatly reduced the likelihood of more fatal conflicts.

One significant takeaway from the Iraqi case was that the Security Council's goals cannot be met with the aforementioned economic penalties alone. Therefore, it is crucial to appropriately expand the Security Council's enforcement powers and authority in order to effectively handle such crises, especially in light of the increased engagement of the Council in many international issues.

The consequences of the sanctions create certain unfortunate side-effects, that a prolong use of sanctions cannot be a good idea. Economic sanctions on Iraq have serious humanitarian repercussions for vulnerable civilians in addition to having a negative impact on the neighbouring countries.

Critical Analysis

The UN was able to play an unprecedentedly active and very successful role in the Security Council's reaction to the Gulf crisis. When the UN's position in the Gulf crisis is taken into consideration, the Security Council's response undoubtedly served to evoke two opposing types of opinions. However, one point of view brought up some important issues, such as whether it was a UN action, whether the Security Council's support of some of its contentious resolutions was legitimate, and whether the Council's response to the crisis was actually appropriate given the threat to global peace and security posed by Iraq's aggression against Kuwait.⁹⁷ Since the Security Council was supposed to be the most powerful body inside the UN and deal with major threats to global peace and security in the new World Order, some criticism of the council did surface. Instead, it appeared to have given up and renounced its responsibilities in the increasingly unipolar world as a result of pressure and influence from the US. According to Western commentary, 'the Security Council unilaterally rejected non-violent options and took its most significant decision to use force against Iraq by a resolution 678 of doubtful legal authority, adopted by highly questionable pressure diplomacy, giving virtually unrestricted license to kill and destroy a small third-world nation.'⁹⁸

The Western permanent members of the Security Council's economic, political, and leadership styles seemed to have had a bigger role in the crises' aftermath than the upholding of international law or the UN's celebration. The opposing viewpoint's proponents wholeheartedly agreed with the Security Council's handling of the Gulf crisis.⁹⁹ The UN saw a notable comeback in preserving world peace and security as a consequence of the Security Council's actions and the important resolutions it issued. The Security Council's immobility, which had developed during the first two years of the UN's existence as a result of the Cold War, which made the UN's function narrow and secondary, was broken by the Security Council's active

⁹⁷ Resolution 661. 1990.

⁹⁸ Resolution 687. 1991.

⁹⁹ Resolution 1051. 1996.

participation in the Gulf Crisis.¹⁰⁰ As a result of the Security Council's swift and efficient response to the Gulf crisis, expectations have been increased for a more involved involvement.

The worldwide common good is thwarted by short-term national benefits. According to Sydney D. Bailey, 'it is necessary for both prudential and ethical reasons to relate short-term to long-term considerations, the national to the global interest.'¹⁰¹ This trend will undoubtedly assist the weaker and smaller countries the most. Even the permanent Western powers will be bound by the norms that it wants Iraq to go by because of the UN's strengthening and the Security Council's successful, effective reaction to the Gulf Crisis.

Thus, the UN Security Council's response to and involvement in the Gulf crisis was unquestionably crucial because it marked the Security Council's rebirth and the first time in UN history that an aggression was completely defeated by the Security Council's 'unified will' and decisive action.¹⁰²

United Nations Action in Somalia

In many ways, the UN's reaction to the crisis in Somalia was distinct and unusual. Initially, the UN effort in Somalia was mostly focused on traditional peacekeeping, although it was subsequently enhanced by the second-generation peacekeeping operations and characterised by a process of peacemaking, peacekeeping, peace enforcement, peace building, and humanitarian aid. The United Nations Security Council's extensive reaction demonstrated the international community's serious and unequivocal commitment to resolving a crisis inside a state's borders.

Background

An utterly devastating hunger and a vicious multi-sided civil war were the reasons for calling for the UN action in Somalia. The turbulent political history of Somalia served as the impetus for the country's civil war.¹⁰³ The British and Italian protectorates of Somaliland and Somalia came together in 1960 to become the independent Somali Republic. Under a series of presidents, the United Somalia faced challenges in its early years, which eventually culminated in Siyad Barre's ascent to power in 1969. With the help of the Superpowers, Barre's highly

¹⁰⁰ Resolution 1137. 1997.

¹⁰¹ Sydney D. Bailey, *The procedure of UN Security Council*. Oxford, University Press. 1975.

¹⁰² Sreedhar, 'Gulf Events, Some Thoughts', *Mainstream*. Vol. XXIX. No. 19, 1991, pp. 2 - 3.

¹⁰³ James Mayall. (1996). *The New Intervention 1991-94*. Cambridge University Press.

centralised and authoritarian authority was able to stifle internal resistance and promise improvements under the banner of 'scientific socialism.'¹⁰⁴

Early in the 1980s, when Barre's power started to decline, rebellion grew. When conflict intensified in the northwest in 1988, the nation as a whole entered a civil war. In 1990, the rebel factions united and advanced the conflict towards Mogadishu. Early in 1991, they drove Barre and his forces out the city and into exile. With Mogadishu at its core, the loose coalition of rebel troops disintegrated along clan lines and engulfed the entire nation in a chaotic civil war. The rebel group Somali National Movement (SNM) in northwest Somalia established a government and proclaimed Somaliland an independent state the same year.¹⁰⁵ In the meantime, fighters loyal to Ali Mahdi engaged in combat in the streets of Mogadishu with the United Somali Congress (USC) forces, commanded by Farah Aideed.

In the Somali Republic, world's worst humanitarian disaster occurred in 1992. The International Federation of Red Cross claimed that the three-year civil war in the nation turned into a terrible cycle of hunger and chaos that had no parallels in any other part of the world. Three million people, including about a million who sought shelter in adjacent countries, left their homes in a desperate attempt to find food and protection. For a significant portion of the year, armed bandits, and factions along with several other localities, obstructed food aid and pilfered aid supplies with impunity. According to the ICRC, respect for human life had completely disappeared. Amnesty International had called Somalia a catastrophe for human rights.¹⁰⁶ There were an estimated 700,000 Somalis' living in exile in surrounding countries, while hundreds of thousands more were internally displaced and facing harsh conditions.

The situation gradually got worse in central and southern Somalia.¹⁰⁷ With no formal authority, people with guns and other deadly weapons came to control the food supply. Food supplies to Mogadishu were impeded by combat and artillery fire, despite the fact that an estimated 4.5 million Somalis' needed food aid. The Security Council was asked to call a meeting to discuss the escalating humanitarian crisis in Somalia as a result of the country's civil war scenario.

On January 23, 1992, the Security Council passed resolution 733, which was the first resolution on Somalia.¹⁰⁸ All sides to the conflict were asked by the resolution to put an end to hostilities,

¹⁰⁴ Ibid.

¹⁰⁵ Steve Redding and Art Hansen. Horn of Africa - Overview, Janie Hampton (ed) in Internally Displaced People A Global Survey. (1998). Norwegian Refugee Council, Earth Scan Pub. Ltd. London. pp.81.

¹⁰⁶ World Refugee Survey 1992 - 1993, US Committee for Refugee. pp. 70.

¹⁰⁷ World Refugee Survey 1992 - 1993, US Committee for Refugee. pp. 70-75.

¹⁰⁸ UN DOC S/23445.

encourage peacemaking, and make it easier for humanitarian aid to be delivered. The Security Council also enforced a broad and total arms embargo on all shipments of weaponry and military hardware to Somalia while operating under Chapter VII of the UN Charter.¹⁰⁹ The Secretary General was asked to support the efforts towards a peaceful resolution of the crisis in Somalia after the Security Council voiced concern over the worsening of the situation there. Following extensive talks between UN Secretary-General Boutros Boutros Ghali and the two faction leaders based in Mogadishu, Ali Mahdi and General Aidid, an agreement was reached wherein the two faction leaders stated their desire to bring about a speedy return to normalcy under the rule of law and to restore peace and justice to Somalia.¹¹⁰ They also decided to maintain the truce in Mogadishu through the use of a UN monitoring system and to immediately end hostilities.

Resolution 746

The United Nations was actively involved in Somalia, having continued its humanitarian activities there despite the unrest that followed President Siad Barre's fall. While the UN often had to temporarily remove its staff from Somalia due to the unstable security situation, it carried out as much humanitarian work as it could in conjunction with NGOs and the ICRC. The deplorable state of affairs in Somalia prompted the UN Secretary-General to actively engage in the political aspects of the crisis and advocate for a peaceful resolution to the conflict, working with the OAU, the League of Arab States (LAS), and the Organisation of the Islamic Conference (OIC). When fighting was still going on in Mogadishu, a group of high-ranking UN representatives was sent to Somalia in early January 1992 for negotiation peace.

The goal of the negotiations was to bring an end to hostilities and ensure that the international humanitarian community could reach victims entangled in the conflict. All group leaders, with the exception of General Aidid, declared support for a ceasefire in Mogadishu during that visit.¹¹¹ Nonetheless, there was unanimous support for the UN's involvement in promoting national reconciliation. Secretary-General Boutros Boutros-Ghali was informed of the visit's outcomes and spoke with Security Council members on the suitable next steps. The Security Council called on all parties to the conflict to end hostilities on January 23 and resolved in

¹⁰⁹ UN Doc, S/23693.

¹¹⁰ Ibid.

¹¹¹ SC/RES/746

resolution 733 (1992) that all States should impose an immediate, comprehensive ban on the transfer of any weaponry or military hardware to Somalia.

The Council asked the Secretary-General to step up humanitarian aid to the impacted population and to get in touch with all parties to the conflict to ask for their commitment to ending hostilities, promoting a ceasefire, and supporting the process of reaching a political settlement. The Interim President Ali Mahdi, General Aidid, and the LAS, OAU, and OIC were all asked by the Secretary-General on January 31 to send a representative to the United Nations Headquarters to take part in meetings.¹¹² Through the talks, the two factions in Mogadishu were able to agree to an immediate end to hostilities, the maintenance of the ceasefire, and the visit of a joint high-level delegation made up of representatives from the three regional organisations and the United Nations to finalise the ceasefire agreement.

On February 29, 1992, the united delegation landed in Mogadishu. Following four days of intense discussions, General Aidid and Interim President Ali Mahdi reached an agreement on the implementation of a ceasefire. As part of this agreement, a United Nations security component for humanitarian aid convoys was also accepted, and 20 military observers were stationed on either side of Mogadishu to keep an eye on the truce. Concurrently, the combined delegation conducted discussions on calling all Somali groups to a national peace conference. The Security Council backed the Secretary-General's decision to send a technical team to Somalia to draft a ceasefire monitoring system when it approved resolution 746 (1992) on March 17. The team was also asked by the Council to create a top-of-the-line strategy to guarantee the delivery of humanitarian aid.

The group travelled to Somalia from March 23 to April 1. After consulting with the team, Letters of Agreement were signed by General Aidid on March 27, 1992, and Interim President Ali Mahdi on March 28, 1992, on the processes for overseeing the ceasefire and the plans for the fair and efficient distribution of humanitarian aid.

As a result of the two group leaders' commitment to a UN involvement in monitoring the ceasefire, the Security Council passed a resolution endorsing the Secretary-General's intention to send a technical team to Somalia.

¹¹² SC/RES/747

The technical team was tasked with creating an operational strategy for keeping an eye on the cease-fire and looking into measures to make sure humanitarian aid could continue to be delivered without hindrance.¹¹³

United Nations Operation in Somalia I (UNOSOM I)

In many regions of Somalia, the overthrow of President Siad Barre led to a power struggle and clan disputes. The capital city of Mogadishu saw the worst violence since January, with one party backing Interim President Ali Mahdi Mohamed and the other endorsing General Mohamed Farah Aidid, the chairman of the United Somali Congress. Since then, warfare had continued in Mogadishu and expanded throughout Somalia, with groups with heavy weaponry in control of different regions. While some formally allied themselves with one of the two groups, others chose not to.¹¹⁴

The Security Council resolved to create a United Nations Operation in Somalia (UNOSOM) on April 24, 1992, after adopting resolution 751 (1992) on the Secretary-General's advice. The Council further requested that the Secretary-General seek talks with all Somali parties in order to arrange a summit on national reconciliation and unity, working with LAS, OAU, and OIC. Additionally, it requested financial and other help from the international community for the Secretary-General's 90-day Plan of Action for Emergency Humanitarian Assistance to Somalia.¹¹⁵ The Secretary-General's plan to designate a Special Representative for Somalia to oversee all UN operations in that nation was warmly received by the Council.

A group of 50 unarmed, uniformed United Nations military observers were to oversee the truce in the capital city of Mogadishu, in compliance with the agreements made with the two main factions of Somalia. In terms of humanitarian assistance, the agreements called for security personnel to guard United Nations staff, vehicles, and supplies at Mogadishu's seaports and airports. They were also supposed to escort the delivery of humanitarian supplies from those locations to distribution centers located in the city and its surrounding areas. The Security Council asked the Secretary-General to send out 50 monitors right once to keep an eye on the truce in Mogadishu in resolution 751. It also asked the Secretary-General to carry on his discussions with the parties in Mogadishu on the creation of a security force that would be sent

¹¹³ SC/RES/746.

¹¹⁴ UN DOC. S/23829.

¹¹⁵ Barton Gellman and Thomas W. Lippman. (1993). A Humanitarian Gesture Turns Ugly. The Washington Post.

out as soon as feasible. The Security Council was notified by the Secretary-General that the key groups in Mogadishu had consented to the unarmed observers' immediate deployment. Early in July 1992, Pakistani Brigadier-General Imtiaz Shaheen, the Chief Military Observer, arrived in Mogadishu with an advance party of UNOSOM observers. After significant delays and challenges, the Secretary-General notified the Security Council on August 12, 1992 that an agreement had been reached with the major faction leaders in Mogadishu to place 500 UN security officers in the city as part of UNOSOM.¹¹⁶

The Security Council gave its approval to the Secretary-General's report and encouraged all parties, groups, and factions in Somalia to support UN efforts to provide critical humanitarian aid to the impacted people. The Secretary-General's decision to send a second technical team to Somalia was warmly endorsed by the Council. Following the technical committee's trip to Somalia, the Secretary-General submitted his follow-up report to the Security Council.¹¹⁷ In it, he outlined several urgent measures that were either planned or had already been implemented to reduce widespread starvation in the regions of Somalia most severely affected by the civil war and severe drought and to stop the incidence of hunger from rising in other regions of the nation.

The Secretary-General noted that the lawlessness and lack of security that pervaded Somalia precluded the United Nations and its partners from providing significantly expanded assistance, even though they were prepared to do so. Overland movement of humanitarian aid was impeded by armed gangs stealing goods from distribution and delivery locations, attacking docked and arriving ships, and damaging airports and airstrips.¹¹⁸

Considering the challenges, the Secretary-General came to the conclusion that the airlift operations currently being conducted by the ICRC, the World Food Programme (WFP), and the United Nations Children's Emergency Fund (UNICEF) needed to be significantly expanded, with a focus on central and southern Somalia.

The Food and Agriculture Organisation of the United Nations (FAO), the United Nations Development Programme (UNDP), UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), and the World Health Organisation (WHO) were the six main UN agencies coordinating overall humanitarian

¹¹⁶ Barton Gellman and Thomas W. Lippman. (1993). A Humanitarian Gesture Turns Ugly. The Washington Post.

¹¹⁷ Ibid.

¹¹⁸ SC/RES/746.

efforts in Somalia.¹¹⁹ Furthermore, over 30 non-governmental organisations were operating in Somalia as UN implementing partners. Furthermore, even under the most trying circumstances, the ICRC persisted to offer help. Numerous regional non-governmental organisations collaborated with both international and UN organisations. Under the direction of the Secretary-General's Special for Somalia, the First Coordination Meeting on Humanitarian Assistance for Somalia was convened in Geneva on October 12 and 13, 1992, when the 100-Day programme was reviewed.¹²⁰

The goal of the programme was to draw attention to the critical steps that had to be taken in order to stop the famine and the unacceptably high rates of starvation and death in Somalia. Priority attention was given to the regions and people in the nation who require it. In addition, the Program identified the additional resources needed to meet its eight main goals, which included: supplying food aid in large quantities; expanding supplemental feeding aggressively; offering basic healthcare services and organising a widespread measles vaccination campaign; providing clean water, sanitation, and hygiene in an emergency; supplying materials for shelter, such as clothing and blankets; delivering seeds, tools, and animal vaccines simultaneously with food rations; preventing further refugee outflows and encouraging returnee programs; and constructing institutions and civil society rehabilitation and recovery.¹²¹ The program received typically timely and generous responses from donors.

The situation in Somalia worsened in October and November 1992 in spite of all the efforts made by the international community, the UN Secretary-General, and his new Special Representative for Somalia, Ismat Kittani.¹²² The political turmoil that ensued and the widespread physical devastation caused significant obstacles to the distribution of aid. The situation was made worse by widespread looting of relief goods, robberies, armed banditry, and overall lawlessness. In order to ensure that help reaches the regions that need it most, a number of the de facto authorities in Somalia declined to consent to the deployment of UN soldiers. In Mogadishu, UNOSOM soldiers came under fire, and their vehicles and weapons were seized. Relief ships faced threats, were shelled, and were stopped from docking.¹²³ Seaports and airports were targeted. Huge quantities of money and relief supplies were being demanded from

¹¹⁹ SC/RES/746.

¹²⁰ UN DOC. S/23829.

¹²¹ Ibid.

¹²² Barton Gellman and Thomas W. Lippman. (1993). A Humanitarian Gesture Turns Ugly. The Washington Post.

¹²³ UN DOC. S/23829.

charitable organisations and donor agencies, endangering the lives of their staff members who were trying to feed the hungry.

UNOSOM I, the UN peacekeeping mission in Somalia, was distinct in a number of ways. The original plan for UNOSOM was to serve as a peacekeeping force. Providing emergency humanitarian aid to the civilian populace was part of its mandate. To assist prevent armed assaults on humanitarian aid efforts, a security team was sent in. UNOSOM I's primary goal was to employ nonviolent persuasion to reduce hostilities and ease tensions between the warring parties. Except in self-defense, it was not permitted to employ force.¹²⁴

There were significant challenges for the UN operation. The factional leaders had adopted a hostile stance against the UN and would not consent to the UN peacekeeping force being stationed in Somalia. The Security Council believed that peacekeeping efforts could only be successful if the participants in the conflict truly wanted to prevent violence. However, the effectiveness of peacekeeping can be compromised when adversaries are determined to start a conflict. The Security Council issued a warning, saying that anybody impeding the operation's deployment in Somalia will be held accountable for escalating an already extraordinary humanitarian crisis. At its 92nd plenary session, the General Assembly emphasised that only 'a process of national reconciliation culminating in a final, comprehensive, politically negotiated settlement'¹²⁵ among all segments of the Somali population could ensure peace and security in the nation. The Assembly demanded the holding of a 'international peace conference on Somalia, under the auspices of the United Nations'¹²⁶ and other regional organisations in its resolution, A/RES/47/167, dated December 18, 1992.

In the resolution, the Assembly also acknowledged that the 'restoration of much-needed peace and stability in Somalia must be governed by the following considerations: national reconciliation, full cooperation with United Nations peacekeeping forces, strict observance of a cease-fire, assistance for refugees, displaced persons, and returnees, a constitution that guarantees democracy, and freedom and fair and free elections.'¹²⁷

Even though food aid started to flow to Somalis in the second half of 1992, factional armies and bandits still harassed aid workers and blocked food deliveries in many areas. A group of US aid organisations openly demanded more protection for their work in Somalia in November

¹²⁴ UN Doc. S/2432.

¹²⁵ UN Doc. S/2434.

¹²⁶ A/RES/47/167.

¹²⁷ A/RES/47/167.

1992. The US Committee for Refugees suggested that UN peacekeeping forces be sent out right away. It bemoaned the lack of significant humanitarian efforts by the international community in Somalia, including proper safety for aid workers and destitute Somalis' who were regularly the targets of deliberate sabotage and sporadic banditry. Nearly a million Somalis were still refugees by the end of 1992, with 3,20,000 living in Kenya, 85,000 in Djibouti, and 49,000 in Yemen.¹²⁸

The Security Council members were persuaded by the worsening circumstances in Somalia that more drastic actions under Chapter VII of the Charter were required to carry out the humanitarian mission in Somalia. In order to assist military action to restore peace and security, the Security Council resolved to implement enforcement measures under Chapter VII. Members concur that because Somalia lacked a government capable of asking the UN to step in, extraordinary circumstances prevailed there. According to Chapter VII, the Council had to decide if the Somali issue threatened global peace and security. Under Article 42, it might then approve military action.

Resolution 794

Resolution 794 (1992), which authorised the use of all necessary means to quickly establish a secure environment for humanitarian aid operations in Somalia, was unanimously adopted by the Security Council on December 3, 1992. The Council gave the Secretary-General and the participating Member States permission to organise the unified command and control of the armed forces that would be involved in accordance with Chapter VII of the Charter.

It asked the Secretary-General to set up a fund so that the contributions might be properly directed to the States or activities in question, and it called on those Member States that could do so to contribute in kind or financially as well as armed troops.

Unified Task Force (UNITAF)

The resultant operation, which had the biggest contingent, was commanded by the United States and called as Operation Restore Hope or Unified Task Force (UNITAF). In contrast to

¹²⁸ Steve Redding and Art Hansen. Horn of Africa - Overview, Janie Hampton (ed) in Internally Displaced People-A Global Survey. (1998). Norwegian Refugee Council, Earth Scan Pub. Ltd. London.

traditional peacekeeping missions, the force could not be sent out at the request or approval of the host government in Somalia since there was no government.¹²⁹ UNITAF was intended to be a short-term peacekeeping experiment. UNITAF was assigned a mandate that included helping the parties in Somalia to negotiate a durable political agreement to end the conflict and creating a safe environment for the international humanitarian supply convoy to pass through. The goal of UN peacekeeping operations was to bring about peace in an unsustainable scenario. The goal was to reach a political agreement that would put an end to Somalia's protracted and bloody civil war and lead to the development of peace and stability there. In other words, in addition to traditional peacekeeping and peace-enforcement operations, the UN's mission was to advance along political lines and reach a political settlement.¹³⁰ The designation of an internal and humanitarian crisis as a danger to internal peace and security had led to the justification of peace enforcement actions for the first time.

An estimated 4,90,000 Somalis were internally displaced and 700,000 were refugees by the end of 1993.¹³¹ Estimates from the UN and the International Committee of the Red Cross indicated that between 300,000 and 500,000 people had perished from starvation, illness, and violence.¹³² Relief workers estimated that 4.5 million Somalis' needed food aid, with at least 1,000 people dying from starvation every day. Given the circumstances that existed in Somalia, it was clear that UNITAF's efforts to create a safe environment there were far from finished.¹³³ In addition, an estimated 300 Somalis perished in a battle against American forces in October that claimed the lives of eighteen American soldiers and left hundreds more dead or injured as a result of armed Somalis' fighting one another.

Aid workers protested the UN's forceful military tactics, and in October all US soldiers would leave the nation by the end of March 1993.¹³⁴ Additionally, a number of other countries started to remove their soldiers. Additionally, UNITAF was instructed to transfer operational control to UNOSOM II, a recently established UN mission with enforcement authority. The humanitarian purposes of this military intervention were mostly met, but the military and political aims were not.

¹²⁹ Geoff Simons. (1995). *The Problem of Power in UN Malaise. Power Problems and Real Politic*. London, Macmillan Pres Ltd. pp. 89.

¹³⁰ S/PV 3280.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Addis Ababa Conference. (1993) on National Reconciliation, Resolved to End Armed Conflict.

Combatants and foreign mediators were unable to reach a permanent political settlement to the underlying conflict, and Somalia's warring factions continued to be highly armed and deadly.¹³⁵

United Nations Operation in Somalia II (UNOSOM II)

The Secretary-General presented a report to the Security Council on March 3, 1993, outlining his suggestions for implementing the shift from UNITAF to UNOSOM II. The Security Council unanimously adopted resolution 814 (1993) and established UNOSOM-II. There was a broad and ambitious mandate given to UNOSOM-II.¹³⁶ Under the Secretary-General's suggested mission, UNOSOM II would work to finish the job started by UNITAF in order to restore peace, stability, law, and order via disarmament and reconciliation. As required by the mission, UNOSOM II would also be able to assist the Somali people in re-establishing their political unity inside the country as well as their political and cultural lives, economic growth, and institutional structure; establish a new Somali State governed by democracy; and repair their infrastructure and economy.¹³⁷

The following military duties were part of UNOSOM II's mandate, which would cover the entirety of Somalia: (a) keeping an eye on all factions' adherence to the cease-fire and other agreements they had consented to; (b) preventing any the restart of violence and, if required, taking necessary steps against any faction that violates or threatens to violate the cease-fire; (c) keeping control of the organised factions' heavy weapons, which would had been placed under international supervision until their destruction or transfer to a newly formed national army; and (d) seizing all unauthorised armed elements' small arms and helping to register and secure them; (e) ensuring security at all ports, airports, and communication lines necessary for the distribution of humanitarian aid; (f) safeguarding the staff, facilities, and equipment of the UN, its agencies, the ICRC, and non-governmental organisations; and taking any necessary aggressive measures to neutralise armed groups that had attacked or threatened to attack these establishments and personnel, while waiting for the formation of a new Somali police force to take over this duty; (g) pursuing the mine-clearing program in the most affected areas;

¹³⁵ World Refugee Survey 1994.

¹³⁶ UNOSOM II. United Nation Peacekeeping.

¹³⁷ Tubbs, J. O. (1997). *Intervention in Somalia: UNITAF and UNOSOM II. In Beyond Gunboat Diplomacy: Forceful Applications of Airpower in Peace Enforcement Operations*. Air University Press.

- (h) aiding in the repatriation of refugees and internally displaced people in Somalia;
- (i) performing any additional tasks that may be approved by the Security Council.¹³⁸

The UN had a wide-ranging and intricate duty. It had never before started a programme this extensive. Thus, in Security Council meetings there was a tremendous sense of devotion to the mission's success.

Mogadishu was engulfed in bloodshed in 1993, with repeated attacks on UN peacekeepers and aid personnel. The dwindling groups fiercely criticised UNOSOM-II's attempts to choose police and judicial authority and charged them with meddling. They accused the UNOSOM-II of showing bias in carrying out the military and police aspects of its mandate.¹³⁹ This finally forced a significant re-evaluation of the mission's objectives, resulting in a modification of the UN peacekeeping mission's character, procedures, and mandate in Somalia. On February 4, 1994, the Security Council accepted a revised UNOSOM - II mission by adopting resolution 897(1994). The resolution specifically called for the participation of the Somali parties and prohibited the use of coercive measures.

The UN Charter's Chapter VII grants the Security Council extraordinary powers, which it should now only use in dire situations. As emphasised in the Security Council resolutions, the unique circumstances in Somalia, notably the absence of a national government, allowed the Security Council to function under Chapter VII of the UN Charter. However, UNOSOM-II's mission no longer included the peace-enforcement measures of resolution 814 (1993). UNOSOM was not to use force to enforce disarmament or to respond to violations of the cease-fire by the various Somali groups.

Additionally, in a clear statement, the chairman of the Security Council asked for a shift in UNOSOM-II's mandate from implementation to a more conventional peacekeeping.¹⁴⁰

Whether the UN was right in using force in the first place is the matter at hand. Did the UN's peacekeeping missions lose credibility when they switched from peacekeeping to peace enforcement?

¹³⁸ UN DOC. S/1994/12, 'Mandate for UNOSOM - II revised: Coercive method not to be used', UN Chronicle. Vol XXXI, No. 2, June 1994, pp. 13.

¹³⁹ Ibid.

¹⁴⁰ S/PV, 3334.

The draft resolution included in UN S/26767 was approved as resolution 886 (1993) by a unanimous vote. During the subsequent debate, the Council members generally held the view that the UN could only offer support through UNOSOM-II, its peacekeeping mission. The Council emphasised to the Somali people that real progress towards a political settlement and constructive collaboration were prerequisites for the UN's sustained presence in their nation. Although instrumental assistance was crucial, the authorities and people of Somalia ultimately share the burden for bringing about peace in their nation.¹⁴¹ The Security Council members persisted in stressing that the Somali people had a major responsibility to restore normalcy to their country. As a result of a prolonged political impasse and inadequate Somali cooperation, the focus shifted to the decrease and potential removal of UNOSOM-II. The Security Council emphasised in its resolution 946 (1994), which was adopted that the Somali parties' determination to reach a political compromise would have a significant impact on the type and duration of the resources and support that the international community would provide to Somalia, including the ongoing presence of UNOSOM II.

UNOSOM failed to fulfil its objectives because the leaders of the Somali groups made no comparable commitment to work towards political reconciliation or to collaborate in establishing security conditions. In March 1995, the Security Council decided to remove the sizable number of military contingents. Almost all of the soldiers had been removed by March 1995, leaving Somalia in a situation of even greater chaos.

Critical Analysis

The UN's activities in Somalia had drawn a lot of criticism. Some commentators argue that the Security Council had no business becoming engaged in Somalia since the country was a failed state with no discernible authority to maintain the peace process that the international community had started. The fact that the parties in Somalia were unable to resolve their differences amicably made the situation much more complicated. When internal mechanisms had utterly failed to reach a peaceful resolution, how was it feasible for the international community to force a solution on a crisis situation from the outside? More precisely, when there was no guarantee of collaboration or agreement to the UN peacekeeping mission.

¹⁴¹ Samuel M. Makinda. (1993). Somalia. From humanitarian intervention to military offensive? *The World Today*. Vol 49, No. 10. pp. 184.

The shift in the Security Council's role from peacekeeping to peace enforcement was also met with opposition. All it amounted to was the Council being entangled in Somalia's domestic political affairs. The UN peacekeeping effort's very impartiality and neutrality were called into question since there was no peace or stability in Somalia—rather, the country was engulfed in bloodshed, mistrust, and complete disarray. It received flak for supporting one rival faction against the other. Additionally, it was charged of turning into an aggressive third party in the conflict over political dominance as soon as it started using force and enforcing laws in Somalia.

A question can also be raised: Should attempts be made to construct nations? Undoubtedly, there was a pressing need to promote a peaceful resolution of the crisis situation and to rebuild the social and economic infrastructure of a nation devastated by conflict. The process of negotiated solutions was aided by safe enclaves for victims and developmental support. Thus, it was impossible to overlook the critical role that intervention plays in providing humanitarian aid.

An analysis of the UN mission in Somalia would raise the question of whether the UN soldiers will choose a side? In actuality, while participating in collective defence against an aggressor nation state, the Charter does grant the member nations the authority to choose sides in a dispute. The UN's chapter VII mission permits forces to try to stop internal bloodshed, but it doesn't address how to prevent two parties who genuinely wish to fight from killing one another, as happened in Somalia.

The second question that pops up is: should the UN employ overwhelming force to prevail if it chooses a side? The UN generally responds in the positive as it was more concerned with soldier safety and force protection after hostilities begin. States that provide troops will be critical of the UN if it cannot even maintain the status quo, let alone enforce it. 'Nowhere do so many millions of people continue to be poised so precariously on the brink of death, as in the Horn of Africa? Here, the margin of survival was so slim, the resources so scarce, and the future so bleak,'¹⁴² stated the UN Secretary-General. In such a scenario, the Somali people would have experienced unspeakable tragedies if there had been no humanitarian assistance or insufficient attention from the international world. Thus, it was not futile to enquire as to whether or not the UN operation in Somalia was a success.

¹⁴² UN Chronicle. Vol. XXIX, No. 4, December 1992, pp 4.

It was unquestionably significant that the UN personnel made significant and spectacular gains in addition to the losses in their work of peacekeeping, peace-making, and peacebuilding in Somalia.

United Nations Action in Bosnia and Herzegovina

The international community faced both historic possibilities and problems with the end of the Cold War, especially in the 1990s. Even though the Cold War was over, a number of disputes that could not be resolved by conventional peacekeeping operations also emerged. The fall of Communist rule in the Balkans and certain regions of the former Soviet Union allowed long-standing ethnic and religious tensions to flare up again with fresh ferocity. These kinds of wars were characterised by mass displacement of innocent populations, whose flight into surrounding states posed a danger to regional stability and necessitated extensive international humanitarian relief and refugee aid. The UN Security Council, which had been inactive for a while, came back to life with the end of the Cold War and was being relied upon more and more to handle various crisis scenarios. It was necessary for the Council to send UN peacekeeping forces and put an end to bloody civil conflicts. All of this increased anticipation for how well it will react.

In every way, the UN's intervention in Bosnia and Herzegovina was unprecedented. The Security Council aimed to initiate a process that may address global crises in the future in a successful and efficient manner. The Security Council may, where appropriate, make use of such regional organisations or bodies for enforcing its power under UN Charter Chapter XVIII.

The operation of the NATO, which served to provide elements of force to UN peacekeeping, complemented UN peacekeeping efforts. After the standard UNPROFOR peacekeeping operation failed to contain the Bosnian Serb invasion, this military regional coalition transformed the UN's involvement in Bosnia and Herzegovina into peace enforcement. The UN used force to build diplomacy after using such regional agreements for the first time.¹⁴³ According to the then US Ambassador Nancy Soderberg, the UN was collaborating with regional organisations more and more, to increase its capacity to handle the political, humanitarian, and peacekeeping facets of conflict resolution.¹⁴⁴

¹⁴³ Statement of US representative in Security Council. 1994. S/PV 3336.

¹⁴⁴ US Foreign Policy Agenda. May, 1998, pp. 9.

Undoubtedly, the UN-authorized NATO took over the task of resolving the crisis in Bosnia and Herzegovina by using coercive measures due to the horrific atrocities and unrest the Bosnian Serbs had caused there. However, this action was also met with harsh criticism.

Background

The history and underlying reasons of the issue that led to such barbaric and violent acts in Bosnia and Herzegovina must be thoroughly examined in order to conduct a full examination of the UN's intervention there. Some analysts noted that long-standing ethnic antagonism was the cause of the bloodshed in Bosnia. In order to prevent becoming a minority in the new state, Serbs took up guns. Others saw the conflict as a challenge to the status of ethnic Serbs, who were used to high levels of control and ethnic comfort under the previous socialist Federal Republic of Yugoslavia, and Serbia regarded an independent Bosnia as a threat to their interests.

The population of Bosnia was the most diverse of all, consisting of three sizable ethnic and religious groups. Bosnian Muslims, also known as Bosnians', made up around 44% of the pre-war population. Bosnian Croats, who were primarily Roman Catholics, made up about 17%, and Bosnian Serbs, who made up 32%. Fears of Muslim dominance was ingrained in the minds of nationalist Serb leaders. After Bosnia's independence was widely acknowledged in April 1992, nationalist Bosnian Serb forces and the Yugoslav National Army (JNA) launched attacks on cities in eastern and northern Bosnia, killing or expelling a large portion of the non-Serb populace in a methodical manner.¹⁴⁵

'Ethnic cleansing'¹⁴⁶ became the term for both the campaign's methodology and the activity itself. Mass artillery barrages against civilian centres, along with acts of torture and killings, were perpetrated by Nationalist Serb troops. Two-thirds of Bosnia's territory, including areas without prior ethnic Serb majority, were rapidly under the hands of Serb troops. It was evident that the attacks were intended to eliminate or expel non-Serbs. The slaughter in Bosnia started to look a lot like genocide. In addition to 1.1 million refugees fleeing the country, Bosnia had 60,000 reported missing, 7,000 000 internally displaced and impoverished people, and 1.1 million fatalities.¹⁴⁷

¹⁴⁵ James Gow. (1995) Bosnia I: Stepping up the Peace? *The World Today*. Vol. 51, No. 7, pp-126.

¹⁴⁶ Melander, Erik. (2007). *Ethnic Cleansing in Bosnia-Herzegovina 1992-1995*. Department of Peace and Conflict Research, Uppsala University.

¹⁴⁷James Gow. (1995) Bosnia I: Stepping up the Peace? *The World Today*. Vol. 51, No. 7. pp-114.

As the crimes and misery persisted, the Security Council was obliged to investigate the situation. The Security Council demanded the creation of a constitutional framework for the Republic of Bosnia and Herzegovina in addition to an overall political settlement of the issue via the total cessation of hostilities.¹⁴⁸ Additionally, the Security Council issued a warning to the Serb paramilitary groups, ordering them to stop violating international humanitarian law anywhere in Bosnia and Herzegovina.¹⁴⁹

United Nations Protection Force (UNPROFOR)

The UNPROFOR's mandate consisted of safeguarding the local population in the protected areas and establishing peace and security necessary for the negotiations of an overarching settlement of the Yugoslav problem. The Council had dispatched its peacekeeping soldiers to Bosnia and Herzegovina. The Security Council members demanded a diplomatic solution to the issue.¹⁵⁰

There were numerous attempts to find a peaceful solution to the crisis, ranging from the signing of the Vance-Owen to the Dayton Agreements. However, the Republic of Croatia's policy, which involved significant military attacks against UN-protected areas, was clearly a major barrier to finding a long-term, peaceful solution to the Yugoslav crisis. Such incidents demonstrated that, considering the political and military participation of nearby governments, particularly Croatia and Serbia, who were 'parties to the Peace Agreements,'¹⁵¹ characterising the Bosnian War as a civil war was insufficient. During the Security Council deliberations, the members reached a consensus to tighten the sanctions against the Bosnian Serbs due to their violent practices and ethnic cleansing. The Council argued in resolution 836 (1993) that people should be forced to leave regions they had taken by force.¹⁵² The fact that the resolution permitted the UNPROFOR to use force in response to bombardments of secure zones made it noteworthy as well. However, the safe regions proved to be vulnerable when the Gorazde enclave in Eastern Bosnia came under increased assault by the Serb troops. The UN-designated safe region surrounding Bihac in northwest Bosnia was attacked by the Bosnian Serbs.

¹⁴⁸ S/PV. 3160.

¹⁴⁹ S/PV. 3164.

¹⁵⁰ S/PV. 3174.

¹⁵¹ Paul Stubbs. (2000). Bosnia and Herzegovina' Internally Displaced People- A Global Survey. Norwegian Refugee Council. pp. 192.

¹⁵² S/PV 3228.

Moreover, UNPROFOR found itself in an increasingly submissive and dehumanising situation as Bosnian Serbs were perceived as disobeying international accords and will.

The UN Secretary-General faced harsh criticism for failing to safeguard the 'safe areas'¹⁵³ that Security Council Resolution 836 had established in 1993. The feasibility of the safe areas hinged critically on an acceptable UN military presence in the designated regions due to the ongoing lack of a political settlement. It was noted that in order to create such a presence, 32,000 soldiers would be needed.¹⁵⁴ Even while the Security Council established the safe regions, it did not give enough soldiers or funding to ensure that troops from other countries could be stationed there in order to make the idea work. The Security Council member understood that because the Bosnian Serbs were not adhering to its pertinent decisions, it was necessary to arm UNPROFOR with greater force and transform its mandate from peacekeeping to enforcement of peace with the use of all necessary means.¹⁵⁵

In order to properly assure its self-defence, UNPROFOR should be endowed with both legal and military powers, as indicated by the French representative in the Council. In light of the ongoing conflict and the need for preventative security, the delegate advocated for a modification of the authorisation for the use of force under Chapter VII of the Charter. Additionally, the Australian representative insisted that all necessary means, including those specified in Chapter VII of the UN Charter, must be used to persuade the Bosnian Serb side to sign and adhere to the peace plan, fulfil the relevant Security Council resolution, and respect international humanitarian law.¹⁵⁶ Even though Security Council resolution 871(1993) extended UNPROFOR's mandate, the Security Council was beginning to realise that chapter VII of the Charter must be used in order to strengthen international efforts to reduce the conflict in the former Yugoslavia, provide humanitarian relief, and facilitate negotiated solutions to all aspects of the conflict. The UN's operation in Bosnia and Herzegovina was thus a complicated combination of peacekeeping, peace enforcement, and preventative diplomatic action.

In addition, the UN Security Council took a significant and unusual action that exemplified the multifaceted nature of peacekeeping. In view of the competing ethnic groupings for power in the former Yugoslavian Republic of Macedonia, it made the precautionary deployment of UNPROFOR forces necessary. The Secretary-General reported that the situation was still far

¹⁵³ The Balkan Battlefields. (1994) Strategic Survey. pp.93

¹⁵⁴ The Balkan Battlefields. (1994) Strategic Survey. pp.93

¹⁵⁵ S/PV. 3174.

¹⁵⁶ S/PV. 3201.

from totally stable, despite the Security Council adopting resolution 900 (1994) and urging all parties to the Bosnian conflict to work with UNPROFOR in ensuring the establishment of a cease-fire in and around Sarajevo.¹⁵⁷

The North Atlantic Treaty Organisation's close air assistance was voted upon unanimously by the Council due to the ongoing and vicious attacks on UN peacekeeping force members. In any event, the UN mission needed protection from a highly planned attack, and this was done to ensure that it had alternative options. Concurrently, the Security Council's resolution 908 approved an augmentation of up to 3500 soldiers and extended UNPROFOR's mission.¹⁵⁸ The resolution affirmed that additional force deployment was required to give UNPROFOR the resources it needed to carry out its mandate. The Security Council's members said during a meeting that the Council needed to 'act quickly to put an end to the bloodshed in Bosnia and Herzegovina in accordance with its duties under Chapter VII of the Charter'.¹⁵⁹

Additionally, it was noted that in order to bring about a fair resolution to the conflict in that nation, UNPROFOR's mandate ought to include the following tasks: the prompt end of hostilities, withdrawal from occupied territories, international guarantees for the repatriation of refugees to their homes, the restoration of the territorial integrity and unity of the Republic of Bosnia and Herzegovina, and the prompt prosecution of those guilty of crimes against humanity and grave violations of international humanitarian law.¹⁶⁰

Peace Enforcement

After NATO began a precisely planned bombing campaign against Bosnian Serb sites, the UN's mission in Bosnia and Herzegovina significantly shifted from peacekeeping to peace enforcement. The decision by NATO to deploy airstrikes to stop attacks on Sarajevo at the UN's request was widely supported. The NATO ultimatum, which demanded the removal of all heavy weapons from Sarajevo under threat of force within ten days, was backed by the governments who sent troops. It was realised that in order for UNPROFOR to effectively carry out its mandate and for international initiatives to succeed, a more powerful and coercive approach was necessary. According to statements made, the larger goal of NATO was to

¹⁵⁷ UN Doc. S/1994/300. UN Chronicle. June. 1994., Vol. XXXI, No. 2.

¹⁵⁸ S/PV 3356.

¹⁵⁹ S/PV 3274.

¹⁶⁰ Ibid.

pressure the Serbian government into holding meaningful talks on a peace agreement following lines that the international community had established.¹⁶¹ The issue was still getting worse. There was still no peace to maintain, therefore UNPROFOR is stuck in a state of war.¹⁶² When UNPROFOR's mission was gradually expanded to include enforcement components, Bosnian Serbs protested. They said that it made UNPROFOR appear to be involved in the dispute. However, in order to restore routine and order in the crisis scenario, it was imperative that the nature of the UN mission in Bosnia be altered. According to the UN Secretary-General, a realistic mission would allow UNPROFOR to assist in stabilising the situation in Bosnia without raising hopes that it would be able to join the conflict and fight on one of the parties or force an end to it.¹⁶³ According to US policy, the war could not be resolved unless the Bosnian Serbs were subjected to genuine military pressure to cease their aggression.

NATO's dramatic takeover of the UN peacekeeping operation in Bosnia and Herzegovina was intended to support diplomacy with force while remaining within the UN Security Council's jurisdiction. The goal was to bring about a truce and prepare the ground for Dayton. Peace Agreement. The worst military conflict in European history came to an end in 1995 when the General Framework Agreement for Peace in Bosnia and Herzegovina was signed in Paris and finished in Dayton. The international community had been working towards peace for three years until the Agreement was reached through a coordinated peace endeavour.

The Dayton Peace Agreement

The Federal Republic of Yugoslavia, the Republic of Croatia, and the Republic of Bosnia and Herzegovina signed the Dayton Peace Agreement in Paris. By agreeing to sign the agreement, the three Balkan states pledged to treat each other with respect, adhere to the UN Charter, resolve conflicts amicably, and refrain from taking any action that would jeopardise the political independence or territorial integrity of Bosnia and Herzegovina or any other state.¹⁶⁴ Within its respective international borders, the Federal Republic of Yugoslavia and Bosnia and Herzegovina acknowledged one another as sovereign, independent states. The Agreement also addressed human rights, refugee relief, democratic elections, regional stabilisation, military

¹⁶¹ Lenard. J. Cohen. (1996). Bosnia and Herzegovina; Fragile Peace in a Segmented State, Current History.

¹⁶² Fighting Escalates. UN Role in Question? 1995. UN Chronicle. Vol. XXXII. No. 3, pp. 29.

¹⁶³ Ibid.

¹⁶⁴ General Framework for Peace in Bosnia and Herzegovina. 11 Annexas, Dayton, Ohio, 21 November, 1995.

components of peace settlements, and other significant concerns. Bosnia was a major issue until Dayton transformed it into a major experiment.

After creating a new constitution, putting in place procedures for upholding human rights laws, setting up elections, settling property issues, reuniting refugees with their families, and overhauling law enforcement, the Americans, who were in a state of euphoria at Dayton, had effectively recreated Bosnia. In a way, the Dayton Agreement contributed to the conclusion of the Bosnian War and set the stage for a peace process that would bring stability to the whole area and a long-term political settlement for the former Yugoslav Republic.¹⁶⁵

A Peace Implementation Conference was organised in London on December 8 and 9, 1995, with the goal of rallying the international world in support of Bosnia and Herzegovina's citizens' fresh start. The Conference resolved to draft new political and constitutional frameworks that would unite the nation behind democratic principles and the rule of law. While Security Council members consistently emphasised the need for a diplomatic solution to the Bosnian issue, there was an increasing focus on a military option, especially with the support of a regional body.¹⁶⁶

Therefore, on December 15, 1995, the Security Council approved the deployment of 60,000 soldiers, known as the international military Implementation Force (IFOR), in order to aid in ensuring adherence to the Bosnian Peace Agreement. The IFOR replaced UNPROFOR, whose mission was ended, and was to be made up of land, air, and naval troops from both NATO and non-NATO countries. The former Secretary-General justified this incident by stating that the situation in the former Yugoslavia remained a threat to international peace and security and the intricate circumstances in Bosnia demanded an unprecedented reaction.¹⁶⁷ This occurred when a regional organisation was called in to supplement the UN's peacekeeping activity, which was also duly authorised by the UN Security Council.

NATO assumed responsibility for carrying out Dayton's military provisions and upholding the cease-fire. In order to provide a safe environment for the execution of the civil elements, it completed a number of crucial tasks, including dividing the military forces, transferring land between the two entities, shifting soldiers and heavy weaponry into authorised places. In order to carry out an unprecedented operation, NATO was mobilised and sent into Bosnia. Without

¹⁶⁵ Predrag Simic. (1996). The Bosnian Endgame. Review of International Affairs. pp. 3

¹⁶⁶ Ibid.

¹⁶⁷ Michael Williams. (1996). The best chance for peace in Bosnia. *The World Today*. Vol. 52, No. 1. pp. 4

it, the UN mission there was finding it challenging to diffuse tensions between the various groups and restore peace and normalcy. During the initial stages of its mission, NATO made needless mistakes. Furthermore, the neutral, flimsy, and unsupportive reaction of UN forces on the ground negated and reduced American efforts to repeatedly target the Bosnian Serbs with a strong strategy by threatening them with NATO air power. But in the summer of 1995, things started to shift when President Clinton signed an ambitious proposal to put an end to the hostilities and pursue a comprehensive political solution through the adoption of an endgame strategy. It had been noted that the establishment of the NATO-led Implementation Force for Bosnia, which sent ground forces on an 'out-of-area operation'¹⁶⁸ to try to implement the hard-won peace for the reconstruction of a sustainable and peaceful civil society in Bosnia and Herzegovina, marked a turning point in the conflict.

United Nations Mission in Bosnia and Herzegovina (UNMIBH)

Furthermore, on December 21, 1995, the Security Council formed the UN International Police Task Force (UNIPTF) and a UN civilian office for a one-year term by resolution 1035 (1995). This action was carried out in compliance with the Peace Agreement. UNMIBH, the UN Mission in Bosnia and Herzegovina, was the name given to the operation. The International Police Task Force (IPTF) was tasked with advising law enforcement forces and personnel, training law enforcement personnel, identifying risks to public order, and providing advice on how well law enforcement agencies were equipped to handle such threats. It was also necessary to guarantee that the prerequisites for free and fair elections would exist.

In actuality, the IPTF worked closely with the SFOR and OSCE to organise the elections for the Republika Srpska Assembly¹⁶⁹ on November 22 and 23, 1997, as well as the municipal elections on September 13 and 14, 1997. However, Bosnia was still a long way off from achieving peace and stability, which had a negative impact on both the political and post-conflict peacebuilding initiatives. Boutros-Ghali noted that the parties had failed to implement those parts of the Peace Agreements that would have brought the country's communities together in good faith, and that Bosnia and Herzegovina remained a long way from becoming a unified society where everyone would enjoy the broad freedoms envisioned in the agreements. This led to the Security Council's resolution, allowing the member states to work

¹⁶⁸ Ibid.

¹⁶⁹ UN Mission in Bosnia and Herzegovina UNMIBH. (1998). The Department of Public Information, UN.

with NATO to form a multinational stabilisation force (SFOR) for eighteen months to replace IFOR in Bosnia.¹⁷⁰

The Security Council was forced to take this action because the civilian implementation proved more difficult to arrange and more obstinate than anticipated. The goal of SFOR was to strip Dayton's adversaries of their means of control and intimidation—the military, the police, and the media—while preserving public safety through reorganised, retrained, and restructured municipal police. The international community concentrated on promoting democratic elections, more independent media, and economic recovery as means of empowering the Bosnian people.¹⁷¹ The strong presence of IFOR and the coordinated efforts of SFOR, a relatively secure military environment had been formed in Bosnia and Herzegovina enabling the accomplishment of exceedingly complicated political and civilian activities.

The SFOR served as the entire implementation effort's backup, which was crucial to the Dayton's effective execution. Together, IFOR and SFOR's efforts led to strong civilian implementation initiatives supported by the presence of an international military, which aided in establishing peace and stability in that nation and improving the atmosphere of tolerance and reconciliation.¹⁷²

The ultimate goal was to prioritise peacebuilding after conflicts and to complete the crucial tasks of social development and economic revitalisation, without which the restoration of normality and democracy would be impeded. According to NATO Secretary-General Javier Solana, military action cannot replace a longer-term political plan aimed at fostering harmony and collaboration.¹⁷³ In the Security Council sessions, the member state representatives urged a political solution to the Bosnian and Herzegovina issue on several occasions.

In the sessions, the Secretary-General said, the NATO-Council was a part of the political process leading to a negotiated settlement. The Security Council only vehemently endorsed the deployment of force and coercive measures carried out by NATO and approved by the Security Council in the event that the applicable Security Council decisions were not followed in an effort to reach a political resolution.

¹⁷⁰ Ibid.

¹⁷¹ UN DOC, S/1997/966. 1997.

¹⁷² UN DOC, S/1997/966. 1997

¹⁷³ UN DOC. S/1996/970, UN Chronicle. 1996.

The Security Council members noted that using force to accomplish the goals outlined in a resolution was only allowed when a political situation establishes to be unsustainable.¹⁷⁴ Even though the Security Council debated and proven to be contentious over some of the choices made by the NATO Council, the Bosnian crisis served as evidence of the organisation's importance and usefulness. NATO's operation was executed in close collaboration with the UN Secretary-General. The Security Council members further emphasised that the Secretary-General was operating within his powers and in compliance with the Security Council decision when he contacted NATO.¹⁷⁵ It has been said that Bosnia represents a terrible predicament and a constant reminder of how the post-Cold War international order failed to successfully usher in the New World Order.

Critical Analysis

Bosnia can be viewed as an example of a civil conflict that was impervious to outside intervention from its inception until 1995. This was due to the Security Council's lacklustre attempts at handling the violent crisis scenario. The Security Council labelled the Serbs as aggressors and approved the use of all necessary means to stop the aggression, but the peacekeepers were never provided with the tools to carry out the decision.

The view that future diplomacy must be supported by force in order to obtain a mutually agreeable settlement was proven by the decisive employment of NATO-military in conjunction with a US-led diplomatic effort. In fact, the concept that NATO would evolve into a type of UN standing force required for the execution of Security Council resolutions in accordance with Chapter VII of the Charter was born out of its participation in the resolution of the former Yugoslavia issue. Nothing will prevent NATO from functioning as an all-European security system if it fulfils this role and the majority of European nations join it. Neither the European Union nor the OSCE, the Organisation for Security and Cooperation in Europe, appear to be willing or able to carry out this role.

The war was a brutal conflict fueled by ethnic nationalism and the disintegration of Yugoslavia. While presented as inter-ethnic hatred, the war was significantly driven by political opportunism and the pursuit of territorial control by nationalist elites, primarily Serbian. The

¹⁷⁴ Ibid.

¹⁷⁵ S/PV. 3336. 1994.

international community's delayed and often ineffective response, hampered by internal divisions and a reluctance to intervene decisively, exacerbated the suffering. The war exposed the horrific consequences of unchecked nationalism, including widespread ethnic cleansing, massacres (most notably in Srebrenica), and the systematic use of rape as a weapon of war. The Dayton Agreement, while ending the bloodshed, solidified ethnic divisions, creating a complex and often dysfunctional political structure that continues to hinder true reconciliation and progress in Bosnia-Herzegovina today. The legacy of the war serves as a stark reminder of the dangers of ethnic division and the importance of timely and effective international action in preventing atrocities

The ultimate goal of the UN Security Council was to put an end to the widespread hostilities in the Republic of Bosnia and Herzegovina and to focus on civilian tasks like rebuilding damaged areas, assisting refugees, holding successful elections, and establishing a broad, pluralist, multiethnic government with the ultimate goal of achieving peace and stability in Bosnia. The Security Council members differed somewhat about the drastic change in the nature of UN peacekeeping activity in Bosnia and Herzegovina when it became coercive and there was a significant use of force in conjunction with NATO, but they were unanimous in their desire to preserve the sovereignty, territorial integrity, and independence of the Republic of Bosnia and Herzegovina and to strongly condemn.

Using the military alliance was a key step that defined this crisis, even though Yugoslavia was first seen as an outside operation and outside of NATO's conventional core tasks. On both sides of the Atlantic, Yugoslavia was viewed as a European issue that needed to be resolved by European institutions. The NATO Council's support was crucial in making the Security Council's determination to stop aggression, protect civilians, and promote peaceful conflict settlement more grounded in reality with reference to Bosnia. The international community must keep up its efforts to bring about peace and security in the other parts of the globe that are beginning to act as flashpoints and pose a danger to global peace and security.

Conclusion

Enforcement actions by the United Nations and humanitarian interventions represent complex and often contentious aspects of international relations. While both aim to address grave threats to peace and security, they operate under different mandates and face distinct challenges. UN enforcement actions, authorised under Chapter VII of the Charter, rely on the Security Council's decisions and can range from sanctions to military intervention. Their effectiveness is often

hampered by political considerations, the veto power of permanent members, and the willingness of member states to contribute resources and personnel. Humanitarian intervention, on the other hand, is driven by the imperative to protect populations from mass atrocities. While ideally sanctioned by the UN, it has also been undertaken unilaterally or by coalitions of states, raising concerns about legitimacy and the principle of state sovereignty. The ethical dilemmas surrounding humanitarian intervention, including the just cause, proportionality, and the potential for unintended consequences, remain significant obstacles.

Ultimately, both UN enforcement actions and humanitarian interventions highlight the tension between the principles of national sovereignty and the international community's responsibility to protect. Their effectiveness hinges on factors such as clear mandates, adequate resources, political will, and ensuring accountability.

The analysis of the United Nations' enforcement actions and humanitarian interventions in Iraq, Somalia, and Bosnia-Herzegovina reveals the complexities and challenges associated with international responses to crises. Each case presents unique circumstances that highlight the tension between state sovereignty and the responsibility to protect vulnerable populations.

The UN's enforcement actions in Iraq were multifaceted and spanned over a decade, primarily revolving around compelling Iraq to disarm and comply with numerous Security Council resolutions following the 1990 invasion of Kuwait. These actions can be critically analysed based on their legality, effectiveness, and humanitarian impact.

Legally, the initial enforcement actions, including the imposition of comprehensive sanctions under resolution 661 and the authorisation of the use of force to liberate Kuwait under resolution 678, were grounded in Chapter VII of the UN Charter as responses to a clear act of aggression. However, the legality of subsequent actions, particularly the prolonged sanctions regime and the 2003 invasion led by the US and its allies, remains highly contentious. The 2003 invasion, lacking explicit UN authorisation, is viewed by many as a violation of international law and the UN Charter's prohibition on the use of unilateral force.

In terms of effectiveness, the UN sanctions regime (1990-2003) aimed to pressure Saddam Hussein's regime into disarmament and compliance. While it did lead to some cooperation with UN weapons inspections (UNSCOM and later UNMOVIC), it failed to achieve complete disarmament and arguably inflicted immense suffering on the Iraqi civilian population.

The 'Oil-for-Food' program, intended to mitigate the humanitarian impact, was marred by corruption and manipulation by the Iraqi regime.

The effectiveness of the military enforcement action in liberating Kuwait was evident, but the long-term consequences of the subsequent interventions and the failure to secure lasting peace and stability raise serious questions about the overall effectiveness of the UN-mandated and non-mandated actions.

The humanitarian impact of the UN enforcement actions, particularly the comprehensive sanctions, is a major point of criticism. Numerous studies suggested a significant increase in child mortality and widespread malnutrition, although the exact figures and the degree to which sanctions were solely responsible remain debated. Critics argue that the sanctions disproportionately harmed the civilian population while failing to achieve their primary political and disarmament objectives. The UN enforcement actions in Iraq presents a mixed legacy. While the initial response to the Kuwait invasion was largely seen as legitimate and effective, the prolonged sanctions regime and the subsequent invasion without clear UN authorization raise serious legal and ethical concerns. The effectiveness of these actions in achieving long-term peace and stability is questionable, and the severe humanitarian consequences of the sanctions remain a significant point of contention in evaluating the overall impact of UN involvement in Iraq.

In Iraq, the United Nations' faced significant dilemmas regarding legitimacy and the use of force, raising questions about the effectiveness of intervention when coupled with geopolitical interests. The situation in Somalia illustrated the limitations of humanitarian aid and the necessity for robust enforcement actions to ensure the safety of civilians amid chaos. Meanwhile, the intervention in Bosnia-Herzegovina underscored the importance of timely and decisive action in preventing atrocities, albeit with the recognition that such efforts can be hindered by political considerations and the need for multilateral consensus.

The role of the United Nations in enforcement actions and humanitarian interventions is both vital and challenging in today's complex global landscape. The UN's mandate to protect human rights and maintain international peace often encounters obstacles, including geopolitical interests, questions of sovereignty, and the need for consensus among member states.

As demonstrated through various case studies, the effectiveness of these interventions can greatly differ based on the political will of the international community and the specific context of each crisis. While humanitarian interventions have succeeded in alleviating suffering and saving lives in some instances, they also raise ethical and legal dilemmas, particularly regarding the use of force and potential repercussions on state sovereignty.

Nonetheless, the United Nations' must continue to refine its approach, balancing the imperative to protect vulnerable populations with the need for diplomatic solutions that respect national sovereignty. Strengthening multilateral cooperation and enhancing the capacity for timely and effective responses will be essential in addressing future humanitarian crises, ensuring that the principles of human rights and global security remain at the forefront of international efforts.

Chapter 5

Non-Intervention of the United Nations: A Study of Myanmar and Syria

This chapter seeks to delve into the significance of studying the civil war especially in Myanmar and Syria, as they serve as stark illustrations of the United Nations' Security Council's (UNSC) inability to take meaningful and effective action in addressing human suffering and preserving international peace. These conflicts expose substantial gaps in the UNSC's capacity to respond promptly and decisively, emphasising the constraints of its structures, particularly the influence of the five permanent members (P5) who possess veto power. The second part of this chapter deals with the analysis of the civil war in Myanmar and in Syria. The chapter also examines the United Nations' passive involvement in the Myanmar civil war, which is crucial because it exposes serious shortcomings in global governance frameworks, human rights protection, and international diplomacy. The final part also seeks to examine the Security Council's response to Syria across the several stages of the conflict and makes the case that the Council's legitimacy and effectiveness will come under more and more scrutiny unless the Permanent Members of the Security Council agree to forgo exercising their veto power in future instances of mass atrocities. Thus, it seeks to demonstrate how each veto bolstered and even promoted the growth of crimes against humanity.

The work for this chapter was concluded before the violent overthrow of the Syrian regime and as such the analysis presented here does not capture the more recent developments. Similarly, the ongoing standoff between the junta and rebel in Myanmar has gone through many phases and many significant episodes. Description and analysis presented here is up to the end of 2024.

The Doctrine of Non-Intervention

The doctrine of non-intervention in domestic affairs is the 'logical corollary'¹ of the principle of sovereignty. The principle of non-intervention is the primary guiding principle of state

¹ Louis Henkin. (1991). *Use of Force: Law and US Policy*. International Law and the Use of Force. New York, Council on Foreign Relations Press.

interactions in international relations as it is thought to be the most important way to deal with the ‘logic of anarchy’² that underpins international politics.

There are disputes over how to interpret the principle and the range of behaviour that is impliedly prohibited, despite the fact that the UN Charter and other relevant UN documents emphasise its importance as it essentially acts as a legal and political framework for international cooperation and action against member states, representing the collective voice of the international community and laying out important policies, agreements and resolutions on global issues like peace, security, human rights and development.³

In the framework of International Law, the concept of non-intervention is crucial, but it is also difficult to define. This is because there are questions about the content of the principle, such as whether it prohibits all forms of external intervention in foreign territory or just the most serious ones, like armed interventions as well as the connections between it and other core tenets of international law, like the principle of self-determination, the principle of non-interference in the domestic affairs of foreign states, and the principle prohibiting the use of force. Specifically, the framework of both international and non-international armed conflicts clearly demonstrates the connection between the principles of non-intervention and the prohibition of the use of force. The International Court of Justice in the Nicaragua case and the Armed Activities case, as well as the United Nations’ General Assembly in the well-known resolutions number 2625 of October 24, 1970 (XXV) and resolution number 3314 of December 14, 1974 (XXIX)⁴, all emphasised the connection between the two principles. While its mere existence and meaning are somewhat less apparent as respect to non-international armed conflicts, it is widely acknowledged that the principle of non-intervention, which is sometimes confused with the concept of neutrality, is unquestionably applicable to all international armed conflict. As Oppenheim in his book, ‘International Law’ puts it, the interference must be violent, autocratic, or in some other way forceful, effectively stripping the state that is interfering from its authority over the subject at hand. Simple interference does not equate to intervention. He further mentioned that maintaining each states’ political independence, territorial integrity, and sovereignty requires non-intervention.⁵

² Oppenheim, L. (1905). *International Law- A Treatise*. Longman, Green and Co.

³ UN Charter.

⁴ UNGA Res 2625 (XXV).

⁵ Oppenheim, L. (1905). *International Law- A Treatise*. Longman, Green and Co.

Through an analysis of the UN Charter clauses and a discussion of the key ideas they contain, with a focus on their many interpretations, the chapter seeks to assess the current state of the concept of non-intervention at the UN. It examines the arguments and makes the case that, notwithstanding the Charter framework's limitations on the use of force and military involvement in state-to-state affairs, it gives the organisation considerable latitude in deciding how to interfere. It comes to the conclusion that, in this regard, the UN Charter reflects the belief of the international community that maintaining world peace and security requires rigorous adherence to the principle of non-intervention in state affairs.

Studying the civil war in Syria and Myanmar is essential because they provide as clear illustrations of how the United Nations' Security Council failed to act effectively and meaningfully to alleviate human suffering and uphold world peace. The armed conflict in these two countries exposed serious flaws in the UNSC's capacity to act, underscoring the limitations of its institutional framework, particularly the veto power of the five permanent members (P5).

Following a military takeover in February 2021, pro-democracy demonstrators and ethnic minorities—especially the Rohingya, who had already experienced violence and relocation in previous years—were brutally suppressed in Myanmar. The UNSC's response was largely ineffective. China and Russia, both P5 members, consistently obstructed more comprehensive measures, such as an arms embargo or the referral of Myanmar to the International Criminal Court (ICC), despite some calls for sanctions and censure. The Myanmar military has been able to carry out its repression with impunity due to the absence of decisive action, which has exacerbated the humanitarian catastrophe and prolonged the conflict.

Similarly, the 2011 start of the Syrian civil war had been characterised by several atrocities, including as airstrikes against civilians, chemical weapon attacks, and the displacement of millions of people. The geopolitical interests of the UNSC's permanent members, particularly Russia, which has backed Bashar al-Assad's government, limited the UNSC's ability to respond. The UNSC had difficulty enforcing any significant action despite many resolutions, including calls for ceasefires and the provision of humanitarian relief. Measures that would have resulted in war crimes accountability or enabled a more forceful international involvement to stop the killing have been thwarted by Russia's veto authority. As a result, the conflict has dragged on for over a decade, leaving a devastated country with millions of casualties and refugees.

The UNSC's inability to fulfil its basic duty of preserving world peace and security is highlighted by both the crises. 'Responsibility to Protect' (R2P) concept, which was created to stop crimes including ethnic cleansing, war crimes, and genocide. Rather, significant actions had been repeatedly blocked by geopolitical factors and the P5 members' use of veto power. This resulted to protracted human suffering, with UNSC's inability to take effective action perceived by many as a failure of international governance and human rights protection.

The study of these civil war is crucial in comprehending the UNSC's shortcomings and dysfunction. To enable the international community to act more successfully in avoiding and resolving crises, these examples highlight the necessity of reforming the UNSC, especially about the veto mechanism. A more responsive and responsible international system that can address human rights abuses and uphold peace without being slowed down by political power struggles is desperately needed, as demonstrated by the current crises in Syria and Myanmar.

There are several conflicts in international relations that had the potential to disturb the balance of power between states. A broad interpretation of this may be that there was an ideological struggle between democratic and non-democratic powers, with one seeking to maintain its hegemony over the other.⁶ Democracies worldwide are concerned about the success of democracy abroad given the current trend of democratic backsliding in many nations.

Despite years of active involvement in situations in Myanmar and Syria, the United Nations' was unable to mitigate conflicts. In order to draw lessons and implement reforms, we also seek to highlight the UN's shortcomings in its handling of these conflicts.

Civil War in Myanmar

Myanmar's history of ethnic warfare and military governance dates to the British colonisation of the area. In the 19th century, the British Empire spread from India into Burma, absorbing it into the British administration over the subcontinent. Burma was the historical name of the nation; in 1989, the military junta renamed it as Myanmar.⁷ Even though the names of the country and the Burman ethnic group are the same in Burmese, many contend that the military had no authority to rename the nation and keep using Burma as a symbol of resistance. Several autonomous communities that were not previously under Burmese authority were also included in this process; these groups differed from the Burmese majority in terms of culture, language,

⁶ S/RES/2669

⁷ Felix Heiduk. (2021). Civil War in Myanmar: A Further Escalation of Violence Looms on the Horizon. Stiftung Wissenschaft und Politik German Institute for International and Security Affairs. ISSN: 2747-5107

and ethnicity. This made it possible for the British to exploit divisions among these groups and keep a united front against colonial rule. However, with the Japanese invasion in 1942, everything changed. Nationalists in Burma had started to rebel against British colonial control, hoping to topple their colonial administration and install an autonomous Burmese government.⁸ As a result, as the Japanese advanced into Southeast Asia, the independence movement, headed by a man by the name of Aung San, chose to form an alliance with them at first. There were several skirmishes and confrontations between the two troops because of the ethnic minority continued loyalty to the British. This exacerbated already existing tensions between ethnic groups and the Burmese majority, cultivating a climate of mistrust and animosity. However, Aung San led the freedom movement in turning against the Japanese and allying with the Allies when it became evident that the Japanese promises of an independent Burma were nothing more than empty platitudes used to legitimise a new colonial ruler.⁹ Aung San warned the British that unless independence was quickly given, his men would restart fighting against British authority, even if this helped the British to retake Burma after World War II. Acknowledging that their colonial empire could not be sustained, the British withdrew and started preparing the nation for independence and the shift to democracy.

The issue of how to incorporate ethnic minorities into the nascent Burmese state became crucial throughout this process.

Leaders of several ethnic groups and notable personalities in the Burmese independence struggle, such as Aung San, believed that a federal system was necessary to strike a balance between ethnic autonomy and maintaining national unity.¹⁰ In order to do this, the majority of the ethnic groups convened with the interim administration and signed the Panglong Agreement, which committed them to erecting a building of that nature as soon as independence was achieved. But before this could be put into action, Aung San and most of the government that was supposed to succeed the British were killed by political enemies.¹¹

The impact on ethnic minorities was as profound; in the absence of strong leadership to advocate for a federal framework, the new Burmese state ultimately came to be shaped along more unitary lines, with smaller ethnic groups receiving devolution of authority.

⁸ Felix, n 7.

⁹ The Asia Foundation. (2017). *The Contested Areas of Myanmar*. Yangon: The Asia Foundation.

¹⁰ Amnesty International. Myanmar, in *Annual Report 2016/2017*. New York: Amnesty International. pp: 263–267

¹¹ Simon Montlake. (2003). Burma's Black Friday. BBC News.

In January 1948, the country finally gained independence, and U Nu, an Aung San ally, became the head of state. However, among the numerous issues that rendered the fledgling administration extremely unstable and incapable of carrying out its duties successfully were the communist and ethnic rebel insurgencies that quickly emerged.¹²

As a result, in 1958, the military commanded by Ne Win was welcomed to assume authority, which seemed to help calm things down. Nevertheless, after winning reelection in 1960, in addition to attempting to establish a federal system in Myanmar, U Nu was also formulating a plan to declare Buddhism as the official religion of Myanmar, which enraged the ethnic groups and led to more uprisings against the government.

Ne Win then carried out a real coup in 1964, completely toppling the elected government.¹³ Ne Win believed that Burma could never accept federalism, thus he took proactive measures to stop it from happening. Accordingly, the military swiftly put an end to the ethnic rebellion, imprisoning and even killing several of the leaders. Ne Win was a fiercely anti-foreign and anti-non-Burmese nationalist, which gave the military permission to use violence against them and implement Burmese supremacist policies.¹⁴ To support the new administration, an ad hoc political party and governing philosophy were subsequently created. It was called 'pseudo-socialist.' But when isolationist policies were pursued, the coup proved to be devastating for Burma, with dire consequences for the country's economy. Numerous enterprises were nationalised by the military, and inept military personnel took over as executives, which resulted in rampant corruption and poor management.¹⁵ Even while the crisis had an impact on many sectors of the economy, the most noteworthy one was the severe scarcity of rice that followed, even though Burma had always had an abundance for decades before.

Democratic Revolution - The 8888 Uprising

In 1988, strong anti-government riots resulted from the massive and disastrous economic collapse, demonstrating public outrage over the military regime's brutality, incompetence, and political repression. Ne Win was forced to resign in response, promising multi-party elections and change, but many people weren't buying it. In the meantime, Aung San Suu Kyi, Aung

¹² Kristine Eck and Lisa Hultman, Violence Against Civilians in War. (2007). *Journal of Peace Research* 44, No. 2. pp: 233–246.

¹³ Cook, C. P. (1970). Burma: The Era of Ne Win. *The World Today*, 26(6), 259–266.

¹⁴ Ibid.

¹⁵ Ibid.

San's daughter, emerged as an unexpected pro-democracy movement leader. To run in the elections and assist pro-democracy candidates, she and others founded the National League for Democracy (NLD). But the total breakdown of law and order brought about by the protests, gave the military the excuse to seize back control and suppress dissent.¹⁶ One of the generals led the creation of a new ruling body, but most people found their promises of democratic elections to be hollow given their repression of dissent. When elections were eventually held in 1990, the NLD won by an astonishing 82% of the vote, despite the military employing every tactic short of falsifying the results. Even the military chiefs were astonished by this lack of support, and they went on to postpone, on technical grounds, giving the new government authority.¹⁷ Not unexpectedly, the military subsequently chose to break its word and refused to dissolve the military administration, which led to yet another round of political repression: elected lawmakers were detained and imprisoned, and demonstrators demanding democracy were either murdered or beaten to death. Aung San Suu Kyi was singled out by the dictatorship, which put her under house arrest, restricted her freedom of movement, and even prevented her from seeing her husband before he passed away from cancer in 1999.¹⁸ After her release in 2002, the dictatorship hired some 3000 pro-government militants to ambush her convoy in an effort to assassinate her; while she managed to escape, several of her followers were killed by beatings.

The 21st-century Myanmar

To keep its people in line, the military used extreme violence, including forced labour, arbitrary imprisonment, land confiscation, and, in the worst cases, torture, rape, and mass murder of civilians. This brutal rule of the military persisted into the twenty-first century. When the military abruptly decided to stop subsidising petrol and other items in 2007, living expenditures surged and there was a severe economic crisis. In addition to common people, Buddhist monks were instrumental in the opposition movement against the government.¹⁹ Monks all throughout the country banded together to oppose the dictatorship after troops physically assaulted many

¹⁶ S/PV 8888.

¹⁷ James Shwe. (2022). From 8888 To Spring Revolution: Myanmar's Enduring Fight for Democracy. Eurasia Review.

¹⁸ Nehginpao Kipgen. (2018). Thirty years after the 8888 uprising: Myanmar's stability and development depend on how the issues of equality and federalism are addressed. The Hindu.

¹⁹ Dewulf, Nicolas. (2012). Reforms in 21st century Myanmar: A new start or a mere drop in the ocean? DOI:10.13140/2.1.4119.8888.

of the protesting monks. Despite this, the military used excessive force once more to put an end to the demonstrations, torturing, beating, and murdering individuals who took part.

Another incident that exposed the military's brutality and ineptitude happened in 2008. Upon its arrival in the Irrawaddy Delta, Cyclone Nargis caused around 3.5 million damage, 2.5 million homeless, and 140,000 fatalities. In addition to failing to alert the public to the approaching storm, the military administration first turned down international help and barred humanitarian workers from entering the region. Even when they finally gave in to international pressure, propaganda rather than the safety of their countrymen was their main priority. In one especially brutal event, residents who had cleaned the road of debris were told to restore it so that troops might be shown on camera seeming to help with the cleanup.²⁰

The Irrawaddy Delta's ethnic population, many of whom are Karen, with whom the military has long been at odds, helps to explain this behaviour. As a result, the military likely saw the cyclone as a convenient way to support their efforts to purge their ethnic population without having to do any physical work. Only a week after the Nargis catastrophe, the military pushed through a referendum on a new constitution while exercising political sway. It should come as no surprise that there was widespread misuse and inconsistencies in the findings, leading to an improbable percentage of the people endorsing it.²¹ The military was given enough seats in the legislature to reject any attempts to amend the constitution and end their authority, and this was done with the intention of solidifying their reign. The junta was eventually formally dissolved in 2011 and 2012 because of more liberalisation, and the National League for Democracy easily won the 2015 elections. After that, the NLD and military created a shaky administration until the NLD won another massive win in 2020.²² The military insisted that there were anomalies and that the election was rigged despite the total absence of supporting documentation. With this rationale in hand, they went on to overthrow the NLD government in 2021, jail Aung San Suu Kyi, and started a new wave of political repressions. But this time, there was strong and sustained opposition to the coup, which resulted in the establishment of the National Unity Government (NUG), which was made up of the MPs that had been overthrown, and the People's Defence Force, which would use force to overthrow the government.²³

²⁰ Cyclone Nargis. (2008). United Nations. International Strategy for Disaster Reduction (UNISDR)

²¹ United Nations. International Strategy for Disaster Reduction (UNISDR)

²² Myoe, M. A. (2017). The NLD and Myanmar's Foreign Policy: Not New, but Different. *Journal of Current Southeast Asian Affairs*, 36(1), 89-121

²³ Than N. (2024). Myanmar's National Unity Government Must Be Doing Something Right. *The Diplomat*.

Thus, hopes that the military backed government would fall soon and democracy would eventually return to Myanmar did not materialise. Extensive international pressure failed to destabilise the administration; while the coup had been widely condemned, concrete steps to force the military to resign had not been taken.

One of the main areas of contention in Myanmar was the fight for democracy, but another that was equally crucial to the nation's future was the central government's interaction with ethnic minorities. The military, NLD, and ethnic groupings were the three primary blocks that often consolidate behind three distinct stances.²⁴ The NLD and its supporters had declared their desire for multiculturalism; the military, predictably, maintains an assimilationist, one-nation policy; and the ethnic groups themselves persist in calling for autonomy and a federal structure. There were expectations that the NLD under Aung San Suu Kyi would be more cooperative when it eventually came to power, but they quickly discovered that they were limited by the military's reluctance to engage in talks with some factions.²⁵ As a Muslim ethnic community that arrived during British rule, the Rohingya are one such example; they are treated as foreigners by the military dictatorship and are not allowed to get Burmese citizenship, rendering them illegal immigrants in their own country, because of this, the majority of ethnic groups had deeply ingrained differences, which had been exacerbated by years of violence, maltreatment, and unfulfilled promises.²⁶

The Rohingya Crisis

The Rohingya are ethnic group of Muslims who follow a Sufi-inspired form of Sunni Islam. An estimated 3.5 million Rohingya people live scattered over the globe. The bulk of the estimated one million Rohingya people in Myanmar lived in Rakhine State, where they made up around one-third of the population, prior to August 2017. They are different spiritually, linguistically, and ethnically from the predominant Buddhist communities in Myanmar. Though many Rohingya have centuries-old roots in Myanmar, they are still regarded as illegal immigrants from Bangladesh.²⁷

²⁴ David Brenner, Misunderstanding Myanmar through the lens of democracy. (2024). *International Affairs*, Volume 100, Issue 2. pp: 751–769,

²⁵ Ibid.

²⁶ Rohingya crisis. UNICEF

²⁷ Who are the Rohingyas. Aljazeera. <https://www.aljazeera.com/indepth/features/2017/08/rohingyamuslims-170831065142812.htm>.

The word 'Rohingya'²⁸, which originated in the 1950s, refers to a self-identifying ethnic Buddhist group that dominates Rakhine and gives them a collective political identity, was not recognised by the central government. Since the government won't give the Rohingya citizenship, the majority of the population was essentially stateless since they lack official paperwork.²⁹ The military regime that took control of Myanmar, enacted a new legislation twenty years after the country's 1948 Citizenship Law, which was already discriminatory, depriving the Rohingya of the right to full citizenship. Up until recently, the junta had been granting identity cards, or white cards, to many Muslims, both Rohingya and non-Rohingya, allowing them to register as temporary residents. Although they granted some privileges, the white cards were not accepted as identification of citizenship.

The Rohingya issue was undoubtedly sparked by and partly caused by the military clearing operations. The Citizenship Legislation of 1982, which was put into effect and was one of the laws used by Myanmar Junta with malicious purpose to deny citizenship rights to the Rohingya people, making them stateless and eliminating their position as a minority in the nation.

In 2011, General Thein Sein became the head of a civilian administration, marking the beginning of Myanmar's democratic transition. When President Thein Sein promoted Buddhist nationalism and supported ultra-nationalist Buddhist monks who disseminated hate speech against Rohingya Muslims, the Rohingya crisis took on a new dimension. Consequently, he was able to accelerate anti-Muslim sentiment in the nation, which in turn served as a driving force behind the Rohingya population's increasing 'othering.'³⁰ Over the past several decades, the government begun to refer to Rohingyas as Bengalis, portraying them as undocumented immigrants from Bangladesh. In 2012, around 14,000 Rohingyas were forcibly removed from their homes and placed in camps for internally displaced persons (IDPs) due to communal strife. The Rohingya Muslims were the primary focus of the attacks. Although President Thein Sein stated that 'we would look after our own ethnic nations, we are unable to welcome Rohingyas who entered Burma illegally since they are not members of our ethnic nationalities.'³¹ this statement further inflamed the state-sponsored communal violence. This issue may be resolved by allowing them to settle in UNHCR-run refugee camps, where UNHCR would take care of them.

²⁸ Rohingya Crisis. UNICEF.

²⁹ Adam. (2017). Understanding the Myanmar/ Rohingya Conflict is Best Achieved Through Understanding International Non-alignment. The Duran.

³⁰ Eleanor Albert and Lindsay Maizland. (2020). The Rohingya Crisis. Council on Foreign Relations.

³¹ Shayna Bauchner. Nothing Called Freedom: A Decade of Detention for Rohingya in Myanmar's Rakhine State.

The country conducted its first national census in thirty years in 2014 with support from the UN. After Buddhist nationalists threatened to boycott the census, the government ruled that the Muslim minority group could only register if they identified as Bengali. Previously, the community was allowed to identify as Rohingya. Like this, President Thein Sein revoked the Rohingya people newly acquired right to vote in February 2015 due to pressure from Buddhist nationalists opposing their ability to cast a ballot in a 2015 constitutional referendum.

According to a report by the Advocacy Organization Fortify Rights, the government had pushed Rohingya to start wearing national verification cards, which essentially identify them as foreigners and do not offer them citizenship. Although opponents claim the cards deny the identity of the Rohingya people and might make it simpler for the government to further restrict their rights, Myanmar officials stated that the cards represent a first step towards citizenship.

When Nobel laureate Aung San Suu Kyi won the 2015 election, many throughout the world, including Rohingyas expected her to end the conflict during her term in office. The way her administration treated the Rohingya population worsened throughout this era of purported democracy, however, shocked the world community with her 'hybrid democracy.' During a military crackdown in October 2016, almost 87,000 Rohingya individuals were forcibly deported into Bangladesh.³²

The most well-known genocide against the Rohingya people took place in 2017, during Suu Kyi's civilian administration. To annihilate the Rohingya community, the Burmese security forces killed, tortured, raped, set entire villages on fire, and butchered and burned children alive. Roughly 742,000 people fled to Bangladesh, 392 villages were demolished, and 10,000 people killed.³³ The International Court of Justice charged the government of Myanmar and security forces with crimes against humanity, ethnic cleansing, and genocide for their violent clearance operations against the Rohingya in 2016 and 2017.

³² Aung San Suu Kyi: Myanmar democracy icon who fell from grace. (2021). <https://www.bbc.com/news/world-asia-pacific-11685977>

³³ Reed Brody. (2019). Aung San Suu Kyi Denies Burmese Genocide of Rohingya at The Hague. Human Rights Watch. <https://www.hrw.org/news/2019/12/17/aung-san-suu-kyi-denies-burmese-genocide-rohingya-hague>

A New Phase in the Civil War in Myanmar

The majority of fighting in Myanmar was taking place in ethnic minority regions outside of the main towns, and as a result, the country's economy and currency collapsed. With 2.6 million internally displaced persons (IDPs), approximately one million Rohingya refugees in Bangladesh, and up to two million members of the Shan, Karen, and other ethnic groups living in Thailand, often without visas or UN protection—years of war had resulted in a widespread humanitarian crisis.³⁴ Large tracts of agricultural land remain uncultivated because of the government's bombardment of civilian targets and the forced relocation of rural communities. Food was therefore costly and in short supply, even in urban areas.

The Tatmataw, the Myanmar military, overthrew the civilian government on February 1, 2021, announcing a one-year period of emergency and nullifying the results of the general election held in November 2020. Due to significant fraud in the general election, which the NLD won with a sizable majority, State Counsellor Aung San Suu Kyi and other prominent leaders of the ruling National League for Democracy (NLD) party were detained, and most public communications were shut down. The country's dreams of political development were dashed when the military took over only hours before the freshly elected parliament was due to meet.³⁵ At first, Suu Kyi was accused by military officials of illegally importing communication devices and President Win Myint of breaking pandemic-related rules. The military believed that this structure would maintain its political hegemony, but the elections in November 2020 revealed that the balance had changed.³⁶ Thousands of people nationwide staged protests in the streets in response to the military takeover. Over the course of the first few weeks, peaceful protests swiftly turned into deadly altercations as the military launched a ruthless crackdown, detaining journalists, elected officials, civilian authorities, protest organisers, and leaders while also shooting demonstrators who were unarmed.³⁷

Widespread civil disobedience and armed resistance in the guerrilla style had been mobilised by the army's attacks, and confrontations between the military and recently created civilian armed organisations pose a danger to plunge the nation into 'a new kind of civil war.'³⁸ An estimated 230,000 individuals had been forced to escape their homes due to the increasing

³⁴ The Rohingya Crisis. (2018). European Commission.

³⁵ Kristine Eck and Lisa Hultman, Violence Against Civilians in War. (2007). *Journal of Peace Research* 44, no. 2. pp: 250–254

³⁶ Ibid.

³⁷ Taylor. R. Norton and H. MacAskill. (2000). Usurpers. *The Guardian*.

³⁸ Andrew Sleth. (2021). *Myanmar and a new kind of civil war*. Lowy Institute.

violence. By 2022, almost 25 million people, or half of Myanmar's population, might live below the country's poverty line, according to UN warnings. The military argues that the constitution, which gives it the authority to declare emergency during a national emergency, validates the coup.

International criticism and sanctions were placed on the coup, but Myanmar's military had a history of being incredibly resistant to outside pressure, so it was likely to buck the strain.³⁹ The Tatmadaw sees itself as the country's defender, deserving of power and responsibilities. The military's significant commercial interests and political clout were probably threatened by the possibility of expanding democratic control and accountability following the NLD's resounding victory in the elections held in November 2020, leading the army to conclude that the constitution was no longer a strong enough shield.⁴⁰

Thus, the violence has its origins in Myanmar's turbulent history of ethnic and political warfare, as well as in what the ICG has termed the militarisation of ethnicity. There are a multitude of armed militias throughout the nation that are both pro- and anti-state, in addition to more than 20 ethnic armed organisations. Due to a zero-sum, competitive dynamic between minority groups, deeply engrained conceptions of ethnicity had taken center stage in Myanmar's political, economic, and social life, giving rise to conflicts. Since 2011, the nation had made steps towards more political liberalisation, which only served to highlight the connections between ethnicity, conflict, and national identity. As a result, there was a genuine weapons race among minority groups in Myanmar, with hundreds of strong non-state armed organisations encircling the majority of its borders. This ethno-nationalism had its self-appointed protector in the Tatmadaw. The military has extensive capabilities even under civilian administration because of its capacity to obfuscate the lines between civilian and military authority.

The United Nations Action in Myanmar

UN participation in Myanmar began a decade before the coup started and it was influenced by two significant events. The first was a partial democratic transition that was started by the military junta that had controlled Myanmar since 1989. The second was the harsher persecution of the Rohingya people in Myanmar, which included crimes and other violent occurrences

³⁹ Andrew Sleth. (2021). *Myanmar and a new kind of civil war*. Lowy Institute.

⁴⁰ Hannah Beech, Weiyi Cai. (2024). What's Happening in Myanmar's Civil War? The New York Times.

mostly carried out by the country's military and security services. The most notable of them took place in central Rakhine state in 2012 and northern Rakhine state in 2016 and 2017.

The amount and scope of UN participation in Myanmar was altered by the so-called democratic transition and the deadly persecution of the Rohingya, but in ways that were often inconsistent. Despite not passing a single resolution on Myanmar until December 2022, aside from a 1948 resolution admitting Burma (as Myanmar was then known) to the UN, Myanmar has been on the Security Council's agenda since 2006.⁴¹

Following the turmoil in central Rakhine in 2012, and particularly following the crimes in 2016 and 2017, the Security Council's degree of involvement in Myanmar grew. But instead of passing a formal resolution, the Security Council was only able to agree to issue a Presidential Statement urging Myanmar to avoid using disproportionate military force and intercommunal violence, notwithstanding the seriousness of those incidents.⁴²

The first major UN intergovernmental body to react to the attempted coup was the Security Council, which on February 4, 2021, released a press statement expressing grave concern over the military's declaration of a state of emergency and the arbitrary detention of government officials, including President U Win Myint and State Counsellor Daw Aung San Suu Kyi. Concern over the arbitrary imprisonment of government officials, including the president and the state counsellor, was reaffirmed in a Security Council Presidential Statement on March 10, 2021.⁴³

The Security Council then ultimately passed Security Council Resolution 2669, a landmark resolution on Myanmar, in December 2022. The already appalling state of human rights in Myanmar was growing worse.⁴⁴ The UN Security Council was informed of an escalating human rights and humanitarian crisis, with the violations in Rakhine State being especially concerning. According to authorities, instability and conflict had undermined transnational security and created a crisis with global ramifications.⁴⁵ For the first time, a resolution on Myanmar was approved by the UN Security Council, where none of the five permanent members—most notably, China and Russia—vetoed it.⁴⁶ The resolution expressly denies the

⁴¹ Security Council Report, UN Documents for Myanmar.

⁴² United Nations. Security Council Presidential Statement Calls on Myanmar to End Excessive Military Force, Intercommunal Violence in Rakhine State. Meetings Coverage SC/13055. 2017.

⁴³ Ibid.

⁴⁴ A/HRC/39/64.

⁴⁵ S/RES/2669

⁴⁶ UN Doc. A/RES/77/227.

junta's claim to be the legal government while still recognising the President and State Counsel. Furthermore, the resolution merely referred to the military as such, not as military authorities or any other language that would suggest the Security Council recognises the military as having de facto authority. The resolution demanded that the military hold talks, free political detainees, and re-establish democratic institutions.⁴⁷

The resolution's first operational paragraph 'calls for restraint and de-escalation of tensions and demands an immediate end to all forms of violence throughout the nation.'⁴⁸ Under international law, the Security Council's use of the word 'demand'⁴⁹ was enforceable. Nevertheless, the resolution does not hold the junta primarily accountable for the violence and does not outline any steps the Security Council might take to carry out its legally obligatory demand. The Security Council 'reiterates the necessity for full, safe and unhindered humanitarian access, and emphasises the need for scaled up humanitarian assistance to all people in need in Myanmar and to ensure the full protection, safety, and security of humanitarian and medical personnel,'⁵⁰ according to the resolution's ninth operational paragraph.

On June 18, 2022, the General Assembly also voted a resolution denouncing the coup. Supported by 119 of the 193 UN member states, the resolution was politically important statement even if it was not legally enforceable. The resolution voiced grave concerns about the military's activities against the elected civilian government and the arbitrary incarceration of State Counsellor Daw Aung San Suu Kyi and President U Win Myint.⁵¹ States were also urged by the resolution to stop the flow of weapons into Myanmar. Since its adoption, the General Assembly regularly demonstrated its continued opposition to the junta by declining to recognise the credentials of a representative to the UN nominated by the junta.

In December 2022, the General Assembly passed its annual resolution about the plight of the Rohingya and other minorities in Myanmar. The resolution's appeals were addressed to 'Myanmar or the Myanmar Military where applicable,'⁵² which clearly distinguished the military from being acknowledged as the state of Myanmar. The military was referred to as the

⁴⁷ UN Doc. A/RES/77/227.

⁴⁸ Security Council Resolution 2669.

⁴⁹ Legal Consequences for States of The Continued Presence Of South Africa In Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970).

⁵⁰ Security Council Resolution 2669.

⁵¹ UN General Assembly Resolution 75/287, UN Doc. A/75/287. 2021

⁵² UN General Assembly Resolution 77/227.

armed forces of Myanmar or the military. The resolution further asks the Secretary-General to extend the term of his Special Envoy on Myanmar by an additional year and to draw the Security Council's ongoing attention to Myanmar with specific action recommendations, including holding those accountable for mass atrocities and abuses of human rights.⁵³

Since then, the Human Rights Council had also passed two more resolutions on Myanmar in general, the most recent of which was unanimously approved in March 2023. It denounced the bloodshed in Myanmar and holds the military accountable for it all. Similar to the Security Council and General Assembly, it maintained recognition of the authority of President U Win Myint and State Counsellor Daw Aung San Suu Kyi and made no indication that the military was the *de facto* or *de jure* authority of Myanmar.⁵⁴

In July 2023, the Human Rights Council unanimously endorsed a resolution on the human rights of Rohingya and other minorities in Myanmar. The Council was somewhat divided as a result of the resolution, nevertheless. Operative Paragraph 32 calls for Myanmar to start the voluntary, secure, respectable, and long-term return of the Rohingya who had been forcibly displaced from Bangladesh.⁵⁵ The inclusion runs counter to past resolution comments acknowledging the absence of noticeable progress in Myanmar in establishing repatriation-friendly conditions. In their explanations of their votes during the resolution's adoption, representatives of the US, the UK, and the EU stated that they had joined the consensus in order to ensure that all Council members was making positive efforts to find a solution to the crisis, even though they opposed the immediate start of repatriation because favourable conditions was not yet in place.⁵⁶

Meanwhile, the military junta in Myanmar had increased its use of airstrikes and other forms of violence against people, as well as its blocking of supplies. Thailand, China, India, and Bangladesh are becoming hotspots for refugees. Thousands of Rohingya were dangerously travelling by water to Indonesia, Malaysia, and other countries in search of safety.⁵⁷ The UN Human Rights Council in Geneva passed a fresh resolution on Myanmar where the Council asked the UN Secretary-General and the General Assembly to give Myanmar more attention at the Security Council.⁵⁸

⁵³ UN Doc. A/77/600.

⁵⁴ UN Doc. A/HRC/RES/S-29/1

⁵⁵ Human Rights Council Resolution 53/26, UN Doc. A/HRC/53/26, 6 July 2023, operative para. 32.

⁵⁶ *Ibid.*

⁵⁷ A/72/382

⁵⁸ A/RES/59/263

Critical Analysis

The Security Council failed to take immediate action at the time, allowing the issue to worsen to the point where it now threatens international peace and security, further underscoring the Council's obligation to take action.

To address rights concerns, the Security Council ought to take more significant actions, including as enacting an arms embargo, sending the case to the International Criminal Court, and ensuring specific penalties on businesses that are controlled by the military.⁵⁹ The Association of Southeast Asian Nations' (ASEAN) regional initiatives was proved woefully insufficient. For ASEAN to finally act towards supporting a peaceful solution, the Security Council must take specific steps to implement its own resolution, as ASEAN lacks a mechanism to do so. On the other hand, the United States repeatedly made a demand by the Human Rights Council resolution to limit the Myanmar military's access to aircraft fuel during the Security Council meeting. However, China and Russia rejected even having discussions in the Security Council and continue to obstruct consideration of any additional actions, including an embargo.⁶⁰

The UN's inability to lessen the mass crimes of 2016 and 2017 was mostly due, according to the Rosenthal Report, to a lack of support from the UN intergovernmental forums for more aggressive action on Myanmar.⁶¹ The Security Council's permanent members' disagreements, their inability to see the gravity of the situation, their conciliatory actions towards the military and civilian authorities in Myanmar, and the UN membership's lack of unity in favour of action were all cited as major contributing factors.

In order for ASEAN to finally move towards supporting a peaceful resolution, the Security Council must adopt specific steps to implement its own resolution, as ASEAN lacks the ability to enforce its own decisions.⁶² The General Assembly and Human Rights Council must develop means to make sure that the junta's stubbornness is met with increasing repercussions and to boost support for the people of Myanmar if the Security Council fails to fulfil its mandate.

⁵⁹ A/RES/59/263

⁶⁰ S/RES/2669

⁶¹ A/HRC/39/64

⁶² Department of Public Information, UN Publication. (1993). Special Committee Calls for Careful Study of Rapid Reaction Force - Financing an Effective UN. A Report of the Independent Advisory Group on UN Financing. A project of Ford Foundation, New York. Ford Foundation.

The General Assembly and Human Rights Council should persist in not recognising the junta, fully recognise the NUG, reinforce their resolutions, especially concerning accountability advancement, arms embargoes, targeted sanctions, and humanitarian access, and urge the UN Secretary-General to spearhead an all-encompassing and coordinated response.⁶³

Even while Rohingya communities burnt in the ten years before to the coup, the UNCT went above and above to establish links with the military and civilian administrations in Myanmar. All those cash and efforts were in naught, since every advancement made during those years was ruthlessly destroyed by the junta. Nevertheless, despite this being at odds with the position of UN member States, UN entities continue to interact and collaborate with the junta on its terms in exchange for access, leading to incoherence throughout the UN system.⁶⁴

The more intense the junta's campaign of terror becomes, the greater the hazards associated with this strategy. However, since the UNCT was more limited and worked against the objectives and efforts of the democratic movement, the advantages to the people of Myanmar were dwindling. It's time for a change in strategy that will allow the UNCT to operate independently, impartially, and neutrally while helping the greatest number of people. This will entail working with the opposition actors, in a reasonable and open manner—not only the junta.⁶⁵

The framework for this strategy was provided by UN resolutions that was approved after the coups attempt. Since the start of the coup, the Secretary-General has not shown initiative in regards to Myanmar. His work has been assigned to the Special Envoy on Myanmar instead.⁶⁶ There wasn't a unified, thorough, and consistent UN system-wide plan created by the Secretariat during Rosenthal's investigation. Rosenthal further suggested designating a senior UN official to oversee the execution and assessment of this kind of plan. This has also not been put into practice.⁶⁷ In order to successfully lead the UNCT to adopt a new strategy, the Secretary-General and the Secretariat will need to first devise a thorough plan with distinct roles for monitoring, assessing, and guaranteeing accountability for UN operations.

⁶³ Chakraborty, R. (1974). *Intervention and the Problem of its Control in the 20th Century*. Sterling.

⁶⁴ *Ibid.*

⁶⁵ Rebecca L. Root. (2023). *Has the UN been letting the people of Myanmar down?* *The New Humanitarian*.

⁶⁶ *Ibid.*

⁶⁷ Myanmar: Report by UN expert. United Nations. OHCHR.

UN Under Secretary-General Martin Griffiths stated that the people of Myanmar anticipate more and better treatment from the international community therefore, the UN needs to stop its failed cycles in Myanmar.

Thus, it is pertinent to note that, before sending ambassadors to negotiate with the State Administration Council (SAC), the UN should carefully review its mandate and responsibility in defending fundamental human rights and norms, as it had repeatedly failed Myanmar.

Civil War in Syria

All human history is a 'never-ending tale of conflict, conquest, and enslavement.' Although history is currently moving towards peace, the situation in the Middle East is different. Large swaths of humanity had been assailed by the Civil War, an authoritarian occurrence known as a 'black swan event' that had swept the region. The intricate interactions between local, regional, and global powers demonstrate how strategic interests continually shifts and reshaping regional patterns. The debacle finds its roots back in 2011, which had not only disintegrated the social cohesion but also posed wider threats to the region. Complexity, multifacetedness, and intensity characterise the Syrian War, where regional imbalances, proxy warfare, political adventurism, and sectarian scrap replaced the quest for peace and democracy. Following the Syrian Civil War, the Middle East had seen significant and perhaps enduring repercussions from the intersection of sectarianism, geopolitics, and fragmentation. Parallel conflicts arose over the past years, ranging from horizontal conflicts between rebels and the Kurdish movement for autonomy to vertical conflicts like the regional cold war and the power vacuum. These conflicts further exacerbated strategic challenges in the Middle East and caused regional spillover. The transformation of a major Arab country into a battlefield on a global scale had created a paradigm that may have broader ramifications for the whole region.

In 1970, a Baathist military dictatorship was overthrown and Hafez al-Assad took over, consolidating power in the P IN residency. He belonged to the Alawi minority, a Shia heterodox group that had long faced persecution in Syria but had been granted privileges by the French mandate that followed World War I. Hafez al-Assad gave the command for the military to use force to put down a Muslim Brotherhood revolt in the city of Hama in February 1982. There, almost twenty-five thousand civilians were slain by Syrian forces.

In 2000, Bashar al-Assad took over and promised changes. He pledged to allow markets to displace the Arab socialism espoused by the Baathist regime, upending established networks of favour. He dismantled and privatised state monopolies, but the gains went mostly to

individuals with close ties to the dictatorship, hurting both urban labourers and rural peasants when price restrictions and subsidies were lifted.⁶⁸

From 2006 to 2010, a drought that broke records made socioeconomic issues worse. An increase in the unemployment rate resulted from farmers migrating to cities in ever-greater numbers and from mismanaged fields becoming fallow.⁶⁹

When a fruit vendor in Tunisia self-immolated in December 2010 to protest corruption, it marked the beginning of the ‘Arab Spring’. His actions sparked demonstrations in Tunisia and later spread throughout the Middle East and North Africa, forcing the long-standing leaders of Egypt, Yemen, and Tunisia to resign. Fifteen lads in the southwestern Syrian city of Deraa spray-painted, ‘The people want the fall of the regime,’⁷⁰ on a school wall, their actions motivated by these unimaginable tragedies. They suffered torture while in custody. Protests grew as a result of clashes between police and demonstrators who had united behind them.⁷¹ More moderate demands than a change of government was being made by many protestors, such as the release of political prisoners, more liberties, and an end to corruption.⁷²

In 2011, Hama would become a rallying cry for those opposed to the dictatorship.⁷³ It gave Bashar, the son of Hafez and his successor, a model for how the dictatorship should handle opposition. In addition to being authoritarian, the Assads oversaw a ‘kleptocratic system’ that used patronage to bond Syrians to the government. Many people from minority groups stayed faithful to the regime as the 2011 protest escalated into a civil war, but several Sunnis also did so out of concern that opposition forces would seize Damascus and exact retribution.⁷⁴

The 2011-started Syrian Civil War entered a new phase in 2015, marked by growing foreign engagement and changing alliances. Russia tipped the scales in favour of President Bashar al-Assad's administration in 2015 by interfering to defend it. While Turkey conducted operations against Kurdish militias, the United States backed Kurdish-led groups, including the Syrian Democratic Forces (SDF), in their conflict with ISIS. Although ISIS was mostly vanquished by 2017, the war continued, with Assad's troops regaining control of a substantial portion of the nation.

⁶⁸ Karim, Sajid. (2016). *Syrian Crisis: Geopolitics and Implications*. 37. pp: 107-132.

⁶⁹ *Ibid.*

⁷⁰ Zachary Laub. (2023). *Syria's Civil War: The Descent into Horror*. Council on Foreign Relations.

⁷¹ A/HRC/RES/32/25

⁷² *Ibid.*

⁷³ Urquhart. B. (2000). *Some Thoughts on Syria*. The New York Times.

⁷⁴ *Syria Conflict Overview: 2011-2021*. (2023). Congressional Research Service.

Violence throughout the conflict persisted, resulting in many civilian deaths and displacement, particularly in areas like Aleppo and Idlib. Tensions remained even after Russia and Turkey mediated a shaky ceasefire in Idlib in 2020.

Although the international community remained split, several Arab nations, such as the United Arab Emirates and Bahrain, started to normalise their ties with Assad over time, indicating a change in regional dynamics.

Although the Assad administration restored much of its grip over Syria as of 2025, certain crucial regions are still out of its control, such as the northwest, which is dominated by opposition organisations, and the northeast, which is occupied by Kurdish troops. Economic hardships, international sanctions, and ongoing instability is impeding the nation's rehabilitation, and the humanitarian crisis is very grave.

Phases of Syrian Conflict

The Syrian war can so far be divided into distinct phases. Asymmetrical violence in the form of lethal government suppression of large protests sparked by the Arab Spring upheavals elsewhere in the area typified the first, which lasted roughly from March 2011 to the middle of the year. Beginning with modest student demonstrations in Deraa in February, a nationwide movement swiftly grew. Demonstrators came from all of Syria's many confessional groups, even though the new movement was most well-liked by the Sunni Arab majority, who make up at least 65% of the population. The regime used its security forces to shoot down protesters and systematically imprison political opponents in April, despite President Assad's tardy pledges of democratic change and the official end of the 48-year State of Emergency. By the middle of May, the number of Syrians dead had risen.⁷⁵

Growing numbers of civilians and security forces defectors joined the newly established Free Syrian Army (FSA) or engaged in armed self-defense during the second phase, which became visible by the second half of 2011.

As the loosely organised FSA drove away its troops or police, the government's hold on the streets was challenged, and several outlying villages and towns fell out of its authority.⁷⁶

⁷⁵ Van Dam, N. (2017). *Destroying a nation: The civil war in Syria*. Bloomsbury Publishing.

⁷⁶ Van Dam, N. (2017). *Destroying a nation: The civil war in Syria*. Bloomsbury Publishing.

The FSA, which was formally established on July 2011, engaged in a significant conflict with the government forces in Rastan in September. The administration changed its approach after being astounded by the political opposition's tenacity in planning sizable demonstrations and by the FSA's growing military danger.

The siege and attack on the city of Homs in early 2012 served as a general metaphor for the third stage of the conflict. The government aimed to take control of opposition resistance centres by force. A large portion of Homs, a multicultural city with a population of over 600,000, was under rebel control. The city was surrounded, the Baba Amr district, was subjected to constant artillery bombardment, and allied Shabiha civilian militias was deployed as part of the government's massive onslaught in February.⁷⁷ By deploying such forces, the government planned to terrorise the Sunni majority, who was seen as the opposition's main support base, into submission.

Government planes were often used to target residential areas with armed insurgents. Even though mass demonstrations against the Syrian government started in March 2011, Assad's forces did not extensively use helicopters to attack their opponents until after the second veto in February 2012, according to research by the Institute for the Study of War and activists from the Syrian Observatory for Human Rights.⁷⁸ Even yet, the government showed considerable moderation, carrying out fewer than 20 recorded helicopter attacks in April and May. In June, there was a sharp rise in the number of helicopters strikes, which by July had nearly reached 70. Then, fixed wing planes were purportedly utilised for the first time on July 24, five days after the third double veto. Government helicopters and fixed-wing planes targeted vulnerable civilian sites, including as bakeries, schools, and clinics, as part of a collective punishment campaign.

In the mid-2012, the combat shifted towards using air power on civilians, unlike in the prior two stages. By mid-2012, rebels had taken control of large areas in northern and southeast Syria. Rebels opposed government authority over Damascus and Aleppo, Syria's political and economic centres.⁷⁹ In May, the International Committee of the Red Cross recognised that the country was now experiencing a civil war.

⁷⁷ Carpenter, T. G. (2013). Tangled web: The Syrian civil war and its implications. *Mediterranean Quarterly*, 24(1), 1-11.

⁷⁸ Ibid.

⁷⁹ Phillips, C. (2013). The civil war in Syria: The variety of opposition to the Syrian regime. IEMed Mediterranean Yearbook, 2013.

In early 2013, the civil war reached a military standstill, marking the fourth phase. Despite controlling significant area, neither side was able to defeat the other militarily. Protagonists requested external aid to shift the balance of power on the battlefield. The regime relied heavily on Iran and Hezbollah for military support, as well as Russian supplies. For the opposition, more money and weaponry from the Gulf, notably wealthy individual donors, was critical. Foreign funding led to a surge in foreign fighters, particularly among hardline Islamic rebel factions.⁸⁰

Syria's political strife with sectarian undertones had ended since late 2013. In the fifth phase, the conflict escalated into a sectarian civil war, involving some secular militants. Syrian minorities, particularly Christians and Alawites, primarily aligned with the regime in response to the rising number of Salafists in the armed opposition. The government organised militias from these groups to target neighbouring Sunni populations deemed disloyal.⁸¹ Syria's civil war led to sectarian divisions and an unstable patchwork of opposing military zones. The use of chemical weapons, heavy artillery, and airstrikes increased at this time in the conflict. International indignation was sparked by chemical weapons strikes on civilian populations in 2013, especially in Ghouta. Although the Syrian government denied culpability, the regime was largely held accountable for these strikes, and it was unclear if other organisations were also engaged.

In the words of the UN Secretary-General Ban Ki-moon, Syria turned into a 'proxy war, with regional and international players arming one side or the other.' Large numbers of Lebanese Hezbollah militants and some Iranian soldiers joined significant military offensives inside Syria, such as Hezbollah's pivotal participation in the strategic re-conquest of al-Qusayr, a vital town close to the Lebanese border, in June 2013. In the meanwhile, the FSA and other elements of the armed opposition was still supported by Turkey, Qatar, and Saudi Arabia, as well as by several significant western democracies.

The Islamic State (ISIS) became a powerful force in 2014. ISIS, which began as a division of al-Qaeda, swiftly expanded its control in Syria and Iraq before announcing a 'caliphate' in 2014. As regional countries and international entities attempted to thwart ISIS's territorial advances, the group's ascent further complicated matters. By 2014, the Syrian Civil War had spread around the world, involving several foreign countries either directly or indirectly. In

⁸⁰ Ibid.

⁸¹ Ford, R. S. (2019). *The Syrian Civil War*. Policy.

their struggle against the Assad government and ISIS, the United States and its allies backed several opposition organisations, including Kurdish forces. However, Russia and Iran, which supported the Assad regime militarily and financially, were ardent backers.

Russia established itself as a major actor in the fight in 2015 when it launched airstrikes against ISIS and rebel organisations. As Assad started to reclaim lost territory, the Russian involvement helped shift the balance of power in the conflict in his favour. Iran also contributed significantly to the reinforcement of Assad's army by supporting Hezbollah and other Shiite armed organisations.

The Battle of Aleppo in 2016 was one of the war's most crucial events. The largest city in Syria, Aleppo, had been split for years between rebel and government troops. Russian airstrikes helped Syrian government troops reclaim the city in December 2016 following months of fierce combat. A major turning point in the conflict was the recovery of Aleppo, which gave the regime back control of a large portion of the nation.

As the number of rebel-held regions decreased by 2017, Assad's troops persisted in their drive to reclaim the remaining areas controlled by the opposition. While Turkey started its own incursions in northern Syria, targeting both ISIS and Kurdish troops it believed to be associated with the Kurdistan Workers' Party (PKK), the United States and its allies continued to retain a presence in Kurdish-controlled regions, especially in the north and northeast.

The creation of 'de-escalation zones,' which was agreed by Russia, Turkey, and Iran, marked the beginning of a more complex phase of the conflict. The goal of these zones was to lessen bloodshed in strategic locations, especially in Idlib, the final significant resistance bastion in northwest Syria. However, violence persisted and the zones were frequently breached.

With sustained support from Russia and Iran, the Syrian government carried out offensives in 2018 and 2019 to recover the last remaining opposition strongholds. The situation was made more difficult by Turkey's military assistance to rebel organisations in the area, which made the regime's reoccupation of Idlib problematic. President Trump's vow to remove American soldiers from Syria in 2019 opened the door for a Turkish attack against Kurdish forces in northeastern Syria. This change in U.S. policy increased tensions among NATO partners and caused considerable instability in the area.

Although Assad controlled a large portion of the nation by 2021, the economy had deteriorated. Following the fall of the Syrian pound, the nation experienced extreme hardship and inflation.

In the meanwhile, tensions with Turkey persisted in the Kurdish-controlled territories, and the resistance remained firmly established in Idlib.

The Syrian crisis entered its most complicated and revolutionary phase between 2022 and 2024, marked by a continuing conflict, changing allegiances, and the worsening humanitarian situation. Beginning as a nonviolent rebellion against President Bashar al-Assad's government in 2011, the conflict had by this time developed into a complex civil war involving both foreign and indigenous parties. After more than ten years of conflict, Assad's government, supported by Russia and Iran, took control of the majority of Syria in 2022. Nonetheless, there were sizable areas of opposition, especially in the northwest (Idlib province), which was ruled by Hayat Tahrir al-Sham (HTS) and other rebel groups. Even though the regime's military might be cemented, a sizable portion of Syria remained ungoverned, and intermittent conflicts persisted, particularly in the northeast, where Kurdish forces under the leadership of the Syrian Democratic Forces (SDF) maintained their presence, mostly in territories that had previously been controlled by ISIS.

The international community's attention turned to humanitarian assistance and diplomatic efforts to resolve the issue between 2022 and 2023. The Assad administration and its supporters' violations of human rights were denounced by the UN and other international organisations. The ongoing use of chemical weapons, the siege of civilian areas, and the eviction of millions of people—both inside Syria and as refugees abroad—were some of these atrocities. More than half of the Syrian population was either impoverished or had fled their country due to the terrible humanitarian catastrophe caused by the conflict, which made it one of the worst refugee crises in history.

Syria's geopolitical position became significant on a global scale, especially as Russia and Iran's influence in the area grew. Russia's assistance gave Assad the military capacity to crush the opposition and recapture vast areas of land, even as the US and European nations continued to impose sanctions on the Assad government. The struggle was prolonged in part because Iran backed the regime through the creation of proxy groups, financial assistance, and military backing.

The issue reached a critical point in 2024. Opposition forces, especially the HTS in Idlib, fought government advances as the Assad regime's hold on Syria grew stronger, and Kurdish organisations were under military pressure from both Syria and Turkey. Early in 2024, as the economy deteriorated and demonstrations erupted in several parts of government-controlled

Syria due to food shortages and rapidly rising prices, President Assad's domestic support started to erode. Like the early days of the conflict, these protests were violently suppressed. There were indications of possible peace talks amid mounting dissatisfaction and as the geopolitical landscape changed. A complete settlement of the dispute appeared far off, nevertheless, and the level of instability remained high. Growing economic suffering and internal political divisions within the regime by the middle of 2024 suggested that the Assad government's power structure could be about to split again.

There is no apparent end in sight to the humanitarian crisis in Syria, which worsened throughout 2024. Millions of Syrians are displaced, battling to live in a divided country while living in congested camps. Despite providing assistance and advocating for diplomatic solutions, the international community was mainly split on how to handle the intricate web of regional and global interests, which resulted in an unresolved and continuing crisis in Syria.⁸²

R2P and the United Nations Security Council

Syria-related international political tensions had fatal results. The Security Council sadly failed to respect its Responsibility to Protect (R2P) for the Syrian people in addition to failing to carry out its fundamental duty of maintaining international peace and security. All states pledged to fulfil their duty to protect by preventing 'crimes against humanity, war crimes, ethnic cleansing, and genocide' during the UN World Summit in 2005.⁸³ Paragraph 139 of the World Summit Outcome Document, which was ratified by more than 150 heads of state and government, established the Security Council's supremacy in cases when a state was manifestly incapable or unwilling to fulfil its sovereign obligations:

*'In this regard, if peaceful means prove insufficient and national authorities blatantly fail to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, we are willing to take collective action, swiftly and decisively, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with pertinent regional organisations as appropriate.'*⁸⁴

The Security Council did not explicitly mention Responsibility to Protect (R2P) while enforcing coercive military measures against a sovereign state that was killing its own citizens until 2011. R2P is essentially a preventative policy. The UN saw a heated discussion on the

⁸² O'Hanlon, M. (2015). Deconstructing Syria. *The National Interest*, pp. 23-29.

⁸³ Bellamy, A. J., & Dunne, T. (2016). R2P in Theory and Practice. *The Oxford handbook of the responsibility to protect*, 3-17.

⁸⁴ World Summit Outcome Document. United Nations.

connection between R2P and regime change as soldiers sent to carry out a civilian protection operation ultimately overthrew Muammar Qaddafi's government.⁸⁵

As the situation in neighbouring country, Libya was quickly turning into a civil war, the Syrian crisis arose in March 2011. Some members of the Security Council became skeptical of proposals that the Council should impose an arms embargo and specific sanctions on the Syrian government as the Syrian conflict deteriorated during the summer of 2011 and discussions over the ongoing military intervention in Libya heated up. For instance, it seemed that the non-permanent Council members India, Brazil, and South Africa—collectively referred to as the IBSA group—widely agreed with the claim that external interference would drive Syria closer to a sectarian civil war.⁸⁶

However, the Security Council was able to issue its first official statement on the war in August. The Presidential Statement denounced ‘widespread violations of human rights and the use of force against civilians by the Syrian authorities,’⁸⁷ and it needed unanimous approval to be adopted. The statement urged all sides to abstain from ‘reprisals, including attacks against state institutions’⁸⁸ and called for ‘an immediate end to all violence.’⁸⁹ The statement reiterated the Security Council's ‘commitment to the sovereignty, independence, and territorial integrity of Syria while acknowledging the announced commitments by the Syrian authorities to reform.’⁹⁰

Although it was unclear whether the IBSA governments' representatives were reassured, all three nations later abstained from voting on a draft Security Council resolution in October 2011 that sought to hold the Assad regime responsible for atrocities that had already claimed nearly 2,000 lives. Ambassador Baso Sang Qu explained why South Africa would not vote in favour of the resolution by stating that, in the case of the Syria situation, ‘the templates for the solution were very clear, it was along similar lines to Libya.’⁹¹

It was at best erroneous to assume that the nine nations that supported the draft Syria resolution were merely setting the stage for a military intervention in Syria spearheaded by NATO.

⁸⁵ Cater, C., & Malone, D. M. (2016). The Origins and Evolution of Responsibility to Protect at the UN. *International Relations*, 30(3), 278-297.

⁸⁶ Hunt, C. T., & Sharland, L. (2019). *Implementing R2P through United Nations Peacekeeping Operations: Opportunities and Challenges*. Implementing the responsibility to protect, 215-235.

⁸⁷ Ibid.

⁸⁸ Thakur, R., & Weiss, T. G. (2009). *R2P: From Idea to Norm-and Action*. Global Responsibility.

⁸⁹ Cater, C., & Malone, D. M. (2016). The Origins and Evolution of Responsibility to Protect at the UN. *International Relations*, 30(3), 278-297.

⁹⁰ Ibid.

⁹¹ Cater, C., & Malone, D. M. (2016). The Origins and Evolution of Responsibility to Protect at the UN. *International Relations*, 30(3), 278-297.

However, the three new powers' abstentions revealed a troubling lack of agreement inside the Security Council over how to react to fatal domestic crises in the wake of the Arab Spring and the Libyan intervention. While the powerful IBSA member states seemed to be both literally and figuratively abstaining from the process of finding a solution, the Security Council was split between a majority that wanted a strong response in line with R2P and a minority that did not. Atrocities were already being committed. The other 13 Security Council members, including South Africa and India, were adamantly in favour of multilateral sanctions and international diplomacy to stop mass atrocity crimes in Syria by February 2012, when China and Russia rejected a second draft resolution.⁹²

Despite disagreements within the Security Council about Syria, regional organisations and individual states acted to fulfil their duty to protect. The Syrian government was diplomatically ostracised and publicly censured for its conduct by the League of Arab States (Arab League), the European Union (EU), Turkey, and several other nations. At least 49 nations had implemented bilateral targeted sanctions by March 2012, a year after the crisis started, and at least 14 had shut down their embassies in Damascus.⁹³

Other components of the UN system fulfilled their obligations as well. In addition to establishing an 'Impartial Commission of Inquiry' to examine serious human rights abuses, the Geneva-based Human Rights Council approved 13 resolutions denouncing the mass crimes that occurred in Syria between 2011 and September 2014. In a similar vein, the General Assembly passed seven resolutions denouncing the crimes in Syria, including one in February 2012 that garnered support from 137 of the 193 member nations. No more than 13 states voted against any resolution of the General Assembly denouncing the crimes in Syria, however the number of abstentions varied. Numerous comments denouncing the mass crimes in Syria and demanding the protection of civilians were also issued by the Secretary-General and his Special Advisors for the Prevention of Genocide and the Responsibility to Protect.

Notwithstanding the UN's obligation under R2P to protect civilians, China's and Russia's vetoes kept the UN Security Council in a deadlock. Any resolution that would authorise the use of force or imposed extensive sanctions on the Assad administration was blocked by these vetoes. The UNSC's failure to act decisively to defend Syrian civilians was guaranteed by the political

⁹² Thakur, R., & Weiss, T. G. (2009). *R2P: From Idea to Norm-and Action*. Global Responsibility.

⁹³ Axworthy, L., & Rock, A. (2009). *R2P: A New and Unfinished Agenda*. Global Responsibility to Protect.

and strategic interests of China, which had historically placed a strong emphasis on non-intervention, and Russia, an Assad supporter.

Although regional groups like the Arab League and the UN General Assembly demanded action since 2012-2014, but they lacked the power to compel significant engagement. The UN was at a standstill despite some pressure from Western nations to explore military alternatives including humanitarian intervention or no-fly zones, illustrating the limitations of R2P when the UNSC is divided.

As the battle grew more intense between 2015 to 2018, the international community's concerns regarding the Syrian government's use of chemical weapons grew. Prominent assaults, like as the 2013 chemical weapons attack in Ghouta, were viewed as transgressing international law, and demands were made for the UN to intervene under R2P. However, any significant action was still thwarted by the UNSC's inability to adopt a united stance.

Russia started openly interfering in Syria, giving Assad military backing, which solidified the crisis and made attempts to engage under Responsibility to Protect (R2P) more difficult. Frustrated with the UNSC's inaction, the US and its allies launched limited military initiatives, including airstrikes against ISIS and subsequently chemical weapons sites, but these were mainly perceived as unilateral and lacked formal UNSC authorisation.

The period from 2019-2024 can be described as a period of stalemate and continued controversy regarding the crisis and the ineffectiveness of R2P.

Over 500,000 people had died and millions more had been displaced since 2020, when the humanitarian catastrophe in Syria had reached disastrous proportions. The UNSC was still unable to reach a consensus on a coordinated response, even though there was broad recognition of the continued abuses of human rights and the need to protect people. While Russia insisted that the Syrian government was a legitimate authority that should not be overthrown, the United States, the European Union, and other Western countries persisted in denouncing Russia's and China's vetoes of UNSC resolutions. R2P was mostly ignored in favour of regional power dynamics, even if the situation remained terrible.

Western countries mostly abstained from military action due to the risk of escalation into a larger conflict, while Russia's vetoes and its strategic partnership with Assad precluded any significant involvement approved by the UNSC. The supply of humanitarian goods into Syria

persisted, although it was usually inadequate and interrupted by the continuous blockades and fighting.

The UN Security Council's stagnation rendered the implementation of Responsibility to Protect (R2P) in Syria mostly ineffectual between 2011 and 2024. The UN was unable to take significant action despite the international community's repeated condemnations of the Assad regime's conduct, particularly the crimes committed against civilians, due to China's and Russia's veto power. This revealed a key drawback of the R2P doctrine: the participation of big nations in the UNSC is necessary for it to be successful, and in the case of Syria, this cooperation was lacking.

Failure of the Annan Plan

As the Syrian crisis progressed, the government agreed to two different peace deals but later broke them. In fact, state brutality escalated after a deal with the Arab League was made. President Assad accepted a six-point proposal put out by Kofi Annan, the designated joint UN-Arab League Special Envoy. The Annan Plan called for the establishment of a ceasefire, the evacuation of government forces and tanks from urban areas, the release of political prisoners, journalistic freedom of movement, freedom of association, and the right to protest, the provision of humanitarian aid to civilians under siege, and the start of a political negotiation process headed by Syrians. However, security forces stepped up their operations on places thought to be opposition strongholds in the weeks preceding the planned truce.⁹⁴

On March 21, 2012 in a rare show of unity, the Security Council released its second Presidential Statement, reaffirming support for the Annan Plan and voicing serious concern about the worsening situation. Violence in Syria momentarily subsided on April 12 as armed rebels and government troops both complied with the truce. Two days later, the Security Council approved the deployment of a small team of observers in its first decision since the start of the conflict. A bigger 90-day UN Supervision Mission (UNSMIS) was then constituted by the Council on April 21 to oversee the Annan Plan's implementation and ceasefire.⁹⁵

However, it was clear that the Annan Plan was in jeopardy due to the Syrian government's inability to truly implement any of the plan's other important elements and several ceasefire breaches by both armed rebels and government soldiers. Specifically, the Annan Plan's success

⁹⁴ Axworthy, L., & Rock, A. (2009). *R2P: A New and Unfinished Agenda*. Global Responsibility to Protect.

⁹⁵ Axworthy, L., & Rock, A. (2009). *R2P: A New and Unfinished Agenda*. Global Responsibility to Protect.

hinged on UNSMIS's quick and comprehensive deployment across Syria, which was made difficult by growing violence and regime resistance.⁹⁶

An overpowering feeling of dissatisfaction pervaded UNSMIS. UNSMIS investigated and documented several atrocities when they weren't hindered by Syrian government bureaucracy or targeted by unidentified snipers. These included taking pictures of forensic evidence at a massacre site, measuring tank tracks in the area to identify the forces that were present at the time, and consulting military experts to confirm the damage caused by different weapons. Locals who had seen specific incidents were interrogated individually by UNSMIS officers, who subsequently verified the accuracy of the accounts.⁹⁷

According to a senior UNSMIS officer, Syria was already 'past the point of no return'⁹⁸ as the civil war became more unwinnable and the truce was progressively disregarded. The official felt that 'the UNSMIS tool is no longer relevant'⁹⁹ since the Security Council had not given it enough support.

The signing of the 'Geneva Communiqué,'¹⁰⁰ which specifically referenced Annan's six-point plan, took place 14 days after UNSMIS was compelled to halt operations on June 16. The UN and Arab League Secretaries-General, along with the foreign ministers of China, France, Russia, the United Kingdom, the United States, Turkey, and other relevant nations, formed an international 'Action Group' because of the June 30 Communiqué. Syria and Iran were conspicuously missing. However, it was difficult to find any justification for celebrating the Geneva I summit given that UNSMIS activities had been halted, the truce had ended, and the Annan Plan had not been put into action.

The Security Council was once again the focus of attention. With an emphasis on placing sanctions on the Syrian government, there was fresh pressure to enact another draft resolution intended to hold those responsible for the mass crimes in Syria accountable.

⁹⁶ Ibid.

⁹⁷ Cohen, R. (2012). *From sovereign responsibility to R2P*. In *The Routledge Handbook of the Responsibility to Protect*. Routledge. pp. 7-21.

⁹⁸ Thakur, R., & Weiss, T. G. (2009). *R2P: From Idea to Norm-and Action*. Global Responsibility.

⁹⁹ Cohen, R. (2012). *From sovereign responsibility to R2P*. In *The Routledge Handbook of the Responsibility to Protect* (pp. 7-21). Routledge.

¹⁰⁰ Communiqué, G. Appendix II Geneva Communiqué.

The West and Military Intervention

Western nations imposed bilateral restrictions and openly criticised the Syrian government in response to growing evidence of mass atrocity crimes as the conflict grew more intense. In a concerted diplomatic effort, the leaders of the United States, France, Germany, and the United Kingdom demanded that President Assad step aside. However, there was little indication that the Syrian government would change its course, and it was obvious that Assad had no plans to step down. The Russian government was able to loudly declare that their efforts at the Security Council were focused on defending Syria's sovereignty rather than serving as political cover for a dictatorship that was murdering its own citizens thanks to this announcement, which also had the effect of openly associating regime change with putting an end to atrocities in Syria.¹⁰¹

Diplomatic efforts to try to stop mass atrocities in Syria failed after Russia and China's third double veto on July 19, 2012. A few weeks after the Annan Plan ended, Annan resigned as Special Envoy of the UN-Arab League. The situation of Syria was becoming more intense. A question can be raised: diplomacy is going nowhere, but what's the alternative?

The question of whether foreign governments should intervene militarily in Syria was not hotly debated in western democracies in 2012. Some well-known American thinkers, such as Anne-Marie Slaughter of Princeton, the former Director of Policy Planning at the Department of State, advocated for the creation of 'no kill zones, safe havens, or humanitarian corridors close to the Turkish, Lebanese, and Jordanian borders to protect common Syrians.'¹⁰²

Even among the governments that were most antagonistic to Assad, support for military involvement was never more than ambivalent. The 'balance of consequences' argument proved particularly persuasive in Syria.¹⁰³ Nobody wished to start a sectarian civil war in the Middle East or spark a wider regional confrontation. Discussions over Syria were plagued by the lingering effects of the acrimonious controversy and purported diplomatic duplicity surrounding the catastrophic invasion of Iraq in the United States and the United Kingdom. Because there was so little support for even considering military intervention in Syria, there was no continuous public discussion about the possibility of doing so in the United States. Because of this, the prevailing narrative—at least in Western diplomatic circles—continued to

¹⁰¹ Wieland, C. (2012). *Syria: A decade of Lost Chances*. Seattle, WA: Cune Press.

¹⁰² Ibid.

¹⁰³ Hinnebusch, R. (2004). *Syria: Revolution from Above*. Routledge.

hold that foreign military action would worsen the crisis and maybe increase the suffering of common Syrians.

Furthermore, any such military operations would thus be prohibited by international law in the absence of a Security Council authority under Chapter VII of the UN Charter. R2P was designed to direct any possible coercive action against atrocity crimes in a way that was both morally acceptable and lawful, even if its main goal is prevention.¹⁰⁴

Western nations discussed whether to arm the Syrian rebels (and if so, which ones) in response to an ineffective Security Council and the lack of any other apparent diplomatic alternatives. The situation on the ground changed away from the secular resistance centred on the FSA and towards the quickly growing extreme Islamist militias, such as Jabhat al-Nusra, even if different nations disagreed on the issue of delivering heavier weaponry. By the middle of 2013, more people in the West, who had already restricted their own diplomatic options by publicly calling for Assad's overthrow, were beginning to accept that more weapons might only facilitate more atrocities and further destabilise the region as the list of rebel war crimes grew.

Until ISIL's sudden and swift push throughout Iraq in June 2014, its effort to exterminate the Yazidi minority in Iraqi-Kurdistan, and its staged execution of many Western prisoners in Syria, these fundamental presumptions were not substantially questioned. The rise of ISIL completely changed the political landscape. United States President Obama authorised airstrikes against ISIL, first in Iraq and then in Syria, authorised increased military assistance to vetted Syrian rebel groups in response to the Iraqi government's urgent request for military support, and successfully assembled an international coalition to 'degrade and destroy'¹⁰⁵ the organisation.

Both the harsh shelling of ISIL fighters and airstrikes to protect vulnerable Yazidi and Kurdish civilians were met with a hesitant but positive response from Western publics. However, there was still no international consensus on how to safeguard people, put a stop to atrocities, and negotiate a settlement to Syria's civil war, aside from the problem of fighting ISIL.

¹⁰⁴ Hinnebusch, R. (2004). *Syria: Revolution from Above*. Routledge.

¹⁰⁵ Humud, C. E., Nikitin, M. B. D., & Blanchard, C. M. (2014). *Armed conflict in Syria: Overview and US Response*. Congressional Research Service.

Obduracy of Russia

Diplomats in New York believed that Beijing was vetoing all three draft Security Council resolutions with Russia, but this was done more out of solidarity with Moscow than out of loyalty to Damascus. Additionally, this was consistent with China's long-standing practice of non-interference in internal disputes. The stances taken by Chinese officials in discussions over the Syrian crisis were cautious rather than hostile or obstructive. Russian diplomats, on the other hand, steadfastly maintained from the beginning of the Syrian conflict that their resistance to Security Council resolutions intended to put an end to atrocities in Syria was a matter of protecting a sovereign state against Western intervenors who sought to use Responsibility to Protect (R2P) as a cover for the sinister motives.¹⁰⁶ The idea that the concept of the Responsibility to Protect must be universally applied in all cases when peoples begin to show displeasure and when the authorities use force against the various protest manifestations to restore order is unacceptable, according to Foreign Minister Sergey Lavrov.¹⁰⁷

Syria was among the top five importers of Russian weapons at the beginning of the Syrian conflict in 2011, with the Assad administration having an estimated \$4 billion in current contracts with Russian arms merchants. However, Damascus always valued Russian armaments more than Moscow did. For instance, the Stockholm International Peace Research Institute estimates that 48 percent of Syria's weaponry purchases came from Russia between 2006 and 2010, the year before the Arab Spring. Russia sent in an estimated \$960 million worth of weapons as the crackdown on protesters grew deadly and the nation teetered on the verge of civil war. As the pressure on the regime increased and armed organisations formed among the opposition, the top auditor for the Syrian Defense Ministry, subsequently asserted that 'Russia was shipping monthly.'¹⁰⁸

Moscow also provided the Syrian armed forces with heavy weapons, ammunition, and spare parts necessary for the government's battle against opposition-controlled cities, towns, and villages, despite Russia's insistence that the armaments could only be used for defense. Reconditioned Mi-24 combat helicopters were among the items returned, and more supplies of Russian armoured vehicles, drones, and guided bombs were reported in January 2014.¹⁰⁹

¹⁰⁶ Allison, R. (2013). Russia and Syria: explaining alignment with a regime in crisis. *International affairs*, 89(4), 795-823.

¹⁰⁷ Ibid.

¹⁰⁸ Charap, S. (2013). Russia, Syria and the doctrine of intervention. *Survival*, 55(1), 35-41.

¹⁰⁹ Charap, S. (2013). Russia, Syria and the doctrine of intervention. *Survival*, 55(1), 35-41

The profit from such arms transfers was insufficient as an explanation for Russian policy, even though these supplies were essential to the Syrian government's war effort and undoubtedly contributed to Russia's reluctance to see the Security Council impose an arms embargo on Syria.

Several observers also mentioned Russia's naval station at Tartus, which is located on Syria's Mediterranean coast and dates to the Soviet era. Even though Admiral Viktor Chirkov, the Commander-in-Chief of the Russian Navy, stated in June 2012 that Tartus was 'essential to us,'¹¹⁰ it seems that the little station is primarily important to the Russian government as a representation of its future worldwide reach. However, it is important to remember that Russia declared a \$132 billion plan in 2012 to modernise its navy by 2020.¹¹¹ Plans for a larger fleet of nuclear submarines and warships was a part of this. Although it is by no means essential to Moscow's Syria policy, maintaining a facility at Tartus may be significant for the long-term geopolitical objective of spreading Russian influence in the Middle East and Mediterranean.

Russian strategy was driven by a justifiable concern that the emergence of armed Islamic extremism in Syria may further disrupt the northern Caucasus and provide motivation for organisations that operate there. Russia and Syria had ties for more than 40 years, dating back to the Soviet era. Russia had little strategic interest in Libya, but protecting Syria was considered crucial to preserving the equilibrium of the global system.¹¹²

In addition to having a powerful military and a permanent seat on the Security Council, President Putin's vision of a revived Russia also calls for other nations to recognise Russia's strategic interests. Throughout 2012, it became increasingly evident that Russia could not allow the overthrow of Assad without this being viewed as a setback to Putin's legitimacy both at home and abroad, even in the face of an escalating global chorus of criticism on ongoing mass crimes.

Paradoxically, it also became more obvious that Moscow had little direct control over the Assad regime. For instance, official Russian statements that the best way to resolve Syria was to promote a national political discourse free from outside pressure or preconditions appeared to be ignored in Damascus.

¹¹⁰ Ibid.

¹¹¹ Averre, D., & Davies, L. (2015). Russia, humanitarian intervention and the Responsibility to Protect: The Case of Syria. *International Affairs*, 91(4), 813-834.

¹¹² Ibid.

Russia found itself in a precarious situation as a result. For instance, it had openly supported the Annan Plan but done nothing when the Syrian government disregarded the Security Council and refused to carry out its main clauses. Russia continued to provide vital assistance for the Assad regime after drastically limiting its political choices by vetoing multiple resolutions pertaining to Syria.

Continuous supply of Russian weapons and ammunition, along with other vital supplies, became increasingly significant to Damascus as the civil war dragged on. For instance, after more banknotes were urgently printed to offset a growing fiscal deficit, raging inflation, and the need to fund ongoing military operations despite a severe contraction in the economy, it was reported that Russia assisted in averting the Syrian government's possible bankruptcy. Austria had previously minted Syrian currency, but this was now forbidden by EU sanctions. Rather, at least eight planes transported over 240 tonnes of newly minted Syrian currency from Moscow to Damascus between July and September 2012. Qadr Jamil, Syria's deputy prime minister, called this a triumph over sanctions aided by Russia. In the middle of 2012, there were also reports of a significant barter deal in which Syria would sell Russia crude oil in exchange for processed oil products needed for the Syrian military effort.¹¹³

In addition to stalling the Security Council, Russian opposition fuelled the Syrian government's stubbornness and intensified the civil war. As the deaths persisted, more refugees crossed Syria's borders, and the frustration of an increasing number of high-ranking UN officials became more evident.

A few months later, a top diplomat from a Security Council member nation said in private that, despite the severity of the Syrian problem, a 'Sarajevo market moment'¹¹⁴ was the only thing that could now persuade the council to act. He was alluding to August 1995, when scores of civilians were killed and seriously injured when Bosnian-Serbs besieging the former Yugoslav city purposefully bombarded the market. Television footage of the Sarajevo massacre shocked the world and prompted NATO airstrikes against the forces responsible for the atrocity, which occurred just one month after the genocide of over 8,000 Bosniak men and boys at Srebrenica, which was carried out after UN peacekeepers acquiesced to the Bosnian-Serb perpetrators.

¹¹³ Averre, D., & Davies, L. (2015). Russia, humanitarian intervention and the Responsibility to Protect: The Case of Syria. *International Affairs*, 91(4), 813-834.

¹¹⁴ Cohen, R. (2012). *From sovereign responsibility to R2P*. In The Routledge Handbook of the Responsibility to Protect. Routledge.

No one at the UN was calling for attacks on Syria, but the ambassador said that possibly raising awareness of a particularly heinous crime could unite people across the world and overcome Chinese and Russian resistance on the Security Council.

Foreign Involvement in Syrian Crisis

Moscow and Washington

The fight had been significantly shaped by Russian and American activities on a global scale. One significant turning point in the conflict was Russian President Vladimir Putin's decision to deploy troops to Syria in September 2015. This restored al-Assad's fortunes against the rebels and ISIS and saved the regime from what appeared to be an imminent collapse. Additionally, it established Russia as the dominant external force in Syria, a position that the US and other regional nations reluctantly acknowledged. However, Moscow also had an influence on the conflict before to 2015 by giving al-Assad crucial military, financial, and diplomatic backing. Russia used its veto power at the UNSC as early as October 2011, just a few months into the anti-al-Assad uprising, to shield Damascus from international censure, which would have brought with it heavier sanctions and maybe military action. It would then veto eleven more times to defend Syria. Russia was also annoyed by Western and regional nations' attempts to force al-Assad to resign through UN-led mediation initiatives, such the Geneva meeting in 2012. In terms of the economy, Moscow gave Syria a huge line of credit for essential new weaponry purchases and assisted it in getting under Western sanctions.

Following 2015, al-Assad's re-conquests relied heavily on Russian military assistance. In a series of military triumphs in 2016–18, the Russian air force and special forces aided Syrian and Iranian-backed troops, capturing Palmyra and Deir-Es-Zor from ISIS, Eastern Aleppo, Ghouta, and Deraa from the rebels.¹¹⁵

However, Moscow was involved in much more than just the military. By enlarging its current naval station in Tartus, constructing a significant new air base in Khmeimim, close to Lattakia, and allegedly establishing several smaller outposts throughout southern and eastern Syria, it increased its physical presence in the country. By establishing tight relations with Al-Assad's

¹¹⁵ Bellamy, A. J., & Dunne, T. (2016). *R2P in Theory and Practice*. The Oxford handbook of the responsibility to protect, 3-17

elite forces, known as the 'Tiger Forces,' and training and supplying the Fifth Corps, a new branch of the Syrian army, it deepened its institutional ties with the Syrian military.

In terms of the economy, Russian businesses are anticipated to be essential to Syria's rehabilitation. Many Al-Assad followers welcomed the presence, favouring secular Russia over Islamist Iran.

Russia's influence as the main international mediator in the crisis was significantly increased by the extent of its participation in Syria and the perception that it is there to stay. Unlike previous UN negotiations, Moscow's own mediation, the Astana process, strongly backed Al-Assad. Concessions in northern Syria convinced Turkey to join Russia and Iran as guarantors of 'de-escalation zones.' Al-Assad subsequently breached these agreements, with Russian approval, to reclaim all opposition territories save Idlib. Moscow then claimed that al-Assad's rule will remain the same.

It oversaw a purposefully drawn-out process to draft a new Syrian constitution that would maintain Al-Assad's rule while pleading with erstwhile adversaries to restore relations with Damascus and offer desperately needed rebuilding assistance.

Although some analysts viewed Russia's victories in Syria as a US setback, Washington's objectives and goals differed greatly from Moscow's. Since Syria had been Moscow's friend since the 1960s and Tartus was its sole Mediterranean naval port, Russia was probably going to put up a fierce battle to protect Al-Assad. The US, on the other hand, changed its priorities. It demanded Al-Assad's ouster early in the conflict, imposed sanctions on him, and aided opposition forces in doing so. However, overthrowing Al-Assad was never the first objective. The Obama administration also sought to limit the influence of jihadists, stop the use and spread of al-Assad's chemical weapons (CW), and protect the president's geostrategic objectives, particularly the negotiation of a nuclear disarmament deal with Iran, al-Assad's partner. These shifting priorities resulted in erratic US tactics that irritated the rebels and Washington's regional allies that opposed al-Assad, including as Turkey. Obama, for instance, was reluctant to arm the rebels out of concern that they might end up in the hands of jihadists, but he finally gave in after seeing that the moderate rebels were already too weak. He also warned al-Assad with a 'red line' if he deployed chemical weapons, but in September 2013, he backed out of a planned strike and agreed to an agreement mediated by Russia to remove Syria's stockpile instead. The next year, he did initiate strikes on Syria, but targeting ISIS in the east rather than al-Assad, and he preferred supplying and training the SDF, which was commanded

by Kurds, over the rebels. Together with the actions of regional countries, these policies influenced the conflict and made the rebels weaker, which helped Al-Assad win.¹¹⁶

Additional changes in US objectives occurred because of Russia's interference and President Donald Trump's inauguration in early 2017. Trump seems even less dedicated to overthrowing the Syrian President than Obama was, even though he did undertake two retaliatory missile attacks in response to claims that Al-Assad had violated the 2013 agreement by using Chemical Weapons.

Trump's immediate priorities were boosting Obama's anti-IS effort, arming the SDF, and raising the number of US personnel to 2,000. This temporarily made Kurdish-led eastern Syria a US-protected territory, and hardline leaders like National Security Advisor John Bolton developed plans to utilise the area as a long-term deterrent against Iran. However, Trump abruptly said in December 2018 that he intended to remove all US personnel from Syria. The fight on the ground had once again been driven by Washington's shifting objectives, in this instance Trump's intention to keep his election promises to send troops home, leaving the Kurds to the mercy of Al-Assad or Turkey and presumably eliminating the last significant barrier to Russia's domination.

Regional Players in the Syrian Crisis

Iran, Israel, Turkey, Saudi Arabia, and Qatar contributed to the war on a regional scale, either actively acting in it, funding other parties, or doing both. Early in the conflict, regional powers—particularly Iran, Turkey, and the Gulf powers—had taken the initiative, but they tended to balance each other out, which resulted in a standoff.⁸ The influence of the regional powers decreased with the US and Russia's engagement in 2014–15, while Iran and Turkey continued to play a significant role.¹¹⁷

Iran

The acts of Iran, the most important regional force engaged in the Syrian civil war, rescued Al-Assad. The Islamic Republic formed an alliance with Syria and believed that maintaining the Al-Assad government was both a strategic need to maintain a vital connection with its allies in Lebanon and Iraq and a historical obligation to a long-term partner. Iran did warn Al-Assad in

¹¹⁶ Cohen, R. (2012). *From sovereign responsibility to R2P*. In *The Routledge Handbook of the Responsibility to Protect*. Routledge.

¹¹⁷ Humud, C. E., Nikitin, M. B. D., & Blanchard, C. M. (2014). *Armed conflict in Syria: Overview and US Response*. Congressional Research Service

2011 against excessive violence, but Tehran doubled down when this warning was disregarded. Like Russia, it provided crucial military and economic assistance in the form of loans, drastically discounted oil, and a large arsenal of weapons. Hezbollah, Iran's Lebanese ally, joined the Syrian army in 2012 as a result of al-Assad's military losses and acute manpower shortage.

To support the military effort, Qassem Suleimani, the commander of Iran's Islamic Revolutionary Guard Corps Quds Force, was sent to Damascus. He brought in foreign Shia combatants from Iraq, Lebanon, Afghanistan, and Pakistan, helped restructure Syria's military, and created new paramilitary groups, such as the National Defence Forces (NDF).

These Iranian-led forces were instrumental in pivotal conflicts such as East Aleppo (2016), Qusayr (2013), and Qalamoun (2013–14). Suleimani, who flew to Moscow to beg for help, was also partially to blame for Russia's actions in 2015. Like Russia, Iran had a far stronger presence in Syria than it did before 2011.

Although it had strengthened its connections with Syria's small Shia population, Iran mostly worked with government officials before the crisis. However, Iran's influence grew because of the conflict. Iran is Syria's largest trading partner, with bilateral commerce having increased from USD 300 million in 2010 to USD 1 billion in 2014.

Iranian businesses were also granted tax breaks and special treatment. Socially, Suleimani developed a tiny but devoted cadre within the Syrian populace by occasionally granting citizenship to foreign Shia combatants and placing them in key areas, particularly the area surrounding the southern Damascus Shia shrine of Sayyeda Zeinab.

Iran was up against rival Russia to influence Syria after the battle. Although their goals and strategies are different, both support Al-Assad's ongoing reign. Iran had backed sub-state militias, while Russia had worked to fortify al-Assad's state by enhancing Syria's institutions and military. Because of this, they have distinct military friends in Syria: Tehran was sympathetic to the NDF and other militias, while Moscow was loyal to the military.¹¹⁸ Geographically, Hezbollah had effectively taken over the border town of Qusayr, Iran priorities southern Damascus and the roads that connect it to Lebanon, the Sayyeda Zeinab shrine, and

¹¹⁸ Humud, C. E., Nikitin, M. B. D., & Blanchard, C. M. (2014). *Armed conflict in Syria: Overview and US Response*. Congressional Research Service.

the Qalamoun mountains, while Russia concentrates its forces on the coast close to its bases in Latakia and Tartus.

Tension may arise in the future depending on how much Al-Assad tries to retake direct control of these regions, particularly the ones that are governed by Iran. In a similar vein, Russian businesses are preferred over Iranian ones in a few crucial industries as a result of Russia's ambition to profit economically from Syria.

Turkey

The rebels were greatly assisted by Turkey's decision to turn against Bashar al-Assad and demand his overthrow in late 2011, even though the two countries had previously had strong ties. Turkey helped arm several armed rebel organisations and supported the exiled political opposition, particularly the Syrian National Council (SNC) and its successor, the Syrian Opposition Coalition (SOC). Tayyip Erdoğan, the prime minister and then president of Turkey, thought that al-Assad would eventually be overthrown and anticipated that a pro-Turkish administration would be formed by supporting the opposition, particularly those affiliated with his preferred Muslim Brotherhood. Russia's intervention in 2015 caused Erdoğan, the then President of Turkey, to change his priorities. Turkey's focus in Syria was lowered to the security situation along its southern border: keeping Kurdish militia in check and preventing the fall of Idlib, even if he continued to advocate for Al-Assad's ouster.

The insurgents' lack of strength as an opposition was exacerbated by Turkey's stubbornness towards the Kurds. Ankara demanded that no Syrian opposition organisations include the Syrian Kurdish PYD, a branch of the Turkish Kurdish separatists of the PKK. Because of this, the PYD, which was already wary of the SNC/SOC, took a different tack and opposed al-Assad while pursuing Kurdish autonomy during the civil war instead of joining the other rebel factions. As Al-Assad's forces left to battle the rebels elsewhere, the PKK-trained and -armed YPG and YPJ, the PYD's militia, became the most formidable Kurdish combatants and quickly took control of eastern Syria, frightening Ankara. Washington's 2014 decision to arm the YPG to combat ISIS and aid in the formation of the larger SDF with some Arab combatants was even more concerning. Ankara faced the possibility of a PYD-dominated administration

backed by the US along its whole southern border when the US approach was effective and ISIS was driven back. To prevent this, it launched two incursions into Syria¹¹⁹

First, there was ‘Operation Euphrates Shield’ in 2016, which was intended to trap Turkey's rebel allies between two PYD locations, Afrin and Manbij, while simultaneously targeting ISIS positions along the border. In order to drive out the PYD, ‘Operation Olive Branch’ in 2018 used a combination of Turkish military forces and rebel proxies to launch a frontal offensive on Afrin. Although rebel forces held official authority of these provinces at the time, Ankara maintained actual control over them. Turkey was accused by many of ethnically cleansing Kurds to turn the area into a pro-Turkish satellite for good. As a result, Erdoğan welcomed the Trump administration's decision to remove US soldiers, something Turkey had long called for. With Erdoğan long threatening to invade Manbij, the SDF might be subject to a Turkish onslaught without US assistance.

As part of larger agreements with Moscow, Euphrates Shield and Olive Branch received Russian clearance, and they would also require it for any further attacks. Putin, meanwhile, wants Al-Assad to seize power in eastern Syria rather than Ankara. Moscow had long supported a PYD-al-Assad agreement in which the YPG was absorbed into al-Assad's military and the Syrian state retakes the east peacefully.

The secret to Idlib was also Russian-Turkish relations. Up to two to three million civilians were thought to reside in the final rebel province at the beginning of 2019, with the number growing as fighters and their families fled other rebel strongholds.¹²⁰

If Idlib were to collapse, Turkey fears that thousands would cross the nearby border, joining the three to four million Syrian refugees it was already finding difficult to accommodate. Additionally, it worries that they would clash with jihadists from Hayat Tahrir as-Sham (HTS), formerly known as Jabhat al-Nusra, an al-Qaeda offshoot. To stop this, Ankara implemented two measures. To undermine HTS and prevent an al-Assad onslaught, it first attempted to bring together the remaining moderate and non-Jihadist rebels in Idlib.

Second, it engaged in negotiations with Russia to prevent an invasion by al-Assad. The latter was successful, since in September 2018, Russia consented to a ceasefire. The former,

¹¹⁹ Cohen, R. (2012). *From Sovereign Responsibility to R2P*. In *The Routledge Handbook of the Responsibility to Protect*. Routledge.

¹²⁰ Cohen, R. (2012). *From Sovereign Responsibility to R2P*. In *The Routledge Handbook of the Responsibility to Protect*. Routledge.

however, was unsuccessful, as HTS became the dominant force in Idlib after destroying moderate forces in early 2019. Given that the Russia-Turkey deal specifically asked for the withdrawal of ‘radically minded groups, including al-Nusra,’ Moscow may exploit the HTS advance as justification to free al-Assad.

Israel

For the most of the conflict, Israel was the neighbour of Syria that was least involved. A few refugees were let in for medical reasons, but its border was blocked because of the official state of war that still exists with Damascus. Israel was wary of the rebels because it was aware that a new administration, maybe led by Islamists, would reopen the long-dormant Golan front.

For a while, it even encouraged Hezbollah's involvement since it depleted and diverted the Lebanese force, making it comparatively pleased for two enemies to squander resources fighting one other. When Israel successfully pressed the US to remove al-Assad's chemical weapons stockpile—which Damascus had first constructed to offset Israel's nuclear edge and which Israel feared may end up in the hands of Hezbollah or jihadists—Israel benefited from the early battle.

But as the conflict shifted in favour of al-Assad, Israel grew concerned about how deeply ingrained Iran and its allies were in Syria. Particularly concerning was Hezbollah, which had adjusted to the difficulties it encountered. But a conflict between Israel, Hezbollah, and Iran is by no means certain. Israeli Prime Minister Benjamin Netanyahu was cautious and mindful of the harm that any new confrontation would do, while Hezbollah still fears a political reaction enough to refrain from needlessly upsetting Israel. A new mediator who is friendly with Israel, Iran, and Hezbollah had also been brought in by Russia's presence in Syria, which might defuse any possible tensions. In fact, Hezbollah left areas taken by rebels on the Golan border in 2018 because of Russian pressure after Israeli lobbying. Nevertheless, as a warning, Israel had made it a policy to bomb Iranian and Hezbollah forces many times during the conflict, focussing on command centres and weapons convoys. The players in southern Syria are still figuring out the new ‘rules of the game,’ and once more, a lot will depend on Russia's capacity to intercede if any red lines are broken.¹²¹

¹²¹ Cohen, R. (2012). *From Sovereign Responsibility to R2P*. In *The Routledge Handbook of the Responsibility to Protect*. Routledge.

Saudi Arabia and Qatar

Both Saudi Arabia and Qatar experienced a decline in their once significant influence over the war in recent years. In the early years of the conflict, both actively supported the anti-Assad opposition and provided funding to different rebel combatants.

By supporting several opposing factions rather than a single organisation, they added to the rebels' vulnerability; Qatar used a 'scattergun' strategy. The opposition was also divided by the rivalry between these two Gulf countries; Riyadh had always opposed the Syrian Muslim Brotherhood (MB) and supported its competitors, while Doha supports the MB, like its partner Turkey. In 2013, Saudi Arabia seized control of the SOC from Doha, so putting a stop to Qatar's significant participation in Syria. However, Saudi influence subsequently declined as well.

Some of this was out of Saudi Arabia's control; Riyadh realised the changing situation on the ground once Russia stepped in. Meanwhile, the Yemen conflict in 2015 and Saudi Arabia's embargo of Qatar in 2017 diverted attention elsewhere. Riyadh eventually stopped supporting the armed rebels shortly after Trump did, because of growing conflict with its erstwhile ally Turkey, which overtook the kingdom as the main supporter of the rebels, and conformity with Trump's objectives. Since 2013, Qatar had mostly echoed and supported Turkish policies in Syria, playing a very little role. But Saudi Arabia had taken a different approach.

The UAE, a close ally, declared in late 2018 that it will restore its embassy in Damascus, which had been shuttered in 2011 along with other Arab embassies in protest. Bahrain and Kuwait, two more Saudi allies, said they will soon follow suit. This was a test balloon for Saudi Arabia to re-establish relations, even if the UAE had its own goals. Even the possibility that Saudi Arabia might permit al-Assad to rejoin the Arab League after it was suspended in 2011 was floated. It appears that the UAE and Saudi Arabia are driven by the desire to reduce Damascus dependency on Iran, Riyadh's bitter nemesis, by re-engaging with al-Assad and investing in rebuilding. Additionally, they could want to outmanoeuvre Turkey, whose backing of the MB and Qatar was causing friction.¹²² Al-Assad was not likely to leave Iran, though, and his government had decades of experience stealing money from the Gulf without providing anything in return.

¹²² Webb, P. (2014). Deadlock or restraint? The Security Council Veto and the Use of Force in Syria. *Journal of Conflict and Security Law*, 19(3), 471-488.

The United States, which might be able to change the course of the conflict if it had put the overthrow of al-Assad above its numerous other objectives, appears to be growing less involved and was further eroding its influence by withdrawing soldiers. Thus, the two most powerful parties are by far al-Assad's close friends, Iran, and Russia, the former of which was in the lead.

Putin established himself as the main mediator both inside and outside of Syria, and it appears that Moscow has just as much influence over the outcome of the conflict as Damascus, which was most likely to be an al-Assad triumph. However, this war had repeatedly shown to be unpredictable, and a sudden turn might still lead to fresh difficulties and rekindle hostilities.

The Responsibility Not to Veto

Instead of external interference by the Security Council inciting a civil war, the crisis in Syria worsened due to a lack of prompt and decisive action. Although the media occasionally claimed that Libya's purported abuse of Responsibility to Protect (R2P) was to blame for the Security Council's failure to put an end to Syria's civil war, the true issue is a deeper rift among the Council's permanent members.

A strategic conflict between the P2 (Russia and China) and the P3 (United States, United Kingdom, and France) over a variety of situations and thematic issues, from Sudan to the future of UN peacekeeping, is linked to Russian and Chinese resistance to action intended to restrain the Assad regime and other atrocity perpetrators in Syria.¹²³

From the standpoint of China and Russia, a rising number of UN members began to doubt not just Russia's objectivity in Syria but also the legitimacy and effectiveness of the Security Council itself following the third veto in July 2012.¹²⁴ Specifically, there was heightened scrutiny of the five permanent members' veto power.

The 'Post-2015 Millennium Development Goals Framework' was the main topic of discussion. Nonetheless, 154 of the 193 UN members expressed their sorrow for the ongoing civil violence in Syria during their speeches. A third of the UN's membership, or sixty-three governments, demanded that the Security Council be reformed. Several of these states particularly demanded that the veto be limited in cases of mass atrocities.

¹²³ Webb, P. (2014). Deadlock or restraint? The security council veto and the use of force in Syria. *Journal of Conflict and Security Law*, 19(3), 471-488.

¹²⁴ *Ibid.*

A year later, nearly twice as many global leaders used their platform at the UN General Assembly's opening session to urge the permanent members of the Security Council to voluntarily forego exercising their veto power in the event of a mass tragedy. Once more, over 60 governments demanded that the Council be reformed generally, and dozens of them also mentioned the ongoing Syrian civil war and the atrocities committed by ISIL in Iraq as heinous crimes which needs immediate action. More than 20 additional foreign ministers attended a high-level side event sponsored by the foreign ministers of France and Mexico on the fringes of the General Assembly as political momentum grew, and all of them spoke in favour of veto restriction.¹²⁵

Present Situation in Syria

In late November 2024, a coalition of opposition organisations in Syria, commanded by Hayat Tahrir al-Sham (HTS), began a swift onslaught that resulted in the capture of Aleppo, Hama, Homs, and eventually the capital, Damascus. As a result of this attack, Assad's regime was overthrown, and Ahmed al-Sharaa, the head of the HTS, was appointed to oversee the transitional government. Since then, the new Islamist rulers had used Idlib province as a model for government. Idlib, which was formerly a war-torn area, is now a thriving commercial centre that draws customers and traders from all over Syria. To promote economic growth, the HTS leadership had put in place corporate incentives like to those found in Dubai's free economic zones. The area is a symbol of resilience since it provides relative stability and economic possibilities despite the suppression of political opposition. There are also significant changes occurring in the Kurdish areas of northern Syria. The imprisoned head of the Kurdistan Workers' Party (PKK), Abdullah Öcalan, had called for the dissolution and disarmament of the organisation, which might put an end to the 40-year war with Turkey. For Öcalan-influenced Syrian Kurdish organisations like the Peoples Protection Units (YPG) and its political affiliate, the Democratic Union Party (PYD), this revelation had important ramifications.

However, Mazloun Abdi, the commander of the Syrian Democratic Forces (SDF), stated that Öcalans call is meant primarily at the PKK in Turkey and does not apply to the SDF in Syria. Tensions between the SDF and Turkish-backed organisations as well as the new Damascus government still exist. The humanitarian situation is still grave despite political changes. Humanitarian help is needed for more than 16 million Syrians, including more than 7 million

¹²⁵ Melling, G., & Dennett, A. (2017). The Security Council veto and Syria: responding to mass atrocities through the "Uniting for Peace" resolution. *Indian Journal of International Law*, 57(3), 285-307.

children. More than 90% of people live below the poverty line, indicating that economic hardship is still present. About 297,300 Syrians returned from neighbouring countries since early December 2024, while many still struggle with relocation and displacement.

In conclusion, Syria is currently during a multifaceted landscape that includes ongoing humanitarian crises, regional power shifts, and political upheaval in the years 2024-2025. Even though the Assad regime's downfall created new opportunities for governance and regional dynamics, there are still substantial obstacles to attaining long-term stability and addressing the profound humanitarian needs of the Syrian population.

Critical Analysis

The Security Council has the authority to take meaningful action on behalf of its member states to address the negative consequences on the global community and the disregard for human rights brought about by the Syrian crisis. However, due to the challenges of coordinating a joint action in agreement, the countries at the centre of the discussions—most notably the permanent members—restricted the Security Council's action to neutralise the Syrian conflict from being fully successful.

The primary goal of the R2P, is to 'prevent and respond to genocide, war crimes, ethnic cleansing and war crimes against humanity ensuring states have a primary responsibility to protect their population, with the international community stepping in when necessary'.¹²⁶ Therefore, to fulfil their duty for intervention in these areas, nations should act in accordance with three pillars: prevention, reaction, and construction. The first pillar upholds the idea of sovereignty in the international system by stating that states have the right to defend their populations against crimes including mass atrocities. Since prevention is the key component of a successful R2P approach, the second pillar relates to the international community and establishes other nations' commitment to help states create capacity to avoid mass tragedies. The third pillar concludes by saying that when a state is unable to adequately protect its citizens, it is the duty of the international community to take action to ensure that the unstable situation that directly threatens the population's well-being is resolved through legal channels.

¹²⁶ Office of Genocide Prevention and the Responsibility to Protect.

‘Each State has a responsibility to protect its populations through necessary and appropriate means, and the international community, through the United Nations’’, also has the responsibility to use diplomatic, humanitarian, and peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations which include the use of force by military interventions in unstable locations,’ according to a 2005 United Nations’’ summit that defined the scope of R2P.

Therefore, in situations where ‘genocide, war crimes, ethnic cleansing, and crimes against humanity, which have been previously defined in international law by the Rome Statute and the International Court of Justice,’ are observed, the R2P protocol may be invoked to support such interventions. Therefore, the Syrian scenario exemplifies the conditions necessary for it to be covered under R2P. The international community, particularly the Security Council, is failing to fulfil its duty to protect the Syrian people and to seek orders to eliminate the present threat to international stability and peace because there isn't any thoughtful action to address the crisis.

The crisis in Syria persisted for many years since the conflict started, and the Security Council had not been able to reverse hostilities in the region. This makes the Council’s internal disagreement the primary barrier to better cooperation in the face of civil war. Because of a complex situation involving intricate conflicts of interest in the region and its development, which reflects the historical polarisation of the international system and was being passed on to the dynamics of the United States, the United Kingdom, and France, and in contrast, Russia and China, the permanent members of the Security Council do not fit into a consensus-driven axis.

Therefore, the conflict between the United States and Russia constitutes the largest front of disagreement between the Security Council's deliberations, with the other permanent members being influenced by their respective allies in the international scene regarding the votes and procedures during the security discussions. The division represented by the countries has been present since the establishment of the Security Council and this division continued to be a driving force behind deadlocks within the organisation's internal dynamics, impeding multilateral negotiations and leaving the Syrian situation without immediate solutions.

The way Russia approached its foreign policy since Vladimir Putin became President of the country in the early 2000s informs its stance in the Syrian crisis. Since then, Russia highlighted important economic areas like war and hydrocarbons, and Putin's government is working to

establish itself in the eyes of the world while economic growth is accelerating. This behaviour is intended to strengthen its standing as one of the major international actors in the present global agenda's securitisation.

A significant contributing component to comprehending Russia's role in the Syrian crisis was the historical support for the Assad administration from the Russian people, and even military collaborations. Accordingly, 'Russia's strategic bias towards its involvement in the conflict, as reflected by the need to maintain its outpost in the Middle East.' The Russian presence at the port at Tartus, the capital of the district of the same name, guarantees that the Syrian government has authority and influence over this region of the Mediterranean Sea. Furthermore, the 2015 facility at the Hmeymemim air base in Latakia, northwest of the Syrian Mediterranean coast, further supports Russia's regional strategic goals.

There was also the Russian fleet in the Caspian Sea, reaching targets of the Islamic State in Syria, demonstrating the country's military strength.

The Russian directives and American actions in the Syrian war were diametrically opposed. In line with the principles of a neoliberal democracy, the United States aimed to overthrow the Syrian regime and install a government that is more supportive of Western interests. In accordance with the principles outlined in the UN-established agreement, the United States concentrated its efforts to overthrow Assad's autocratic regime by treating the problem as a humanitarian emergency that needed to be resolved immediately rather than by using force.

Russia and the United States were involved in the Syrian civil war for economic reasons as well, and their divergent stances are predicated on their conflicting plans to supply the European market.

The project, which was a joint venture with Syria, Iraq, and Iran and was supported by the Russian government, entails constructing a gas pipeline that will transport gas from Russia and Iran to Europe. However, a gas pipeline project is also underway to feed European territory from Qatar's reserves, via locations in Israel, Saudi Arabia, Jordan, Syria, and Turkey.

As the domestic regimes of the Security Council's member countries, particularly the permanent members, shift, so do the council's internal dynamics. It is now possible to say that the P5's ongoing conflict, in which China and Russia steer their actions with more assertive and unfavourable stances on direct interventions that could alter the upkeep of the current order that benefits them, is the reason the organ has not moved further in responding to the Syrian

crisis. However, the United States and the other permanent nations look for practical ways to justify operations that serve their own external goals. The international community is therefore skeptical of the Security Council's capacity to address the escalating threat to international security posed by the Syrian crisis, especially considering the clear involvement of numerous non-state actors through organised crime, militia groups, and terrorist organisations.

The costs of the Security Council's interventions in sovereign states in times of security vulnerability are significant, not only in monetary terms but also considering international politics, particularly with relation to the operations' legality. Because of this, the international community must agree to bear the very high political cost of carrying out a violent intervention in a sovereign state.

Therefore, in addition to being implemented using methods that these actors deem appropriate, the intervention must be in line with the goals established by the governments and other parties engaged to be considered effective in its political nature and gratifying.

It was implied that any attempt to operate on Syrian territory was not made with legal tools and loses its political consent before the international community because the Security Council's member nations, who are the parties most directly involved in the Syrian conflict, disagree about how to carry out an intervention. In this sense, the Security Council was unable to take any action to address Syria's humanitarian catastrophe.

Since the international system exhibited a different conformation than that of now, the criteria for the location of the major security powers change according to the powers of the economic, geopolitical, strategic, and military order, and they go back decades.

The United States and Russia continued to maintain a dichotomy through the propagation of their interests in the Syrian conflict and other delicate aspects of the Middle East situation because the past configurations had been maintained and modified to fit the current arrangements. Furthermore, the individual stances of the concerned countries obstruct not only the Security Council's deliberations but also the strategic management of the war on and surrounding Syrian land. Due to political conflicts between the players who have veto power and frequently take over each other's decisions if they directly or indirectly offend their goals in the disputed region, the organ's deliberative activities become more stale and less effective.

Conclusion

The principle of non-intervention by the United Nations' highlights an essential debate in international relations regarding state sovereignty versus global responsibility. While the UN was established to promote peace, security, and human rights across nations, its commitment to non-intervention must be carefully balanced with the need to address egregious violations of those very principles. The limitations imposed by non-intervention can lead to significant moral and political dilemmas when states engage in acts of aggression against their own citizens or neighboring countries.

In many instances, the UN's hesitant stance on intervention has resulted in inaction during humanitarian crises, allowing atrocities to go unchecked. Such situations illustrate the urgent need for the international community to reassess the implications of non-intervention and explore pathways for effective, ethical responses that uphold human rights without infringing on state sovereignty.

While the principle of non-intervention is rooted in the respect for sovereignty and self-determination, the international community must prioritise human rights and collective security. A nuanced approach that allows for timely and effective intervention, particularly in the face of humanitarian crises, is essential for the UN to fulfill its core mission and responsibilities as a global peacekeeping entity. The challenge lies in finding a balance that ensures both respect for sovereignty and protection against human rights violations.

The non-intervention of the United Nations' in the crises of Myanmar and Syria presents a complex narrative that raises critical questions about international responsibility, sovereignty, and the effectiveness of global governance. Both situations highlight the limitations of the UN as an entity designed to promote peace and security, yet hindered by its own structural and political constraints. In reflecting on these two distinct yet interconnected case studies, it becomes evident that the underlying issues of state sovereignty, geopolitical interests, and the varying interpretations of humanitarian crises contribute significantly to the UN's hesitance or inability to act decisively in the face of egregious human rights violations.

In Myanmar, the military coup exacerbated an already volatile situation characterised by longstanding ethnic conflicts and systemic oppression against the Rohingya population. The international community, particularly through the lens of the UN, has grappled with the challenges of intervening in a member state that asserts its sovereignty over internal matters. While the UN has issued strong statements condemning the violence and calling for

accountability, tangible actions have often been hampered by the geopolitical realities in Southeast Asia. Nations such as China and Russia have exercised their veto power in the Security Council, prioritising state sovereignty and stability over humanitarian considerations. This reality underscores a critical paradox: the UN's founding principles of protecting human rights often clash with the principles of state sovereignty, leading to paralysis in international action.

Similarly, the Syrian civil war, which began in 2011, exemplifies the catastrophic consequences of the UN's non-interventionist approach in a context where civilian suffering reached unprecedented levels. Despite the UN's acknowledgment of the crisis and its profound humanitarian implications, efforts to pass meaningful resolutions faced consistent obstructions from key international players with vested interests in the conflict. The use of vetoes by permanent members, particularly Russia, has stymied any potential military interventions, leaving millions of Syrians vulnerable to violence, displacement, and desperate humanitarian conditions. The failure to act decisively not only allowed the conflict to escalate but also sent a troubling message about the UN's ability to uphold its responsibilities towards global peace and security.

Moreover, these cases expose the inconsistency in the application of international norms regarding intervention and the protection of civilians. The Responsibility to Protect (R2P) doctrine, which was designed to prevent mass atrocities, remains under-utilised and selectively applied, often influenced by the political will of powerful states. This inconsistency raises ethical questions about the priorities of the international community and highlights a system that favors stability and non-interference over the imperative to protect vulnerable populations. The experiences in Myanmar and Syria prompt an urgent re-evaluation of the UN's approach to intervention, necessitating a more coherent, principled, and action-oriented framework that transcends political interests.

The non-intervention of the UN in Myanmar and Syria is emblematic of larger systemic issues within international relations, where geopolitical considerations and state sovereignty often outweigh humanitarian imperatives. As the global landscape continues to evolve and face new threats, it is imperative for the UN and its member states to reflect on the consequences of inaction and to forge a more robust approach to crisis response. The lessons learned from these tragic situations should galvanise a renewed commitment to uphold human rights and provide timely assistance, ensuring that sovereignty does not serve as a shield for oppression.

Ultimately, the international community must strive to balance respect for national sovereignty with the moral obligation to protect those in dire need, reaffirming the principle that humanitarian action should remain central to global governance.

The United Nations' must ultimately reevaluate its goals; it shouldn't give up on multifaceted operations since it understands that only a complete strategy has a chance of success in complicated conditions. However, it should not be 'supply-driven;' rather, its agenda should be more disciplined and targeted, concentrating only on the areas that are essential to a state apparatus's long-term viability: governance, security, the legal system, and tax collection. Therefore, the UN must be extremely modest about the outcomes it hopes to attain while simultaneously being very ambitious about the strategies it is willing to implement, testing out novel ideas and re-examining long-standing procedures.

Chapter 6

Reform and Restructuring of the United Nations

The United Nations' was established in 1945 with the goal of preventing wars, promoting peace, and fostering international collaboration. However, in today's interconnected world, the UN must adapt to new challenges such as climate change, cybersecurity, altering power dynamics, and changing humanitarian needs. To remain relevant in a changing world, the UN must continue to restructure its internal structures and encourage collaboration among an increasingly wide spectrum of global stakeholders. Maintaining the organisation's legitimacy and effectiveness will require ensuring that it reflects the reality of today's geopolitical scene, handles new global dangers, emphasises global collaboration, inclusion, and adaptability in order to fulfil its mandate of fostering peace, security, and sustainable development.

The chapter will address different reforms for the better functioning of the United Nations' such as organisational reform, financial reform, reforming the veto system etc. It will also address the need for increasing of the numbers of the permanent five members of the Security Council. The chapter will also discuss the ways of restructuring the United Nations'. This chapter concentrates on improving the UN's efficacy and openness, because the need for changes has gained fresh impetus.

The phrases 'Reform' and 'Restructure' of the United Nations' are sometimes used synonymously, they have different connotations and implications. Efforts to increase the United Nations' efficacy, efficiency, and responsiveness to global issues are referred to as reform. It usually entails modifying current procedures, rules, and systems to make the organisation more responsible, inclusive, and equipped to handle contemporary issues. Improving the Security Council's operations, strengthening humanitarian and peacekeeping missions, and encouraging improved financial management and transparency are some of the main reform issues.¹

However, restructuring the United Nations' entails more significant adjustments to its power structures or organisational design. This may entail restructuring its specialised agencies to better represent contemporary geopolitical realities and emerging global challenges, or

¹ Bertrand M. (1995). The UN as an organisation. A critique of its functioning. *European Journal of International Law*. Vol 1(2). pp. 349-359.

changing the composition of its decision-making bodies, including enlarging the Security Council.² Restructuring is often more extensive, reshaping the UN's overall structure and how member states interact within it.

In essence, reform focusses on optimising current processes, whereas restructuring seeks to alter the UN's organisational framework to meet the demands of a changing world.

The United States and the then Soviet Union (now replaced in the UN as Russian Federation), which are both permanent members of the United Nations' Security Council together with China, France, and the United Kingdom, turned the United Nations' into a major theatre of battle during the Cold War. The Soviet Union often blocked resolutions that Washington supported and supported governments that committed grave violations of human rights.

The Secretary-General, Guterres listed six UN procedures and organisational systems that were in desperate need of reform. He cited a disjointed and inadequate management structure as the cause of the delayed and unresponsive service delivery. He called the Assembly's attention to the pervasive lack of trust that exists between member states and UN personnel, in addition to insufficient funding and poor execution during enforcement of peace. Finally, the Secretary-General sought to address the organisation's inefficiency in accountability and openness. There were certain areas that was highlighted as it required immediate reformation.

Upon detailed examination of the United Nation's operations and structure, certain organisational elements have grown convoluted, superfluous, inflexible, redundant, and disjointed, hence impeding the organisation's efficacy. Reforms in the areas of management, organisations, and finances have therefore been emphasised. Second, the need for the Security Council to be restructured had gained traction in the post-Cold War era, when the body was comparatively unstigmatised in its decision-making process. Demands for Security Council reform includes changes in the voting mechanism, the decision-making processes, and above all, the Council's composition.

² Beardsley K. and Schmidt H. (2012). Following the Flag or Following the Charter? Examining the Determinants of UN Involvement in International Crises, 1945–2002. *International Studies Quarterly*, 56 (1), pp. 33-49.

Need for Reforms

The United Nations', which represents multilateral collaboration and a goal to better the world, is the most powerful international organisation in the world. The biggest obstacle facing the organisation is the stubbornness of the Security Council's permanent members, which frequently prevented it from taking effective action on important international issues. Therefore, reforming the Security Council to be more cooperative and consensus-building, as well as more inclusive, representative, transparent, and successful, is essential to the success of the United Nations' as a whole.

The Security Council's existing membership, responsibilities, and authority structure prevents it from properly responding to the numerous problems plaguing the world. It is the responsibility of civil society and the other UN members to keep pushing for internal change, even if it has become increasingly clear over time that its permanent members are not particularly interested in it.

Strong nations are gravitating towards nationalism, populism, and unilateralism at the expense of multilateralism and cooperative action; thus, it is imperative that the Security Council remain cohesive and forward-thinking to successfully guide the United Nations' system towards achieving its objectives.

Organisational Reforms

The United Nations', which was established in San Francisco in 1945, is ill-prepared to handle the intricate problems of the modern world. Boutros Boutros-Ghali, the then UN Secretary-General, started an efficiency initiative in November 1995 to hasten changes in the Secretariat's administration. The reforms included creating accountability standards, strengthening managerial training, supporting the appointment of an Inspector-general for internal oversight, supervising significant staff reductions, and reducing the regular 1994–1995 and 1996–1997 budgets.³ Additionally, thirteen offices were consolidated into three departments. Part and parcel of any reform program was the reform of the UN Secretariat. In order to reach the targeted 1000 post reductions by the end of 1998, Secretary-General Kofi Annan implemented significant staff cutbacks.⁴ This ultimately resulted in decrease in administrative expenses and a budget with zero growth.

³ Reform. The Bulletin of United Nations' Reform. (1993) UN Publication. No.3, 16. pp.8

⁴ General Assembly Plenary - 3 Press Release GA/9405. 84th Meeting. 1998.

Kofi Annan, the seventh Secretary-General of the United Nations', released multiple reports on the UN reforms focusing mainly on improving the UN efficiency, coordination, and inclusion of members. According to Kofi Annan in one of his reports 'In Larger Freedom' in 1998, stated that the organisation's most significant resource, its staff must have the resources, power, and support necessary to carry out their duties. The foundation of the reform process was the idea that the changes were made to improve the organisation's efficiency and capacity to achieve its objectives, which included maintaining world peace, rather than just for the sake of reform. The United Nations' was in the process of implementing a result orientated and mission driven culture.⁵ Management of human resources was essential to these endeavors. The Task Force on Human Resources Management was also created by the Secretary-General Kofi Annan, whose main purpose was to coordinate human resources management with the United Nation's reform plan and modifications to the organisation's structure and culture.⁶

The Secretary-General Kofi Annan, promoted organisational changes while highlighting the devolution of authority. It was necessary to make the fundamental change towards giving managers and department heads more authority delegation. The other proposals for implementing reforms included simplifying rules and procedures, introducing a staff training program, reducing the number of employees in administrative positions and reserving them for other assignments, and further automating administrative procedures to cut down on layers of bureaucracy and expedite tasks like hiring and staff placement. The Secretary-General also envisaged an organisation culture that will increasingly empower managers to manage the entire spectrum of resources at their disposal. They will thus be held responsible for the appropriate, effective, and efficient use of those resources in addition to the outcomes. It was required of managers to foster a feeling of team spirit among employees, provide them with clear direction and purpose, and oversee their continuous professional growth. The goal was to create a creative, capable, and accountable worldwide team of employees with the necessary expertise, flexibility, mobility, and versatility.⁷

A reform mechanism had been set up to offer the Secretary-General suggestions for tactical structural adjustments and to move quickly on them. Annan reorganised and streamlined the Secretariat via departmental restructuring, which aimed to improve collaboration and remove

⁵ UN Doc A/51/950. 1997

⁶ Task Force on Human Resources Management. Reform. (1998). The Bulletin of United Nations' Reform. No.4,12.

⁷ United Nations' Focus Series. (1998). Staff become focus of United Nations' modernization; New management culture key to revitalization. United Nations' Department of Public Information.

redundant tasks within the Secretariat. The four subject areas of peace and security, operations for social and economic development, and humanitarian concerns comprised over 30 UN agencies. Additionally, he formed a senior management committee, akin to a cabinet, made up of senior managers and secretariat officials in order to simplify the administration. Given the vast scope of the Secretary-General's responsibilities, reform suggestions had been made to create a deputy Secretary-General who will be exclusively responsible for the Secretariat's executive and administrative duties. In addition to ensuring improved administrative cooperation and efficiency across departments and control, this will provide the Secretary-General more independence and time to focus on the major political issues facing the world. As the main administrative officer of the UN bureaucracy, who reports directly to the Secretary-General, may take on all administrative, human, and financial resource-related responsibilities. The resolution 'United Nations Reform,' which established the position of Deputy Secretary-General, was approved by the General Assembly.⁸ Due to these efforts, a negative growth budget was reached, and resources started to move from sectors of low importance to those of high priority. The Secretary-General asked the General Assembly to actively participate in enacting changes in 1998 when he presented reform ideas to the Assembly.⁹

In an effort to restore member states' faith in the United Nations' governance and initiatives, Kofi Annan emphasised the crucial role that the organisation must play in the global community. The Secretary-General aimed to propose reforms in the field of peace and security which was one of the main concerns of the international community. Despite conditions of great need, the Security Council was not excited about fresh peacekeeping missions following the experiences in Somalia, Rwanda, and the former Yugoslavia. The creation of an early warning system, a clear plan for the withdrawal of soldiers, and a rapid troop deployment capability were among the reform initiatives that were suggested. This would enable the United Nations to respond to disasters and political crises more quickly and efficiently.

Since March 1999, the Secretary-General implemented a number of reforms, including creating a Department of Economic and Social Affairs to oversee the Secretariat's operations, reorganising the Secretariat's machinery to coordinate humanitarian aid under the direction of an Emergency Relief Coordinator, combining UN funds and programs with development operations into a UN Development Group, and enhancing the UN's ability to build peace after conflict by designating the Department of Political Affairs as its focal point. Additionally,

⁸ UN Doc GA/9388. 1997.

⁹ UN DOC. A/51/950. 1997.

reform had led to significant personnel and budget savings, and the simplification of policies and processes has ensured a decrease in administrative expenses. The final goal was to create an organisation that was more productive and efficient and that placed a fresh focus on development, social, and economic initiatives. The Secretary-General presented the General Assembly with his primary reform report, which included several significant reform aspects that, if put into effect, was anticipated to have a favourable effect and significantly enhance the United Nations' structure and operations.¹⁰

The 'Development Dividend Fund' was one of the most significant initiatives. The underlying presumption that any benefits attained as a consequence of productivity improvements, such as streamlining and simplifying processes and procedures, would be deposited in the Development Account was clarified in the Secretary-General's memorandum on the use of the Development Account. In addition, Kofi Annan emphasised the need for the UN to have a 'Millennium Assembly' in order to help present a progressive image of the organisation and get it ready for the twenty-first century. With an eye towards closing the achievement gap between aspiration and reality, the 'Millennium Assembly' should revisit and evaluate the goals and methods by which the UN has worked to attain its goals.¹¹ The Secretary-General also underlined that re-examining the fragmentation within the UN members should be the focus of efforts. The primary aim of the Millennium Assembly needed to furnish the United Nations' with targeted strategic direction for the upcoming period. In addition, non-governmental organisations and other civil society initiatives was urged to host a 'Millennium Forum' in conjunction with the 'Millennium Assembly' to enable global citizens to actively participate in the UN reform process.¹²

The Secretary-General introduced the 'Sunset-Provisions'¹³ in 1999 within the area of peace and security, implying that significant financial obligations and time constraints be specified for new mandates including organisational restructuring. Every new UN Security Council initiative would have a deadline, financial and resource allocation would be focused on results, and the General Assembly would need to renew the mandates in order for them to continue. The Secretary-General stated that such a clause would assist in lessening the needless,

¹⁰ UN DOC. A/51/950.

¹¹ UN DOC. SG/SM/5428, ORG/1288

¹² UN Doc. A/52/850

¹³ UN Doc. A/52/851

protracted prolongation of UN participation in crisis situations in order to prevent needless pressure on the financial and other resources at the UN's disposal.¹⁴

The 'Revolving Credit Fund Report'¹⁵ and the 'Pilot Projects on Budgeting Practices and Procedures'¹⁶ was also presented to the Assembly by the Secretary-General. The organisation's financial flow would be relieved by the proposed 'Revolving Credit Fund' through short-term advances secured against delinquent assessed payments. Also, a novel idea about trusteeship was put up. The General Assembly affirmed its resolve to enhance the United Nations' role, capacity, effectiveness, and efficiency and thereby improve its performance in order to realise the organisation's full potential after debating the Secretary-General's report titled 'Renewing the UN: A Programme for Reform.'¹⁷

The General Assembly authorised the Secretary-General's proposed reforms in two resolutions that were voted in November and December of 1999. The Assembly asked the 'Fifth Committee' to look into the impact of 'Pilot Projects on Budgetary Practices and the Development Account Revolving Credit Fund'.¹⁸ Kofi Annan said that the General Assembly's swift decision and unanimity in supporting the reform package speak highly of the UN's ability to reform itself, where reform was defined as adopting core policies that fortify the institution and increase its effectiveness.¹⁹ Strengthening the organisation's role and improving its ability to perform the tasks indicated in the Charter was the primary goal of the reform. According to Kofi Ann, reform initiatives will result in a more 'efficient and cost-effective UN organisation, a budget that is more devoted to solvency and development objectives, and better-coordinated and responsible administration.'²⁰

Groups and committees were also established to carry out the suggested reforms. The two most significant ones are the newly formed 'Management Reform Group' under the Department of Management and the 'Steering Committee,' which was led by the Executive Coordinator for United Nations' Reform. The latter has been concentrating on management reform initiatives across the Secretariat in an effort to increase the coherence and effectiveness of its operations.

¹⁴ UN Doc. A/52/851/Corr. 1.

¹⁵ UN Doc. A/52/822.

¹⁶ Ibid.

¹⁷ UN DOC A/RES/52/12.

¹⁸ GA/9405. 1998.

¹⁹ Secretary General sets course for long awaited UN revitalization - A Report. Published by UN Department of Public Information, January, 1998. pp. 6.

²⁰ Kofi Annan. (2000). UN Reform: Consensus built, in part through Compromise. UN Chronicle. No. 4. pp. 5.

The organisation's declining financial status was another issue that has to be addressed. It would be challenging to maintain the process if the change was not backed by strong financial competence. The United Nations' impending insolvency and the state of disarray around the international organisation's financial system pose a danger. Not only will the United Nations' be unable to handle the difficult tasks ahead of it, but it was also becoming more financially precarious and unstable unless immediate steps were taken to reduce to size the enormous and extremely complicated bureaucracy of the United Nations' and remove some of its rigid features.

Reforms whether they are structural, financial, or organisational in nature must be implemented. The operation, competence, and efficiency of the Security Council will undoubtedly be impacted by the UN reform problem, given that the Council is a crucial executive body within the UN. It would be unethical to limit the Security Council by depriving it of financial support, discipline, and support from the United Nations' Organisation, given that it has expanded its activities and responsibilities beyond its traditional peacekeeping duties. To further increase the Security Council's efficacy, power, and authority, structural and operational improvements have also taken precedence.

Financial Reforms

The financial crisis is the most serious difficulty United Nations' is confronting. Even though the international community has faith in the UN to help resolve its numerous social, political, and economic issues peacefully nonetheless, the tools provided to it to carry out its obligations is insufficient. The United Nations' have the authority to such a complex mission, yet the government hardly provides adequate resources.

Consequently, the United Nations' finds itself unable to handle effectively, the danger to world peace and thus, stability is significantly disrupted. The operational capacity of the United Nations' and program goals aren't able to fully align with the vast scope of its deliberative agenda.²¹ If the United Nations' wants to become seen as an efficient, forward-thinking, and responsive organisation, it must immediately restructure its current finance structure.

The non-payment of assessed dues by Member states is the root cause of the United Nations' financial difficulties. A press release dated April 5, 1995 said that member nations owed the

²¹ Statement of Secretary-General, UN Chronicle. No. 3,1997, pp. 4.

UN a total of \$2.8 billion.²² Of that sum, \$1.7 billion went for peacekeeping efforts, while \$1.1 billion was allocated for assessments for the regular budget. The biggest debater, the United States, owing \$553 million for peacekeeping and \$527 million for the regular budget. The Russian Federation owes \$565 million for peacekeeping and \$63 million for the regular budget.²³ Although the expansion of UN activities increased confidence in the organisation's ability to meet the needs of the international community, the ongoing failure of some member states to fulfil their legal obligations to pay assessed contributions in full and on time puts the organisation in a difficult financial situation.²⁴

For a variety of reasons, including poverty and fiscal intricacies, many member nations neglect to pay their dues on schedule and in full; yet others have delayed payments to further political agendas. The United States of America may be referenced in this circumstance. It said that before it will approve the payment of US dues, the global organisation must be simplified and have fewer employees. Another grievance voiced by the US was that it was contributing an excessive amount to UN costs and that it wished to see a reduction in future US evaluations.

The required contributions were determined by evaluating the national income. This is mostly based on the average national income over the previous ten years of national income. The United States contributes a maximum of 25%, with Japan (12.45%), Germany (8.93%), and the Russian Federation (6.71%) being the next three largest providers, all falling between 6.01 and 15.00%.²⁵ Over 80% of the UN budget is contributed by the 15 major donors to the regular budget, while the remaining 111 member states pay between 0.01 and 0.05%, or 1.59% of the total.²⁶

However, the primary issue lies in the whole reliance on member states' willingness to make timely and comprehensive payments. This essentially equates to the most significant contributors exercising a financial veto. Member states have 30 days after the Secretary-General's notification to make their full and timely payment. The United Nations' cash flow issue is mostly the result of late payments rather than nonpayment, which creates significant financial instability. The member states try to keep their arrears just below the amount owed

²² GA/1886. 1995.

²³ Ibid.

²⁴ Boutros Ghali. (1994). *Building Peace and Development 1994*. Report of the work of the Organisation for the Forty-eight to the Forty ninth session of General Assembly, New York, UN. pp. 55.

²⁵ Boutros Ghali. *Building Peace and Development 1994*. Report of the work of the Organisation for the Forty-eight to the Forty ninth session of General Assembly, New York, UN. p. 55.

²⁶ Boutros Ghali. *Building Peace and Development 1994*. Report of the work of the Organisation for the Forty-eight to the Forty ninth session of General Assembly, New York, UN. pp. 55.

for two years in order to avoid breaking Article 19 of the UN Charter and to maintain their right to vote in the General Assembly.²⁷ However, unless the United States, the biggest debater, makes its debt payments more quickly and in full, the severity of the financial crisis facing the United Nations' will not decrease.

Additionally, the funding for United Nations' peacekeeping missions is inadequate and leaves much to be desired. Not only are the financial resources for each new UN mission woefully insufficient, but there is an urgent need for improvements to the evaluation system and the whole procedure by which the member states provide the money for peacekeeping. The peacekeeping missions' funding mechanism moves quite slowly. Following Security Council approval, the Secretariat drafts a mission budget that has to be approved by the Fifth Committee of the General Assembly, the General Assembly itself, and the Advisory Committee on Administrative and Budgetary Questions.

The challenge lies in the absence of a designated budget that may be employed to support peacekeeping endeavors. Rather, funding for each peacekeeping mission is allocated independently, and the Secretary-General sends several requests for peacekeeping assessments to each member state annually. The issue of distributing substantial sums of money from their national budgets sometimes arises for the members. This issue is made worse by the fact that the Secretariat oversees a number of peacekeeping operations for the Security Council, which usually gives its approval for missions that last three or six months.

The five permanent members of the Security Council are primarily responsible for funding peacekeeping efforts by contributing more to the regular budget than they are required to. Owing to the United Nations' Security Council's repeated involvement in crisis situations, even economically advanced and industrialised member states are growing hesitant to contribute further or take on new peacekeeping missions that are unlikely to be successfully completed in a set amount of time.

It has been noted that the primary flaw in the current financial system is that it is too sluggish and rigid to adjust for shifts in the relative wealth and ability to pay of different nations.²⁸ Several cases might be taken into consideration to better evaluate this issue. The United Nations' statistics have not yet caught up with the significant decline in the ability of Central

²⁷ Article 19 of the UN Charter.

²⁸ Fact Sheet: UN Peacekeeping Operations, with State Department date on US Funding Assessments, US Foreign Policy Agenda, Peacekeeping and Regional Stability. pp. 40. USIS, Delhi.

and Eastern European nations to pay. If the current budgetary deficits in the United Nations' regular and peacekeeping budgets are not sufficiently addressed, they might worsen the financial crisis.

The political will of member states to support the United Nations', lead realistic reform, and not be solely driven by their own national interests is a necessary condition for the introduction of genuine reforms, whether in the Secretariat or the financial arrangements. Concerning the United Nations' finances, 'new and more secure means of funding the United Nations' are required, along with a modification in the assessment computation process.'²⁹

In order to help the financially challenged United Nations', the Secretary-General, Kofi Annan, also looked for voluntary and private donations for a \$1 billion 'Revolving Fund'. The Fund's goal would be to address cash flow issues so that the international organisation would be less susceptible to significant donors' arrears. The Independent Advisory Group (IAG) also made several noteworthy recommendations about UN finance in an effort to lessen the negative effects of the financial crisis on the United Nations' vital commitments and developmental initiatives. The 'Ford Foundation' created this group after emphasising in its report that the United Nations' had to be guaranteed timely access to funding in order to fulfil the commitments made by its member nations.³⁰ The notion that all member states have a legal duty to promptly and completely pay their assessed United Nations' dues was reaffirmed by the IAG.

Considering the assessment scale, it therefore emphasised the primary contributors' accountability. The Group suggested that rather than paying the dues in full at the start of the year, they should be paid in four quarterly installments. Furthermore, the Group noted that under this revised timetable, the United Nations' should have the power to impose interest on overdue payments. The member states aim to save money even at the expense of their obligations as members of the global organisation, but they encounter challenges in aligning their national budget year with the UN calendar year. Additionally, the Working Capital Fund level should be increased from \$100 to \$200 million, or around 20% of the existing regular UN budget, according the IAG's recommendation. This would halt the UN's current practice of borrowing money from its peacekeeping accounts to meet normal budget costs and drastically

²⁹ Margaret Anstee. Under-Secretary General of UN. (2009). What price Peace and UN Reform. *The Round Table. Issue 346*. pp. 227.

³⁰ Financing An Effective UN: A Report of the Independent Advisory Group on UN Financing. (1993). A Project of Ford Foundation, New York, Ford Foundation. pp. 5.

lessen the organisation's cash flow issues. The idea that the UN should take loans from private organisations was rejected by the IAG. 'The UN is not a commercial entity nor can it be compared to a national government,'³¹ the statement said. Additionally, IAG suggested creating a single yearly assessment to fund a single peacekeeping budget.

It is an unavoidable fundamental and harsh fact that no number of measures can resolve the United Nations' financial issues or ensure that each member state pays on time and in full. Any nation whose assessed contribution increases as a result of systemic change, whether on the regular or peacekeeping scale, will present a variety of arguments against the reform.³² Therefore, it is necessary to provide incentives, both positive and negative—to support government incentives to stay out of arrears. In order to deter payment defaults, a complex array of measures should be designed as negative incentives. Member states should not only be barred from voting in the General Assembly but also from being elected to the Security Council and other UN bodies. Interest on arrears should be charged at the current market rate, and their countries should not be allowed to appoint anyone to senior positions within the organisation.

The financial situation had gotten to the point where the United Nations' cannot continue to operate effectively unless appropriate action is taken quickly. The international community must make sure that United Nations' forces have the financial resources to complete riskier and challenging missions, and it needs to be ready to endure even higher peacekeeping expenses in the years to come.

Given the multiplicity of demands on the United Nations', it is imperative that fundamental resources be made available to it on a consistent, guaranteed, and predictable basis.³³ It is imperative that each member state make a definite and unambiguous promise to waive their debts. If action is not made to address the financial crisis, the United Nations' Organisation will become obsolete. The existing financial structure must be reformed, the United Nations' system's financial resources need to be significantly increased, and the primary financial contributors' attitudes towards the United Nations' system need to change.

³¹ Financing An Effective UN: A Report of the Independent Advisory Group on UN Financing. (1993). A Project of Ford Foundation, New York, Ford Foundation. pp. 12.

³² David Hannay. (1997). UN Financing- A Report; Global Seminar on UN Reforms. World Federation of UN Associations (WFUNA). Calcutta, India, pp. 1

³³ UN Chronicle. Spring 1996. pp. 68.

Restructuring of the Security Council

Background to the Restructuring Efforts

The United Nations' peacekeeping missions have faced difficulties in carrying out their mandates in recent times and are presently experiencing a phase of retrenchment. Over the last ten years, a wide variety of field-based special political missions have been formed; nonetheless, they have not been exempting from the wider crisis of trust that has an impact on UN peace operations. To respond to complex emergencies more successfully, a move away from the current templated and bureaucratic approaches to planning and deployment towards more specialised, flexible, and people-centered mission models is required. Adapting to shifting power dynamics in international relations and incorporating new issues or players into those ties have been crucial components of this institution-building process.

The increased discontent of the majority of member states with their involvement in international economic relations and with the effectiveness of UN bodies in tackling issues of economic development and relations between industrialised and developing nations is reflected in the increased salience of UN restructuring. By the early 1970s, proposals for the establishment of 'a new international economic order' had permeated UN operations and forums from less developed countries. The urge to pursue UN institutional change had been closely linked to this endeavour. In fact, as the Secretary-General stated, 'the restructuring process was started in order to improve the UN system's capacity to function with the requisite level of efficiency, coherence, and speed in the direction of the creation of a new global economic order'.³⁴

The enormous expansion of economic and social development initiatives carried out inside the UN system after the expansion of membership from the developing countries had been one of the most significant aspects of the organisation's organisational and political history. Development agencies and programs had proliferated over the past few decades in response to the perceived needs of newly independent states, marking what has been called 'a major revolution in the concept of the role of the UN organisations in a dynamic world of rapid economic and social change.' In the 1970s, these economic and social endeavours accounted

³⁴ Dumisani S. Kumalo. (2001). The Question of Equitable Representation On, and Increase In the Membership of the Security Council and Related Matters. *South African Journal of International Affairs*, 8(1). pp. 135-136.

for four out of every five dollars spent annually inside the UN system, which came to more than \$2.6 billion.³⁵

Furthermore, the UN is now the site of extensive discussions, agreements, and policy recommendations about how to handle and develop international economic ties. The focus of many of these UN discussions has been on obtaining redistributive economic policies and increasing resources for economic development objectives. Therefore, the UN's focus in this area has changed significantly from sporadic attempts to support national economic programs in developing nations to coordinated calls for systemic changes in North-South relations that require significant concessions from industrialised nations on current international economic practices, principles, and results.

In 1975, calls for the establishment of 'a new international economic order' gained more attention, despite the fact that Western governments had grown numb to the 'redistributive rhetoric' and aspirations of poor nations. A series of international conferences in 1973 and 1974 gave this idea substantial political backing and content, and as OECD countries began to take notice of calls to change the global economic order in light of the new challenges and dangers posed by OPEC and 'oil diplomacy'.³⁶

The General Assembly started preparing for a special session in 1975 that would focus on international economic cooperation and development. Western nations saw this summit as a chance to defuse the escalating conflict between the North and South.

One of the six main issues for discussion in the negotiations leading up to the 1975 special session was the reorganisation of the UN system. However, preparations for a seventh special session were made prior to the sixth special session on development and raw resources.³⁷ In an unforeseen way, this 1975 summit politicised the discussion of UN institutional reform.

Restructuring the UN system to make it more responsive to the requirements of the revisions of the 'Declaration and Programme of Action on the Establishment of a New International Economic Order' as well as those of 'the Charter on Economic Rights and Duties of States' was, in fact, mandated by the sixth special session.

³⁵ Ibid.

³⁶ Lavanya Rajamani. (1995). Democratization of the United Nations. *Economic and Political Weekly*. Vol. XXX, No. 49, pp. 140.

³⁷ Lavanya Rajamani. (1995). Democratization of the United Nations. *Economic and Political Weekly*. Vol. XXX, No. 49.

The idea of UN institutional reform resonated with the industrialised West notwithstanding the effects of the sixth extraordinary session on the restructuring exercise. Western nations have been growing more and more frustrated with the UN system for over ten years. The apparent ‘obsession with voting’ and ‘politicisation’ that defined UN proceedings, especially when Western countries became a numerical minority inside the international body, was perhaps the most problematic elements.³⁸

Slowing down the growth of new organisations, projects, and conferences that characterised UN conferences was another significant issue. Developing nations' dissatisfaction with the current international forums was largely reflected in this kind of institutional and program growth, which was emphasised by the creation of UNCTAD and other organisations that followed. The interests of developing countries were thought to be under-represented in the discussions and decisions made by the UN Economic and Social Council, GATT, and international lending organisations.³⁹ Western authorities, however, felt that this proliferation weakened the authority and jurisdiction of established venues for international discussions, as well as the efficacy of the money and staff.

Lastly, Western countries felt compelled to start coordinating economic development initiatives inside the framework of the United Nations’. The swift expansion of UN initiatives in this field was perceived as inefficient and disorganised, devoid of significant assessment protocols and contemporary administration approaches. Although the UNDP was criticised for its inefficiency in these areas, its creation and subsequent efforts to coordinate development initiatives were attempts to solve these issues.

During the General Assembly's twenty-ninth session in 1974, Western discontent with the UN's structure and operations reached a ‘fever pitch’. The belief that the UN's usefulness and prestige in international affairs were diminished by the involvement of poor nations, as evidenced by their alleged automatic and ‘tyrannous’ majority, was strongly voiced.⁴⁰

John Scali, the then United States' ambassador to the UN, made a significant declaration on December 6, 1974, claiming that the UN was descending into a ‘shadow world of rhetoric,

³⁸ Predrag Vukasovic, *The Security Council and the New World Order*. *Review of International Affairs*. 1 April, 1992, Vol. XLIII, No.1003. pp.20.

³⁹ Obrad Radc. (1997). *Reform of the UN: Need for Division of Powers*. *Review of International Affairs*. Vol. XLVIII, No. 1061. pp.34.

⁴⁰ General Assembly Resolution 1991 (XVIII), No.2.

abandoning its important role in the real world of negotiation and compromise,⁴¹ a sentiment that other Western delegations also echoed.

A few months later, US Secretary of State Henry Kissinger expressed his profound displeasure with UN developments and demanded major reforms to the organisation's procedures to avoid a 'clouded future where ideological confrontation, bloc voting, and new attempts to manipulate the Charter to achieve unilateral ends threaten to turn the United Nations' into a weapon of political warfare.'⁴²

After a resolution denouncing Zionism as racist was enacted at the thirtieth General Assembly session, Western perception of the UN fell to its lowest point. Thus, even though the reasons and paths of the desired institutional reforms did not coincide with those of the developing world, there was a strong foundation for Western readiness to explore structural reform of the UN system by the time the seventh extraordinary session was called.

Restructuring of the Security Council

One of the main components of the UN's revitalisation is the reform of the Security Council. The Council's membership must take into account the modern environment and the shifting demands of the global community. In order to improve the Council's legitimacy, power, and representativeness, its membership must be increased. For years, there has been a call to increase the number of Council members. The need has gained additional impetus in recent years due to the shift in the global political landscape. The worldwide power structure has changed ever since the Charter was drafted.

The balance of power in the global arena shifted since the end of the Cold War. In international politics, ideological competition has become less important. Therefore, for reform to be relevant, it must consider the political realities of today.

The Security Council was intended by the drafters of the UN Charter to be an immediate, authoritative body that would take action if global peace and security were in danger. It would need to be well-coordinated, represent the five most powerful nations, and only take action if none of them opposed it in order to carry out its mandate effectively. But there had been 'the

⁴¹ Margaret Anstee. Under-Secretary General of UN. (2009). What price Peace and UN Reform. *The Round Table. Issue 346*. pp. 227.

⁴² Ibid.

discrepancy between the realities in international relations and the normative order based on the UN Charter.' The distribution of power in the global system was not sufficiently reflected in the Security Council's membership. Furthermore, it failed to take into account how that system had evolved over the years. Therefore, the matter of reorganising the Council in light of modifications to the international system, especially the issue of developing nations' representation, is a pressing concern for the international community today.⁴³

Article 23 was changed once specifically to address the need to give the Council a more representative character. At first, the Security Council had eleven members: five were permanent members and six were non-permanent members chosen by the General Assembly every two years. With the entrance of more recently independent states, the General Assembly's membership increased.⁴⁴ In 1963, a constitutional amendment was proposed in response to the expanded Assembly's demands for improved representation for the recently independent states.

A resolution on 'Equitable Representation in the Security Council and the Economic and Social Council' was approved by the General Assembly, increasing the number of non-permanent members in the Security Council from six to ten. Five members from Africa and Asia, one from Eastern Europe, two from Latin America, and two from Western Europe and other nations make up the 10 non-permanent members, who are chosen in accordance with the conditions listed in paragraph 3 of the resolution.⁴⁵

The topic of enlargement of the Council remains a focal point. The balance of power and alliance throughout the conflict were mirrored in the five members chosen at the Council's inception. The alliance's eventual dissolution and the power struggle that resulted in a near-death situation in the Council exposed the system's fundamental flaw. The Council showed itself to be unyielding and unaffected by shifts in the global scene or the political climate of the day. Shouldn't the changes in the global situation be reflected in its composition?

The post-Cold War world was characterised by the collapse of one of the two poles of global equilibrium, the rise of several power centres, the growing significance of economic power, and the US's military and political dominance. There had been accusations that a small number of nations turned the United Nations' into a tool in their hands, exploiting the international organisation to further their own interests. A common illustration of how majorities may be

⁴³ UN Chronicle. No.1, 1999, pp.64

⁴⁴ UN Chronicle. No.1, 1997, pp.30.

⁴⁵ Ibid.

won and decisions made through the Security Council in the interest of global peace and security was the UN's involvement in the Gulf War. The Third World nations were cautious and afraid of the Council's continuous expansion in power and function due to the United States' new status as the 'only superpower.'

The potential for abuse of the Council's authority had increased due to the Council's area of influence and the United States' dominance over it. Demands for the Council's reform and reorganisation was made in this regard. Furthermore, the UN Security Council does not represent the current balance of power; for instance, Japan and Germany, two major economies, do not hold permanent seats on the Council. There are currently several reform proposals under discussion, including: (1) whether to expand the Security Council's permanent membership; (2) increasing the representation of non-permanent members; and (3) drawing a clear line between procedural and substantive issues where veto power would not be applicable.⁴⁶

The idea of equitable geographical distribution should guide the Council's expansion, ensuring a suitable balance between developed and developing nations. Members of the Council had emphasised in their discussions on Council reorganisation that small and medium-sized nations' interests should not be disregarded. The contributions of emerging nations to global peace and security are significant. They ought to be represented on the Council in both permanent and non-permanent capacities in any Council enlargement. Any expansion of the Council's membership should include nations from the three areas of Asia, Africa, and Latin America and the Caribbean.

The long-standing disparity in geographic representation, especially between rich and developing nations, should thus be addressed first and foremost by the Security Council. In 1992, former Secretary-General Boutros-Ghali stated in his report 'Agenda for Peace' that the Council needed to be restructured. He specifically recommended that India, Brazil, Germany, Japan, and Nigeria be included as five more permanent members of the Security Council. Japan and Germany in light of their economic might, and the other three because to their locations, sizes, and potential for quick technological development.⁴⁷ Eligibility based only on a country's size, strength, population, or even income, as has been noted, would be problematic because none of those variables were constant.

⁴⁶ Ingvar Carlsson. (1995). The United Nations: A Time to Reform. Commission on Global Governance. Issue of Foreign Policy Magazine.

⁴⁷ Ingvar Carlsson. (1995). The United Nations: A Time to Reform. Commission on Global Governance. Issue of Foreign Policy Magazine.

In addition to the current 10 members, an Italian proposal calls for the creation of ten more non-permanent elected seats. The present ratio of five to Asia and Africa combined, two to Latin America and the Caribbean, two to the Western Group, and one to Eastern Europe will be used to allocate these new non-permanent seats among the geographic groupings. Three states would alternate on each of these ten additional seats, for a total of thirty states. Every six years, each of these states would have one two-year term (i.e., one out of three periods) on the Council. All 30 nations that have been assigned to rotate more frequently will be selected based on objective standards established by the General Assembly and in accordance with Article 23 of the UN Charter, which states that contributions to the upkeep of global peace and security, contributions to the organisation's other goals, and equitable geographic distribution are among the criteria.⁴⁸

The General Assembly may also establish additional standards. The list of 30 nations chosen to rotate more regularly would be decided by a resolution passed by the General Assembly. A two-thirds majority would need to be obtained by secret ballot in each state chosen for rotation. There were still notable distinctions between the nations who sought for 26 members and others, like France or the Russian Federation, that supported an increase to 21 members in the sake of efficiency. The United States has stated that it will not consent to the Council's expansion if Germany and Japan are not given permanent membership. There is still no consensus among members on this crucial subject, according to ongoing discussions over the Council's enlargement.

In March 1997, Razali Ismail, in his role as Chair of the 'Open-ended Working Group' on the question of 'Equitable Representation on and Increase in the Membership of the Council' and other 'Matters Related to the Security Council', introduced another reform proposal that sought to alter the composition of the Council. The expansion of the Council's membership was suggested by this reform suggestion.⁴⁹

The Open-ended Working Group's detractors have questioned if the chairman was putting out a list of potential permanent Council members. In actuality, he was suggesting the standards for choosing its permanent members. Although he advocated for the UN Charter's Article 23 Paragraph 1 to be amended, he made it clear that this would not change the position of the

⁴⁸ General Assembly Centimes Discussion of Security Council Reform. Press Release, GA/9689, 16 December, 1999. pp.4

⁴⁹ Razali Ismail. (1997). 24-member Security Council, 10 Permanent and 14 Non-permanent members. *UN Chronicle. No.1.* pp.30

present permanent members. Regarding the requirements for choosing the new permanent members, each candidate must inform the General Assembly that they are prepared to take on the duties that come with being a permanent member of the Council. A list of applicants will be created for the General Assembly to review. At least two-thirds of the General Assembly's members must vote in favour of each of the five prospective permanent members of the Council at the same time. If the other four members do not receive the necessary number of votes, neither person will be deemed elected.

Two more noteworthy elements were also included in the proposal. In order to improve openness and fortify support and comprehension of Council decisions, the plan first suggests that the new permanent members' positions differ from those of the present ones and, second, that the Council's operational procedures be changed. In terms of their position in the decision-making process, future permanent members will not have the ability to reject decisions, or stop them from being adopted. The plan also envisions a shift in the present permanent members' veto power procedure. The veto power will only be used to Chapter VII of the Charter.

Reforming the Veto

The Security Council's reorganisation revolves upon this topic. Some have suggested that the original permanent members should only exercise their veto power in accordance with Chapter VII of the Charter. Furthermore, new permanent members shouldn't be given the ability to reject a resolution.

The veto has lost all of its usefulness with the end of the Cold War and the advent of a new international global order that requires consensus and consultation when making decisions. There is no conviction in its ongoing justification.

It has been said that the veto power is 'anachronistic and undemocratic.'⁵⁰ Its reach needs to be constrained. The majority shouldn't be prevented from making an outcome by a single veto. Together, the US and the Soviet Union exercised 279 vetoes until 1990. Since the veto had only been used few times in the previous five years, the Council had passed nearly half as many resolutions in these five years as it did in its first forty-five years. There had been several suggestions made to limit the use of the veto.⁵¹

⁵⁰ Ingvar Carlsson, *The United Nations: A Time to Reform/ Commission on Global Governance*, Appeared in the 100th Issue of *Foreign Policy Magazine*. Fall 1995.

⁵¹ GA/9375, 5 December 1997, pp.3.

According to the 'Commission on Global Governance', the veto should not be granted to new members. The Commission has two stages in mind for the reform process. As it had been the case for the majority of the previous five years, the Permanent Five would initially consent to forgo using the veto when new, non-veto holding members were added. However, by the second phase, the Permanent Five would be willing to let it die since they had grown accustomed to living without the veto. 'It is time to set aside the veto, and the overall image is one of restraint and should be so with respect to the use of veto', the Commission said.⁵²

According to a paper titled 'Canadian Priorities for UN Reform,' a resolution must be defeated by a double or triple veto. Additionally, the paper recommends restricting the kind of matters that can be subject to a veto. It contends that neither the Secretary-General's nominations nor the Charter's changes should be subject to veto power by the Permanent Five.

Additionally, the 'Ford Foundation' suggested veto limitations, contending that vetoes need to be restricted to legislation related to enforcement and peacekeeping. No prolongation of the veto should be allowed. The effectiveness of the Council's decision-making process would not be enhanced by an increase in the number of veto-power holders. The enlarged veto would be at odds with the existing trend of less veto power in favour of more consensus-based group decision-making. Developing nations have condemned the veto as 'completely outdated and unjustified' throughout the Assembly's deliberations.⁵³ Its use to further national interests at the expense of international community interests has been warned against.

Assuming that the permanent members would be open to relinquishing their veto power would be ridiculous. As a result, the permanent members are adamantly against having their privileges restricted. The majority of reform proposals call for the establishment of a new class of permanent members who do not have veto power. However, it will lead to prejudice against the new permanent members and the original members.

Divergent opinions exist on the veto. Germany has stated that it would never exercise the veto alone, but it is unwilling to be a 'second-class permanent member'.

⁵² Ibid.

⁵³ Ibid.

In order to secure a permanent position for themselves, some members are willing to be more accommodating. Therefore, a lack of consensus among the members is making it difficult to implement any significant changes to the Security Council's voting procedure, especially the veto power of the permanent members.

Reform Proposals

The veto authority should be abolished, according to the majority of UN member states. In addition to numerous western nations, the African Union, Arab League, and Group of Non-Aligned Nations all support the reform. Due to the requirement that the five permanent members of the UN alter the charter with unanimous votes, the majority of States have withdrawn their recommendations for deletion and substituted more modest ideas. Australia and China have frequently proposed waiving the veto right in any proceedings arising under UN Charter Chapter VI on the peaceful resolution of disputes. Other ideas limit the Security Council's ability to act under Chapter VII of the Charter by restricting the use of the veto to a greater extent. Several nations, including Spain, Brazil, Pakistan, Colombia, Costa Rica, Ghana, Jamaica, Mexico, Peru, Lithuania, and the Slovak Republic, adopted the concept, which was pushed by the Non-Aligned Movement. Due to permanent members' current tendency to use the veto as a privilege to protect their own rights, the African Union and a number of individual UN Member States proposed that the veto power only prevent the Council from adopting a resolution if it were cast by two or more permanent members simultaneously.

The United States and Russia, the permanent members, are certain that they will not accept any veto limits. Consequently, several states begin to advocate for self-imposed limitations that don't necessitate amending the Charter. Austria, Australia, Belgium, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Portugal, and Slovenia, collectively known as the 'group of ten,' urged the permanent members to reserve their veto power for matters of utmost importance. For instance, they asked that the veto be used only for decisions that were listed as procedural in General Assembly Resolution 267(III). In order to achieve common justice, several other governments have called for permanent members. Japan, Brazil, Germany, and India have all stated that there should be no distinction made between first-class and second-rate permanent members.⁵⁴

⁵⁴ UN Doc. A/AC.247/2000/CRP.4. Annexes XIV and XXII to UN Doc. A/52/47.

The duties and obligations of new permanent members need to be equal to those of existing permanent members. Later on, Russia and France also back the idea of extending the veto authority. On the other hand, the US has been contending that the five permanent members should still have the ability to veto legislation. States have also brought forward and discussed their ideas at international conferences or via their Foreign Affairs Ministry. Since 2000, France's Ministry of Foreign Affairs has advocated for restrictions on the use of veto power in the UN Security Council.

On the fringes of the 69th General Assembly session in September 2014, France and Mexico asserted that veto power usage needs to be controlled. The French Ministry of Foreign Affairs asserted that the veto should not be exercised during mass crimes and that regulating the veto in the Security Council lessens the likelihood that the body will become immobile during such events. These widespread atrocities are classified by the French as crimes against humanity, genocide, and major war crimes. Zeid Ra'ad Al Hussein, High Commissioner for Human Rights favoured the French proposal. Only the UK, out of the five permanent members, was in favour of the proposal.

The five permanent members should not be able to use their veto power for narrow gain, according to the French Ministry of Foreign Affairs. To fulfil the purpose for which it was intended when it was first established—resolving international disputes—the veto power has to be confined. This further guarantees that nations successfully comply with the Charter.⁵⁵ It also guarantees the security of individuals worldwide. It is impossible, but all five permanent members must concur that the veto cannot be used during mass crimes.

To sum up, France has a rather practical stance on the limitation of veto power. The French Ministry of Foreign Affairs does not advocate for doing away with the veto; rather, it believes that doing away with the veto will allow the Security Council to act against mass crimes.

Many states made disparaging claims regarding the veto. Spain is certain that 'the veto power is an error.' Spain asserted that the efforts of the 106 countries, which was backed by France and Mexico, strengthened multilateralism and required changes in Security Council. Ukraine and Cuba are against the veto. Both are in favour of gradually eliminating the veto power and are ardent supporters of any measures meant to restrict its usage.

⁵⁵ Winkelmann, I. (1997). Bringing the Security Council into a New Era: Recent Developments in the Discussion on the Reform of the Security Council—. *Max Planck Yearbook of United Nations Law Online*, 1(1), 35-90.

Both firmly believe that a permanent member should not be granted the ability to use their veto power while decisions are being made in which they are involved as a party to the dispute.⁵⁶

Australia and Argentina contest the openness of the Security Council's operations. Georgia recommended that the veto be modified and limited. It said that the veto power should be limited when the Council's resolution seeks to stop genocide, war crimes, crimes against humanity, and ethnic cleansing, as well as when a member is directly involved in a conflict under review and, as a result, is unable to exercise their right unbiasedly. African countries, on the other hand, do not advocate for the veto right's elimination. African continent requires two permanent seats at the very least, along with all of the benefits. Africa, on the other hand, does not advocate for the veto right's elimination.⁵⁷ It requires two permanent seats at the very least, along with all of the benefits that come with them. Uganda is in favour of adding permanent seats for lawmakers who are African-American. The government of Uganda asserted that in order to lessen inequality, permanent African members should be appointed, who must have the same rights, including the veto power. Iran asserted in a similar manner that the veto is one of the reasons why there are significant disparities and that the majority of Security Council members are from the West, with the key regions under-represented in both.⁵⁸

The US, however, asserted that the veto system should remain in place as it is. The United States stated that, despite its support for the plan to increase the size of the Security Council, the veto had nothing to do with membership. As a result, the US thinks the veto shouldn't be changed. Both the US representative and the Russian Federation's representative support the veto.

The Russian Federation's delegate asserted that the UN has been prevented from engaging in questionable ventures on several occasions by its usage. The US delegate underlined that his delegation is adamantly against any modification to the existing veto power.⁵⁹

The 'High-Level Panel on Threats, Challenges, and Change' demanded of the permanent members at the 2005 World Summit that they pledge not to exercise their veto authority in the face of mass crimes such as genocide and widespread violations of human rights.

⁵⁶ Annex XVI to UN Doc. A/52/47.

⁵⁷ Report of the High-Level Panel on Threats, Challenges and Change. A more secure world: our shared responsibility. 2004.

⁵⁸ Report of the High-Level Panel on Threats, Challenges and Change. A more secure world: our shared responsibility. 2004.

⁵⁹ Annex VIII to UN Doc. A/AC.247/1997/CRP.7

Together, the governments of Singapore, Liechtenstein, Costa Rica, Jordan, and Switzerland founded the Small Five (S5) collaboration. Their objective was to lobby the permanent members to abstain from exercising their veto authority in the face of atrocities. During open discussions, a number of nations and non-permanent members also demanded the inclusion of permanent members for similar reasons. The Small Five, however, broke up in 2012.⁶⁰

Since it is apparent that the veto will not be eliminated, it is preferable to control the general use of the veto by permanent members. It's clear that states increasingly threaten other states with the veto in order to protect their own interests. The veto no longer functions as intended from the time it was established. France's position that the veto should not be used in cases involving mass murder is well-founded. If such actions continue, genocide will not be prevented, and terrible outcomes will result. Therefore, in order to enable the Security Council to carry out its proper role, the use of the veto must be limited. Appropriate measures have been implemented to control the veto power of permanent members and enable the Security Council to reclaim its rightful place.⁶¹

In order to reform the Security Council, the UN Charter must be amended. There are two stages to the relevant procedure as outlined in Article 108:

- The reform must be approved by the General Assembly by a two-thirds majority in the first stage, with each of the 193 member states having one vote.
- During the second stage, the UN Charter, an international treaty is modified after it is approved. Then, in compliance with national processes, the modified Charter must be adopted by a minimum of two-thirds of the member states, including the five permanent members of the Council. It took about a year and a half to expand the Security Council for the first and only time to date in 1963. Most significantly, the modification needs to be ratified by each of the five permanent members.⁶²

This indicates that there is no veto power as defined by Article 27 of the Charter during the initial phase. However, in the second phase, the five permanent Council members' legislatures had the option to obstruct the modified Charter's implementation by refusing to approve it. Another crucial distinction is that permanent members are still able to approve the updated Charter even in the event that they abstained from voting on a proposed change in the General

⁶⁰ Ibid.

⁶¹ Dimitris Bourantonis. (1998). Reform of the U.N. Security Council Reform and the Non-Aligned States. *International Peacekeeping*. pp. 95-96.

⁶² UN Charter.

Assembly. For instance, just one permanent member supported the 1963 Security Council enlargement vote. But by 1965, just eighteen months later all five permanent members had agreed to ratify the revised Charter.

The veto authority is seen by many member states as obsolete. As a result, a large number of them have opposed granting the veto power to any new permanent members as part of any reform. According to the 2005 G4 plan, the right of veto should not be initially granted to new members. Instead, the matter should be clarified at a review conference 15 years after the change to the Charter takes effect. On the other side, the 2005 draft resolution supported by the African Union nations demanded that the veto power be promptly extended to new permanent members.

To respond to complex emergencies more successfully, a move away from the current templated and bureaucratic approaches to planning and deployment towards more specialised, flexible, and people-centered mission models is required.

Though the issue is especially serious in the case of peacekeeping missions, peace operations are routinely authorised with broad mandates notwithstanding recent advances. The structure of modern conflicts, with their diverse players and motivations supported by a system of root causes, may explain the propensity to assign so-called ‘Christmas Tree mandates.’⁶³ These intricate and multifaceted demands are difficult to accomplish, especially considering the ongoing problem of resource scarcity. The proliferation of mandatory tasks can divert a mission's attention from any one aspect and tempt it to curtail a clear strategy or political process, even though some Security Council members seem to use this argument to try and cut tasks they are less in favour of (like human rights). The proliferation of mission mandates is a result of diverging institutional and political objectives, with different organisational entities within the UN Secretariat and individual member states supporting distinct mandated duties for different purposes. The non-linear nature of conflict transformation makes it difficult to create a succession of tasks, even though the Security Council has taken steps to streamline mandates in response to the 2015 recommendation of the High-level Independent Panel on Peace Operations (HIPPO) to prioritise and sequence these mandated tasks.

⁶³Security Council Report. Prioritisation and Sequencing of Council Mandates: Walking the Walk? Security Council Report. 2020.

Accordingly, a 2020 study series by the Stimson Centre and the Security Council Report found that the Security Council need to avoid identifying an excessive number of priority tasks or, at the very least, concentrate more on establishing strategic objectives rather than dictating specific duties.

Fostering Comprehensive and Flexible Approach

High-level Independent Panel on Peace Operations emphasised in 2015 that the United Nations' must be able to use all of its available instruments flexibly and steer clear of the traps associated with pre-planned strategies. In fact, a plethora of research has shown that adaptable strategies are more successful in maintaining peace than templated strategies.⁶⁴ But during the last 10 years, not much noticeable progress has been made in this area.

The UN's existing institutional structure creates a path dependence in which the choice of a lead department essentially determines the format of a peace operation. The UN has chosen a specific model of multifaceted peacekeeping operations with a substantial uniformed component and broad mission footprint throughout the previous 25 years.⁶⁵

Structures, rules, and procedures evolved during the course of various reform processes in order to organise, implement, and support this particular sort of peacekeeping mission. However, a templated approach like this is not always the best option since it is rigid and finds it difficult to adjust to the needs and conditions that are changing on the ground. On the other hand, their significant variability in form and function has been attributed to the lack of a uniform mission ideology and the absence of planning capacities specifically allocated for unique political missions. In fact, before the multifunctional mission model gained prominence, special political missions even absorbed mission types that were previously used for peacekeeping, such observer missions. Special political missions, however, are not immune to pre-made strategies. Rigid mission budgeting practices and an organisational culture that overemphasizes spurious structural distinctions between mission types unrelated to the mandate's needs or the particular country setting further impede the planning for such missions.

⁶⁴ United Nations. Supplement to An Agenda for Peace: Position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations. A/50/60—S/1995/1

⁶⁵ Sarah von Billerbeck and Oisín Tansey. (2019). Enabling autocracy? Peacebuilding and post-conflict authoritarianism in the Democratic Republic of Congo. *European Journal of International Relations*, Vol. 25, 3 pp. 698-722.

It is not sufficient to attribute the United Nations' incapacity to adjust more customised, adaptable strategies based on the requirements of specific circumstances to the bureaucratic inertia of the Secretariat. Reform initiatives have also been thwarted by member states. The reorganisation of the peace and security architecture for the 2017–19 year aimed to address some barriers to a more adaptable strategy by designating head departments of peace operations according to their operational and support needs. The Pact for the Future, which emphasises the value of individualised, adaptable strategies that make use of the whole range of peace operations, can assist in reversing this detrimental tendency.⁶⁶

Strengthening Collective Action

The maintenance of international peace and security depends on cooperation. In particular, the 2015 HIPPO report was one of the UN publications that affirms the viability of global-regional collaboration.⁶⁷ The intricacy of today's security difficulties has revealed the limitations of any one organisation to handle these problems, making the significance of such partnerships even more clear. Nevertheless, this kind of collaboration has not yet reached its full potential. Strengthening collaborations might start from inside the United Nations' framework. When a UN country team is involved, peace operations are almost always carried out in areas where the relevant organisations, resources, and initiatives are already in place. The majority of the time, the environments where missions and country teams coexist are structurally integrated, meaning that the resident coordinator in charge of overseeing the UN country team's operations is also the head or deputy head of mission.⁶⁸

Even with this structural integration, coordination between UN country team organisations and peace operations is hindered by disparities in mandates and institutional cultures.

Planning and designing peace operations with a better understanding of the UN country team's current expertise and directing missions to utilise existing civilian UN system capacities rather than repeating tasks are two ways to reduce friction between peace operations and country teams.

⁶⁶ S/2022/522.

⁶⁷ Pauline Veron and Andrew Sherriff. (2020) International Peacebuilding Financing and Changing Politics in Europe. NYU Center on International Cooperation and European Centre for Development Policy Management.

⁶⁸ Madeline Velturo. (2020). Prioritization and Sequencing by Peacekeepers: Leading from the Field. Stimson Center.

This would maximise the use of scarce financial resources and enable greater thematic consistency, while also enabling each component of the UN system to play to its strengths. Additionally, peace operations must collaborate with non-UN partners more successfully. In addition to demonstrating the United Nations' and African Union's strengthened partnership, the Security Council's adoption of resolution 2719 (2023) on the financing of AU-led peace support operations authorised by the Council is noteworthy because it establishes a framework for a more methodical approach to utilising resources and tasks outside of those appropriate or available for UN peace operations. The notion of an independent support office has gained traction as a means by which the UN might assist in bridging capacity shortages in peace support activities concerning planning, funding, logistical and operational assistance, and other areas.

In order to guarantee that efforts are in line with a shared political agenda, thought should also be given to the possibility of having a UN peace operation provide support packages rather than a separate support office or even establishing a joint mission, drawing on the knowledge and insights from past joint ventures like the UN-AU Hybrid Operation in Darfur, Sudan, and the UN-Organisation for the Prohibition of Chemical Weapons (OPCW) Joint Mission in Syria.⁶⁹

United Nations' peace operations serve as a tangible example of member nations' commitment to work together to combat threats to global peace and security. The current crisis of trust facing modern peace operations is the result of efforts to adapt to peace operations failing to keep up with the evolving nature of conflict and the altering geopolitical landscape. The 'Summit of the Future' offers member states and the Secretariat an invaluable chance to pause and consider the lessons learnt from recent peace operations, rather than reacting to pressing crises through their regular intergovernmental and bureaucratic procedures.

Through the Pact for the Future, member nations have the ability to do far more than just restate their political commitment to utilizing the entire range of tools available for peace operations.

Thus, by encouraging tailored approaches to mission planning, adopting more strategic approaches to mission mandating, leveraging the capacities and expertise of other partners inside and outside the UN system as part of comprehensive political strategies, encouraging proactive and strategic planning, emphasising peace maintenance beyond the mission time

⁶⁹ Eugene Chen and Katharina Coleman. (2023). Reinvigorating United Nations peacekeeping. in Markus Kornprobst and Slawomir Redo, eds. *Reinvigorating the United Nations*. Routledge.

horizon, and ensuring that missions are adequately and predictably resourced, member states can help ensure that peace operations remain effective tools to help countries prevent, mitigate, and resolve violent conflict.

Increasing the Permanent Members of the Security Council

The UN Security Council is becoming more and more crucial in preserving global peace and fostering international collaboration as a result of the growing multipolarisation of the globe. This garnered significant interest from the academic and business communities. Nonetheless, the Council's present composition of ten non-permanent and five permanent members does not optimise effectiveness and legitimacy, which makes it more challenging to promptly settle international disputes.

Security Council reform is one of the few subjects that sparks as much discussion as it does little action. A working group with no set term was established by the General Assembly in December 1992 to examine equal representation on the council.

The UN formally approved intergovernmental talks in October 2008 about fair representation and expanding the Security Council's membership. The diplomatic deadlock that has lasted for fifteen years is partly due to the fact that member states had never consented to negotiate using a single rolling text.

The five permanent members of the Security Council—China, France, Russia, the United States of America, and the United Kingdom, remain the same nearly eight decades after UN was established. But since 1945, powerful nations like Brazil and Japan—not to mention the long-rehabilitated World War II aggressors—have risen. The UN's overall membership has nearly quadrupled (from 51 to 193 member states) as a result of decolonisation and the breakup of multiethnic states, but the council's makeup has only changed once, in 1965, when four elected seats were added, increasing the council's size from eleven to fifteen members. The fact that each of the P5 nations has the power to unilaterally veto Security Council measures that are detrimental to their own national interests—as Russia has done with regard to Ukraine—only serves to exacerbate these grievances over membership. The outcome is a continual paralysis of councils, made worse by the growing geopolitical competition between authoritarian China and Russia and Western democracies.

Jawaharlal Nehru, India's first Prime Minister, had a distinct perspective on the reform of the United Nations Security Council, reflective of his broader beliefs in democracy, cooperation,

and peace. During his tenure, Nehru was critical of the dominance of the five permanent members (the United States, the Soviet Union, the United Kingdom, France, and China) and their veto power, which he viewed as an obstacle to collective security and effective international governance. Nehru believed that the Security Council should be reformed to include a more diverse representation that better reflects the geopolitical realities of the post-World War II era. He argued for the inclusion of more nations, particularly from the developing world, to ensure that their voices were heard in global decision-making. Nehru's vision was aligned with his advocacy for a multipolar world where power was not concentrated in the hands of a few. Moreover, Nehru championed the idea of collective security and international cooperation, emphasising that the Security Council's role should evolve to prevent conflicts and promote peace rather than merely responding to them after the fact. He envisioned a more equitable and democratic system of international relations. In summary, Nehru's stand on reforming the Security Council was rooted in the belief that a more representative and accountable body was essential for maintaining global peace and security, which resonated with his broader ideals of justice and cooperation among nations.

A rising number of nations and people throughout the world believe that the Security Council is unfair and careless, led by unrepresentative and careless authorities that would sooner abuse their position than keep the peace. Critics argue that in order to restore the council's legitimacy and efficacy, it is necessary to update its outdated norms for decision-making and composition to better reflect the continuing changes in global power dynamics and the emergence of moral authority centres. Sadly, opinions among UN members differ on how such change should be implemented, not the least of which is whether it should emphasise strengthening the council's authority or representativeness. The diplomatic impasse has left the Security Council in a state of suspended animation.

The challenges facing Security Council reform are immense. These include the steep procedural barriers to amending the UN Charter, the differing views of member states regarding the scope and conditions of any acceptable enlargement, the dispute over the current veto provisions and their possible expansion to include any new permanent members, and the nagging doubts about whether any conceivable enlargement would enhance the council's performance even if it increased its level of representation. Two-thirds of UN members, including all five of the P5, would need to approve any changes to the council's makeup or voting procedures, and any changes would also need to be supported by appropriate national

law. Updating the council doesn't seem likely given the growing geopolitical competition and increasing political polarisation in many nations.

But as power dynamics and security threats continue to diverge from 1945, calls for reforming the veto and expanding the Security Council will undoubtedly intensify. The legitimacy and performance of the council will unavoidably deteriorate in the absence of fundamental adjustments. With these risks, the world needs new ideas for reform avenues that will enable the council to act now.

The G4 proposal

The Group of Four (G4), which consists of Brazil, Germany, India, and Japan, has demanded the creation of new national permanent seats. These seats would be allocated by selecting the most powerful and economically robust nations in the world economy. The G4 members and one unnamed African nation presented themselves as the front-runners for these seats in their formal 2005 proposal.

India is, by far, the staunch supporter of the G4 initiative. India emphasises the necessity of a 'genuine reform'⁷⁰ and opposes any efforts to modify the Security Council only in a cosmetic way. It is important to keep in mind that, for India, implementing a genuine reform would require increasing the number of both permanent and nonpermanent members. India has consequently demanded the admission of new nations as permanent members, particularly those that represent Asia and Latin America.

India claims that the main concern is that the new Security Council need to take into account modern realities and rectify the under-representation of developing nations. Article 27 of the UN Charter would grant the national permanent members automatic veto power if the G4 proposal was approved.

It is undeniable that considerable variances still exist among the G4. While Brazil and India aggressively pursue a strategy built on a daring stance, Germany is working to strike a compromise between its obligations as a European nation and its goals as a nation. Because of this, Germany has shown that it is amenable to intermediate agreements, provided that they have a strong likelihood of obtaining the required two-thirds majority in the GA and the support

⁷⁰ Intervention by M.S. Puri Ambassador Acting PR of India during negotiations on 'Size of an enlarged Council and working methods of the Security Council. 2009.

of the other two main European countries, namely France and the United Kingdom. India and Brazil, who do not participate in any regional body like to the EU, are adamant about highlighting the issues with the intermediate reform, right down to the nomenclature. Brazil and India claim that intermediate reform is only a ‘distillation of old wine in the new bottle of flexibility,’⁷¹ or a version on the idea of non-permanency. Furthermore, an interim solution, in India's opinion, would just delay the inevitable process of reaching a firm conclusion.

The African Union Variation of a Reform

Due to its critical role in maintaining peace and security throughout the African continent, the UN Security Council is at the top of the African Union's (AU) agenda. South Africa represented the African Union and called for a genuine reform that would expand the number of permanent and nonpermanent seats in the Security Council to 26, with two permanent and five nonpermanent seats reserved for African nations—all while adhering to the 2005 Sirte Declaration.⁷²

The AU claims that this is the only workable way to address the existing issues of developing nations under-representation among nonpermanent members and Latin America's and Africa's lack of representation among permanent seats. This request is in part in opposition to the G4's suggestion to give African nations just one more non-permanent seat. The African Union is unlikely to accept the G4 idea given how important Africa is when it comes to matters of security and peace.

The African stance deviates from the G4's 2005 plan in regards to the veto power. The African nations do not plan to renounce their claim to the extra seats. Furthermore, the selection of the two African nations as candidates for the permanent seats is beset by political challenges. The African Union maintains autonomy on which nations it includes in its framework, despite the fact that South Africa has made it clear that these seats would not be used for regional representation. In order to settle this dispute, a Committee of Ten Heads of State⁷³ was

⁷¹ Vivek Katju. (2009). Special Secretary, International Organisations and Political issues, at the Informal GA Plenary Meeting on Intermediate model at the United Nations.

⁷² African Union, Sirte Declaration on the Reform of the United Nations' (Assembly/AU/Decl. 2 V), Sirte. 2005.

⁷³ African Union, Decision on the Reform of the Security Council of the United Nations Assembly/AU/Dec. 1 IV. 2005.

established; however, the African Union has not yet decided which of its member nations it would support for long-term seats.

It also hasn't decided on the standards for choosing nations to represent them on the revamped Security Council. Currently, Egypt, South Africa, and Nigeria are the three most probable African nations to vie for the continent's permanent seats. Senegal, Kenya, and Libya could be the next most suitable of the other African nations.

The Uniting for Consensus Reform Proposal

The Uniting for Consensus (UfC), a coalition of over 40 states led by Italy, Pakistan, South Korea, and Colombia, was formed in opposition to the G4 plan. The rationale for this resistance is readily apparent, since all these nations vehemently object to what they perceive as an unfair diminishing of their global political significance. The UfC presented a proposal in 2005, centered on raising the number of non-permanent members from ten to twenty, after acknowledging the need to improve the Council's representation.⁷⁴ Subject to the vote of their respective geographical groupings, the nonpermanent members might be immediately re-elected after serving a two-year term as chosen by the General Assembly. As representatives of the UfC group, Colombia and Italy offered a new reform plan on April 20, 2009, which was seen as a tangible attempt to come to an agreement.⁷⁵ A suggestion for the formation of a new class of seats—still non-permanent, but elected to three- to five-year terms—with no right to run for office again right away was included in the text. These extra seats would be distributed on a rotating basis to regional organisations rather than to individual sovereign countries. Regarding the conventional seat categories, the UfC plan simply suggests adding small and medium-sized states to the list of groups eligible for regular, non-permanent seats.

It makes no changes to these categories. This plan addresses the veto issue as well, offering a limited set of alternatives ranging from eliminating the veto to restricting its use in Chapter VII concerns.

⁷⁴ Uniting for Consensus, Draft resolution on the Reform of the Security Council. 2005,

⁷⁵ UfC platform on Security Council reform. 2009.

The Permanent Five

Every proposal attempts to solve the two issues raised by General Assembly Decision 74/569 of August 31, 2020, namely the issues of increasing the Security Council's membership and ensuring fair representation. They all concur that it is critical to increase the presence of the African group in the organ, but they differ on how the remaining seats should be allocated.

The veto power is actually what disturbs the Permanent Five, despite the fact that the General Assembly considers the reassignment of current seats and the expansion of the number of seats to be the two most significant matters. It is important to keep in mind that every one of the Permanent Five must support the proposal for a resolution regarding the Security Council reform for it to be passed.⁷⁶ First of all, sharing the veto power with any new permanent members is something that the US, China, and Russia are unwilling to do. The United States would back the G4 plan because it would ensure the backing of Japan and Germany, two additional allies in the Security Council but only if these nations assumed their permanent seats free of veto power.⁷⁷ The UK is more receptive to a limited expansion of the non-permanent seats; therefore, it has a fairly similar stance about the G4 proposal's adoption. Similar to this, France maintains that the Arab group may receive one of the non-permanent seats. The main difference between the French stance and others is that the veto power would be extended to any new permanent members.

Regarding the non-Western members of the Permanent Five, Russia is prepared to increase the number of non-permanent members to twenty and is also in favour of allocating two more permanent seats to G4 countries and an additional two to Egypt and South Africa. None of them would have the authority to veto.⁵⁸ China has shown greater support for the UfC plan than the G4 plan. Additionally, it has expressed support for the African group to increase its presence in the organ. The Permanent Five concur that they would be in favour of a mild Security Council reform that would see the number of non-permanent seats raised to 20. They contend that an excessively large Security Council would result in an unwieldy and ineffective body. Elections for these extra seats would take place under the 'equitable geographical

⁷⁶ U.N. Charter Art. 108

⁷⁷ Dimitris Bourantonis. (1998). Reform of the U.N. Security Council Reform and the Non-Aligned States. International Peacekeeping. pp 95-96.

distribution'⁷⁸ standard. They support their stance by arguing that the UN was established to maintain international peace and advance the cause of human rights, not to promote democracy in general, and that the Security Council was intended to be functional rather than inclusive.

In summary, none of these suggestions have a realistic chance of clearing the vote process, at least not in their current form. A different plan is required, one that has a better chance of winning over the support of the Permanent Five and the majority of members of the General Assembly. In an ideal world, the Security Council would have no openings for permanent members and would instead have non-permanent renewable seats held by liberal minded governments. A hybrid approach can be provided as a compromise because the current international political climate makes our proposition unfeasible.

Following the analysis of several ideas and taking into account the percentages of the global population that each geographical group represents, adding ten extra non-permanent, renewable seats for a four-year term would be the wisest course of action. The states of Western Europe and Other Areas would have one seat, Eastern European states would have another, Latin American nations would have two, African states would have three, and those from Asia and the Pacific would have two more. Given that members of the Arab Group usually have different interests from the rest of the group, one of the three additional seats in the final group would be set aside for an Arab member. To join the Security Council, governments choosing to add new non-permanent renewable term seats must fulfil a number of requirements. In a 2010 special report for the Council on Foreign Relations (UN Security Council Enlargement and US Interests), Kara C. McDonald and Stewart M. Patrick developed the concept of a criteria-based approach. These criteria included democratic political stability; deployable military capabilities; significant financial contributions from the UN; a willingness to use force and sanctions; the capacity to lead and broker solutions; diplomatic ability; and a record of compliance with global security and public goods. This builds upon Annan's Model B by incorporating the additional membership category he suggested in that model.

Thus, the Security Council must be reformed in two steps. To implement a reform proposal, the General Assembly must first have a vote of at least 128 members in favour. At this point, it is not necessary for all permanent members to vote in order to accept the plan; those who abstain or are missing during the vote are not taken into account.

⁷⁸ Dumisani S. Kumalo. (2001). The Question of Equitable Representation on and Increase in the Membership of the Security Council and Related Matters. *South African Journal of International Affairs*, 8(1). pp.135-136.

Second, the national legislatures of two-thirds of the member nations, all of the permanent members must ratify the plan once it has been adopted by the General Assembly. Because of this, voting for a change that the major nations of the Second World War have not approved is not feasible. Furthermore, it would be dangerous to enact a change without their full backing, as they would find it more convenient to set up a separate, more private, and exclusive forum to talk about matters of international security.

Transparency and Effectiveness of the Council

The last step towards reform and restructure process is concerned with the issues of periodic evaluation of the reform package and openness of the Council's activity. In recent years, there has been a growing movement to support the view that transparency is not a threat to national and international security, but rather an essential component. Even in democratic nations, there are still certain limitations to the transparency of the security sector, which makes it a contentious issue. However, significant progress has already been made, as evidenced by the establishment of information sharing as one of the most significant measures to foster confidence and security in international politics since the end of the Cold War.⁷⁹ Transparency has also gained popularity recently as a key tool for democratic governance of the security industry. Even covert actions are unlawful if they aren't being watched over by a specific oversight authority, which naturally reduces their level of covertness compared to earlier times. In today's international relations, transparency plays a systemic role in promoting peace, preventing conflicts, and fostering security cooperation.⁸⁰

More flexibility and transparency in the Council's operations and decision-making process have been the focus of attention. The importance of this problem has increased as a result of the Council's growing engagement in a number of difficult and unique responsibilities related to humanitarian relief, peacekeeping, peace enforcement, and other developmental initiatives. Improving the Council's working relationships with other UN bodies, especially the General Assembly, and improving its working processes and procedures are priorities.

The members have on several occasions demanded that the Council's working practices, especially its decision-making process, be made more open, accountable, and democratic.⁸¹

⁷⁹ Antonios Tzanakopoulos. (2012). *Transparency in the Security Council*. Cambridge University Press. DOI:10.1017/CBO9781139108843.021

⁸⁰ Pauline Veron and Andrew Sherriff. (2020) *International Peacebuilding Financing and Changing Politics in Europe*. NYU Center on International Cooperation and European Centre for Development Policy Management.

⁸¹ GA/9373.

A truly democratic, open-ended, and transparent bargaining process is what is needed. Additionally, it has been thought that having informal discussions with non-council members is crucial to improving the openness of the Security Council's operations.⁸²

There has been some progress in improving the effectiveness and transparency of the Security Council's operations. The Council now publishes an agenda ahead of time, giving non-members the opportunity to lobby on certain topics.⁸³ The nations that provide troops and the president of the Security Council now have direct meetings. This gives the latter the opportunity to speak with the Council directly about their thoughts.⁸⁴ It has been proposed that a revamp is also necessary for the interaction between the Secretariat and the Council. The Secretary-General's report to the Security Council has a higher need for advice and recommendations on many topics. It has been noted that allowing members to participate in the group decision-making process will strengthen the Council's credibility.⁸⁵

Thus, it has been emphasised that the Security Council should conduct its business in a more transparent and inclusive manner in order to meet the challenges posed by the current regional and global conflicts and crises. They also called for improved working methods, such as a more equitable distribution of responsibilities for drafting resolutions and a reduction in closed-door consultations.

Critical Analysis

The Security Council needs to be enlarged, especially to incorporate a greater and more stable number of seats from the Global South. The limited membership of the Security Council indicates an elitist perspective that allows former Superpowers to maintain an excessive influence over international security issues. The notion that the Security Council represents the entire globe rather than merely a handful of affluent nations has been reinforced. A majority of members agree that reforms to the Security Council are essential for achieving global peace and security. There is, however, a lack of consensus regarding who should be awarded a seat and what powers an expanded Security Council would possess. The positions of member states on this issue differ. Despite having a European Union representative in the Security Council,

⁸² UN Chronicle. No.3. 1997. pp. 11.

⁸³ GA/9305.

⁸⁴ Reform- A Report on the Bulletin of United Nations Reform, No.3. 1997. UN Publication.

⁸⁵ Round table on Security Council Reform. United Nations Association in Canada, Ottawa. 1995.

France and Britain are reluctant to relinquish their permanent seats. Germany and Japan are sometimes considered potential future permanent members due to their significant economic strength.

However, the concern is whether or not such inclusion wouldn't exacerbate the Security Council's North-South power disparity. Furthermore, should Japan be awarded permanent membership, given that its constitution prohibits deploying troops abroad?

A lot of emerging nations saw themselves as obvious choices for membership in the permanent club. Among them, Nigeria, Brazil, and India all have neighbours who are opposed to the concept itself. The entire thought of proposing India for permanent membership in the Security Council would be met with fierce opposition from Pakistan. Support for Brazil's candidature is likewise questionable. The United States of America thinks that the United Nations' is operating well and that neither its membership nor its mandate needs to be changed. It is likewise unenthusiastic about recommendations to increase the Council's efficacy; at the very least, it ought to become a more capable peace mediator and security enforcer than it already is.

Whether the changes would also involve changing Article 27, which outlines the procedure for the Security Council decisions? Is it reasonable to believe that the present permanent members will put up with having their veto power restricted? One important thing to consider is whether more members will not make it more difficult for the Council to operate efficiently and effectively? Will the Council's larger membership not make it too clumsy, sluggish, rigid, and inflexible? There are two different permanent membership categories for the Security Council being considered; the new members would not have veto power. Will the Council's peace and unity not be disturbed by this? As a result, it is imperative to strengthen the Council's transparency and accessibility and to build relationships with non-Council members and other UN bodies. To ensure that Council decisions are more in line with the language and spirit of the Charter, it is also imperative to increase the General Assembly's political clout and utilise the International Court of Justice more frequently.

Improving the Council's capacity to represent its constituents is the most important reform component. Which nation among the developing nations should be added to the permanent membership category is the question. It is debatable whether developing countries should be subject to different standards in order to be nominated for permanent membership in the Council. It will be a contentious topic during discussions over the reform package's structure.

Thomas Pickering, the US Under-Secretary of State for Political Affairs, had proposed that India should win over the developing nations and elect herself as the representative of Asia through a consensus-based process. The idea has been rejected by India. She contends that selection of inclusion criteria ought to be done globally, equally, and without bias.

The only way to reorganise the Security Council is through a Charter revision. It would be impractical to expect any permanent member to assent to a Charter revision that would risk its own interests and standing in the Council. The amendment would need the approval of all current permanent members. Put differently, the reorganisation and reform of the United Nations' is heavily reliant on the political will of the member nations, especially the ones that are already permanent members. Consequently, the reform of the Council can only entail adding a few more members to the permanent or non-permanent categories, not their exclusion.

Conclusion

The United Nations was established with the primary aim of fostering international cooperation and preventing conflicts, including civil wars. Evaluating the success of the UN in mitigating civil wars reveals a mixed record, characterised by significant achievements as well as notable challenges. One of the UN's most recognised successes in civil war mitigation is its role in peacekeeping operations. Missions deployed in various conflict zones, such as in Sierra Leone, Somalia and Bosnia-Herzegovina had helped to stabilise situations, facilitate peace agreements, and foster post-conflict recovery. For instance, the UN peacekeeping mission in Sierra Leone played a crucial role in disarming rebel factions and supporting the restoration of governance after a brutal civil war. Such operations often include monitoring ceasefires, protecting civilians, and supporting humanitarian efforts, which can significantly reduce violence and create an environment conducive to dialogue and reconciliation. Additionally, the UN has contributed to diplomatic efforts and conflict resolution initiatives through mediation and negotiation. The UN has facilitated dialogues in countries like Yemen and South Sudan, seeking to bring warring parties to the negotiating table.

The establishment of commissions and special envoys aimed at specific crises has been a vital tool in mitigating tensions and fostering peace processes. When the UN can engage effectively with conflicting parties, it holds the potential to create frameworks that lead to sustainable peace. However, the UN's track record is not without significant shortcomings. There have been numerous instances where the organisation had struggled to intervene effectively or where its efforts have met with limited success. The crises in Syria and Libya highlight profound

challenges faced by the UN in addressing civil wars. In Syria, the complex geopolitical landscape and the interests of major powers have hampered the effectiveness of UN-led negotiations and humanitarian interventions. Despite several peace talks and resolutions, the conflict persisted with devastating humanitarian consequences. Moreover, the issue of member states' political will cannot be overstated. The ability of the UN to function effectively often depends on the agreement among its member states, especially the permanent members of the Security Council, who possess veto power. This has led to situations where geopolitical rivalries overshadow humanitarian needs, resulting in inaction or half-measures when urgent responses are required. Another criticism of the UN's ability to mitigate civil wars is that its interventions can sometimes be too limited in scope and resources. Peacekeeping missions often face constraints — whether in funding, troop deployment, or operational mandates — that may restrict their effectiveness on the ground. For instance, some missions are left without robust mandates to address the root causes of conflict, focusing instead on maintaining stability without engaging in deeper societal issues. In summary, the UN has had various successes in mitigating civil wars through peacekeeping missions, mediating dialogues, and facilitating post-conflict recovery. Nonetheless, challenges such as geopolitical dynamics, political will, and operational limitations can undermine its effectiveness. The organisation must navigate these complexities while adapting its strategies to ensure that it can address contemporary conflicts more effectively.

The necessity for reforming and restructuring the United Nations Security Council (UNSC) to effectively address civil wars has never been more pressing. As the world witnesses an alarming number of protracted conflicts, many of which are civil in nature, the existing mechanisms for conflict resolution have become increasingly inadequate. The UNSC was established at a time when the geopolitical landscape was vastly different, and its tools for maintaining international peace and security require significant adaptation to meet the challenges of the 21st century. One of the primary issues plaguing the current structure of the UNSC is its composition.

The five permanent members—China, France, Russia, the United Kingdom, and the United States—hold veto power, which often leads to stalemates in the face of urgent crises, particularly in civil wars where interests may conflict with national or strategic priorities. This veto power can obstruct timely intervention or recovery efforts, exacerbating human suffering and allowing conflicts to fester. Reforms that dilute this power or introduce a more representative membership structure could promote greater consensus and foster collaboration in addressing civil wars more effectively.

Moreover, the current decision-making processes within the UNSC can be overly bureaucratic and slow to respond to the immediate needs generated by civil unrest. Civil wars require swift and decisive action, including the potential deployment of peacekeeping forces, sanctions, or humanitarian aid. Streamlining decision-making and incorporating more flexible frameworks for response could enable the UNSC to act promptly, potentially reducing the duration of conflicts and restoring stability more quickly.

A restructured council that allows for faster consensus-building mechanisms and greater involvement from regional organisations, such as the African Union or the European Union, may facilitate swifter and more relevant responses to the complexities inherent in civil conflicts. In addition, the UNSC's current approach often lacks attention to the underlying root causes of civil wars, such as political exclusion, socioeconomic inequalities, and ethnic tensions. Reforming the council to incorporate a more holistic approach to conflict resolution that includes developmental measures, dialogue initiatives, and long-term recovery plans could prevent civil wars from erupting in the first place. This necessitates a shift from a primarily militarised focus to a multifaceted strategy that encompasses peacebuilding, nation-building, and sustained engagement with conflict-affected societies.

Furthermore, enhancing the role of civil society and local actors in discussion processes can foster more sustainable peace outcomes. Current practices often sideline those whose lives are directly impacted by civil strife, leading to solutions that fail to resonate with the actual needs of the population. A structurally reformed UNSC could prioritise inclusive dialogues, integrating voices from affected communities and local leaders to ensure that peace initiatives are representative and grounded in reality.

The reform and restructuring of the UNSC are crucial for developing effective strategies for resolving civil wars. By addressing systemic issues in decision-making, composition, and action frameworks, the UNSC can enhance its legitimacy and effectiveness in dealing with contemporary conflicts. Engaging more comprehensively with the underlying causes of civil wars and elevating local voices in resolution processes will not only lead to faster responses but will also foster sustainable peace. The global community must prioritise these reforms to adapt to an evolving world, ensuring that the UNSC can fulfil its mandate to maintain international peace and security in a manner that is fair, just, and responsive to the complexities of civil wars.

Conclusion to the Thesis

The specter of civil war involving internecine conflict within the borders of sovereign states presents a profound challenge to the mandate of the United Nations for maintenance of international peace and security. Though the Geneva Conventions recognised 'armed conflict', whether between the states or within the domestic sphere of the states, as a subject fit for international regulations, Article 2(7) prohibition of interference in the domestic jurisdiction of member states by the United Nations (UN) effectually shut out the world body from involvement in addressing civil war and other forms of armed conflict for greater part of UN's existence. However, with the end of the Cold War and the resultant improvement in international political environment, the UN has steadfastly considered civil war and armed conflict as a threat to the maintenance of international peace and security and as such fit for proactive action to contain their intensity and spread.

The present research work has been an attempt to study and analyse the role of the UN in various conflict situations played out in the domestic sphere, often clubbed together as civil war. Below an attempt has been made, first to highlight the major concerns and themes investigated in the thesis and then secondly, we offer the findings as to the research questions raised in the thesis. Finally, some broad recommendations have been made as to the possible direction in research on the UN and civil war.

Major Concerns and Themes

Inter-state wars are conflicts that occur between two or more sovereign states. These wars typically involve the direct military forces of the participating nations and are often driven by territorial disputes, ideological differences, resource competition, or power imbalances in the international system. Historically, inter-state wars were the dominant form of armed conflict studied in international relations.

Intra-state wars, also known as civil wars, are conflicts that take place within the borders of a sovereign state. The primary actors are typically the state (its government and military) and one or more non-state armed groups. These conflicts can be driven by a multitude of factors, including ethnic or religious tensions, political grievances, economic inequality, secessionist movements, or the struggle for control of the state apparatus. Since the end of the Cold War, intra-state wars have become the more prevalent form of armed conflict globally, often characterised by their protracted nature, intense civilian suffering, and the involvement of

non-state actors. Intra-state conflicts can become internationalised through external intervention, where other states provide support (military, financial, or political) to either the government or the non-state actors. This external involvement can significantly alter the dynamics and complexity of the conflict.

The cornerstone principle of state sovereignty, enshrined in Article 2(7) of the UN Charter often clashes with the urgent need to address humanitarian crises and prevent mass atrocities within the borders of the State. This tension has shaped the UN's response to various internal conflicts, leading to both decisive interventions and agonising inaction. Examining cases like the Korean Crisis, the Congo Crisis, and the Suez Crisis, alongside instances of humanitarian intervention and enforcement actions in Iraq, Somalia, and Bosnia-Herzegovina, and the contrasting non-intervention in Myanmar and Syria, reveals the complex and often contradictory relationship between civil war and the United Nations.

Article 2(7) of the UN Charter stands as a bulwark of state sovereignty, stipulating that “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” This Article reflects the post-World War II consensus on the inviolability of national borders and the right of states to govern their own affairs without external interference. The rationale behind it was to prevent powerful states from using the UN as a tool for their own geopolitical agendas and to ensure the organisation's universality by respecting the autonomy of its member states.

However, the inherent limitations of Article 2(7) become starkly apparent in the face of widespread human rights violations and humanitarian catastrophes that often accompany civil wars. When a state is either unwilling or unable to protect its own population from mass killings, ethnic cleansing, or severe human rights abuses, the international community faces a moral and ethical dilemma. The tension between respecting state sovereignty and the responsibility to protect (R2P) vulnerable populations has become a central debate in international relations and a recurring challenge for the UN.

The early years of the UN witnessed interventions that, while not strictly civil wars in their initial phase, but had set precedents for the organisation's involvement in situations with significant domestic conflict. The Korean Crisis (1950-1953), triggered by the invasion of South Korea by North Korea, saw the UN Security Council authorise a multinational force to

defend South Korea. This intervention, made possible by the absence of the Soviet Union from the Council at the time, was framed as a response to external aggression, but it undeniably involved a conflict with significant internal dimensions and long-lasting implications for the Korean peninsula. The UN's involvement, though under the guise of repelling external aggression, demonstrated its willingness to take forceful action in a situation deeply intertwined with internal political divisions.

The Suez Crisis of 1956, while primarily an international dispute over control of the Suez Canal, also had internal dimensions related to Egyptian sovereignty and the nationalization of the canal. The UN's intervention, through the deployment of the United Nations Emergency Force (UNEF I), focused on securing the withdrawal of invading forces and establishing a buffer zone. While not directly intervening in a civil war, the crisis highlighted the UN's role in de-escalating conflicts that could have exacerbated internal tensions and potentially led to wider instability.

The Congo Crisis (1960-1964) presented a more direct challenge to the principle of non-intervention in a civil war. Following Congo's independence, the country was plunged into chaos marked by secessionist movements and widespread violence. The UN deployed a peacekeeping force (ONUC) with a mandate that evolved from maintaining order to preventing civil war, supporting the central government, and ultimately using force to quell the Katangan secession. This intervention, while controversial and facing significant challenges, marked a significant departure from a strict interpretation of Article 2(7), as the UN became actively involved in the internal affairs of a member state to prevent a descent into complete disintegration.

The research however mainly delves in the post-Cold War era which witnessed a growing recognition of the interconnectedness of internal conflicts and international peace and security, leading to a greater willingness to consider humanitarian intervention in situations of mass atrocities. The concept of humanitarian intervention, the use of force by a state or international organisation in another state without its consent to prevent or alleviate widespread human rights violations, gained prominence. This concept inherently challenges the strict interpretation of Article 2(7), arguing that the responsibility to protect human lives transcends the absolute sanctity of state sovereignty in extreme cases.

The UN Security Council, under Chapter VII of the Charter, which allows for enforcement actions in cases of threats to international peace and security, authorised interventions in

several internal conflicts with significant humanitarian consequences. The case of Iraq following the Gulf War saw the establishment of no-fly zones and safe havens for the Kurdish population, arguably constituting an intervention in Iraq's internal affairs to protect a vulnerable group from government repression.

The UN's involvement in Somalia in the early 1990s, initially through a peacekeeping operation (UNOSOM I) and later through a more robust enforcement mission (UNOSOM II), aimed to address a complex humanitarian crisis exacerbated by the collapse of the state and widespread civil strife. While ultimately unsuccessful in achieving its broader political goals, the intervention demonstrated the UN's willingness to deploy force for humanitarian purposes in a situation of internal conflict.

The brutal civil war in Bosnia-Herzegovina (1992-1995) saw the UN deploy peacekeeping forces (UNPROFOR) tasked with protecting civilians and facilitating humanitarian aid. However, the UN's mandate and resources were often inadequate to prevent widespread atrocities, including genocide. The eventual NATO intervention, authorized by the Security Council but largely driven by external actors, highlighted the limitations of UN peacekeeping in the face of determined aggression and the ongoing debate about when and how the international community should intervene in internal conflicts involving mass human rights violations.

In stark contrast to these instances of intervention, the UN's response to the protracted and devastating civil wars in Myanmar including Rohingya crisis and Syria has been largely characterised by non-intervention in terms of enforcement actions. Despite overwhelming evidence of widespread human rights abuses, including ethnic cleansing and war crimes, the Security Council has been unable to authorise robust interventions due to the veto power of permanent members with differing geopolitical interests.

The situation in Myanmar, particularly the systematic persecution and displacement of the Rohingya Muslim minority, has been met with strong condemnations and humanitarian aid efforts, but no significant enforcement actions under Chapter VII. Similarly, the Syrian civil war, marked by immense suffering, mass displacement, and the use of chemical weapons, has seen numerous resolutions blocked in the Security Council, preventing a unified and forceful international response. These cases underscore the enduring power of state sovereignty and the limitations of the UN when faced with deep divisions among its most powerful members.

The contrasting responses to civil wars highlight the inherent tension within the UN Charter and the complex interplay of legal principles, political realities, and humanitarian imperatives. While Article 2(7) emphasises non-intervention, the evolving understanding of international peace and security, coupled with the growing recognition of the responsibility to protect, suggests that the absolute sanctity of state sovereignty cannot be invoked to shield perpetrators of mass atrocities.

The UN's experience with civil wars demonstrates a spectrum of responses, ranging from peacekeeping and humanitarian assistance to more forceful interventions and, in some tragic cases, inaction. The effectiveness and legitimacy of these responses are constantly debated, reflecting the ongoing struggle to reconcile the principles of sovereignty and the imperative to protect human lives in the face of internal conflict. The future of the UN's role in addressing civil wars will likely depend on its ability to navigate this complex terrain, fostering greater consensus among its members on when and how the international community can and should intervene in the internal affairs of states to prevent and alleviate human suffering.

The impact of evolving geopolitical dynamics on United Nations interventions is profoundly shaped by the interplay between great power relations. In the post-Cold War era, the UN's role has been increasingly challenged by the competing interests of major powers, which often prioritise their national agendas over collective security. This situation has led to a marked shift in how the UN responds to crises and conducts peacekeeping operations. For instance, in situations like the Syrian civil war, divisions among permanent Security Council members—particularly the United States, Russia, and China—have resulted in a marked inability to reach consensus. Russia's intervention to support the Assad regime, alongside the U.S. backing of opposition groups, highlights how great power rivalries can paralyse the UN's ability to mediate conflicts effectively. The use of veto power by these nations often leads to a stagnation of negotiations, undermining the UN's credibility and limiting its effectiveness in conflict resolution. Additionally, the rise of China and the reassertion of Russia as global actors have shifted the balance of influence within international institutions, promoting alternative narratives around sovereignty, intervention, and human rights. This dynamic compels the UN to reconsider its strategies, especially in formulating responses to civil wars where interests of great powers may conflict with humanitarian imperatives.

The emergence of non-state actors and transnational issues, including terrorism and climate change, further complicates the UN's operational landscape. These issues often require collaborative solutions that transcend borders, which can be hampered by the geopolitical agendas of powerful nations focused on bilateral relations.

The interplay between great power relations and evolving geopolitical dynamics has a significant impact on UN interventions, requiring adaptive strategies that prioritise multilateral cooperation while addressing the diverse interests of member states. This ongoing challenge continues to shape the UN's effectiveness in promoting global peace and security.

The election of Donald Trump as President of the United States is likely to bring significant shifts in global political dynamics. Trump's 'America First' agenda suggests a more unilateral approach to foreign policy, which could lead to a re-evaluation of the United States' role within the UN framework. Historically, the U.S. has been a staunch advocate of multilateralism, often providing crucial support for UN initiatives. However, under Trump's leadership, there may be a pivot towards isolationism, undermining collaborative efforts on global issues like climate change, human rights, and international security. As Trump emphasises prioritising American interests, countries that heavily rely on U.S. support for UN initiatives may find themselves in a precarious position. Additionally, this shift could embolden nations to pursue their agendas outside of traditional partnerships, leading to increased geopolitical fragmentation. Allies of the U.S. may be compelled to reassess their strategies, reflecting a growing need for diplomatic agility in the face of changing U.S. priorities. Overall, the interplay between U.S. politics and the UN is poised for transformation, with potential implications for international cooperation and the effectiveness of global governance mechanisms as we navigate this new political landscape.

Research Findings

The research questions have been analysed in detail in the six chapters of this thesis. The research findings are summarised below.

1. How best to understand the legal foundations for the enforcement authority of the Security Council in situations of a civil war involving 'domestic jurisdiction'?

The UNSC is primarily responsible for maintenance of international peace and security. Its power to undertake enforcement actions, especially in cases of civil war that resides within a

country's domestic issues, represents a complicated and often contentious area of international legislation. The primary justification for non-intervention lies in upholding state sovereignty. It recognises the inherent right of a state to govern its population, choose its political system, and formulate its own laws without external coercion. This fosters international stability by preventing powerful states from unilaterally imposing their will on weaker states, potentially escalating conflicts and undermining the very fabric of the international system. However, the absolute sanctity of the non-intervention principle had been progressively eroded by evolving international norms and the increasing recognition of universal human rights. The rise of humanitarian concerns, particularly in the face of mass atrocity crimes, challenged the notion that a state's internal affairs are solely its own concern. The Responsibility to Protect (R2P) doctrine, while controversial in its implementation, reflects a growing consensus that the international community has a responsibility to intervene when a state fails to protect its own population from genocide, war crimes, ethnic cleansing, and crimes against humanity. This inherently necessitates a breach of the 'traditional interpretation of non-intervention'.

Moreover, the distinction between 'domestic affairs' and 'matters of international concern' has become increasingly blurred in a globalised world. Internal conflicts can have significant cross-border consequences, such as refugee flows, regional instability, and the rise of transnational terrorism.

The selective application of the non-intervention principle also raises critical questions. Powerful states have historically been more likely to invoke it to protect their allies or to shield them from scrutiny, while simultaneously intervening in the affairs of weaker states when it aligns with their strategic interests. This inconsistency undermines the principle's legitimacy. The lack of clear and universally agreed-upon criteria for when an internal situation transcends the threshold of 'domestic jurisdiction' and warrants intervention further exacerbates this issue.

The important part in Article 2(7) – 'but this principle shall not prejudice the application of enforcement measures under Chapter VII' – establishes the legal foundation for the Security Council's ability to intervene in circumstances that might be deemed domestic.

The legal justification for the UN Security Council's enforcement authority in civil wars, particularly through the lens of Article 39 of the UN Charter, rests on a dynamic and often contested interpretation of the Charter's provisions. Although Article 2(7) generally prohibits

intervention in issues ‘essentially within the domestic jurisdiction of any state,’ this rule is clearly limited by the provision that it ‘shall not affect the implementation of enforcement actions under Chapter VII.’ Article 39 then serves as the crucial reference point, granting the Council the authority to ‘ascertain the existence of any threat to peace, breach of peace, or act of aggression’ and to subsequently authorise actions under Articles 41 and 42. A critical analysis reveals the strengths and weaknesses of this legal foundation, highlighting the inherent tensions and debates surrounding its application.

The primary strength of relying on Article 39 lies in its flexibility. The broad phrasing of ‘threats to the peace’ allows the Security Council to adapt to the evolving nature of conflict and recognise that severe internal strife can indeed have significant international repercussions. This interpretation acknowledges that civil wars are not always contained within state borders; they can trigger refugee crises, destabilise entire regions, create havens for terrorism and organised crime, and lead to widespread humanitarian catastrophes that demand international attention. By framing such situations as threats to international peace and security, the Council can legitimately invoke its Chapter VII powers, overriding the limitations of Article 2(7).

However, this broad interpretation of ‘threats to the peace’ is also a significant point of contention. The lack of a clear and universally agreed-upon definition of what constitutes a ‘threats to the peace’ in the context of civil wars allows powerful states within the Security Council to selectively apply this justification based on their own national interests and geopolitical agendas. For instance, interventions in some civil wars have been robust, while equally or more severe internal conflicts have been met with inaction, often due to the strategic interests or veto power of permanent members.

Thus, the legal justification for the Security Council's enforcement authority in civil wars, primarily rooted in the broad interpretation of ‘threats to the peace’ under Article 39, is a ‘double-edged sword’. Its flexibility allows the Council to address internal conflicts with significant international consequences, potentially preventing wider instability and humanitarian disasters. However, this flexibility also creates space for subjective application, political manipulation, and the potential infringement upon state sovereignty. The lack of a clear definition of ‘threats to the peace’ in this context, coupled with the political dynamics within the Security Council, particularly the veto power, raises significant questions about the consistency, legitimacy, and ultimately, the effectiveness of this legal justification. While

Article 39 provides a legal avenue for intervention, its application remains a contentious terrain, constantly negotiated and reinterpreted in the face of evolving global challenges and the enduring principles of state sovereignty. A more consistent and principled application, guided by clear criteria and a genuine commitment to preventing mass atrocities, is crucial to strengthening the legal and moral authority of the Security Council's actions in civil wars.

2. Whether the activities and functioning of the United Nations is based on the provisions of the Charter or these are influenced by the international political climate, particularly relationship amongst the major powers?

The United Nations established in 1945, serves as a vital platform for international cooperation, peacekeeping, and global governance. Central to its operation is the UN Charter, a foundational document that outlines its purposes, principles, and structure. However, the functioning and activities of the UN cannot be separated from the prevailing international political climate, notably the dynamics among major powers.

The principles of sovereign equality, the peaceful resolution of disputes, and collective security are fundamental to the UN's framework. These provisions guide much of the UN's work, including peacekeeping missions, humanitarian assistance, and the promotion of international law. However, the effectiveness and direction of the UN's activities often depend on the geopolitical interests of its member states, particularly the five permanent members of the Security Council: the United States, the United Kingdom, France, Russia, and China. These countries hold significant power within the UN, notably the ability to veto substantive resolutions, which has profound implications for the operation of the organisation.

The influence of major powers on the UN is evident in various scenarios. For instance, during the Cold War, the ideological divide between the Western bloc led by the United States and the Eastern bloc, primarily represented by the Soviet Union, created significant hurdles for UN operations. The Security Council often became a battleground for these Superpowers, leading to deadlock on critical issues. The regional conflicts during that period demonstrated how geopolitical considerations overshadowed the UN's ability to fulfil its Charter mandates for peace and security.

In contemporary times, the relationship among major powers continues to shape the functioning of the UN. The rise of new powers, shifting alliances and emerging global challenges has resulted in a more complex geopolitical environment. The inter-relationship between the United States, Russia and China, for example, has significant implications for UN operations.

A critical area where the influence of major powers is evident is in peacekeeping operations. The deployment of UN peacekeeping missions requires the agreement and support of the Security Council, where the major powers exert considerable influence. For example, the UN's involvement in crises such as the Syrian civil war has been complicated by the conflicting interests of Russia and the United States. Russia's support for the Syrian government and its subsequent use of vetoes limited the UN's ability to take decisive action, illustrating how international relations can constrain the implementation of the Charter's aims. Similarly, the UN's role in humanitarian crises often reflects the geopolitical interests of its member states. Donor countries typically prefer to support initiatives that align with their foreign policy objectives, which can lead to disparities in resource allocation and assistance. The UN's response to the refugee crisis in recent times, for example, underscores how political considerations can shape humanitarian efforts. Countries with major political stakes in the region often influence UN actions, determining where aid is directed and how resources are mobilised.

3. What influences and impacts the decision-making in the UN Security Council when an armed conflict involving mass atrocity crime is committed?

The decision-making processes of the UNSC are significantly impacted when armed conflicts arise involving mass atrocity crimes. These instances evoke profound moral, political, and legal considerations that complicate the Security Council's mandate to maintain international peace and security. The multifaceted challenges posed by mass atrocities necessitate a nuanced exploration of the factors influencing the UNSC's decisions in such contexts.

The mass atrocity crimes raise urgent humanitarian concerns but at the same time places immense pressure on the UNSC to respond decisively. The Security Council is tasked with the responsibility to protect civilians and prevent atrocities; therefore, the occurrence of egregious human rights violations often compels the Council members to take action. The urgency is heightened by the international legal framework established by the Responsibility

to Protect (R2P) doctrine, which underscores the collective obligation of states to protect populations from mass atrocities.

Political considerations are pivotal in shaping the UNSC's response to mass atrocity crimes. It is well-known that the Council's decision-making is influenced by the disparate interests of its five permanent members who hold veto power. This power can lead to paralysis or inaction in the face of crises, particularly when the interests of any P5 member are perceived to be threatened or when geopolitical alignments conflict with humanitarian imperatives. For instance, Russia has employed its veto in situations such as the Syrian civil war and China has consistently vetoed action on Myanmar. This interplay between national interests and the moral imperative to intervene complicates the Security Council's ability to act collectively and effectively.

Additionally, the representation of diverse perspectives within the UNSC can affect the speed and type of responses to situations involving mass atrocities. Non-permanent members, who rotate periodically, can introduce new viewpoints and priorities into discussions. While this diversity can foster a more representative approach to global crises, it may also lead to disagreements that delay decisive action. Furthermore, the influence of regional organisations and actors comes into play, often complicating the decision-making process. For instance, regional dynamics in Africa or the Middle East can significantly influence the Council's discussions on conflicts involving mass atrocities occurring in those areas.

The legal framework surrounding the UNSC also affects its decision-making processes in cases of mass atrocity crimes. The Council has the authority to refer situations to the International Criminal Court (ICC) or to impose sanctions, arms embargoes, or to authorise military intervention under Chapter VII of the UN Charter. However, these legal instruments come with significant considerations regarding state sovereignty, the principle of non-interference, and the potential consequences of military action. The spectre of unintended consequences, such as exacerbating violence or creating instability, can lead to hesitation among the Council members to take steps in situations of mass atrocities.

The nature of the atrocity itself also shapes the Security Council's response. For example, the international community's reaction to the Rwandan genocide in 1994 remains a powerful reminder of the failures of the UNSC to act swiftly. Decision-making in such cases can be hindered by the chaotic nature of conflict situations, and the absence of a unified narrative

that captures the complexity of events occurring on the ground. The challenge of gathering accurate intelligence and assessing the scale of atrocities may lead to protracted debates within the Council, delaying any potential interventions and allowing atrocities to continue unabated.

4. What changes are required to address the inadequacies in the power and authority of the United Nations with regard to Civil war situations?

The United Nations plays a critical role in addressing civil war situations and promoting global peace. However, its power and authority are often constrained by structural inadequacies and political complexities. To enhance its effectiveness in managing civil wars, several key changes are required to address these shortcomings.

Firstly, clarifying and strengthening the legal basis for intervention is important. The principle of non-intervention in domestic affairs, enshrined in Article 2(7) of the UN Charter, often clashes with the imperative to protect populations at risk in civil wars. While Chapter VII provides a pathway for intervention when a situation constitutes a ‘threat to the peace,’ this interpretation remains contested. The Security Council needs to develop more explicit and objective criteria for determining when a civil war transcends the realm of domestic jurisdiction and poses a genuine threat to international peace and security.

Secondly, formalising the Responsibility to Protect (R2P) Doctrine is also crucial to address the inadequacies. Endorsed by the General Assembly, the R2P doctrine needs stronger formalisation within the UN system, including clear guidelines for its operationalisation by the Security Council. This would involve establishing thresholds for intervention, outlining the types of measures that can be taken, and ensuring accountability for actions undertaken in the name of R2P. Moreover, the UN must also take a firmer stance on the R2P doctrine, asserting a stronger commitment to intervene in situations where states are manifestly failing to protect their populations from atrocities. This entails not only military intervention but also comprehensive diplomatic and economic measures to prevent escalating violence.

Thirdly, reforming the Security Council’s structure is the most pressing issue for the UN. Reforming the veto system could enhance the Council’s responsiveness. Exercising the veto in cases involving crimes against humanity, war crimes, ethnic cleansing, and genocide is contrary to the ‘ACT Code of Conduct’ proposed by ‘the Accountability, Coherence and Transparency Group’. The Code offers a potential framework, encouraging P5 members to

voluntarily pledge not to vote against credible draft resolutions aimed at preventing or ending mass atrocities.

Fourthly, expanding the Security Council and enhancing representation is also required to address the inadequacies as it does not adequately reflect the contemporary global landscape. The Council's credibility and viewpoints might be expanded by adding more permanent and non-permanent members from under-represented areas. Increased representation could lead to a more nuanced understanding of civil war dynamics in different regions and potentially foster greater consensus.

Finally, the UN should strengthen its partnerships with regional organisations, such as the African Union (AU) or the European Union (EU). Many civil conflicts have regional implications, and regional organisations often have better local insights and relationships. By empowering these organisations and allowing them to play a more significant role in peacekeeping and conflict resolution, the UN could leverage local knowledge and resources, leading to more effective interventions. Establishing formal frameworks for collaboration and mutual support between the UN and regional bodies would ensure a more cohesive and coordinated response to civil wars.

Addressing civil wars requires the inclusion of diverse voices, including civil society organisations, local leaders, and marginalised groups. The UNSC should adopt a more participatory approach, where the experiences and insights of those affected by conflict are valued in the decision-making process. Facilitating dialogue between conflicting parties, local communities, and international actors can foster a more nationally owned approach to peacebuilding, leading to sustainable solutions.

5. Whether and to what extent the restructuring of the composition of the Security Council can mitigate its inadequacies and strengthen its authority for preventive and enforcement action in regard to intra-state armed conflict.

Intra-state armed conflicts have become increasingly prevalent, driven by factors such as ethnic tensions and political repression. Traditional state-centric approaches to conflict resolution and peacekeeping are often ill-suited to handle the complexities of such conflicts.

Furthermore, the veto power held by the P5 often paralyses the UNSC when immediate action is necessary, leaving significant humanitarian consequences in its wake.

One of the principal arguments for restructuring the UNSC is the need for a more equitable representation of the global community. The P5 reflects a post-World War II balance of power that is no longer relevant in today's multipolar world. Introducing new permanent members, particularly from underrepresented regions such as Africa, Latin America, and Asia, could enhance legitimacy and make the UNSC more responsive to regional conflicts. An expanded Security Council may also promote a more consensus-driven approach to decision-making, encouraging dialogue and diplomatic efforts rather than confrontation. By increasing the number of members, the UNSC could create a broader coalition for action, successfully navigating the competing interests of existing powers. A more collaborative environment could lead to shared responsibility for preventing conflicts and implementing peacekeeping measures.

Beyond composition and voting procedures, restructuring could also focus on improving the Council's working methods and its relationship with other UN organs. Enhancing transparency, could lead to more proactive and effective preventive action. A more integrated approach, involving closer collaboration with the General Assembly, the Economic and Social Council (ECOSOC), and UN agencies, could ensure that responses to civil wars are comprehensive, addressing not only the security dimensions but also the underlying political, economic, and social causes of conflict.

The potential for restructuring to strengthen the Council's enforcement action is particularly relevant in the context of civil wars where state sovereignty is often invoked to shield perpetrators of violence. A reformed Council, with greater legitimacy and potentially a modified veto, might be more willing and able to authorise robust interventions, including peacekeeping operations with stronger mandates, targeted sanctions against warring parties, and even the use of force in exceptional circumstances to prevent mass atrocities or protect civilians. The development and codification of norms like the Responsibility to Protect (R2P), while controversial, could find greater traction and application within a more representative and less gridlocked Security Council.

For restructuring the UNSC, several challenges must be also addressed:

Achieving consensus on the restructuring of the UNSC poses a formidable challenge. P5 members may be reluctant to dilute their influence and the veto power that enables them to

shape international policy. Questions arise regarding which countries would be granted permanent status and how representation would be balanced, leading to potential geopolitical disputes. Expanding the UNSC could exacerbate existing regional tensions if new members are chosen based on political alliances rather than representative equity. For example, the inclusion of countries with contentious relationships could hinder cooperative action and create further divisions within the Council. The dynamics of intra-regional politics need careful consideration to avoid conflict rather than resolution.

The restructuring of the UNSC holds significant potential to mitigate its current inadequacies and enhance its authority regarding preventive and enforcement actions in intra-state armed conflicts. By fostering greater representation, potentially limiting the veto power, and encouraging consensus-building, a reformed Council could become more responsive to the complexities of modern conflicts. However, the extent to which restructuring can achieve this depends on the ambition and feasibility of the reforms, particularly concerning the veto. Moreover, the Council's effectiveness will ultimately remain contingent on the political will of its members and the complexities of the conflicts it seeks to address. While restructuring offers a crucial opportunity for improvement, it is not a panacea and must be accompanied by a renewed commitment to multilateralism and the principles of the UN Charter to truly enhance the Council's capacity to prevent civil wars.

Further Research

The present research work has been adequately comprehensive given the objective and scope of the endeavour. It has been possible to respond to all the research questions raised in the thesis through extensive analysis of case studies in different time frame. At the same time, it is evident that the functioning and effectiveness of the United Nations is crucially influenced and ultimately determined by the dynamics of international politics and the course of international relations. As such, more focussed approach to the causes and dynamics of civil war situation is required for understanding patterns, response mechanism and possible mitigation. The key areas to explore are investigating the role of non-state actors and regional organisations in UN-led efforts could enhance understanding of collaborative approaches to conflict resolution. Research could also focus on the effectiveness of the Responsibility to Protect (R2P) doctrine in civil wars. Yet another dimension which may be explored concerns the implications of restructuring of the composition of the UNSC.

Restructuring of the UNSC seems promising and aligns with the stated goals of vast majority of member states but further research may examine the correlation between the increase of the number of members in the UNSC and enhancement of effectiveness of the Security Council and the legitimacy and credibility of the UN system.

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SC/RES 558.1984: The resolution requests all the nations to refrain from importing arms, ammunition and military equipment from South Africa.

S/20412, 2012: The resolution focused on the situation in Syria.

S/20457, 2019: The resolution focused on the protection of people with disabilities in conflict.

SC/RES 632.1989: The resolution endorsed a report by the Secretary-General, Javier Perez de Cueller, which outlined UN's plan for Namibia's independence.

UN DOC S/21087, 1990: The resolution was focused on the establishment of UNTAC in Cambodia.

SC/RES 668. 1990: The resolution endorsed the framework of comprehensive political settlement of the Cambodian conflict.

SC/RES 745. 1992: The resolution appealed to all States to provide voluntary assistance and support necessary to the UN and its specialised agencies for the rehabilitation and repatriation of refugees and displaced persons.

SC/RES 718. 1991: The resolution called for cooperation of the Supreme National Council of Cambodia and all parties with the mission regarding the implementation of the agreements in the political settlement and for all the parties go observe a ceasefire in Cambodia.

UN DOC S/23613 Add – 1: The resolution was related to the situation in Bosnia-Herzegovina.

UN Doc S/24091. 1992: The resolution highlighted the Security Council's determination to continue supporting peace efforts and implementation of a comprehensive settlement in Cambodia.

S/RES 792. 1992: The resolution was adopted by the Security Council for the implementation of Cambodian peace process.

S/RES 840. 1993: The resolution urged all the political parties of Cambodia to respect the results of the elections and cooperate in a peaceful transition.

S/RES 860. 1993: The resolution approved the withdrawal plan for UNTAC.

General Assembly Resolution 38/29. 1983: The resolution addressed the situation in Afghanistan and its implications for international peace and security.

General Assembly Resolution 50/88. 1995: The resolution focused on emergency international assistance for peace, normalcy and reconstruction of Afghanistan.

General Assembly resolution 43/20. 1988: The resolution urged the parties involved in Conflict to seek a peaceful resolution to the conflict respecting the territorial integrity and sovereignty in Afghanistan.

SC/RES 622. 1988: The resolution authorised the establishment of UNGOMAP.

UN Doc. S/20465: The resolution focused on the implementation of peace process in Afghanistan.

UN Doc. S/20469: The resolution recommended that UN members to assist South Korea in repelling the attack.

UN DOC. S/20482: The resolution authorised the formation of UN command under US leadership to provide military support to South Korea.

SC/RES 647. 1990: The resolution was concerned with the temporary deployment of military offices from existing UN operations in Afghanistan and Pakistan for an extended period of 2 months to assist in the good offices mission.

UN Doc. A/45/635: The resolution was related to the Iraq's invasion of Kuwait.

S/21879: The resolution imposed sanctions on Iraq.

S/PV 2859, 1989: The resolution focused on UN Security Council discussions and actions concerning the conflict in Afghanistan.

UN Doc A/49/208, 1994: The resolution detailed the efforts of the United Nations special mission to Afghanistan.

S/1994/766, 1994: The resolution outlined various options for future action regarding Afghanistan.

UN Doc. A/50/908. 1996: The resolution discussed the evolving situation in Afghanistan.

General Assembly Resolution A/RES/51: The resolution covered a wide range of topics including international cooperation, development and strengthening of UN system.

S/RES/662. 1990: The resolution declared that annexation of Kuwait by Iraq had no legal validity and was considered to be null and void.

S/RES/665. 1990: The resolution imposed naval blockade to enforce economic embargo in Iraq.

S/2024/369: The resolution focused on the implementation of resolution 2682 and the mandate of the UNAMI.

SC/RES/661. 1990: The resolution imposed comprehensive sanctions on Iraq for Iraq's invasion of Kuwait.

SC/RES/687. 1991: The resolution detailed the terms of the cease-fire following the Gulf War and establishment of a fund to compensate for Iraqi damages.

SC/RES/1051. 1996: The resolution established a system for monitoring exports and imports to and from Iraq.

SC/RES/1137. 1997: The resolution condemned Iraq's expulsion of UN inspectors, specifically those working under UNSCOM.

S/RES/2669: The resolution addressed an immediate end of violence and demanded the release of all arbitrarily detained prisoners in Myanmar.

A/HRC/39/64: The resolution focused on serious human rights violation in Myanmar.

A/HRC/RES/32/25: The resolution addressed the human rights situation in Syria.

UN Doc. A/52/850: The resolution focused on the UN system's role in the 21st century.

UN Doc. A/52/851/Corr.1: The resolution introduced Sunset Provisions or time limits on new UN initiatives.

General Assembly Resolution 1991 (XVIII), No.2: The resolution was focused on amending the UN Charter to expand the Security Council and the Economic and Social Council.

UN DOC. S/1501, 25 June, 1950: The resolution condemned the aggression and called for an immediate cessation of hostilities, demanding the withdrawal of North Korean forces.

UN DOC. S/1511, 27 June 1950: The resolution was adopted in response to North Korean invasion of South Korea.

GA Res. 820 (IX), 14 December 1954: The resolution was focused on ways to improve the UN's ability to maintain peace and security.

Security Council Resolution. 161, 1961: The resolution urged the UN to take measures to prevent civil war, demanded withdrawal of foreign military personnel.

GA Res. 2625 (XXV), 24 October 1970: The resolution established the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States was adopted.

GA Res. 3314 (XXIX), 14 December.1974: The resolution was focused on the protection of civilian population.

SCOR. 2077 meeting, 1976, Para- 10: The resolution focused on eliminating acts of piracy and armed robbery in Somalia.

UN DOC. S/12636, 1978: The resolution outlined a plan for the transition to independence for Namibia.

UN DOC, S/20345, 1988: The resolution contained information about the ongoing negotiations and diplomatic efforts to achieve peaceful resolution in Namibia.

UN DOC S/20346, 1988: The resolution was a tripartite agreement between Angola, Cuba and South Africa, known as Lusaka Agreement, which ended the South African occupation of Namibia and paved its way for Nambian independence.

A/43/989, 1988: An agreement between Angola, Cuba and Soth Africa concerning the independence of Namibia.

S/PV 2855, 19 April, 1989: The resolution was adopted agendas related to the situation in Afghanistan.

S/21689, 31 August, 1990: The document was related to the Framework for a Comprehensive Political Settlement of the Cambodia Conflict. It was endorsed by UNSC resolution 668 and was accepted by all the Cambodian parties.

UN Doc S/PV/2951. 29 October, 1990: The resolution discussed potential responses to the invasion and need for a peaceful resolution of Iraq's invasion of Kuwait.

S/PV. 2981, 3 April, 1991: The meeting was focused on the situation between Iraq and Kuwait.

S/PV 2982, 5 April, 1991: The resolution led to the adoption of Security Council Resolution 688, which condemned the repression of the Iraqi civilian population.

UN Doc. S/RES/733, 1992: The resolution called for a complete embargo on deliveries of weapons and military equipment to Somalia.

UN Security Council Presidential Statement (January 31, 1992), UN Doc. S/23500.

S/PV 3046, 31 January, 1992: The resolution focused on the role of Security Council in maintaining international peace and security, including the integration of human rights and UN peacekeeping efforts.

S/RES/751, 1992: The resolution led to the establishment of a UN operation in Somalia.

S/24343, 1992: Report on the situation in Somalia and highlighted arms flow to the country.

S/RES/775, 1992: The resolution decided to increase the strength of UNOSOM I.

S/RES/794, 1992: The resolution authorised the use of force to deliver humanitarian aid to Somalia.

S/RES/814, 26 March 1993: The resolution requested the Secretary General to provide humanitarian and other assistance to the people in Somalia.

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GA/9375, 5 December 1997: The resolution was to protect the interests of smaller nations in reform proposals for Security Council.

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Introduction to the Thesis United Nations and Civil War in the Post-Cold War Era: A Study of Responses, Limitations and Possibilities The present thesis undertakes an examination of increased preoccupation of the United Nations' (UN) over the last about three decades with different hues and varieties of civil war in multiple regions of the world and the content and implications of the response of the world body to civil war and armed conflict within the borders of the sovereign member states. The thesis argues for the incorporation of the UN response system and mechanism in this respect as a centrepiece of international consensus on how best to address the primary purposes of the UN for the 'maintenance of international peace and security'. Despite the return of international war in the form of the ongoing war between Russia and Ukraine, the general consensus is that civil war and armed conflict are now the more defining characteristic of what constitutes threat

to the maintenance of international peace , security and order. As such addressing the limitations of the

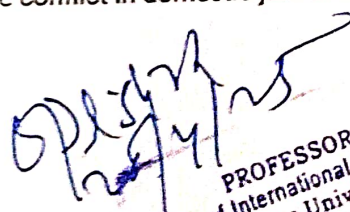
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UN system to further sharpen and bolster its existing response mechanism to increased instances of civil war which is invariably accompanied by horrific consequences for the civilian population is a much needed international priority. However, decision-making processes and procedures in the UN system and more particularly in the UN Security Council more often than not have exposed several and severe limitations of the existing UN mechanism and response system to address the newer set of threats that engulf the world. It is in this context that avenues for a more comprehensive and holistic approach of the UN to address the armed conflict, both for the international war as well as for the intra-state civil war becomes pertinent. In this thesis, therefore we are attempting to address all the three aspects- response, limitations and possibilities in so far as United Nations and Civil war is concerned. Background The primary

purpose of the United Nations is to maintain international peace and security . However, going by the collective experience of the world, the international

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peace and security is not necessarily only about maintaining peace among the nations or to prevent inter-state war. Rather the nature of conflict in all dimensions has fundamentally changed and therefore there are a greater number of conflicts within the borders of the nation state than between nation states. The proliferation of internal wars has fundamentally changed the ideas about how best to contain the conflict in domestic jurisdiction. The Security Council is primarily responsible for maintaining


PROFESSOR
Dept. of International Relations
Jadavpur University
Kolkata - 700 032