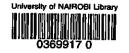# UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES (IDIS)

THE UN INTERNATIONAL SECURITY MANDATE: A Critical Analysis of the Post Cold War Period

FRANCIS M KIBICHO

SUPERVISOR: PROF MAKUMI MWAGIRU

This project paper is submitted in partial fulfillment for the requirement of the post graduate diploma in international strategic studies

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DECLARATION

This project paper is my original work and has not been submitted for a Diploma or a Post-Graduate Diploma or an Undergraduate Degree or a Masters Degrees to any other University

Francis M Kibicho

Signature ⟨signature⟩ **Date** *October 2008*

The Project Paper has been submitted for examination with my approval as the University Supervisor

⟨signature⟩

Professor **Makumi Mwagiru:** 26.11.08

Signature **Date**

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Abstract

The mandate of the United Nations (UN) in the maintenance of peace and security has been under scrutiny due to the changing world order. The UN as it is was formed after the world war and its main mission was to outlaw war as a means of international relations. However, immediately it was formed a new type of war set in, the 'Cold War' that was characterized by super power rivalry between the two main protagonists; the United States of America and the Union of Soviet Socialist Republic (USSR) commonly referred to as the Soviet Union. The rivalry divided the world into two blocks the West led by the US and the East by USSR. The two superpowers espoused different political ideologies and were in competition to win as many allies as possible in order to maintain supremacy over the other. This resulted in an unprecedented arms race as each tried to balance power, this saw the manufacturing of nuclear weapons by both sides that led to the phenomenon of Mutually Assured Destruction. This meant that a nuclear attack by any of them would result to total destruction of both of them and probably the entire world. The rivalry further saw indirect armed confrontations in their satellite states; 'proxy wars', more so in third world countries who rose against colonial powers to demand for independence. The difference in ideology was inevitably carried into the UN, making the status of the 'world policemen' by the two superpowers unattainable. The 'veto' powers bestowed to the members of the Security Council paralysed its operations and subsequently jeopardized the spirit of 'collective security'. However, the objective of preventing a major world war remained the desire for the United Nations and therefore various ways to circumvent this handicap were instituted to mitigate threats to international peace and security; the 'united for peace' in the North-South Korea conflict was one of the first acid test of the application of the peace and security mandate of the United Nations. The United Nations during the Cold War era met challenges in the maintenance of peace and security within the Security Council paralysis environment and this saw the introduction of 'peacekeeping' as a method of carrying out its security mandate.

In the late 1980s, the Soviet Union crumbled paving way to the birth of new states and further expansion of the UN membership. The ideological divide also crumbled and the Cold War between the East and the West came to an end depicting a remarkable change in the world order. The world became a unipolar system with the United States as the only superpower. The 'proxy wars' between the super powers in third world states were abandoned abruptly and the capacity of most of these states to continue waging wars against

neighbouring states dwindled. The prevalence and nature of conflict changed from interstate to intrastate, the state became an internally contested entity by communities within it. The inability of the states to maintain internal security proliferated more often spilling over boundaries and encompassing sub-regions hence internationalization of domestic conflicts. This resulted into regional initiatives, in some cases singular actions of the only world hegemony, the United States. The question here is whether this still falls within the security mandate of the United Nations in the maintenance of peace and security. If these actions are not within the security mandate, has the United Nations ceded its powers to other actors and therefore irrelevant in the maintenance of peace and security in the international system?

Notwithstanding, these changes in the post Cold War era the United Nations has shown more presence in the international system in the realm of peace and security. There has been renewed cooperation between the United States and Russia in the Security Council that has seen no 'vetoes' in the resolutions geared towards maintaining peace and security in the international system. These changes in the world order and the behaviour of the permanent members of the Security Council in the implementation of the Security Council mandate requires review. This study looks at the development of the implementation of peace and security mandate with an emphasis on the post Cold War era; amid continued call for the change of the membership of the Security Council the organ responsible for the maintenance of peace and security in the international system.

The study was conducted by obtaining secondary data on the activities of the UN after the Cold War through library research. A preview on the development of the UN gives an insight of the League of Nations and its transformation to the current international organisation.

The study found clear evidence that the UN has exploited its security mandate under the charter to its best of ability in the given circumstances and has so far managed to avert any world war. It is therefore conclusive to say that despite the challenges the UN has been able to implement its mandate in the maintenance of peace and security in the International System.

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Abbreviations

ANC	Armée Nationale Congolese
CIA	Central Intelligence Agency
DPKO	Department of Peace-Keeping
ECOSOC	Economic and Social Council
GA	General Assembly
ICJ	International Court of Justice
IR	International Relations
MSC	Military Security Committee
NATO	North Atlantic Treaty Organisation
ONUC	Operation des Nations Unies au Congo
RAF	Royal Air Force
SC	Security Council
SG	Secretary General
SOFA	Status of Force Agreement
SRSG	Secretary Representative to Secretary General
UAR	United Arab Republic
UN	United Nations
UNCEF	United Nations Children Education Fund
UNEF	United Nations Egyptian Force
UNFICYP	United Nations Force in Cyprus
UNGA	United Nations General Assembly
UNIFIL	United Nations Interim Force in Lebanon
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNOGIL	United Nations Observer Mission Group in Lebanon
UNOSOM	United Nations Operation in Somalia
UNPROFOR	United Nations Protection Force
UNSF	United Nations Security Force
UNTSO	United Nations Truce Supervision Organization
US	United States of America
USSR	Union of Soviet Socialist Republics
WMD	Weapons of Mass Destruction

Chapter 1

INTRODUCTION TO THE STUDY

Introduction

The mandate of the United Nations (UN) in the maintenance of peace and security has been under scrutiny due to the changing world order. The UN as it is was formed after the Second World War and its main mission was to outlaw war as a means of international relations. However, immediately after its formation a new type of war set in, the 'Cold War' that was characterized by super power rivalry between two main protagonists; the United States of America (USA) and the Union of Soviet Socialist Republic (USSR) commonly referred to as the Soviet Union. The rivalry divided the world into two blocks the west led by the USA and the east by USSR. The point of departure was different political ideologies. To expand the spheres of influence in international politics the two sides were in competition to win as many allies as possible in order to maintain supremacy over the other. This resulted in an unprecedented arms race in an endeavour to balance power. Efforts and resources were spent on armament with discoveries of nuclear weapons by both sides that led to a stalemate leading to the phenomenon referred to as Mutually Assured Destruction (MAD). What this simply meant was that a nuclear strike by any of them would result to retaliation with equal devastating effect that would lead to total destruction of each of other and probably the entire world.

The rivalry further saw indirect armed confrontations in their satellite states 'proxy wars', more seen more prominently in third world countries as they rebelled against colonial powers in demand for independence. The protagonists propagated their different political ideologies to the freedom fighters, armed resulting in the proliferation of armed conflicts throughout Africa, Latin America and Asia. These differences were inevitably carried into the UN where the protagonists were permanent members of the Security Council (SC), the organ responsible for the maintenance of peace and security in the world.

Further to being permanent members in the Security Council they were also conferred 'veto' powers that resulted in the paralysis of the Security Council because of the ideological differences. This antagonism paralysed the operations of the Security Council and thus the United Nations mandate on the maintenance of peace and security as earlier envisaged in the concept of 'collective security', could not be implemented. However, the objective of preventing a major world war remained the desire of the UN. To this end various ways to

circumvent the handicap imposed by the 'veto power" were sought after to mitigate threats to international peace and security. The first challenge to the UN on its mandate for the maintenance of peace and security came with the North-South Korea conflict of 1951-1953. The Security Council in the absence of USSR called a 'united for peace' mission led by the USA. This challenge to the UN's collective security mandate dogged the international organization throughout the period of the Cold War. The protagonists paralysed the smooth running of the Security Council but initiatives by the Secretary General of the UN tried to salvage the mandate through the introduction of 'peacekeeping'.

At its inception the UN was an initiative of the victors of the Second World War and had a membership of fifty most of who were less established than the big five. This made it easy for the victors to manipulate the UN to their advantage. In particular the European states had incurred so much destruction of life and property that they were willing to see peace and tranquillity prevail in the world. The losers had been subdued and had no contribution in the formation of the organisation. The UN's membership has since grown from fifty to the current one hundred and ninety two to include the then villains. Furthermore today these countries are among the most economically endowed and significant contributors to peace and security missions, yet their roles in the United Nations are insignificant. This increase in membership and the status of the new members in international relations has provoked the debate on the peace and security mandate set in 1945 that has not been reviewed. Coupled with the changing world order that the international system has undergone, it is of concern to look at the security mandate set that time vis-à-vis the current world order.

In the late 1980s, the Soviet Union crumbled paving way to the birth of new states and further expansion of the UN membership. The ideological divide also crumbled and the Cold War between the east and the west came to an end. This was a remarkable change in the world order. The world became a unipolar system with the USA as the only superpower. The 'proxy wars' between the super powers in third world states were abandoned abruptly and the capacity of most of these states to continue waging wars against neighbouring states dwindled. The prevalence and nature of conflict changed from interstate to intrastate and the state became an internally contested entity by communities within it.

The inability of the states to maintain internal security proliferated more often spilling over boundaries and encompassing sub-regions hence the internationalization of domestic conflicts. This phenomenon has seen states interfering in conflicts within the sovereign boundaries of other states with the objective of stemming such conflicts not to escalate beyond borders into neighbouring countries. This has become a challenge to the UN in its

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endeavour to fulfil its peace and security mandate as stipulated in its Charter. While the Charter prohibits the UN from interfering in matters that are domestic, circumstances have arisen where this has not been possible to maintain. On the other hand there has been disparity in the mitigation of the cases that UN has taken action. Thus pertinent questions loom in the minds of many whether the security mandate given to the UN in 1945 is valid for the mitigation of threats to international peace and security in the post Cold War era and whether the regional initiatives and the unipolar actions of the only world hegemony, the USA, are still within the security mandate of the UN in the maintenance of peace and security.

The issue also arises whether if these actions are not within the security mandate, the UN ceded its powers to other actors and therefore become irrelevant in the maintenance of peace and security in the international system. Notwithstanding, these changes in the post Cold War era the UN has shown more presence in the international system in the realm of peace and security. There has been renewed cooperation between the USA and Russia in the Security Council that has seen no 'vetoes' in the resolutions geared towards maintaining peace and security in the international system. These changes in the world order and the behaviour of the permanent members of the Security Council in the implementation of its mandate requires review. This project will analyse these changes against the UN's mandate in the maintenance of peace and security in the world after the end of the Cold War.

Statement of the Research Problem

This research will investigate the UN mandate in the maintenance of international security in the post-Cold War period. Threats to national security and subsequently to international security have shifted from purely interstate to intrastate and this raises the issue of whether the UN security mandate in the maintenance of international peace and security as formulated in 1945 is still valid for the post Cold War era. If it is true that the theoretical approaches in the discourse of international relations are instigated by the nature of, or conclusion to a war, then the end of the Cold War requires closer study for better understanding.[1] This research therefore analyses the mandate vested on the UN to maintain international peace and security in its Charter of 1945 and its applicability in the new post-Cold War world order. The research question poised is; 'Whether the UN's mandate in the maintenance of peace and security as it is valid in the post-Cold War era?'

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[1] Terriff T, Croft S, James L and Morgan P.M, *Security Studies today*, (Cambridge UK: Polity Press, 1999), p10

Objectives of the Study

     This research will have basically four objectives:

- Examine the history behind the formation of the UN and its mandate in the maintenance of international security
- It will identify the organs that are mandated to carry out the mandate
- It will evaluate the UN's security mandate in the post Cold War era
- Evaluate the future of the UN and its security mandate.

Justification of the Study

     The discourse of international relations was introduced in the early twentieth century in order to understand how states related with each other as entities. International politics is politics among the states of the world unlike in domestic politics where it is among peoples, communities, civil societies and professional organisations within a state. Taking the basic definition of politics as a means of control and distribution of resources in society, international politics is also a matter of control, acquisition, distribution and competition for world resources that are distributed all over the globe with no single state being endowed with its entire requirements. In order to control or acquire resources outside the confines of a particular state, there must be competitive interaction among the states in the international system to gain advantage. Sometimes this may lead to conflict especially where the required resource is only found in a particular state or region. Since time immemorial societies have engaged in conflicts to share resources and at the same time ways and means have always been sought to mitigate conflicts in order to conduct the business of sharing resources in a more amicable manner. International political scholars have therefore endeavoured to understand the nature of these interactions that mainly rotate around war, peace and security. These studies have shown that there is a direct correlation in the changes of the world order after every major war. For example, the Peloponnesian war, the thirty years war, the First World War, the Second World War and the Cold War have all culminated in changes in international politics. These changes need to be explained or understood and hence the need to study International Relations. Further the changes that have occurred after the Cold War stimulate the scrutiny of the study of international peace and security as the world transits from the Cold War.

     Since the establishment of the Westphalia state, sovereignty and respect for territorial integrity have been the main concern of the states. Different states followed varied policies to

achieve their interests beyond their sovereigns to satisfy domestic demands and at the same time maintained security of their territories. In the period before the First World War states maintained their security through the balance of power[2] through alliances, where an attack against a member of an alliance had to contend with retaliation from all the members. The concept of balance of power was based on one key principle of 'sovereignty and equality' of states guaranteed by the Westphalia peace treaty, where each sovereign state had no other power that dominated it. The universal order was that states were equal and if threatened would form alliances with other sovereign states to equal the power of the threatening state. This order worked well as long as there was a balancer. In Europe one of the most powerful states was Great Britain and was very instrumental in the balancing of power in a very volatile environment prior to the First World War. However, these alliances had their shortcomings and the balance of power through alliances collapsed with the break out of the First World War. The resultant massive destruction of life and property saw the members of the world coming together to outlaw war and come up with a better way of resolving disputes hence the formation of the League of Nations.

The purpose of the League of Nations was mainly to keep peace but also intended to organize international affairs such as politics, economics, financial and even cultural interactions. In its Covenant the first twenty-six articles consisted of the peace treaties imposed on Germany and her alliances, by the victors of First World War in 1918.[3] The American President, Woodrow Wilson, was the most enthusiastic exponent of the League's idea among the war leaders and the European allies having suffered the worst devastation were more than willing to accept any comprehensive peace settlement. Despite that there had been other wars before this war of 1914-18. It was the first total war in history where almost all the states of the world were involved in mobilising their entire human and material resources the conflict.[4]

However, the League of Nations failed to prevent the break out of the Second World War and hence the need to transform it to the UN in 1945. In the formulation of the UN Charter the purpose remained as envisaged by the proponents of the League of Nations but also sought to address the flaws in the Covenant. In the preamble of the UN Charter the purpose was clearly stipulated as the maintenance of international peace and security. The

[2] Lorenz J P, *Peace, Power, and the United Nations: A Security System for the Twenty-first Century*, (Boulder CO: Westview Press, 199), p10.
[3] Northedge, *F.S. The League of Nations and its Life and Times 1920-1946*, (New York: Holmes and Meier, 1986), p.2
[4] Ibid. p1

ideology behind the UN was based on cooperation, but the same conditions that necessitated the making of the League's Covenant were similar to those of drafting of the Charter, the victors were the main proponents and drafters of the Charter. The mandate for the maintenance of international peace and security came under serious challenge by changes in the international affairs when the Cold War set in the 1950, pitting the USA and the USSR. The bipolar world order became a hindrance to the implementation of the international peace and security mandate. The world order continues changing after the Cold War and this necessitates the re-evaluation of the UN's Security mandate.

The transition from bipolar to unipolar world order brought about diverse changes in the world social arena. There is more democratisation, new sovereign states have emerged, and international relations among states and indeed people have become less restrictive. The globalisation phenomenon has enhanced the proliferation of information and seamless trade across borders making the world a global village. Other changes include the realization of more democratic space by the state citizenry that has led to domestic political upheavals. Dictators and autocratic leaders have either been voted out or forced out through mass protests with unfortunate situations turning violent. The violent situations have serious repercussions to the international system that still remains anarchical. New phenomena like state collapse, failed state, gross human rights abuse, genocide, terrorism and other heinous transnational crimes have emerged and posed new forms of threat to international peace and security. The quest to explain these new phenomena in the continuing discourse of international relations justifies this study.

As the keeper of international peace and security, the UN has a daunting task. Given that it was formed some 60 years ago after the Second World War it is important to see whether there are necessary changes in its operations. Whereas the UN has had successes in its mandate the international system has also undergone tremendous changes in the conduct of international relations. The main threat to peace at the time of its formation was war between or among states and thus the strong desire to outlaw war. The collapse of the USSR and the end of the Cold War have brought about changes in the world order and new threats to peace and security shifted from purely external to the states to the domestic arena. These changes have resulted in the re-evaluation of threats to the state and the international system as a whole. The number of UN member states have also drastically changed from a mere fifty two to one hundred and ninety two bringing further diversity in opinion in the international organization. These changes to the international system justify research into the mandates

that the UN got in 1945 in the maintenance of international peace and security in order to establish their relevance and applicability in the current world order.

Literature Review

In the study of international relations, theories are used to explain or interpret events that occur during interactions among states. The core issues in international relations revolve around war, peace and security. This study is based on the premises of international relations and will mainly examine what scholars have said about these three concepts and in particular how they apply to the UN mandate in the maintenance of international security.

In an effort to understand the security mandate of the UN many scholars have looked at its Charter that outlines how the mandate is to be carried out. The security mandate is the primary objective of forming the UN and is clearly enshrined in the preamble[5] of the UN charter and Article 1. Simplistically the security mandate in the charter was envisaged to mean the absence of war

At the onset it is evident that security is the pre-eminent concept in the study of international relations, and many scholars have supported this premise in their works. A scholar who amplifies the eminence of security in the international relations is der Derian[6] who argues that 'no other concept in international relations packs the metaphysical punch, or commands the disciplinary power of 'security'; and Michael Mann[7] claims that what is most sought in the discourse of International Relations 'is substantive theory on its most important issue of all: the question of war and peace.' This is also evident in the first article of the UN Charter which states that the foremost purpose of its formation is the maintenance of peace and security which further supports the premise that theorising in international relations has everything to do with the end or cause of war. The preamble of the UN charter in its wording 'we the people of the UN determined to save succeeding generations from the scourge of war,

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[5] We the peoples of the united nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small........... to practice tolerance and live together in peace with one another as good neighbours and to unite our strength to maintain international peace and security and to ensure, by acceptance of principles and the institution of methods, that armed forces shall not be used, save in the common interest...'

[6] Der Derian J, 'The value of Security: Hobbes, Marx, Nietzsche, and Baudrillard', in Ronnie D Lipschutz (ed), *On Security* ,(New York: Columbia University Press, 1995), pp. 24-5

[7] Mann M, 'Authoritarian and Liberal Militarism: A Contribution from Comparative and Historical Sociology', in Steve, Ken Booth and Marysia Zalewski (eds), *International Theory: Positivism and Beyond,* (Cambridge UK: Cambridge University Press, 1995), p221.

which twice in our lifetime has brought untold sorrow to mankind, is key in supporting the prominence of war and peace in search of peaceful international politics.[8]

Analysts working within the realist tradition focus on states that could constitute effective threats, alone or in coalition with one another, given the power at their disposal. They interpret the actions of those states not on the basis simply of their announced policies or on the assumption that they will behave morally, but rather on the premise that they are seeking rationally to increase their power. And they devise policies that would protect their own society by amassing or maintaining sufficient power, alone or in coalitions, to maintain their essential security interests[9]. The realists further argue that security is achieved through the balance of power and in that states at all times seek more power. Various scholars have emphasized this and tried to explain the behaviour of states from this perspective. One such scholar of the twentieth century is E. H. Carr who argued that as early as two thousand five hundred years ago during the Greek city states; power was the main way of interaction among societies. He quotes Thucydides who posited that, 'the strong do what they have the power to do and the weak accept what they have to accept.'[10] This is clearly seen in the actions of the only world hegemony, USA, the unilateral invasion of Iraq to suppress the late Saddam Hussein is further testimony to this thought. Carr further emphasised on power in his book, *The Twenty years' Crisis 1919-1939*, by stating that 'the majority rules because it is stronger, the minority submits because it is weaker'.[11] In the political arena the realists are concerned with the behaviour of political groupings like tribes, city-states, kingdoms, empires and states. These groups interact in the international system that is characterised by anarchy. However, the main actors are the states and even though they interact in the anarchical international system they are limited in their actions by the effect of other states actions. Due to the overarching need to survive in the anarchical system and to achieve interests where there is no distributor the states are compelled to use force and hence the inevitability of conflict. Therefore states always feel threatened by other states when interests in the anarchical system conflict. This means that for states to be secure they must always be ready to counter force with force[12]. This is exemplified by Hobbes view of the anarchical state of

[8] UN Charter
[9] Keohane R.O (ed), *Neorealism and Its Critics*,(New York: Columbia University Press, 1993), p8
[10] Buzan, B, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*,(Boulder CO: Lynne Rienner, 1991), p16.
[11] Baldwin D.A and Milner H.V, Economics and National Security, in Bienen H. (ed), *Power Economics and Security*, (Boulder CO: Westview Press, 1992), p29.
[12] Terriff T et al, *Security Studies Today*, op. cit p31.

the international system as in a state of 'war of all against all'[13]. This gives credence to the realist belief that states must always seek power in order to be able to counter threats and hence the need for the balance of power to stabilize international system.

The realists also argue that moral principles are in the abstract and cannot be applied to international politics that does not have a structured political framework like domestic politics. States are dependent on themselves for security and hence the need for power,[14] Robert Staunz Hupe adds to this debate by arguing that international politics is dominated by the quest for power. At any one given time in history, there have been several states locked in deadly conflict desiring the augmentation or preservation of their power.[15] Since the international system is thus insecure due to its anarchical nature one wonders how security could be achieved. Frederick Schuman argues that the safety of each nation state could only be achieved by relying on its own power and viewing with alarm the power of its neighbours.[16] This overarching principle of power in international politics could be summed up by Hans Morgenthau's argument that 'international politics is the struggle for power; power has both a means and an end, states use power to secure their interests, and therefore their primary interest is to secure power.'[17]From his argument the proponent of the League of Nations Woodrow Wilson is said to have wanted to make the world safe for democracy which is also a struggle for power.[18]

In his analysis Northedge[19] argues that 'the pre-1914 international system was based on traditional balance-of-power practices that tolerated the use of force. This was more pronounced after the Peace of Westphalia in 1648, with its legitimization of the state system, political realism became the generally accepted conventional wisdom, particularly in continental Europe.[20] The establishment of sovereign states after the treaty of Westphalia based on the equality of states with clear boundaries to specific territories brought about the emphasis on security. In that respect to maintain stability in an anarchical system of sovereign and competitive nations, states promoted an environment in which power was balanced by equivalent power. The power balancer in Europe then was Great Britain which was a major power. To achieve this Britain shifted alliances whenever necessary to prevent

[13] Thomas Hobbes, edition by C.B Macpherson, *Leviathan*, (Harmondsworth: Penguin, 1968) p188.
[14] Terriff T et al, *Security Studies Today*, (Cambridge UK: Polity Press, 1999), P33.
[15] Stausz –Hupe R and Possony T. S., *International Relations*, (New York: McGraw-Hill, 1954), p. 271
[16] Schuman F., *International Politics*,(New York: McGraw-Hill, 1969), p.271
[17]Hans Mogenthau, rev by Kenneth W Thompson, *Politics among Nations: The Struggle for Power and Peace* (New York: McGraw-Hill, 1993), p29.
[18] Ibid
[19] Northedge, F.S., *The League of Nations and its Life and Times 1920-1946*, op. cit. p.iv.
[20] Keohane R.O, *Neorealism and its Critics*, op. cit. p.8

any one of the European states from being too strong to mount a successful challenge to the status quo. However, the outbreak of the First World War brought about different thinking in the maintenance of international security. Peace was more desirable than war and the balance of power dispensation had failed. The entire world had been drawn into a war that left insurmountable losses of life and property and thence the thoughts that culminated in the formation of the League of Nations, an international organization that was meant to maintain peace and security through the collective action of members against the declared enemy.

The neo-realists look at international politics from the power perspective. However, the approach is from the concept of the states of the world as comprising of a system. International politics are modified and informed by the interactions of the system as a whole rather than from the discreet members. Kenneth Waltz[21] the main proponent of this theory posits that, the organizing principle of the system can only change if the international system shifts from anarchic to hierarchic, while key characteristics of the system's units are unchanged as long as the system remains anarchic. Thus, in spite of greater interdependence, the growth of international organizations, and a significant increase in the number of transnational non-state actors, the international system remains anarchical. This means that the ordering principle and the characteristics remain more or less fixed. The main perspective of the neo-realists in analysing the international system is the distribution of capabilities or power across the system, and any changes in structure could only stem from the changes in distribution. The great powers have the largest distribution and concentration of the capabilities and therefore give the international system its central character and structure. In the realist/neorealist conceptions, the state is the most important political actor in the international system and thus most significant as the referent object of security. From this perspective, the main threat to states' security is other states efforts to get their way and threaten interests the state sees as important to its welfare and survival. The security of a state is thus its capacity to protect its territorial boundaries and its sovereignty to act as it deems fit. To achieve this states must attain power, which is defined as 'the ability to move others to do what one wants them to do and not to do what one does not want them to do.'[22] This is more often confused to be synonymous to the military but it is not though the military is an important aspect of power. Power *inter alia* comprises of high levels of technology,

[21] Terriff T et al, *Security Studies Today*, op. cit. p35.
[22] Wolfers, Discord and Collaboration, p.103.

population, natural resources, geographical factors, form of government, military, political leadership and ideology.[23]

The idealists belief in the abolition of war, and gained its prominence in1918 during the search for peace to pacify the world after the cruel First World War.[24] It was envisaged that through processes and institutions to mediate and control relations between states there would be prevention of a major war recurring in future. The major proponent of this thinking was the US President Woodrow Wilson who came up with a fourteen point proposal for the attainment of peace. Among those points the most significant were free trade, abolition of secret diplomacy, arms cutback to bare minimum and national self determination. He also proposed the establishment of a collective security system, the League of Nations and called for the perpetuation of democratic systems within the states.[25] This is envisaged as the origin of idealism's notion of achieving world peace and security. The main thrust of idealism was therefore the prevention of wars by creating institutions, structures and processes that would allow rational and controlled negotiations with the ultimate goal of attaining peace. Peace here was assumed as the absence of war, which had become very undesirable. As for the proposed institutions a variation of suggestions were put forward, amongst them a world government[26] with powers of enforcement, equivalent to an international police force or disarmament; a supranational[27] structure to which states would surrender some sovereignty. This was premised on the notion that through the institutionalization of peaceful means of conflict resolution and the consequent socialization of people and states into non-violent forms of interaction, peace would be attainable.[28] This initial proposal saw the formation of the League of Nations and a follow-up Kellogg-Briand[29] pact of 1928 that sought to outlaw war completely as a legitimate form of state policy.

What was coincident between the realists and the idealists was that the state as the referent object and that security was all but a matter of domination over others. However in the idealist approach the domination was by a supranational institution imposing order as opposed to the realist perspective of the more powerful states dominating the weaker ones. Key in idealism was the proposal for the reduction of wars and keeping wars limited;

[23] Terriff T., et al., *Security Studies Today*,p.62
[24] Ibid p.66
[25] Ibid
[26] Woof L, *International Government*,(New York: Brentanos, 1916)
[27] Pardesi G, Editors Introduction in Pardesi(ed), *Contemporary Peace Research*,(Brighton: Harvester Press, 1982) p.2
[28] Dunn D. J, Peace Research Versus Strategic Studies, in Ken Booth (ed), *New Thinking about Strategy and International Security*, (London: Harper Collins Academy, 1991), p.59.
[29] Terriff T et al, *Security Studies Today*, op. cit.p.67

restructuring the world system by reducing the power and autonomy of the state in the interest of greater system stability.[30]

The later idealists who pursued peace studies like Galtung came up with peace studies where peace was not only seen as the opposite of war but freedom from all sorts of structural violence[31]. In this perspective peace theorists look at power as emanating from empowerment that is dependent on equality and justice other than superiority or domination. This idealist notion of collective security and Galtung's recognition of human rights as a requisite to peace was rekindled after the Cold War in different forms. The new world order of the 1991 Gulf war, through UN peacekeeping forces in Bosnia and the west's references to the significance of human rights in foreign policy. This has extended the security agenda beyond the integrity of states to take on board the freedom and security of individuals.[32] David Dunn[33] elaborates further on the peace research paradigm in relation to international security by arguing that peace research stresses on the search for a mechanism regulating the world politics beyond the state-centric system and highlights the multidimensional nature of security. In this thinking the security agenda is said to encompass environmental quality, enhancement of human rights and the improvement of the economic wellbeing.

There is emphasis on reality which is termed as the 'new realism'. This is different from the theories of 'realism' and 'neo-realism'. 'New realism', means that the issues referred to are evident and are actual realities of life. This is illustrated by the argument that the immanence and imminence of threats to security are real. For example, the ecological threat is 'real' in its consequences; the deprivation that is characteristic of much of the world is 'real' in its consequences. Therefore when looking at security we should perceive threats from their realistic consequences, for example we see that; there is a clear relationship between rich and poor states and it is not always benign. There is a clear link between armaments and underdevelopment, the pursuit of one undermining the other. For most of the citizens of the world the real security dilemma is survival, nuclear weapons are not the most pressing threat. It is evident that the international system of sovereign states is deficient of its capacity to enhance the security of many citizens; the logic of state-centric security might actually jeopardize security prospects. This has widened the scope of security from a mere

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[30] Ibid
[31] Groom A J R, Paradigms in Conflict: the Strategist, the Conflict Researcher and the Peace Researcher in Burton J and Dukes F(eds), *Conflict: Readings in Management and Resolution,*(London: Macmillan, 1990),pp.71-97
[32]Terriff T et al, *Security Studies Today*, op.cit p.79.
[33]David J. Dunn, Peace Research Versus Strategic Studies op. cit. pp56-72

state-centric and prevention of war perspective to real significant needs of maximal interpretation of the social and economic underpinnings. The meaning of peace processes, the wider definition of security and meaningful life-enhancing structures.

The liberalists argue that the benefits of commerce will overcome the will to fight. While others argue that the abolition of anarchy will also lead to peace by the formation of a world government or an international supranational institution. The other argument in this direction is that democratic peace theorists state that anarchy does not lead to war between democracies.[34] In the elimination of anarchy, the suggestion is to have a centralized authority or government that will lead to a peaceful world. From this argument Clark and Sohn recommends the formation of a system of world law, with world tribunals and a world police force that would eliminate war.[35] Silviu suggests the formation of a 'World Authority' with adequate power to entrench peace and abolish war without necessarily ceding sovereignty.[36]

The liberal capitalists have also argued that 'commerce is essentially peaceful', which is the pursuit of rational men following their own interests, war on the other hand is not profitable and is an irrational anachronism.[37] Norman Angell[38] proposed this idea at the beginning of the twentieth century and suggested that war would eventually end because it was not a profitable venture and it only continued because leaders did not understand and therefore needed convincing. Those who argue that democracies do not go to war are led by Francis Fukuyama who argues that an expanding number of democratic states will continue to change fundamentally the nature of international system to overcome the conflictual nature of anarchy[39]. It is evident that the theme of peace is important in the minds of International Relations (IR) scholars and in general people who look at war as destructive and undesirable. But the main obstacle is how to tame states not to invade others or rather to outlaw war.

The League of Nations was formed with this in mind and the concept of collective security propagated. Early scholars in the twentieth century looked at this concept as states accepting to abide by certain rules and norms to maintain stability, and when necessary, come together to stop aggression; this stability is seen to culminate to cooperation.[40] The concept of collective security is based on all states coming together to deter any one of the members

[34] Terriff T. et al, *Security Studies Today*, op.cit., p.24.
[35] Clark G and Sohn L. B, *World Peace through World Law* (Cambridge MA: Harvard University Press,1966)
[36] Brucan S, The Establishment of a World Authority: Working Hypotheses' *Alternatives*, 8, Fall 1982, pp209-332.
[37] Mayall J, *Nationalism and International Society*, (Cambridge: Cambridge University Press, 1990), p75
[38] Norman Angell, *The Great illusion*, (New York: Putmnams, 1933).
[39] Fukuyama F, *The End of History and the Last Man*, (London: Penguin, 1992.)
[40] Charles A Kupchan and Clifford A Kupchan, The Promise of Collective Security, *International Security*, Vol. 20 Iss. 2, Summer 1995, pp52-3.

from using coercion to gain advantage , especially conquering another; that is no one state would with impunity undertake forceful policies that would fundamentally disturb peace and security.[41]

Theoretical framework

International relations as a subject is complex and tries to explain how and why states behave the way they do. As a discourse of study it is distinct in that it tackles issues of political in nature that are totally different from domestic politics. One of the overarching phenomena of international relations, which are synonymous to international politics, is the anarchical nature of the international system. Unlike in a state where there is a government that regulates the polity within the state and hence maintain order, in the international system each country is sovereign consequently the behaviour of states is purely dependent on normative issues. It is the choice of each state to exhibit 'normal' behaviour that is acceptable to other states. Scholars in the study of international relations have come up with various theories to fit in the behaviour of states in the international system and also try to use them to predict what might be future relations. This being a social science based on different perspectives a single theory cannot adequately explain all the phenomena that is exhibited by states in their relations. The concept of security in itself encompasses more than one theory in international relations, there are those issues that can be explained by the theory of realism, and others by idealism which are the basic theories of international relations. Collectivism falls in the realm of cooperation, integration, ceding of some sovereignty and therefore in the docket of idealism while security is in the realm of power, survival, safeguarding of interests and therefore in the discourse of power that is in the domain of realism. Peace studies also argue that matters of security should be approached from a peace research, where peace is not just the absence of war rather a desirable condition that enables the actualization of full potential.

In this respect the debate on the viability of the UN to maintain International peace and security is best based on the pluralist approach whereby the phenomenon involved is explained by more than one theory of international relations. Furthermore, we find that international interaction is not based on one issue but a multiplicity of many happenings. All these issues affect international peace and security and therefore ignoring any one of them

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[41] Thomas G Weiss, The collective security idea and changing World Politics in Weiss(ed) *Collective Security in Changing World Politics*,(Boulder CO: Lynne Rienner, 1993), p3

does not enrich the debate. However, the key word in this debate is security and this gives the paper a bias towards a realist approach. Therefore the theoretical framework will be pluralistic with the following main assumptions:

- The state is the main referent object of security in the international system however it is not the only actor; there are other non-state actors that modify the nature of security in the international system.

- Security does not only deal with military power, there are other issues that are a threat to international peace and security. Environmental, societal, political and economic issues are threats equally potent in causing disharmony in the international system.

- Peace does not only mean the absence of war, poverty, deprivation and oppression are part of structural violence that is detrimental to international peace and security. When analysing threats to security structural violence should be considered as one of the possible causes of conflict and consequently a threat to international peace and security.

Hypothesis

The current mandate of the UN in the maintenance of peace and Security has been outlived by the world order and requires revision. The old collective security concept that was envisaged after the Second World War was not applicable due to the changing international politics and resulted in modification in practice. After sixty years of changing world politics the world order has again dramatically changed and hence the need to change the security mandate of the Cold War era to conform with the realities of the world today.

The international system has also greatly changed, while the UN Charter was formulated when the UN membership was only fifty members, today the members number more than one hundred and ninety states. The composition of the Security Council (SC) is therefore outdated and not suitable to maintain international peace and security. Democracy has become the norm and therefore the control of the mandate for the maintenance of peace and security in the international system by a mere five permanent members of the Security Council does not represent democratic norm.

The current threats to international peace and security are more diverse than the traditional military strategic perspective and therefore require a different approach. The UN mandate for the maintenance of peace and security and its application needs transformation to address these new threats. Furthermore the mode of subduing these threats should be well

entrenched in the Charter with clear and explicit instruments; ad hoc methods of maintaining international peace and security in the international system are dangerous.

Methodology

The research will mainly depend on secondary data through library research. The historical evolution of the League of Nations and its transformation to the UN will be reviewed from the literature. The concentration will be on reports and documents that have been generated over the years covering the UN mandate in the maintenance of peace and security. More importantly review of literature on peacekeeping will form the bulk of the data since most of the involvement of the UN in the maintenance of peace and security has been centred on the institution of peacekeeping.

Chapter Outline

The study will be divided into chapters; chapter one will form the introduction and framework, chapter two will look at the evolution of the League of Nations to the UN and the formulation of the international security mandate. The brief history of international relations will show how the League of Nations evolved and subsequently the transformation into the current UN. Chapter three will look at the UN and its Charter that spells out the mandate for the maintenance of world peace and security; the organs that are directly charged with this responsibility and the actual instruments developed or provided to carry out the mandate. The Security Council as the main organ for the maintenance of peace and security, and the development of the institution of peacekeeping will be the focus here. Chapter four will look at the application of the UN security mandate and its application in the changing world order after the Cold War and in the environment of the expanding concept of security. Chapter five will be the conclusion.

Chapter 2

Evolution of the United Nations Security Mandate

Introduction

The idea of collective security that informed the basis of the League of Nations, the precursor of the UN, could be traced as early as 1306 in a treatise written by a counsellor to Philip the Fair named Pierre Dubois and published under the title 'The Recovery of the Holy Land'. In this proposal, Dubois recommended that the Catholic sovereigns of the Holy Roman Empire agree to resolve their controversies by arbitration and to act collectively against any one of them that used force in violation of that commitment.[1] In 1313 an Italian poet Dante[2] in his poem de *Monarchia* outlined a proposal for a unified *Imperum Mundi*, (an empire of the world). The poet based his imagination on the Roman Empire that a world empire would maintain peace and order. By the time of renaissance a proliferation of such ideas of a better world had emerged, in 1623 the French Emeric Cruce[3] in his article *The New Cyneas* proposed the formation of a small neutral country to host a 'general assembly' to which each state of Europe would send ambassadors to debate and vote on disputes and claims between countries. This was followed in 1638 by Duc de Sally[4] a minister of the French King Henry IV who produced a *Grand Design* for the permanent pacification of Europe in which the frontiers were to be redrawn into fifteen states, five catholic, five Lutheran and five Calvinistic of comparable strengths and a council to arbitrate conflicts of interest. In 1688 an English Quaker, William Penn[5] in his article *Towards the Present and Future Peace of Europe* advocated for a European Confederation with a Parliament and Council chosen in proportion to an annual national revenue to help resolve differences between states on the basis of what he called 'rules of justice'. In 1713 the French Abbe De St Pierre[6] in his project for making peace permanent in Europe advocated the renunciation of war and the formation of a co-federal union.

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[1] Lorenz J.P., *Peace Power, and the United Nations: A Security System for Twenty-first Century*, (Boulder CO: Westview Press, 1999), p.9

[2] Geoffrey Stern, *The Structure of International Society: An Introduction to the Study of International Relations*, (London: Pinter,1995), p197

[3] Ibid

[4] Ibid

[5] Ibid

[6] Ibid p.198

In 1795 Kant's[7] *Perpetual Peace* became an inspirational essay that articulated on the inevitability of war as a product of authoritarianism or absolute power. He argued that such kind of rule was based on material gains and involved preparations, if not actual hostilities to get the wealth. The panacea to this problem was vested in the overthrow of such regimes by transnational struggle and replace them one country after the other with assemblies where the common people would have real say in policy making. He believed that if achieved the assemblies would refuse to sanction or finance war and that the inexorable law of history that culminated to perpetual peace would be inevitable. However, to achieve this overthrow of absolutism would be necessary to hasten the formation of a confederation union of states, which eventually would lead to the withering of the state and establishment of a community of humankind.

President Woodrow Wilson[8] the author of the fourteen points for peace formed the foundation to the Covenant of the League of Nations a professor of politics and his advisors were a team of intellectuals were informed by these writings of the earlier philosophers, poets and historians. Therefore these scholarly contributions formed a source of inspiration in the search for durable peaceful coexistence in the international system. The other influences included the existing post-Westphalia system that rested on international law, diplomacy and balance of power. The congress or concert system established in Vienna in 1815, in which five acknowledged great powers of Europe met periodically to discuss and possibly resolve some of the world's major political and military problems. This was precedent to the principle of regular meetings of the League's Council and Assembly and the collective security principle of the covenant. Other specialized international agencies that existed, European Commission of Danube, Universal Postal Union, International Red Cross, actually by the time of the world war one there were a total of fifty such organisations dealing with a host of political, economic, technological and humanitarian activities in the world also gave the background possibility for a world institution[9]. Besides, there had been, between 1881-1900, more than one hundred arbitration treaties concluded and the Hague Conference of 1899-1907 had established a permanent court of arbitration with a panel of judges dealing with disputes.[10]

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[7] Ibid
[8] Ibid
[9] Ibid
[10] Ibid

League of Nations

The aforesaid ideas are the issues that inspired the architects of the League of Nations in the conference of Versailles[11] in 1919 that terminated the First World War and a peace treaty signed forming the League of Nations. The key theme was to promote international peace and security and international cooperation. The league was composed of four main organs, the Assembly, that comprised all the participating states represented, the Council comprising of the five Victor members and ten other members elected by the assembly, the secretariat and the Court of Justice with nine Judges. However, the League of Nations was a toothless organisation, the Assembly and the Council could only make recommendations that the member states interpreted according to the perceptions and interests. After all for a consensus all members were supposed to consent which is a very difficult position to attain, the secretariat did not have any executive powers and the court of justice could only give advice when consulted by member states who submitted themselves to the court on their own volition. Although the League of Nations had other agenda like, promotion of inter-state cooperation in the fields of labour, finance, transport and communication, public health and welfare; the main agenda was to transform the world order from that of dependent on balance of power to collective security through collective deterrence, disarmament and the peaceful settlement of disputes through institutionalized organisation.[12]

The League of Nations remained active for nineteen years in which it was called upon to handle forty four crises that concerned threats to peace and security, most of which included minor misunderstandings and frontier disputes over treaty rights and more endemic conflicts. Some of its successes included the diffusion of war between Albania and Yugoslavia over frontier dispute in 1921. Steered Poland and Lithuania towards ending their state of war over the possession of Vilna by threatening sanctions against both sides in 1927 and also deterred war between Greece and Bulgaria in 1925.[13] These problems were minor and involved small powers, the real challenge came when Japan, German, and Italy defied the agreements of the treaty in the 1930s[14], apparently these were the losers in the world war one and felt short-changed in the conditions imposed by the victors during the peace treaty. The important factor is that the peace agreements had been settled at the victors' terms and hence dissatisfaction remained with the losers who would build up their power to fight another day. This is a clear indication that coercive conflict settlements through legislation do not actually

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[11] Ibid p.200
[12] ibid
[13] Ibid p.201
[14] Ibid p.202

reach a resolution but only a restraining settlement that stood to be challenged by the weak when they got more muscles.

There were many flaws with the League of Nations that rendered it toothless and consequently led to its failure to stop the Second World War in 1939. Among the major flaws included the failure of universal acceptability of peace settlements as fair, the losers of the war felt that they deserved much more. The main proponent of the formation of the League of Nations, USA, failed to subscribe to the organisation. The powers of the various organs of the organisation were very weak, they could only make recommendations that were left to the member states to accept or reject. All matters required a hundred percent consensus by all members which was rather difficult to achieve, it was also difficult to take action against the great powers and this is what happened in the 1930s that culminated to World War two. The League was also said to be Eurocentric and the main members were disinterested in what was happening in Asia, Africa, and Latin America where they had no interest. The League also lacked sufficient focus on kinds of economic and social conditions that caused inter-state conflicts.[15]

The United Nations

The scourge of world war two led to the formation of the UN in an attempt to avoid a repeat of the horrors caused by this war. The formation was not solely a new matter on international security but was mainly a continuation of the League of Nations that had faced a lot of problems in carrying out its mandate. This is clear in that the UN's formation was mostly influenced by the Bruce[16] committee report that had been appointed in May 1939 to examine the League of Nation's experience and make recommendations. Its principal recommendation concerned the establishment of a central committee for economic and social questions; however, the committee's work could not be implemented because World War Two broke out. This aspect was however, captured in the preamble of the UN Charter,

'....to practice tolerance and live together as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.'[17]

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[15] Ibid p.204
[16] Frederic L Kirgis Jr, The Security Council's First Fifty Years, *American Journal of International Law*, Vol.8 Iss.3, 1995, p506
[17] United Nations, *Charter of the United Nations and Statute of the International Court of Justice*, (New York: Department of Public Information), p1

Just as it had happened during the First World War the victors of the Second World War met to form the UN. The conference that embarked on the preparation of the UN charter was held by the Soviet Union, the United Kingdom and the United States, with some input from China, at the Dumbarton Oaks Conference in 1944. The goal was primarily to create an organization that would serve as a mechanism to maintain international peace and security after the world war. The Dumbarton Oaks plan was refined by Stalin, Churchill and Roosevelt at Yalta in early 1945, and was moulded into the Charter at San Francisco later that year.[18]

The charter heavily relied on the Covenant of the League of Nations, actually borrowing most of the articles that were still applicable in the new organisation. The objectives of the charter was two fold first to strengthen the world body, make it more effective and secondly to safeguard the interests of the victors. The need for a powerful international organisation was in the minds of statesmen especially in the USA, an example is the statement by Sumner Welles, the USA under secretary of state in 1941 who said that ' the league of nations had never been able , as intended, to bring about peaceful and equitable adjustments between nations, some adequate instrumentality must unquestionably be found to achieve such adjustments when the nations of the world undertake the task of restoring law and order to a disastrously shaken world'.[19]To enable the new organization deal effectively with peace and security issues, the League's unanimous consensus rule was abandoned and substituted it with the veto power of the permanent members of the Security Council. Having agreed that some sort of military staff would be needed if the Security Council was to play a credible role in maintaining or restoring peace and security, they created the Military Staff Committee.[20] Earlier in 1942, the USA Secretary of state Cordell Hull in a radio address had emphasized on the need to have an International Agency that could use force if necessary to keep peace among nations in the future. This required international cooperation to set up mechanisms that could thus insure peace.[21]

The Charter in its chapter one stipulated its purpose and in particular Article 1[22] spelt out the mandate of the UN to take effective collective measures for the prevention and removal of threats to the peace, Chapter 3 Article 7[23] established the principal organs as: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship

[18]Frederic L Kirgis Jr, The Security Council's First Fifty Years, op. cit, p506
[19] Rusell R, History of the United Nations Charter, (Washington DC: The Brookings Institution, 1958), p.32
[20] Fredric L Kirgis Jr, The Security Council's First Fifty Years op. cit.p.506
[21]Russell R, History of the United Nations Charter op. cit.
[22]UN Charter, op. cit p3
[23] Ibid p.7

Council; the International Court of Justice, and the Secretariat. The establishment of the Security Council and its functions and powers are clearly laid out in Chapter 5[24]; Article 23 of the charter clearly states who the members of the Security Council are, of importance is the five permanent members, the Republic of China, France, the Union of Soviet Socialist Union of Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The other 10 members are elected from among the members by the General Assembly to serve for a term of two years. Article 24 further stipulates the primary function of the Security Council as the maintenance of international peace and security on behalf of the members. The major powers sought to strengthen the Council by eliminating the provision in the Covenant that allowed either party to a dispute to transfer the matter from the Council to the Assembly and they eliminated provisions in Article 15 of the Covenant that required members to refer "any dispute likely to lead to a rupture" to the League Council if it was not submitted for arbitration or judicial settlement[25]. The League Council, like the UN Security Council, was a political body not well suited to the role of mediator. The Secretariat was also conferred with such responsibility to report breaches of peace and security and this strengthened the Secretary General (SG) as opposed to the Secretary in the League of Nations. This role is outlined in Article 99, which gave him the authority to bring to the attention of the Security Council any matter that in the SG's opinion might threaten international peace and security.

The veto was a sensitive matter whose aim was to keep the great powers into the organisation; the balance of power and national interests were very dear to the formulators of the UN Charter and was envisaged as the reality of international relations. Even before the San Francisco Conference convened, it was quite clear that the veto would have to be included in the Charter if the major powers were expected to be parties to it. Consequently, the existence of the veto and the concept of permanent SC membership for the five major powers were not seriously challenged in San Francisco. What was challenged was the extent of the permanent members' discretion to use the veto. The Soviet Union seemed to reverse an earlier stand and took the position that even a decision to discuss a dispute involving a permanent member should be subject to its veto. A fortiori, any resolution dealing with the

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[24] Ibid pp14-16
[25] Under Article 15 (1) and (2) of the Covenant, any dispute between League members that was likely to lead to a rupture was to be submitted to the Council, with statements of the case. Under Article 15(4), if no settlement was reached, the Council was to publish a report with a statement of the facts, an implicit fact finding authority, and with its recommendations to the parties. These provisions gave ample authority to the League Council to make quasi-judicial pronouncements, if it wished to do so.

dispute itself, or any enforcement action, would be subject to its veto. The US, the United Kingdom and France joined the smaller states in opposing such an extreme use of the veto. The result was the compromise now embodied in Article 27(3): in decisions under chapter VI, but not under chapter VII, a party to a "dispute" shall abstain from voting. This is ambiguous and brings about difficulties in determining what is or not a "dispute"; a difficulty that was to arise on several occasions in the practice of the Security Council.

However, the organisation that emerged from San Francisco was inevitably a product of political compromise among the major powers, with some obeisance by the smaller states. It had a trim Security Council that could presumably act effectively to settle disputes or take enforcement action when there was a threat to the peace, breach of the peace or acts of aggression, provided that none of the five permanent members was directly involved in the matter. The assumption was that, as in the days of the League, many international disputes could be of little or of no interest to the major powers. They would wish to see such disputes resolved amicably, and would have no real incentive to veto dispute settlement measures that were acceptable to a Council majority.

There was even the possibility that the Council could play a constructive role in settling disputes to which a permanent member was a party, if the dispute fell short of an actual threat to the peace. The duty of a party to a dispute to abstain from voting under chapter 6 would prevent a permanent member from vetoing the Council's efforts to settle the matter. The Council could then, at least, recommend procedures for settling the dispute under Article 36. Facing such a recommendation, a recalcitrant permanent member might feel some pressure to settle the matter peacefully.

To deal with breaches of the peace and acts of aggression, the Security Council would have at its disposal armed forces and facilities, pursuant to Article 43 agreements with member states. The Chiefs of Staff of the permanent members would constitute a Military Staff Committee under Article 47, advising and assisting the Security Council on the military aspects of maintaining peace.

The Security Council thus would be a formidable body if all went on as planned. This actually raised concern among several of the smaller powers represented at San Francisco were worried about how to keep the Council in check if it began to run amok over their interests. Proposals were made to associate the General Assembly with the Security Council in taking enforcement action, and to give the Assembly the authority to pass judgment on the Council's actions. These proposals were unacceptable to the major powers and were rejected. Some also proposed that the Charter's grant of powers to the Council be reviewed after a few

years' experience. But when the Cold War essentially immobilized the Council, the worries dissipated, they have returned in recent years.

Meanwhile, at San Francisco the smaller powers obtained a degree of solace. The General Assembly would have some authority to participate in peace and security matters. It could discuss them under Article 10 and could make recommendations unless the Security Council was exercising its functions in the matter. If the Council was at work on the dispute or situation, Article 12 would prevent the Assembly from acting. Nor could the Assembly simply decide that the Council at some point was not exercising its functions and thus free itself from the Article 12 proscription. Nevertheless, the Assembly could act, often by simple majority vote, on a variety of other matters without regard to what the Security Council or any other organ was doing. In fact, it could discuss and make recommendations on any matters within the scope of the Charter, subject to Article 12. Of course, Article 2(7) was included to preclude "intervention" in matters "essentially within the domestic jurisdiction of any state," with an exception for "enforcement measures" by the Security Council under chapter VII. The Charter did not define the quoted terms. Because of the exception, controversies over the meaning of "intervention" and "domestic jurisdiction" would primarily concern the General Assembly.

It was contemplated that the Secretariat and especially the SG would be a significant participant in the UN political process. The key Charter article, as mentioned above, was and still is Article 99. On its face, it seemed modest enough as drafted. It simply authorized the SG to bring to the attention of the Security Council any matter he thought might threaten the maintenance of international peace and security. But it was recognized from the outset that it had far-reaching implications, going well beyond any power previously given to any comparable international official. In the hands of a dynamic SG, it would amount to a sweeping right of political initiative.

The International Court of Justice, though designated a principal organ of the UN, was not given a prominent role in settling disputes that could, in the words of the League Covenant lead to a rupture. It was essentially a continuation of the Permanent Court of International Justice. The drafters of the Charter did however; insert a mild reminder in Article 36(3) that, as a general rule, the parties should refer legal disputes to the ICJ. But attempts at San Francisco to empower the Security Council to refer legal disputes directly to the Court were defeated.

The drafters included a potentially significant provision for enforcing the Court's judgments. Article 94(2) gives the Security Council the only binding authority it has that is

not explicitly tied in the Charter to the maintenance of international peace and security: the Council may, at the request of the prevailing party in the ICJ proceedings, decide upon measures to be taken to give effect to the judgment. It seems to have been understood, though, that the Council would not do so if the losing party's failure to comply with a judgment presented no threat to the peace.

Hardly anyone thought of the Organization thus created as ideal. It reflected the art of the possible, around 1945. It could be effective as a mechanism for keeping the peace, and for other purposes such as promoting social justice and economic advancement, only if and to the extent its members wished it to be. How strongly they held that wish remained to be seen.

That aside, in the post-Cold War era the Security Council has concerned itself much more with conflict situations that have been essentially intrastate in nature. Traditional peace keeping was predicated on the consent and cooperation of warring parties. Disputants had to desire peace and voluntarily agree to stop fighting. Expanded peace-keeping efforts reject these requirements; instead they are intended to use force to resolve conflicts. Such a revolutionary change in UN conflict resolution practice was a product of a perceived success of the peacekeeping operations that seemed to have become institutionalized and was ready to mitigate unprecedented end of the Cold War in the period between 1989 and 1993. This euphoria generated greater expectations for the UN, in the belief that improved relations between Washington and Moscow would allow the world organization to pursue and evince the collective security ideals envisioned by the UN's founders. Expanded peace keeping was the principal manifestation of this belief, and it was given ambitious mandates, including guaranteeing the delivery of humanitarian aid, putting an end to civil wars, and building nations. Over twenty expanded peacekeeping missions were created between 1991 and 1997, more than the total number of peace-keeping forces deployed in the previous forty-six years of the UN's existence. The expanded peacekeeping model has been christened 'multidimensional peace keeping', with its advocates believing that it best describes the post Cold War UN missions; they contend that it includes a host of non peacekeeping functions, such as distributing aid and monitoring elections.[26]

Some examples of such cases are the Central American region where peace was sought between warring factions within Nicaragua and El Salvador. In Cambodia, the UN plan to restore stability and freedom entailed supervision of civil administration, the resettlement of refugees and the disarmament of the various armed forces operating in the

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[26] Frederick H Fleitz Jr., Can Traditional Peacekeeping be Saved, op. cit, p.52

country. The complexity of the problem of maintaining international security in the post-Cold War world was tragically illustrated by the conflict that broke out in what had been Yugoslavia. Latent nationalism within the federated republics of Slovenia and Croatia, combined with hostility and distrust between the ethnic societies within Yugoslavia, caused Slovenia and Croatia to declare their independence, followed shortly thereafter by Bosnia-Herzegovina and Macedonia. It suffices here to note that the UN found it necessary, in the interest of peace and the provision of humanitarian assistance, to perform peacekeeping functions between factions within a (newly declared) state; peacemaking functions to bring a solution between the new states; protective functions, within conditions of civil war, to bring humanitarian assistance to the needy population; and all of this in cooperation with the regional organizations that were involved in the peace efforts.[27]

The expanded peacekeeping operations have been dogged with peculiar problems in Yugoslavia for example there were executions of hundreds of Muslim civilians and soldiers in areas supposedly under the protection of the UN; 370 peace keepers taken hostage and used as "human shields"; and a humiliating withdrawal.[28] There was credible evidence that there was inadequacy of the UN command and control capacity of a significant military force to carry out an internal enforcement action even when it was able to deploy. The UN's capacity to plan became severely challenged in 1993 due to the deployment of seven new peace-keeping with a total of over 70,000 troops at a cost $4 billion, a sixteen fold increase in cost over 1988. Casualties occasioned in Somalia were due to some peacekeeping contingents' reluctance to follow orders given by UN commanders without first consulting with their capitals. Peace-keeping troops often could not work together due to different doctrinal training, language, and competency problems.[29] Despite intensive pressure on the UN to reform peace keeping for sometime, a US State Department Inspector General study determined in March 1997 that the UN's peacekeeping department still lacked modern command and control, sufficient competent civilian administrators, and a responsible procurement system.[30]

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[27] Ibid, p.48.
[28] US Government GAO/NSIAD-94-34, *United Nations Leading Missions Requiring Force to Restore Peace,* (Washington DC: Government Printing Office, March 1997), p9.
[29] US State Department Report, 7-CI-003, Report of Audit, *Peace Operations Reform,*(Washington DC, 1997), pp.33-35
[30] US State Department Report, 7-CI-003, Report of Audit, *Peace Operations Reform,*(Washington DC, 1997), pp.33-35

The tenet of impartiality and neutrality on diverse occasions was ignored UN troops participating in expanded peace-keeping missions claimed to be neutral but frequently attacked warring parties. Peace keepers sometimes engaged in extremely provocative actions, such as calling in air-strikes, like in Yugoslavia. At the same time, expanded peace keepers were given pacific rules of engagement and light equipment similar to traditional peace-keeping efforts. UN SG Boutros-Ghali explained this dilemma in a May 1995 report on UNPROFOR.

These legal problems came about as a result of the introduction of a new operation different from peacekeeping or peace enforcement; this is humanitarian intervention in sovereign states. This is a distinct conflict resolution tool created after the Cold War. It is similar to peace enforcement except that it is deployed in response to a humanitarian emergency and not an international conflict. Humanitarian intervention is designed in part to deal with crisis areas where there may not be a functioning government. Such operations thus are deployed without the consent of parties to disputes, usually within a state, and on the basis of a "right" of the international community to intervene. It therefore moves far beyond the UN Charter, traditional peace keeping, or expanded peace keeping, in that it represents abrogation of national sovereignty when there is no risk to international peace. The humanitarian intervention model stems from UN Security Council Resolution 688, passed in 1991, which served as the legal basis for a military operation to provide humanitarian assistance to the Kurds of northern Iraq. Resolution 688 cited Chapter VII and was the first effort by the council to define a humanitarian situation within a country as a threat to international peace. This mission, Operation Provide Comfort, was initiated over the objections of the Iraqi government and UN SG Perez de Cuellar, who disputed its legality under the charter.[31] The northern Iraq mission spawned other humanitarian intervention operations in Somalia, United Nations Operation in Somalia (UNOSOM I and UNOSOM II) and Yugoslavia, United Nations Protection Force (UNPROFOR) as part of larger expanded peace-keeping efforts. As earlier mentioned UNOSOM II's and UNPROFOR's humanitarian intervention missions went very badly, hurting the UN's overall peacekeeping effort as well as the UN. A lack of consent by factional leaders to these missions and the use of force by them alienated local populaces and caused both efforts to be viewed as occupying forces and combatants. The UN discovered that the delivery of humanitarian aid was not a neutral act, as it could sustain losing factions under siege, thus alienating winning factions and prolonging

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[31]Barry E. Carter and Phillip R. Trimble, *International Law*, (Boston: Little Brown, 1995), pp1411-1416.

the conflict. Since humanitarian aid was not linked to a cease-fire or a negotiated solution, it was manipulated by factions to allow them to regroup and prepare for further warfare. The risk of great power involvement in these efforts suggest that such crises probably are better left to smaller neutral states and nongovernmental organizations. While humanitarian intervention like missions will occasionally be necessary to address dire humanitarian emergencies, such as countries laid waste by civil wars, recent history suggests that there is no easy way to carry out such missions cheaply, quickly, and without violent confrontations between the humanitarian intervention forces and warring parties.

The expanded peace-keeping model hinged on two crucial assumptions: First, that fundamental changes in the international system due to the end of the Cold War to enable the long-dormant collective security ideals of the UN would finally be enacted, and second, that UN peace keeping's limited achievements during the Cold War were solely due to the superpower conflict. However, while the international system had changed, it had not changed as much as some peoples believed. Expanded peace keeping required nation states to cede sovereignty to the UN and to recognize that, unlike in the Cold-War era, sovereignty was no longer inviolable. But the nation-state system has remained intact even after the Cold War, and there are no signs of its demise. On the contrary, an outbreak of civil wars and secessions in the early 1990s suggested that the world actually moved away from global integration and interdependence. For example, the number of UN members has increased by 28 countries or 17 percent since 1992; 19 are new nation-states formed due to secessions. UN members especially states participating in peacekeeping missions resisted fully supporting expanded peace keeping for fear of creating precedents that would encroach on their national sovereignty.

While post-Cold-War expanded peace-keeping failures illustrate the limits of multilateral interventionism in a world where nationalism and the nation state system remain strong, it also suggests several lessons to maintain traditional peace keeping as a useful tool for UN post-Cold-War maintenance of peace and security in the international system. First, peace keeping works best when it sticks to the traditional model. Such missions will be rare and should be reserved for international conflicts and deployed only when full consent can be obtained from parties in a dispute. Ancillary duties such as election monitoring and rebuilding infrastructures are permissible so long as the consent of warring parties is obtained, and these duties do not compromise the neutrality of the peace-keeping mission.

Peace enforcement under the, expanded peacekeeping models, which combine traditional peace keeping with force to compel former warring parties to abide by diplomatic

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entreaties do not work and should be abandoned. The missions of the 1990s indicate that there is no such thing as Chapter VII peacekeeping and that peace keeping and peace enforcement are mutually exclusive. It usually will not be feasible or advisable to convert a peacekeeping operation, which is by definition consensual and none threatening, into an offensive war fighting force. Peacekeeping missions that plan to do so will be unable to achieve the successes scored by most traditional peacekeeping efforts, which were borne on trust, neutrality, and the consent of parties in a dispute. Such efforts also sacrifice the UN's reputation as a neutral arbiter, thus putting all existing and future UN peacekeeping missions at risk.

The UN Security Mandate

The UN security mandate is vested on the Security Council by its Charter chapter V; however, it does not give the direct control of the tools with which to enact those powers. The power to carryout security operations is contingent on the voluntary cooperation of member states in the contribution of peacekeepers or national enforcement of sanction regimes[32]. The compliance to the Security Council resolutions is also seen as dependent on the perception of legitimacy of the Security Council and its actions. If the actions of the Security Council are viewed as biased towards a certain direction then the various member states interpret those actions as they deem necessary to meet their interests. This has been due to the nature of composition of the Security Council; often most member states have seen the actions of the council as those of the five permanent members who have vetoed matters of their national interests. An example of such a case that verified this notion is the Rwanda genocide where no action was taken to preserve humanity and hence the neglect of duties of maintaining peace and security in the world.

The General Assembly is also vested with some powers to maintain peace and security in Chapter IV and therefore may sanction actions to restore or maintain peace in the international system. In 1953 and 1991 the General Assembly authorized enforcement operations in Korea and in the Gulf under the auspices of 'Uniting for Peace', to drive out hostile North Korean forces from South Korea and the Iraq forces from Kuwait respectively.

The UN Charter Chapter XV Article 99 bestows responsibilities in he maintenance of peace and security to the SG. Under this Article the SG is authorized to bring to attention of

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[32]Ian Hurd, Legitimacy, Power and Symbolic Life of the Un Security Council, *Global Governance*, Vol. 8 Issue 1, 2002, pp35-52

the Security Council 'any matter which in his opinion may threaten the maintenance of international peace and security'[33]. These powers rescued the total failure of the Security Council in the maintenance of peace and security in the world by the SG introducing 'peacekeeping' as a means to resolve conflicts.

Comparison between the League of Nations and the United Nations

The UN was borne of the League of Nations with the aim of stemming up the failures that the league had experienced leading to the break out of the Second World War. Most of the articles in the UN Charter were directly evolved from the League's Covenant and the institutions that were formed a replica of those of the League albeit change of names and an extension of some functions. The most significant change in the new UN was the introduction of a peace and security enforcement mechanism and the Veto power in order to entice the great powers to become members. The five great powers in 1945 became the world 'policemen' and therefore accorded the privilege of being permanent members in the Security Council which was the organ directly responsible for the maintenance of peace and security in the international system

The mandate of the maintenance of peace and security is thus vested in the Security Council with the SG and General Assembly having responsibilities in their maintenance of peace and security. The most significant function of General Assembly as it concerns the maintenance of peace and security is the approval of the budget to finance the actions that are to be taken by the Security Council and apportion such expenses to the members.

The formation of the League of Nations and subsequently the UN was as a result of two devastating wars; this was mainly as a result of the mode of international interactions. Before the first world war the concept of balance of power was seen as the major way of guaranteeing security in the anarchical international system. War was therefore regarded as a means of international relations between sovereign states, however, the devastating effects of the First World War prompted a change of the way states conducted international relations. The League of Nations was formed to charter peaceful ways of conducting international relations that would deter future wanton loss of life and property. The failure of the League of Nations to maintain peace and deter war led to the revisiting of the Covenant in an effort to make it more effective; but this was overtaken by events as the Second World War broke out. The war resulted to a further loss of life and destruction of property and this gave the right opportunity for transformation of the League of Nations to the UN. The main purpose of the

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[33] UN Charter

UN was therefore predicated on the maintenance of international security and peace that emanated from states against others. The main threat to international peace and security was war among states that had catastrophic effects in the loss of human life and destruction of property; war had to be outlawed or abolished and hence the UN mandate to maintain international peace and security. This mandate has managed to maintain relative peace throughout the period of Cold War, but there was still war though not evidently violent among states as they aligned themselves with the two superpowers. However, the Cold War ended with the disintegration of USSR and the onset of a unipolar world order with the US as the hegemony dominating the world. This new world order came up with renewed quest for democratisation within states, communities rose against formally legitimate governments with some collapsing and others dying, like Yugoslavia, and others totally failing, like Somalia.

Chapter 3

The UN and the Maintenance of International Peace and Security

Introduction

The mandate for the UN to maintain international peace and security is well enshrined in its constitutive Charter Chapter 1 Article 1(1) that clearly stipulates the core purpose of the organization as ; 'to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace'[1]. The key words in this mission statement are peace, security, collective measures, prevention of threats, suppression of aggression and breaches of the peace. The emphasis on peace was as a result the devastating effects of the just concluded war that include massive loss of lives, untold suffering to human beings and extensive destruction of property.

The achievement of this mission necessitated the organisation to create organs with specific powers that would enable them translate the mission into objectives; and for quick response and ease of evaluating situations that constituted threat to international peace and security. Most of the powers to fulfil the mandate to maintain peace and security is vested in the Security Council on behalf of the member states under chapter 3 Article 7(1)[2]. The primary role of the Security Council is explicitly stipulated in article 24(1) as 'responsibility for the maintenance of international peace and security' this is on behalf of the members of the UN. The members further empowered the Security Council through Article 24(2) by giving guidelines on the actions to be taken to accomplish its mission in chapters VI, VII, VIII and XII of the charter. The General Assemble has some powers vested in it in the maintenance of peace and security as in Article 11 and also authorises the budget to launch and maintain peacekeeping operations. There are two main interventions that have been authorized by the GA, the Korean intervention in 1953 and the defence of Kuwait from the invasion of Iraq in 1991, commonly known as the first gulf war. The SG under chapter 15

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[1] UN charter p3
[2] UN Charter p7, Article 7(1) 'there are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.'

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Article 99 of the charter is also vested with some responsibility in the maintenance of peace and security in the international system.

Despite the agreements enshrined in the charter, the big powers did not take long to disagree along ideological lines that culminated into what became known as the Cold War. However, the Security Council endeavoured to carryout its mission and in the process devised some tools to implement its resolutions. The new war between the superpowers undermined the formation of the Military Staff Committee (MSC) as required by Article 47 of the charter; this in essence rendered the Security Council toothless in executing its mandate. Throughout the Cold War era the Security Council tried to achieve its objectives through delegation of its powers conferred by Chapter VII of the Charter to Single State or Member States while trying to retain some form of control[3]. From the Charter there is no doubt that the legitimate authority to carryout the maintenance of peace and security is mainly vested on the Security Council, and therefore prudent to focus on the Security Council in the study of the maintenance of international peace and security by the UN.

The Security Council

The powers for the maintenance of international peace and security are vested on the Security Council in chapter 7 of the UN Charter. The chapter gives the Security Council the sole authority to determine when a threat to, or breach of the peace has occurred; the authority to order provisional measures; and the authority to order enforcement measures to be taken against a State. The measures, after establishing that international peace and security are at stake, are also stated in the Charter and include the imposition of economic and or military sanctions against any State or entities within a State. In particular Article 41 authorises the Security Council to use economic sanctions and other political measures including diplomatic isolation by the Member States[4]. This article implies the collectiveness of taking action against a belligerent State or an entity within a State that is deemed to have threatened international peace and security in consistency with chapter one of UN Charter.

[3] Danesh Sarooshi, *The United Nations and the Development of Collective Security: The Delegation by the UN Security Council of its Chapter VII Powers*,(New York: Oxford University Press, 1999) p1
[4] UN Charter Article 41, The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

The Charter in Article 42[5] gives the Security Council powers to use military force to enforce its decisions if the application of Article 41 is inadequate to achieve the desired end results.

Article 42 is critical in the maintenance of international peace and security because it contains an enforcement tone in the collective responsibility. Although it is limited in the restoration of peace and security rather than preventive measures, it is clear that military enforcement is vested onto the Armed Forces of Member States. In Article 43 Member States in their part commit to provide the Security Council with their Armed Forces, assistance and facilities, including rights of passage, necessary for the maintenance of international peace and security. In order for the UN to take urgent military measures for the restoration of peace and security Article 45 requires Member States to hold immediately available national air-force contingents for combined international enforcement action. These articles are explicit on the collective use of military forces of the Member States in the restoration of peace and security in the international anarchic system; if strictly followed the articles could be interpreted as to have a UN stand-by force comprised of forces from Member States. The Charter further stipulates how the collective forces would be applied to restore peace and security. Article 46 states that the plans for the application of the Armed Forces shall be made by the Security Council with the assistance of the Military Staff Committee. This Military Staff Committee is legally established by Article 46 of the Charter and is given the task of advising the Security Council on the military requirements, employment and command of the forces so dedicated to the Security Council for the purpose of maintenance of international peace and security. Article 47(2) gives the composition of the Military Staff Committee as the Chiefs of Staff of the permanent members of the Security Council or their representatives. This is significant in that if the permanent members are not interested in an issue or they assess an occurrence does not warrant military action, the Military Staff Committee will not take any action. The other significance in this Article is that, the members of the Military Staff Committee are specific, there is no ambiguity and therefore the failure to establish such a committee can be laid squarely on the permanent members of the Security Council.

The strategic direction of the UN is also vested on the Security Council who directs the Military Staff Committee on how to issue such guidelines to the forces put under the UN. This means that the command of such UN forces will be under the Security Council as stipulated in Article 47(3), however, forces may fall under appropriate regional sub-

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[5] UN Charter Article 42, Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate; it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

committees if authorised by Security Council under Article 47(4). This is important to note due to the legitimacy delegated powers to regional agencies or bodies. The collectiveness of the action taken by the Security Council in the maintenance of international peace is explicitly expressed in Article 48, which states in part,

'the action required to carry out the decision of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine. Such actions shall be carried out by Members of the United Nations directly and through their action in appropriate international agencies of which they are members'[6]

This encountered problems within the first five years of the new organisation, the Cold War started and the rivalry between USSR and US paralysed the activities of the Security Council by their veto power. The sad lesson of those years is that a system of collective security that is heavily dependent on decisions to be taken by the Security Council and, in extremis, militarily enforced by the Council, cannot work effectively unless the permanent members are in agreement. For most of the first forty years of the history of the UN they were not. The agreements with member states on the provision of troops and facilities for use by the Security Council provided for in Article 43 of the UN Charter were never reached due to disagreements between the US and the Soviet Union on the structure and mission such a force would have. Even those decisions that were reached by the Council were frequently ignored by Council members. Conflicts were numerous and widespread with the two protagonist superpowers taking opposite sides in most of them and hence used or threatened to use veto powers at the Security Council to stem any suggestion of resolving such conflicts. The only alternative left was for the secretariat to use their ingenuity to device and develop tools that would be able to circumvent the veto powers of the permanent members. Consequently the concept of peacekeeping was introduced; however, this had a shortcoming in that it was reactive to control a conflict situation, rather than preventive in defusing conflict before it occurred. The situation created by the superpowers appeared to have taken the UN back to the problems that had dogged its predecessor, the League of Nations, and thus the changes introduced seemed not to have made much more effective in maintaining international peace and security[7]. However, the Security Council managed to contain the Cold War as cold as it was without major upsets that would have made it hot; the

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[6] UN Charter Article 48(1) and (2)
[7] Sutterlin J.S, *The United Nations and the Maintenance of International Security: A Challenge to be Met,* (Westport CT: Praeger, 1995), p.5.

concept of peacekeeping therefore played a key role in the maintenance of peace and is important to date.

Circumventing the Security Council Stalemate

The introduction of peacekeeping as a tool for the Security Council to maintain peace and security can be traced to the League of Nations activities as it tried to avert breaches of peace between states. This is evident in some of the success stories of the league before its dissolution; in1921 Yugoslavia invasion into the frontiers of Albania with its armed forces where they pillaged Albanian villages, and moved rapidly toward the town of Durazzo on the Adriatic. Acting under Article 11 of the Covenant at the request of Great Britain, the council met in Paris on November 16 to decide whether to impose sanctions under Article 16. At the same time, the British House of Commons was debating unilateral measures to avert another Balkan war. Under pressure from Britain and its other European trading partners and in fear of sanctions by the League, Belgrade agreed on November 18 to withdraw its forces and to respect its frontier with Albania. The League of Nations representatives accompanied the departing troops to ensure that the council's demands were fully carried out[8]. Again in 1932 the border dispute between Colombia and Peru was resolved through the implementation of a ceasefire brokered by the league that facilitated negotiations between the parties. This was followed by the League sending a small peacekeeping force to the disputed area in order to ensure the withdrawal of Peruvian troops while the peace talks were in progress[9]. The real peacekeeping initiative by the League that is most similar to the peacekeeping adapted by the UN was the Franco-German dispute over the Saar industrial region in 1935. After World War I France had claimed the territory as compensation for the destruction of its coal mines in the north, even though the inhabitants of the region were almost entirely German. The Paris Treaty granted France a fifteen-year lease on the coalfield, with the administration of the area placed indirectly under the League, after which the local people were to decide their own future. The plebiscite took place in an atmosphere of high tension as Nazi Germany conducted an all-out campaign to prevent the region's transfer to France or its continuation under the League regime. To ensure a fair and free vote, the League dispatched an international force to monitor the voting. In addition to a special gendarmerie unit to protect the voters, a 3,300-man force of British, Swedish, Italian, and Dutch contingents maintained overall security. On January 13 the voting took place in the Saarland without incident, and

[8] Lorenz J.P, *Peace, Power, and the United Nations: A security System for the Twenty-first Century*, op. cit.p17.
[9] Ibid p.18

the region reverted to Germany in accordance with the overwhelming preference of its inhabitants[10].

The creation of the UN borrowed heavily on the successes of the League of Nations and tried as much as possible to resolve those bottlenecks that led to its failure. It is therefore obvious peacekeeping was not an original concept of its adaptors but a tool that had been used previously successfully. As the theorists of international relations debated on the need to have empirical evidence to give credence to the behaviour of states in the international system; the UN secretariat was trying to device tools to carryout the security mandate as it got paralysed by the creeping in of the Cold War, the positivists must have inspired the use of peacekeeping as a tool for the maintenance of peace since there was empiricism of the phenomenon.

Peacekeeping is not explicitly provided for in the UN charter save for the provisions of Article 29 that states that ' the Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions'[11]. From this article the Security Council is duly empowered to establish a 'peacekeeping' organ or any other organs to carry out the functions specified in chapters VI, VII, and VIII of the Charter. It is said that peacekeeping filled a part of the vacuum created by the paralysis inflicted on collective security by the polarization of the international system between East and West. It provided the immunization against the infection of a global ideological contest, which might otherwise have spread uncontrolled into local disorder[12].

The UN Truce Supervision Organization (UNTSO) in Palestine could be regarded as the first UN 'peacekeeping' operation. It was established in June 1948 by the Security Council appointed mediator, the Swedish Aristocrat Count Folke Bernadotte assisted by military officers from Sweden, Britain, US, Belgium and France[13]. This truce involved Israel and the neighbouring Arab states in Palestine after Britain had relinquished administrative supervision of the League of Nations trust land on 14 May 1948. The source of the conflict was the unilateral declaration of the creation of a Jewish state called Israel by the Jewish leaders; despite Palestine being a trust land under the league of nations after first world one no political settlement had been made and hence the ensuing conflict. The Security Council however, undertook the initiative to establish a ceasefire by passing a resolution in

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[10] Ibid p.20
[11] UN Charter Article 29
[12] Norrie Macqueen, *The United Nations since 1945: Peacekeeping and the Cold War*, (New York: Longman, 1999), p.iv.
[13] Ibid p.94.

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reference to chapter VII warning that the failure to adhere to the ceasefire would risk enforcement under Article 39. However, this threat did not hold the truce and more fighting broke out with increased intensity; the UN envoy Count Folke Bernadotte and a senior French military officer, Colonel Serot, were assassinated by Jewish extremists in September 1948.[14] On its part the Security Council responded by beefing up UNTSO with more military forces to a total of 600 with more countries participating. UNTSO thus marked the beginning of peacekeeping as a means of the Security Council to maintain peace and security as a result of the handicap to collective security caused by the Cold War; the comments by the SG that time, Trygve Lie, alludes to this when he commended the peacekeepers and had this to say, 'no story of the UN effort in Palestine would be complete without a tribute to these gallant men who, without previous experience in international teamwork, welded themselves in a matter of days into an effective team of UN officials[15]'.

The second peacekeeping force was instituted to oversee the ceasefire of the Kashmir Conflict that revolved around the boundary dispute between India and Pakistan immediately after their independence in August 1947. The Security Council established a commission to broker ceasefire between the two newly independent countries in 1948 and agreements reached to establish a ceasefire on 1 January 1949 for the commission to function effectively they requested for a military observers group and hence the formation of the United Nations Military Observer Group in India and Pakistan (UNMOGIP); the peacekeepers were modelled on the lines of the previously constituted UNTSO, however, it was smaller comprising of 100 military officers[16]. This was seen as an acceptable military operation involving the Security Council members whose own foreign policies were not directly involved in the problem but had foresight of dangers that would result if ignored. These two early missions were purely UN conducted and this is probably because the major powers did not have serious interests in the countries that were involved.

Meanwhile, the crises of the East-West relations escalated and the UN seemed to have only a marginal role as the member states aligned themselves to the superpowers and hence entrenching the bipolar world order. In this new dispensation the US managed to attract more members to its side than the USSR and thus assumed that the UN was its instrument for its foreign policy, after all most of the negotiations in its creation was an American idea. This thinking was amplified by President Truman's aide who in 1948 wrote, 'The UN is a god-

[14] Ibid p.20
[15] Trygve Lie, *In the Cause of Peace: Seven Years with the United Nations*, (New York: Macmillan, 1954), p187.
[16] Norrie Macqueen, *The United Nations since 1945: Peacekeeping and the Cold War*, op cit p20.

given vehicle through which the US can build up a community of powers...... to resist soviet aggression and maintain our historic interests'[17]. This notion was very fundamental to the crises in the Security Council in the maintenance of peace and security in the international system and the concept of collective security became an impossible as seen in the Korean war of 1950. The Korean 'collective' security undertaking by the UN turned out to be a confrontation among the permanent members with the west led by the US and its allies, the east by USSR and China.

In 1953 a significant change in the operations of the UN occurred, Trygve Lie was replaced as the SG by Dag Hammarskjöld and showed more commitment to the institution of the UN as a neutral international; his predecessor was more biased to the west alliance. He introduced the impartiality of the UN through what he called 'preventive diplomacy'; this was based on the idea that the UN should intervene actively in conflicts or potential conflicts before the question of collective security response arose.[18] The first opportunity for Hammarskjöld to apply his ideas presented themselves in the 1956, the crisis surrounded Egypt's nationalisation of the Suez Canal and the ensuing conspiracy among Israel, Britain and France that saw the invasion of the Canal Zone by the Israel military forces[19].

The crisis dated way back to 1948 when Israel declared itself as a state and the ensuing war between Israel and the Arab countries. There had been no peaceful settlement reached, Egypt continued sponsoring guerrillas across the border into Israel resulting to high tensions between the two countries. In 1956 the tensions were very high prompting the SG to spend weeks in the region with diplomatic efforts to resolve the dispute; however the nationalisation of the Suez Canal by Gammal Abdel Nasser previously owned by the Anglo-French company and a declared international water way by the treaty of 1888 provoked Britain and France. This became the first test for the Security Council to deal with a matter that purely involved the western alliance against each other; the ensuing Security Council actions and the inputs of the SG lay the grounds of real peacekeeping as we know it today.

On 29 October 1956 with the conspiracy of Britain and France, Israel invaded and attacked the Canal Zone of the Egyptian territory of the Suez Canal. This was followed by an ultimatum by both France and Britain for Egypt and Israel to withdraw from the area and accept a protection force from Britain and France for the Suez Canal. This was generally not acceptable to Nasser and therefore the Egyptian forces remained put and even blocked the

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[17] Ibid p.20
[18] Ibid p.21.
[19] Ibid p22

canal. On 31 October the Royal Air Force (RAF) of Britain started bombing Egyptian positions and other ground troops were expected to land several days later. This escalation of the situation prompted the convening of a Security Council meeting to discuss the matter and try to resolve it. The proposed resolution was drafted by the US who was angry for being left in the dark about the invasion by its North Atlantic Treaty Organisation (NATO) alliances in Europe[20].

On 30 October 1956 the Security Council met, the US draft resolution called for the immediate withdrawal of the Israeli forces from the Canal Zone of Egypt and further refrained any other UN members from interference. Britain was not amused by this draft resolution and therefore invoked its veto powers to block the resolution from being passed. To circumvent this as previously used in the Korean case, the 'Uniting for Peace' procedure was invoked and both the US and the USSR supported it. On 4 November the United Nations General Assembly (UNGA) passed a resolution proposed by Canada for the creation of an 'interpositionary' United Nations Emergency Force (UNEF) in the Canal Zone in Egypt. The SG, Dag Hammarskjöld assisted by Lester Pearson, Canadian foreign minister, quickly provided the preliminary plan pointing out for the first time what became a fundamental principle of the Cold War peacekeeping; he suggested that the force should not include contingents from any of the permanent members[21].

On 5 November 1956, the UNGA authorised the establishment of the UNEF with basic principles spelt out in an elaborate blueprint that endured all through peacekeeping missions during the Cold War. The principles included[22].

- UNEF would not be used to coerce the host state
- Egypt's consent to the intervention of UNEF and continuing acquiescence to its presence would be a fundamental condition to the operation.
- UNEF would be temporary, existing as long as was necessary to achieve the objective of mutual disengagement on opposing forces and stabilization of the general situation.
- UNEF would not have any internal powers in the territories it operated in as it would be located only along agreed ceasefire lines.

[20] Vadney, T.E., *The World Since 1945*, (Harmondsworth: Penguin, 1992), p224.
[21] Urquhart, B., *Hammarskjöld*, (London: Bodley Head, 1973), p.179.
[22] Pearson, L., *Memoirs Vol.2 1948-1957*.(Toronto: University of Toronto Press, 1973)

The clause on the consent gave Nasser the leeway to shape both the functions and the composition of the forces. The primary task of UNEF was therefore understood to be the supervision of an Anglo-French-Israel forces withdrawal from the Egyptian territory. Twenty four countries offered troops, however, only ten were approved by the SG; they included, Brazil, Canada, Colombia, Denmark, Finland, India, Indonesia, Norway, Sweden and Yugoslavia. On 15 November 1956 two weeks after the crises had broken out the first elements of UNEF had arrived and in three months time the whole compliment of six thousand had been deployed. By Christmas of the same year the British and French troops had pulled out; the Israeli withdrawal was a little sluggish but was gradually accomplished[23]. UNEF remained in position until 1967 when Egypt using its discretion of revoking the consent terminated the operation. The ensuing situation was the six-day Arab-Israeli war of 1967[24]. The UNEF mission was the first successful UN peacekeeping mission assigned tasks by the SG via the UNGA; it was conducted as an interpositionary force based on moral authority as opposed to the use of coercion and forms the model for UN's peacekeeping function during the Cold War. It dampened and contained conflict in an area in which superpowers had no perceived major national interests[25].

In his report on the performance of UNEF the SG recommended some principles that later formed a basis of future peacekeeping. They included:

- Peacekeeping was not 'the type of force envisaged under chapter VII of the Charter'.
- No legal obligations on either the host state or potential troops contributors to comply with the UN plans
- Host state consent must be obtained, however it was prohibited to interfere with the force once deployed, thus a comprehensive 'status of force agreements (SOFA) needed to be negotiated before deployment.
- Troop contributing states should not come from the permanent members of the Security Council or from any other state which might be considered as possibly having special interests in the situation which necessitated the operation. This was specifically important for the peacekeepers were to come from 'middle powers'. According to the Canadian foreign minister ,Lester Pearson, who assisted the formulation of the conditions for UNEF, ' the trick was to be big enough to discharge

[23] Norrie, *The United Nations since 1945: Peacekeeping and the Cold War.* Op. cit, p.26.
[24] Harbottle, M., *The Blue Berets: The Story of United Nations Peacekeeping Forces*, (London: Leo Cooper, 1971), p.30.
[25] Norrie, *The United Nations since 1945: Peacekeeping and the Cold War* op. ci, p.26.

with effect the responsibilities we undertake and not big enough for others to fear us'[26]

- o Freedom of movement for peacekeeping force within its agreed operational area

- o The UN force must not attempt to exercise authority either in competition with the host state or in joint operations with it

- o The peacekeepers should not be allowed to use force unless for self defence. This proved problematic later due to interpretation of self-defence and the specific circumstances lest it had to seek authority from the Security Council as provided in chapter VII of the Charter.

- o The issue of financing the operations was also a thorny one, the SG argued that since peacekeeping was an activity authorized by the UNGA or the Security Council then it should be funded through the normal imposition of the cost to the members

The success of UNEF encouraged the SG who believed that he had actually come up with the panacea threats to international peace and security especially in the areas where the superpowers had little national interest. Therefore in 1958 Hammarskjöld, on the request of the Lebanese president Camille Chamoun, facilitated another peacekeeping force in Lebanon; the United Nations Observer Mission Group in Lebanon (UNOGIL). Apparently this mission was necessitated by a purely domestic Arab unrest after the declared 'unification' of Egypt and Syria to form the United Arab Republic (UAR); this had excited the Arabs in Lebanon and scared Camille Chamoun, a Marionette Christian, of the hegemonic tendency of the Arabs in the Middle East[27]. The significance of this peacekeeping operation is that the conflict was of pure domestic in nature and therefore contrary to Article 2(7)[28] of the UN Charter. However, more importantly is that, whether by shear lack or by design, the superpowers were kept off the region at the time and hence restrained the polarisation of the region, it is noteworthy to note that the US had already landed 14,000 troops to support Lebanon which was pro-western when they realized the rising Arab hegemony was leaning

[26] Fabian, L.L., *Soldiers without Enemies: Preparing the UN FOR Peacekeeping*, (Washington DC: Brookings Institute, 1973), p.94.

[27] Kedourie, E, *Politics in the Middle East*,(Oxford: Oxford University Press,1992), p.239.

[28] UN CHARTER, Article 2(7), 'Nothing contained in this Charter shall authorize the United Nations to intervene in matters in which are essentially within the domestic jurisdiction of any state are shall require the Members to submit such matters to settlement under the present Charter; but the principle shall not prejudice the application of enforcement measures under Chapter VII.'

towards the Soviet Union. The success of this mission continued to give Dag Hammarskjõld impetus in deploying his tool of preventive diplomacy more and more, however, a crisis arose in the Congo mission ONUC where he actually lost his life. This mission is of importance and relevant to the maintenance of peace and security in the post Cold War era and will therefore be taken as a case study.

UN Peace and Security Mission in Congo

On 30 June 1960 Belgium withdrew from Congo, renamed Zaire in 1966 and back to the Democratic Republic of Congo in 1997, today commonly referred to as D.R. Congo. Congo is the third largest country IN Africa with more than 500 hundred ethnic groups. As was common with the colonialists, at the time of independence Congo did not have qualified indigenous people to take over the running of the government, which in the first place was Eurocentric and unfamiliar to the locals. In January 1960, following disturbances during the previous year, Belgium announced its intention to withdraw and to transfer power to an independent African government within six months[29]. Whether it was by design or ignorance, Belgium panicked due to the wave of African nationalism that had engulfed the whole of Africa in a wave of decolonisation. With no more than a handful of university graduates and no doctors, lawyers or trained military officers, Congo emerged as an independent sovereign state to run its own affairs. On 12 July, within two weeks of independence, the Congo's prime minister, Patrice Lumumba, and its president, Joseph Kasavubu, sought UN help to deal with a major crisis in the authority of the new state. The recently formed national army, the Arnée Nationale Congolese (ANC), had mutinied against its European officers and a chaotic spasm of looting and rape had ensued. In response Belgium sent a force of paratroops, primarily to protect the still considerable European population[30]. Exploiting the chaos in the national capital, Leopoldville, later Kinshasa, the leader of the mineral rich southern province of Katanga, Moise Tshombe, declared his own 'independence' from the Congo. This attempted secession was viewed as a conspiracy by Belgium and France. The reason advanced was that the European powers had subverted Congolese politics in an attempt to safeguard their neo-colonial commercial and industrial interests in the province[31].

The Congo case was another that was to contravene Article 2(7), though it may be argued that the invasion of Belgian forces give it an international dimension, notwithstanding

[29] Kedourie, E, *Politics in the Middle East,*(Oxford: Oxford University Press,1992), p.239.
[30] Ibid,p34
[31] Ibid

most of the issues were domestic in nature. The mission was at the onset going to be complex, more so when the incumbent government was weak and contested and the applicability of the 'host state consent' was going to be a tall order. At a glance, the UN was going to face basically four main issues: one, the withdrawal of the Belgian forces; two, the ANC required training to inculcate professional military discipline; three, the state had to be re-unified and separatism discouraged; and finally public order was to be established with the necessary bureaucracy to run a state government. These problems were going to be very challenging especially in the application of some of the principles Dag Hammarskjöld had proposed from the inspiration of UNEF. Apart from the host consent problem mentioned earlier; it was clear that the invitation of the UN was intended to restore order and re-establish a faltering political system, the principles of self- defence was going to be very difficult to distinguish from the force that would be used to restore order. Further, stopping the separatism movement and re-uniting the whole country meant interfering in the local politics. It was also seen that the hand of the former colonialists was in the crisis and thus posing a potential East-West in order to get the emergent country into one of the divide[32]. The mineral wealth of Congo must have been in the minds of Belgian and French hence could do anything to retain their influence.

Despite these glaring problem areas, the enthusiasm of the SG Dag Hammarskjöld brought to attention of the Security Council, invoking for the first time in the organization's Article 99[33] of the Charter, the need for Security Council authorization for an operation that would cover the withdrawal of Belgian forces from the Congo. This kind of operation had been familiar with the UNEF in its 'replacement' of the Anglo-French invaders of Suez and UNOGIL in its constraint of American action in Lebanon. Tunisia, one of the non-permanent members of the Security Council at the time, drafted the enabling resolution which established a force to provide assistance' to the Congolese government[34]. The force to be

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[32] Hoskyns, C., *The Congo since Independence, January 1960- December 1961*, (Oxford: Oxford University Press, 1965), p.102.

[33] UN Charter, Article 99, ' the Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

[34] UN Document SIRES/143, 14 July 1960 (passed 8:0 with China, France and UK abstaining). The Security Council: Considering the report of the SG on a request for a United Nations action in relation to the Republic of the Congo, Considering the request for military assistance addressed to the Secretary- General by the President and Prime Minister of the Congo, 1. Calls upon the Government of Belgium to withdraw its troops from the territory of the Republic of the Congo; 2. Decides to authorize the SG to take the necessary steps, in consultation with the Government of the Congo, to provide the Government with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks; 3. Requests the SG to report to the Security Council as appropriate.

assembled became known as ONUC, an acronym of its French initials, *Operation des Nations Unies au Congo*. The force lasted for four years with seventeen countries contributing at total of 20,000 persons at its peak[35].

Hammarskjöld embraced the challenge of the Congo with considerable enthusiasm. Certainly, Leopoldville's initial request related to 'Belgian aggression' against a new, independent state. Hammarskjöld's perception of the 'international' in the Congo probably derived from his general view of the UN's responsibility for the management of the international state system as a whole. In this view, the pressures on the new international entities emerging from decolonisation became a major subject for UN attention. This inclusive definition of what was properly 'international' allowed the circumvention of the basic Charter principle, Article 2(7) of non-intervention. Hammarskjöld's 'systemic' view of ONUC's purposes coincided with the perspectives of Patrice Lumumba, who insisted that the UN's primary role should be to bolster the authority of his government in Leopoldville. This, after all, had been the basis of his original approach to the UN. These differing perceptions led quickly to conflict between Leopoldville and New York[36].

The operation first encountered its problems by Belgium being reluctant to withdraw its forces before the internal situation in the Congo had stabilized. This precipitated to the engagement of ONUC forces in disarming of the Congo's own national army in order to restore order. Things got worsened by the secession of Katanga with the support of Belgian officers in its paramilitary 'gendarmerie' and by locally based western diplomats. Katanga's defiance of the central government continued unchallenged by ONUC in the first months of its operations as Hammarskjöld insisted that it would go beyond the 'peacekeeping' mandate and take the UN into the area of 'enforcement'[37] Patrice Lumumba viewed this as betrayal of the UN's original promise; while other third world countries started christening ONUC as an instrument of 'imperialism'. This was followed by a constitutional crisis in September 1960 when a long-standing and barely suppressed rivalry between Lumumba and President Kasavubu had been aggravated by Lumumba's increasingly anti-western rhetoric while Kasavubu was more amenable to western blandishments. Kasavubu dismissed his Prime Minister Lumumba, who retaliated by 'dismissing' the president. This forced ONUC to become a major actor in the Congo's internal politics; the result was two fatal operational

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[35] Norrie, *The United Nations since 1945: Peacekeeping and the Cold War*, op. cit p.35
[36] Higgins, R., *United Nations Peacekeeping 1946-67: Documents and Commentary Vol. 3 Africa* (Oxford: Oxford University Press, 1981), p981.
[37] Lash, J.P., *Dag Hammarskjöld: Custodian of the Bushfire Peace*, (London: Cassell, 1962), p.234.

decisions made by Andrew Cordier, Hammarskjöld's representative in Leopoldville. He ordered the closure of all airfields in the country and shut down the capital's radio station. This was aimed at favouring those opposed to Lumumba; by grounding air traffic the UN prevented the transfer to most of the troops loyal to the prime minister from his power base in Stanleyville, capital of Orientale province and by closing the radio station Lumumba was denied his only means of mass communication while Kasavubu was able to broadcast from the capital of the 'friendly' former French Congo, Brazzaville[38]. The interest in the newly independent countries in Africa and Asia were becoming targets of the superpowers in order to extend their influence; the UN in Congo was dominated by the Americans starting with Cordier who was the SG's Special Representative (SGSR) and most other advisors on the operation[39]. It is also said that the SG's main advisors in New York christened 'Congo Club' were pro-western and no pro-eastern members were involved; the Soviet Union which was not interested in the new phenomenon of peacekeeping noted this with more interest. The Congo crisis slowly started taking an ideological and diplomatic dimension that impinged directly on the central Cold War conflict attracting a more critical perspective from the Soviet Union which began taking interest more seriously of any events under the Security Council[40].

The conduct by Cordier attracted criticism from the Soviet Union who insisted that it was a pro-western ploy in the upper echelons of ONUC. In the Security Council in mid-September the Soviet representative denounced the failure of the operation to confront 'imperialism' in the Congo and pointed to the preponderance of western personnel at its head this culminated in the replacement of Cordier by Indian national, Rajeshwar Dayal, who brought a greater third world sensibility to the post[41].

The Soviet Union held the SG personally responsible for what it alleged was a western conspiracy in the Congo, his close personal identification with the development of the general philosophy and operational details of peacekeeping turned against him. In particular, his utilization of Article 99 of the Charter in the establishment of ONUC whatever the real limits of his personal control over the politics of either the UN or the Congo made him vulnerable to the side that perceived itself as the loser from the UN intervention[42]. On 23

[38] Urquhart, B., *Hammarskjöld*, (London: Bodley Head, 1973), p445.
[39] Luard, E., *A History of the United Nations: Vol.2 The Age of Decolonization, 1955-65*, (London: Macmillan, 1994), p.248.
[40] Khrushchev, N., edition by Strobe Talbot, *Khrushchev Remembers: The Last Testament*, (London: André Deutsch, 1974), p.482.
[41] Abi-Saab, G., *The United Nations Operation In Congo, 1960-1964*, (Oxford: Oxford University Press, 1978), p77.
[42] Norrie, *The United Nations since 1945: Peacekeeping and the Cold War*, op. cit p.38

September 1960 the Soviet leader Nikita Khrushchev addressed the Security Council on ONUC's shortcomings and the controversial nature of its political direction. He denounced the failure of the UN to stem the Katanga secession and its involvement in the anti-Lumumba manoeuvres earlier in the month. He subsequently put forward a proposal[43] for radical reform before the Council. He argued that the SG's office concentrated too much power in the hands of one individual and therefore should be abolished; he retorted that 'there are neutral nations, but no neutral men'[44]. This was in reference to Hammarskjöld's a Swedish national and although Sweden was a neutral state it did not mean that Hammarskjöld was 'neutral'. Khrushchev thus recommended the office to be replaced by a 'troika' composed of representatives of three distinct groups of states: western, communist and Afro-Asian. He argued that this would deter either of the Cold War blocs to exploit the power of the office and therefore, ensure a truly internationalized UN. Hopefully it would inculcate the concept of an institutional bureaucracy loyal to the institution rather than the national origins of its personnel.

This proposal did not gain much support and especially the Afro-Asians believed that Hammarskjöld was committed to the UN as an institution rather than either of the two Cold War blocs, which sought to control it. Hammarskjöld quickly exploited the support from the Afro-Asian non-aligned movement to defend himself against the accusations levelled against him by Khrushchev's proposals[45]. On the other hand when Khrushchev realised that he had no support he quietly dropped his proposal. The extent to which the UN bureaucracy represented bloc interests was debatable; however the Soviet suspicions were more fuelled by a Marxist sense of the individual as agent of class. Secondly, it was now evident that peacekeeping, which was designed to prevent Cold War involvement in peripheral areas of bipolar competition, could actually become the focus of such involvement. As Ernest Lefever put it, the UN 'did not keep the Cold War out of the Congo. On the contrary, it further politicised the crisis and ensured that the Cold War would be fought in that chaotic arena'[46]. Ironically, Cold War competition now posed a threat to peacekeeping whose initial aim was to edge off that competition. The Congo case was evidently different from the UNEF over Suez; dangerous situations could deteriorate irrespective of UN intervention, the situation in Congo in September 1960 was totally different from that in July same year. The political

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[43] Ibid p.100.
[44] Luard, E., *A History of the United Nations: Vol.2 The Age of Decolonization, 1955-65*, op. cit. p204
[45] Urquhart, B., *Hammarskjöld*, op.cit, p461.
[46] Lefever, E.W., *Uncertain Mandate: The Politics of the UN Congo Operation,* (Baltimore: Johns Hopkins University Press, 1967), p207

environment had changed fundamentally with the danger of Cold War involvement creeping in; however, ONUC had no option but to adapt to its best according to the rapidly changing circumstances.

As the question of neutrality was going on in New York, in the Congo the question of who was in charge of the state was afore. The two rivals, Kasavubu and Lumumba on dismissing each other, sought legitimacy by sending separate delegates to the GA, which initially declined to accept either. Further confusion engulfed the state in mid-September when the ANC commander, Colonel Joseph Mobutu, declared an army coup and expelled Soviet and other eastern bloc diplomats from Leopoldville. Hammarskjöld immediately sensed danger that Lumumba would invite direct Soviet intervention to assist him assert his authority, after all there were speculations that the coup had been instigated by the pro-west alliance. However, an alliance between Mobutu and Kasavubu forced Lumumba onto the defensive; Lumumba had no choice other than seek UN protection as his Congolese enemies moved against him[47]. In November 1960 the General Assembly, with support from the western bloc, finally accepted the credentials of the Kasavubu delegation, effectively legitimizing the Mobutu/Kasavubu regime in Leopoldville; further reversing the UN's previous commitment to reconcile Kasavubu and Lumumba. Though Hammarskjöld was not happy with the machinisations of the western bloc he could not avoid being identified with the whole process[48]. The decision to accept the credentials of the anti-Lumumba faction triggered a sequence of events in the Congo that made Hammarskjöld's position and that of ONUC on the ground even more difficult. In response to the defeat in New York Lumumba sneaked away from his UN protectors in Leopoldville with an aim of getting to his power base in Stanleyville to rally sufficient support to mount a challenge to the new regime. However, he was captured by Mobutu's ANC en route and a few weeks later, in January 1961, the central government, now firmly under Mobutu's control, handed its prisoner over to Tshombe's 'government' in Katanga. Lumumba was subsequently brutally murdered, an outcome which had probably been pre-arranged between Mobutu and Tshombe. This had far reaching consequences for ONUC; the failure in protecting Lumumba in Leopoldville had been bad enough; its failure to prevent his transfer to Katanga and subsequent murder seemed to suggest at the minimum a culpable negligence. Although no convincing suggestion of UN complicity in Lumumba's fate was ever made, persistent and credible reports later claimed

[47] Hoskyns, C., *The Congo Since Independence, January 1960- December 1961*, (Oxford: Oxford University Press, 1965), p102.
[48] Urquhart, B., *Hammarskjold*, op.cit, p 478

that the US Central Intelligence Agency (CIA) was deeply involved in the affair through its influence over Mobutu[49]. In protest Indonesia, the UAR and Morocco withdrew their contingents from ONUC while others threatened to follow suit. The UAR and Guinea also formally recognized a rival 'central Government's declared by Lumumba's supporters in Stanleyville[50]. The Soviet Union once again demanded Hammarskjöld's dismissal. As a direct consequence of Lumuba's death and the political chaos which surrounded it, the Security Council authorized a new, more robust mandate for ONUC. On 21 February 1961 it was authorized to use force if necessary to prevent[51] civil war.

This represented an abandonment of the basic Hammarskjöldian principle that peacekeepers should use force only in self-defence and only then with great circumspection. More significantly, perhaps, the new mandate meant that ONUC now had an enforcement function to prevent civil war by military means. This was the first, formal acknowledgement of a phenomenon which would much later, in the post-Cold War era, be characterized as 'mission creep'. Despite misgivings on Hammarskjöld's part, the new mandate improved ONUC's international credibility. The superpower relationship also changed for the better. In January 1961 President John F. Kennedy moved into the White House with a greater sensitivity to African and other third world feelings than those of Eisenhower administration[52]. The murder of Lumumba allowed the consolidation of the Mobutu/Kasavubu government in Leopoldville establishing some stability in the central government of Congo. Consequently, the UN was able to have greater attention to problem of secession in Katanga; this preoccupied the remainder of ONUC's operations in the Congo.

While the rest of the country had been struggling through the successive crises of army mutiny, foreign intervention and violent political factionalism, secessionist Katanga had remained free from close attention from the UN, though ONUC troops were stationed there[53].

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[49] Crockatt, R., *The Fifty years of War: The United States and the Soviet Union in World Politics 1941-1991*, (London: Routledge, 1994), p198.
[50] Luard, E., *A History of the United Nations: Vol.2 The Age of Decolonization, 1955-65*, op. cit. p264
[51] UN Document S1RES/161, 21 February 1961(passed 9:0 with France and USSR abstaining). The Security Council 1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes and the use of force, if necessary, in the last resort;2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries; 3. Calls upon all states to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories, and for the denial of transit and other facilities to them; 4. Decides that an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr Lumumba and his colleagues and that the perpetrators of these crimes be punished
[52] Ambrose , S., *Rise to Globalism: American Foreign Policy since 1938*,(Harmondsworth: Penguin, 1988),p.28
[53] Abi-Saab, G., *The United Nations Operation In Congo, 1960-1964*, op.cit, p45

ONUC's position in relation to Katanga remained opaque during the first year of its presence in the Congo. Katanga's claims to independence had been favoured by the contrast between the chaos elsewhere in the Congo and its own evident prosperity, efficient administration and political tranquillity[54], however, its fundamental support came from both European and white dominated African states. Although armed with its supposedly more effective mandate after February 1961, and with the great majority of UN members hostile to Katanga, it was not explicitly clear whether ONUC was authorized to use force to quell the secessionist movement. The Security Council itself could not agree on this and never invoked Article 42[55] authorising military force and the question was never resolved. While still in this ambiguity the UN was struck by another major crisis in the Congo; Hammarskjöld was killed.

The SG himself did not favour the interpretation of the UN's mandate in regard to Katanga to imply the use of force; and since by mid-1961 he had been relieved of much of the Soviet and radical Afro-Asian pressure on the troika debates and the murder of Lumumba. He sought to pull ONUC as far as possible towards a 'peacekeeping' role within his own conception of the term. Certainly the Cold War dimension to the Congo question was less marked than previously as both Moscow and Washington seemed more committed to a unified Congo. Nevertheless, the internal situation in the Congo remained highly volatile, with no agreed political consensus among the factions; there was no peace for ONUC to keep. The UN's position remained complex and dangerous; throughout the first half of 1961 the Katangese regime continued defying all UN attempts to negotiate its reintegration into the Congo. Its heavily armed gendarmerie, led by European officers and backed by foreign mercenaries, was in reality more of an army than a police force. Tshombe and his European advisers, therefore, were largely unmoved by the diplomatic proposals by the UN[56].

In August, following mounting tension between UN personnel and the Katangese forces in the capital Elizabethville, a major crisis erupted. Hammarskjöld's local representative, the young Irish diplomat Connor Cruise O'Brien determined to cut through the separatist regime's temporizing and provocations ordered ONUC forces to arrest and expel foreign military personnel[57]. The operation was not well planned and coordinated

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[54]James, A., *Peacekeeping in International Politics*, (London: Macmillan, 1990), p.298.
[55] UN Charter, Article 42, should the Security Council consider that measures provided for in article 41 would be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.
[56]Abi-Saab, G., *The United Nations Operation In Congo, 1960-1964*, op.cit, p113
[57] Norrie, *The United Nations since 1945: Peacekeeping and the Cold War*, op. cit. p102

leading to its failure and further for the UN in Katanga. Imbued by this victory over ONUC, Tshombe became even more intractable. In response O'Brien, with support from ONUC headquarters in Leopoldville, ordered a second, more forceful operation by UN forces in Elizabethville a few weeks later. In the flush of the initial success of this second operation O'Brien, foolishly and fatally, announced the end of Katanga's secession. There was an immediate international reaction. This was not what the UN membership had assumed to be happening. The ambiguity of the February resolution had not been resolved in a way that would permit the UN to extinguish the secession of Katanga by force. The western members of the Security Council in particular were angry at not having been consulted. Two incompatible versions of events now emerged. O'Brien, with some support from UN officials in Leopoldville, claimed that Hammarskjöld had given prior approval to the operation. The SG, through his aides in New York, insisted on the contrary that the operation had been conceived and organized locally. It would not, they insisted, have been approved in New York had they been consulted[58].

In the face of a deeply hostile diplomatic reaction in the west and with the SG himself apparently disassociating himself from it, the anti-secessionist operation petered out. Its early momentum was not maintained; it had failed to achieve its strategic objectives and had succeeded only in increasing tensions in Katanga. For Hammarskjöld personally the crisis must have brought a huge intensification of the stress he had been working under virtually from the start of the Congo operation he wrote down his frustrations in form of a poem. He then flew to the Congo to try and rescue the situation; and after consultations in Leopoldville he organized to meet Tshombe in Northern Rhodesia where he had sought refuge after the second UN operation began. On the evening of 17 September 1961 Hammarskjöld was killed in a plane crash en route to this meeting[59].

Hammarskjöld's death did not bring any fundamental change to the character of the UN operation in the Congo. His replacement, however, was the UN's first non-European SG, the Burmese diplomat U Thant. His Afro-Asian identity was to prove significant. The furore surrounding ONUC's moves against Katanga in August and September had been generated by western powers. Although the sharpest edges of Cold War conflict had declined over the Congo in the course of 1961, international cleavages persisted. The division now was, loosely, one between the European 'imperialists' (France, Belgium and Britain) on the pro-Katanga side and the Afro- Asian world on the other. The US, although angered at the lack of

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[58] O'Brien, C.C, *To Katanga and Back*,(London: Huchinson, 1962), p40.
[59] Luard, E., *A History of the United Nations: Vol.2 The Age of Decolonization, 1955-65*, op. cit. p96

consultation over ONUC's military operations in Katanga in August and September, was now ranged against its European allies on this 'colonial' issue. More substantially, the pro-Katangese westerners were confronted by the increasingly cohesive 'non-aligned' bloc, which objected not to military action by the UN against Katanga but its failure. The new SG's third world background went some way to easing the pressure of this grouping on the UN itself[60].

In the aftermath of the August-September crisis and Hammarskjöld's death, a new Security Council resolution was adopted in November with further implications for ONUC's mandate. The UN now committed itself to an even more forceful approach than that of the February resolution. ONUC was instructed to take 'vigorous action', including the use of force, to end Katangese secession[61]. Sporadic outbreaks of fighting from late 1961 until the end of 1962 finally left the UN, now reinforced with a large and effective Indian component, in control of Katanga. The Congo was once again unified under a centralized administration in Leopoldville. Tshombe was appointed prime minister of the unified state; however, real power lay with Mobutu, who formalized his authority when he displaced Kasavubu as head of state in 1965. The peacekeeping mission, ONUC, wound up operations in Congo in June 1964. Mobutu remained in power for more than three decades, being ousted only in 1997 shortly before his death. The ouster of Mobutu by Laurent Kabila and his subsequent assassination left the country torn into chaos again and MONUC another UN peacekeeping force was established to again stabilize the internal government of the Democratic Republic of Congo; the business that started in 1960 is not yet over in 2007. However, as it was controlled then so it is today moving towards stabilization albeit slow. The peacekeeping operation in Congo gave the insight of the intricacies that Dag Hammarskjöld did not envisage when he set out the principles of peacekeeping; however, its 'success' affirmed the efficacy of the institution of peacekeeping as a tool to maintain peace and security given the stalemate that the Cold War occasioned in the Security Council operations.

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[60] U Thant, *View from the UN,* (New York: Doubleday, 1978)
[61] UN Document S/RES/169, 24 November 1961 (passed 9:0 with France and UK abstaining). The Security Council: 1. Strongly deprecates the secessionist activities illegally carried out by the provincial administration of Katanga, with the aid of external resources and manned by foreign mercenaries; 2. Further deprecates the armed action against United Nations forces and personnel in pursuit of such activities;3. Insists that such activities shall cease forthwith, and calls upon all concerned to desist therefrom;4. Authorizes the Secretary-Genera! to take vigorous action, including the use of the requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries;8. Declares that all secessionist activities against the Republic of the Congo are contrary to Security Council decisions and specifically demands that such activities that are now taking place in Katanga shall cease forthwith

Conclusion

The peacekeeping operations as a method for the maintenance of peace and security by the UN became an accepted concept that has been practiced to date. Despite the shortcomings of ONUC the Security Council was able to use the experiences to launch many more operations to pacify the international system. The principles developed by Dag Hammarskjöld were applied in more of the operations that followed and today have been entrenched in the institution of peacekeeping. Whether we call it collective security due to the nature of conduct or not, peacekeeping is distinct from the envisaged 'collective' security in the UN Charter. A brief contrast shows the areas of departure of the interpretation and the conduct of the two concepts. Some of the contrasting issues are summarized in the table below:

	Collective Security	**Peacekeeping**
Precondition for action	Identification of aggressor	Identification of crisis
Contributing forces	Enforcement	Imposition and observation
Contributing forces	Big powers	Middle and small powers
Basis of participation	Charter obligation- Art. 43	Voluntary participation
Control	Security Council	Security Council or General Assembly
Method	Exercise of military force	Assertion of moral force
Relationship to protagonists	Imposed	Agreement ('host state consent')
Objective	Securing of pre-determined outcome	Creation of conditions for negotiated settlement.

Table 1. Key contrasts between Collective Security and Peacekeeping[62].

Neverthless, the institution of peacekeeping over a period of time has become the most important tool for the UN in the maintenance of peace and security in the still anarchical international system.

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[62]Norrie, *The United Nations since 1945: Peacekeeping and the Cold War*, op. cit.p.30.

CHAPTER 4

The UN and Security in the Post-Cold War Era

Introduction

In earlier discussions it was found that international politics revolves around war, peace and security and changes occur after every major international conflictual event. The end of the Cold War and the collapse of the Soviet Union was such a major event that saw the world order completely changed. However, the core characteristics of the system remain unchanged; the anarchical nature of the system endures; sovereignty of states remains sanctified and the concern for security and peace remain high in the agenda of international relations. This being the case it's prudent to look at the changes that have taken place in the UN and in particular in its core mandate of maintenance of international peace and security.

Basically the UN mandate in the maintenance of security was founded on the culmination of 'a general war', which could be regarded as 'hot war', characterised by massive violence, unprecedented destruction of human life as well as property. The 'Cold War' was different from this, it was characterized by high level threats and military build up with promises of dire consequences in case of an attack from either side. However, the end of Cold War marked a significant change in the world politics and the international posture and hence the need to evaluate the mandate of the UN in the maintenance of peace and security. This is magnified by the change in nature of the threat to international peace and security experienced today. It is evident that threats to international peace and security originate from within states with high potentialities of getting internationalized as opposed to the traditional threats between or among sovereign states. This chapter will review the changing context of the security perspectives after the Cold War and the emerging demands on the UN in the maintenance of peace and security.

Changing Context of Security in the Pos-Cold War era

A recapitulation of the security debate after the Cold War has concluded that security is no longer an exclusive domain of the military. There are many issues within the state that threaten its survival and states being units of the international system project their behaviour to the system. While the international system modifies the behaviour of states so do the sum behaviour of the discreet units modify the overall nature of the international system. The

disequilibrium of states as components of the international system distorts the functioning of the entire system.

A brief overview of the current security debate will enhance the understanding of the UN approach to international peace and security issues. Barry Buzan[1] has been one of the forerunner scholars in this discourse and argues that in the post-Cold War era security can be conceptualized from two varied perspectives the 'wider' and 'narrower'. This debate is said to have been stimulated by the rise of economic and environmental issues in the 1970s and 1980s. The 'narrow' debate focuses on the traditional notion of security where military strategy assumed prominence, where the threat to the state was purely from the militaries of neighbouring or distant (for the great powers) states. This informed the military postures of states in the international system; the main guiding factor being the concept of balance of power. This concept requires a state's military to be equipped such that if attacked it would fight a decisive war to subdue the enemy. If the state is weak should form such alliances to guarantee security. Another scholar, Lebow[2], observes that there is a change in the security perspective during the Cold War and the nuclear deterrence period, security at the time only addressed matters pertaining to the rivalry between the two superpowers and their ideological divide; security was thus 'anything that concerned the prevention of superpower nuclear war'.

The 'wideners, on the other hand look beyond these traditional threats and argue that there are many more threats to the state besides military action. A multitude of non-state actors without organized militaries also pose threats within states that could easily become internationalized and subsequently posing a threat to international system's peace and security. Environmentalists included the debate on global warming as a threat to the entire world, while economic threats of 1970s emanating from escalating prices of fossil fuel almost led to the collapse of the world economy. In these two cases no military threatened any state, but economic and environmental issues became sources of threat to the survival of the states and the international system at large. The extended use of the word threat to encompass economic and environmental activities thus attracts the need to securitize economic and environmental issues and thus widening the concept of security. Besides economic and environmental threats transnational crime across borders has become prevalent bringing to prominence issues of identity. Whereas movement across borders was purely an immigration

[1]Barry Buzan, Ole Waever and Jaap de Wilde, *Security: A New Framework for Analysis*,(London: Lynne Rienner Publishers, 1998), p2
[2] Ibid

matter since the 1990s it has attracted security agents due to threats posed by society. Security therefore does not necessarily mean military action and as Waever[3] put it, 'security is a kind of stabilization of conflictual or threatening relations, often through emergency mobilization of the state and in international relations security is viewed generally to be better than insecurity; a secure relationship still contains serious conflicts with effective countermeasures that have been taken.'

The wider view has gained prominence and is applied in international studies across all the levels of analysis. Similarly the UN in its broad mandate of maintaining international peace and security has been entangled at all the levels; international, regional, state, community, and individual. The security issues that directly affect the individuals in particular human rights, the survival of certain communities within states are also of concern and may present different security issues that would end up affecting the international community. The environment has no boundaries, the planetary biosphere is continuous and its destruction in one part is a threat to the entire globe.

Buzan[4], looks at this 'wider' view of security and categorises it into five sectors, the military sector that essentially deals with issues of forceful coercion; political sector that addresses relationships of authority, status of governance and recognition; the economic sector that focuses on the relationships of trade, production and finance; the societal sector that is a matter of collective identity and the environmental sector that deals with the relationship between human activity and the planetary biosphere. This classification enables the analysis of security from the wider perspective more focussed in the distinctive sectors.

To give a picture of the five sectors a brief explanation on the areas of concern are subsequently highlighted as follows[5]; the military security sector is said to have two levels of inter-play the armed offensive and defensive capabilities of states and states' perceptions of each other. This traditional perspective looks at threats that emanate from states that can only be mitigated by a balance of power through establishing military force that would defeat any real or perceived threat. However, a dilemma arises in this perspective because when a state builds up its defensive capacity it is viewed as a threat by its neighbours resulting to an arms race.

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[3] Ibid
[4] Ibid p6
[5] Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, (Harlow, England: Pearson Longman, 1991), pp19-20

The political security sector concerns itself with the organisational capability and stability of states, systems of governments and ideologies that give them legitimacy. This is an area that has gained greater prominence after the Cold War and the collapse of the Soviet Union. There was proliferation of democratic environment leading to the mushrooming of new states and the collapse of some states whose stability and ideology was through weak coalitions with the superpowers.

The economic security sector concerns itself with the access of resources, finances and markets that are necessary to sustain acceptable levels of welfare and state power. This has clearly been shown by the USA that has opted to wage war against Iraq for threatening the source of oil for her domestic economy.

Societal security sector concerns itself with the sustainability within acceptable conditions of evolution, of tradition patterns of language, culture, religious, customs and national identity. This threat is currently exhibited through terrorism as a way of protest against domination by the western culture and customs. The theme by Samuel Huntington in the clash of civilization suggests that societal cultural perspectives from different parts of the world will resist domination by the western civilisation. The mushrooming terrorist activity today is a serious threat to international peace and security.

Finally, environmental security concerns itself with the maintenance of the local and planetary biosphere as the essential support system on which all other human enterprises depend. The issue of global warming and desertification is a world wide concern. The thinning of the ozone layer has been a concern and is causing conflict between the high and the less developed countries, the west is said to produce the most pollutants and suffer less than the developing countries. These concerns are the cornerstone of the inquiry in international security and subsequently a concern of the UN as the keeper of peace and security in the world.

UN in Maintenance Security after the Cold War

The end of Cold War and the new security perspectives have modified the UN mode of maintaining international peace and security. As earlier alluded each historic era has witnessed the emergence of new ideas or the re-emergence of old ones, in the hope that the mistakes of the past would not be repeated. With the end of the Cold War the world has entered again such a period of questioning and exploration. The Cold War influenced the UN activities so much so that the initial mandate for the maintenance of peace and security through collective security had been paralysed. This necessitated the establishment of a

peacekeeping institution in an effort to circumvent the Cold War rivalry in order to carryout the mandate of maintaining peace and security in the international system.

The proliferation of UN activities in the entire world in the form of peacekeeping after the Cold War is now evident that the UN has sprung back to the fore as the instrument of choice to bring peace and productive change in this new era. Its prominence is proof of enhanced effectiveness and unprecedented responsibilities, although with evidence of imperfections and a few misgivings. The new and broader concepts of security also presented challenges to the purposes and principles on which the UN was founded. These are the pertinent issues that inform the inquiry of the current UN mandate in the maintenance of international peace and security.

As the Cold War ended new phenomenon in the entire international system occurred the Berlin wall that marked the East- West divide was brought down, some sovereign states vanished from the international system while others were born. Collapsed and failed states concepts and realities of the same emerged, and in the UN Security Council some renewed cooperation among the five permanent members became evident. The total sum of all these events and many others clearly indicated that a new era or rather a new world order had emerged. This necessitated states to go back to the drawing board and see where they needed to adjust in terms of their foreign policy in order to interact effectively with other members of the international system, likewise the international organisations needed to readjust to cope up with the new demands.

The new phenomenon started in 1987 with the ascendance of Mikhail Gorbachev as the president of the Soviet Union, with the policy of conciliation with the west, of "de-ideologizing relations among states"[6] and of strong support for the UN. He opened more opportunities for cooperation among the Permanent Members of the Council in dealing with regional conflicts and disputes. Recognizing the importance of this possibility, SG Javier Pérez de Cuéllar in March 1987 took the opportunity and requested the Security Council to take appropriate action to end the war between Iraq and Iran, which at that point threatened to spread and directly involve the US and the Soviet Union. The five permanent members unanimously cooperated and together issued a Security Council resolution on the basis of which the war was finally ended. This collaboration among the permanent members was a significant departure to the Cold War era that was characterized by application of veto powers marking a new beginning for the UN. The gains made in the success of the cease-fire

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[6]Sutterlin, J.S., *The United Nations and the Maintenance of International Security*, op. cit, P6.

between Iran and Iraq was followed in quick succession by agreements in the Security Council on the UN plan for Namibia's transition to independence, the UN's political and military role in the Central American peace process, the ambitious plan for bringing peace and stability to Cambodia and in 1990 and the historic decision to repel by force Iraq's invasion of Kuwait. Most significant was in Central America, where the US made a notable change in its longstanding containment policy by accepting the UN to take the lead role in the implementation of a peace plan. The US had never been willing to rely on the UN in Central America or the Caribbean since it viewed it as a region the Soviet Union sought to expand its communism influence. The commonality of interests in the prevention and resolution of regional conflicts that developed between the great powers placed them finally on the side of the basic objective of the UN.

The key characteristic in this renewed vigour was the extension of the use of the institution of peacekeeping for domestic affairs of states and more significantly the departure from the founding principles of impartiality, consent and none use of force unless for self-defence. While the enthusiasm to employ peacekeeping forces to all sorts of operation, the same did not happen in the evaluation of the capability of the forces involved and the legal basis for such deployments. Was the UN so blind as to contravene it's on Charter Article 2(7) or had the international anarchy diminished and states ceded their sovereignty to the UN? A scrutiny of the challenges to the UN mandate in the maintenance of peace and security will elucidate this concern.

Revival of the Security Council: Renewed Commitment to the Security Mandate

The Security Council recognized that a rethinking of old rules and guidelines and the development of new approaches were needed to take full advantage of the opportunities for peace that a new era in international relations offered. The summit meeting of the Security Council in January, 1991, for the first time in its history issued a statement noting that the end of the Cold War "had raised hopes for a safer, more equitable and more humane world." The members reaffirmed the commitment "to the collective security system of the Charter to deal with threats to peace and to reverse acts of aggression," and thus invited the SG to provide "his analysis and recommendations on ways of strengthening and making more efficient, within the framework and provisions of the Charter, the capacity of the UN for preventive diplomacy, for peacemaking and for peace-keeping"[7]

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[7] General Assembly Document, S/23500, 31 January 1992.

The SG Boutros-Ghali responded with a wide-ranging report entitled *An Agenda for Peace*, with various recommendations. In the preamble of the report, the SG reiterated to the members that "the search for improved mechanisms and techniques will be of little significance unless this new spirit of commonality is propelled by the will to take the hard decisions demanded by this time of opportunity"[8]. Many of the decisions that were desirable are hard to accomplish since some, such as redefining the limits of sovereignty, touch on questions that may not lend themselves to clearly answers. Other problems, such as better coordination of the programs of the UN system for the purpose of peace-building, were under examination for years without a satisfactory solution. The recommendations in the 'Agenda for peace' form the foundation of the Security Council's practical application of the post-Cold War maintenance of peace and security mandate. It affords an opportunity to adapt the sound principles on which the UN was founded to the vastly altered circumstances of a changed world.

In the follow up of the SG's report the UN developed or enhanced a range of instruments for controlling and resolving conflicts between and within states. These instruments include preventive diplomacy and peacemaking, peace-keeping, peace-building, disarmament, sanctions, and peace enforcement. The first three can be employed only with the consent of the belligerents; sanctions, and enforcement are coercive measures that are provided for in chapter VII of the UN Charter and therefore do not require consent. Disarmament may be on an agreed basis or on coercion under Chapter VII of the UN Charter[9]. A clearer picture of the aforementioned instruments are analysed in relation to the Charter of the UN in the following paragraphs.

Preventive Diplomacy and Peacemaking

The prevention of armed conflicts is a mandate envisaged in the provisions of the Charter relating both to the Security Council and the responsibilities of the SG. Article 34 speaks of any situation which might lead to international friction or give rise to a dispute and Article 99 of any matter which, in the SG's opinion, may threaten the maintenance of international peace and security. One of the three things for which the 1992 Summit Meeting of the Security Council requested was the analysis and a suggestion of the SG[10] was a means of enhancing the effectiveness of the UN in preventive diplomacy. The SG responded by

[8] Boutros Boutros-Ghali, *An Agenda for Peace*, second edition, (New York: United Nations, 1995), p40.
[9] UN Document, A/50/60-S/1995/1, 3 January 1995.
[10] UN Document S/23500, 31 January 1992.

creating a Department of Political Affairs to handle the range of political functions. The department has deployed personnel throughout the world for the purpose of early warning of impending conflicts and analyse possibilities for preventive action by the UN as well as for actions to help resolve existing conflicts[11]. The only problem encountered is the prevalent nature of conflicts; most of them are intrastate where the UN is restricted by the Charter in its Article 2(7), which states that "Nothing contained in the present Charter shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state." This is restrictive rather than enabling however, any measures to prevent intrastate conflict have to be planned and undertaken with this provision in mind. Yet, if conflicts continue to be predominantly internal in nature, the UN cannot meet its mandate to preserve peace without dealing with them. Preventive diplomacy, as a result, needs to take forms, such as the resettlement of populations or the training of police forces that normally would be considered outside the scope of diplomacy. For this reason "preventive measures"[12] would be more appropriate than "preventive diplomacy" in order to prevent conflict today.

Peacekeeping

There is no doubt that UN peace keeping has been a valuable conflict resolution mechanism during the Cold War. As trusted and neutral arbiters, UN peace keepers played a crucial role in reducing tensions in numerous conflicts around the world. However, despite its accomplishments, peace keeping has major weaknesses, which define the limits of its usefulness in promoting international security. Meeting the minimum conditions for a peacekeeping operation does not necessarily mean the operation will achieve its ultimate purpose of bringing about a final negotiated solution to an international conflict. By the mid-1960s, it became apparent that peacekeeping operations tended to remove the impetus for parties in a dispute to resolve their conflicts; the peace-keeping force itself became the solution. As a result, few UN peacekeeping operations have ever completely fulfilled their mandates. Five out of thirteen peace-keeping forces in existence in January 1993 had been deployed fourteen years or more; two were first deployed in the 1940s. This state of affairs was not necessarily a bad outcome, at least during the Cold War. UN members tolerated the inability of peacekeeping forces to bring about negotiated solutions because deploying these operations indefinitely was better than war, and they were inexpensive and few in numbers.

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[11]UN Document, A/50/60-S/1995/1, 3 January 1995.
[12]Sutterlin, J.S., *The United Nations and the Maintenance of International Security*, op.cit, p.12

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Some observers viewed peace-keeping operations as a way to prevent conflict from breaking out between two unfriendly states, until the time was ripe to solve their dispute[13].

Peacekeeping though not explicitly provided for in the Charter has become a normative custom for the UN in the maintenance of security in the international system. In the post-cold era the institution of peacekeeping has rapidly evolved and is now entrenched as an instrument for the maintenance of peace and security. Three principles have become imperative in any successful operation; consent, impartiality and non-use of force unless for self-defence[14]. The weapons of peacekeeping are said to be volunteerism, moral pressure and physical interposition. In its original conceptualization the purpose of peacekeeping was to create conditions for finding solutions to conflicts rather than provide solutions; this was in complete contrast to the enforcement of outcomes by joint military endeavour that underlay the concept of collective security[15]. Though there have been many successes, difficulties have also been experienced; command and control, the availability of troops and equipment, and the information capacity of the peace-keeping operations. Since the establishment of the Department of Peace-Keeping (DPKO) in mid 199, the institution of peacekeeping has greatly been enhanced.

Post-Conflict Peace-building

The need for post-conflict peace-building has become an important aspect of the UN in the maintenance of peace; it is seen to enhance preventive diplomacy and entrenches the peace achieved. This involves demilitarization, control of small arms, institutional reform, improved police and judicial systems, the monitoring of human rights, electoral reform and social and economic development. These help in the healing of wounds after a conflict and the recurrence of the conflict. There has been a number of states where the UN has successfully undertaken such operations after the Cold War; Namibia, Sierra Leone, Liberia, East Timor among others. This phenomenon is well covered in Chapter X of the charter under the Economic and Social Council (ECOSOC). Two situations are critical for success, first is when comprehensive settlement has been negotiated, with the long-term political, economic and social provisions to address the root cause of the conflict, and verification of its implementation is entrusted to a multi-functional peace-keeping operation. The second is

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[13] Frederick H. Fleitz Jr, Can Traditional UN Peace Keeping be Saved?, in James Joes(ed), *Saving Democracies: US Intervention in Threatened Democratic States,* (Westport CT: Praeger, 1999), p.49
[14] UN Document, A/50/60-S/1995/1, 3 January 1995
[15] Norrie, *The United Nations since 1945: Peacekeeping and the Cold War,* op cit p4.

when peace-building, whether preventive or post-conflict, is undertaken in relation to a potential or past conflict without any peace-keeping being deployed. In both cases the vital goal is to establish structures for institutionalization of peace[16]. Most of the activities that together constitute peace-building fall within the mandates of the various programmes, funds, offices, and agencies of the UN system with responsibilities in the economic, social, humanitarian and human rights fields.

Disarmament

Disarmament is a concern for the Security Council and is provided for in Chapter VII, however it could be done under an *agreement or consent* under peacekeeping. The Security Council is more concerned about Weapons of Mass Destruction (WMD), and vows to take appropriate action to enhance the effectiveness of the UN in this area. It is envisaged that disarmament would benefit the security of humankind and release scientific, economic and technological resources for peace and human development. While the Security Council is more concerned with WMD, the SG Boutros Boutros-Ghali in his report[17] reiterated that, the proliferation of small arms was more rampant and critical than WMD; small arms worth billions of dollars were being peddled between the developed and developing countries who essentially could least afford to dissipate their precious and finite assets for such purposes. The Security Council till to date emphasises on the WMD but takes least interest in the small arms proliferation, understandably some of the permanent members are culprits and hence the inaction.

Sanctions

Economic sanctions are provided for in the Charter Chapter VII Article 41 with a purpose of modifying the behaviour of a party that is threatening international peace and security and not to punish or otherwise exact retribution. However, there have been numerous difficulties in implementing and monitoring sanctions and therefore difficult to measure the attainment of the objectives set. Many states do not take sanctions seriously either due to sovereignty or economic interests. Another problem that arises with sanctions is that they hurt vulnerable groups in the concerned state and further affect neighbouring states or major economic partners.

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[16]Ibid
[17]UN Document, A/50/60-S/1995/1, 3 January 1995

Peace Enforcement

Peace enforcement is a conflict-resolution model intended by the founders of the UN to address threats to international security through the use of military action against a recalcitrant state that has breached the peace. Peace enforcement is based on Chapter VII, Article 42 of the UN Charter, which stipulates that the Security Council may take "such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." Chapter VII, Article 45 refers to such an effort as a "combined enforcement action." In 1994, NATO agreed to a more concise definition by describing peace enforcement as missions that "generally employ conventional combat operations to achieve their objectives" and states that "the classic peace enforcement operations have been the Korean and Gulf Wars"[18].

Confusion over the peace enforcement model has resulted from decisions to add war mandates to peacekeeping missions, such as allowing peace keepers to call in air-strikes against recalcitrant parties, attempting to forcibly disarm combatants, using military force to deliver humanitarian aid, and attempting to hunt down and arrest a "warlord." Because these functions were attempted by forces with peace-keeping mandates and weaponry, they did not constitute actual peace enforcement but "expanded peace keeping"[19].

The New UN Maintenance of Peace and Security

This new beginning for the UN, however, was confronted by a new phenomenon that had not been envisaged by the founders of the UN. The new world order envisaged by President Bush and Soviet President Gorbachev was a complete transformation from the old to a 'new world order'. Most significantly, the nature of the threats to peace and of conflict assumed characteristics for which the UN was not well prepared to deal with and therefore not explicitly entrenched in the Charter. The Charter of the UN was formulated with the expectation that the Security Council would act to prevent or stop, interstate war; wars fought between national armies across national boundaries. But the end of the Cold War saw most conflicts in the world stem from societal roots rather than rivalry between states, and was essentially internal, intrastate, in nature. Iraq's invasion of Kuwait and the Ethiopia/Eritrea border conflict are the few exceptions but a garish remainder that interstate wars are still a threat to international peace and security.

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[18] NATO Documents, *Peacekeeping, and the United Nations*,(London: British –American Security Council,1994), p35
[19] Frederick H Fleitz Jr., Can Traditional Peacekeeping be Saved, op. cit pp43-66

The UN, in spite of the new conditions of harmony among the permanent members of the Security Council, was confronted with insurmountable tasks to cope with these new demands; the situation was worsened by the proliferation of such problems in the Balkan region where several of the former republics of the Soviet Union emerged. In succession other conflicts followed in Somalia, Haiti and Rwanda that highlighted the questions whether the UN was still within its mandate of the maintenance of international peace and security. These intrastate civil unrest fall under the domestic jurisdiction and hence their interference is explicitly prohibited by the UN Charter Article 2(7), however, the problems spill over international borders and therefore become internationalized, hence the justification for the UN to intervene to prevent the destabilisation of the international system. But the predictability that such conflicts would be internationalized and consequently affect international peace and security before they actually do is the bone of contention by those who strongly feel that Article 2(7) should be strictly adhered to.

However a closer look at history shows that this phenomenon might not be entirely new; threats to international peace from the domestic confines involving ethnic conflicts and similar societal disputes as opposed to pure inter-state military confrontations had been experienced and settled by the League of Nations. The League of Nations had in 1920[20] encountered a dispute between Sweden and Finland over the Åland Islands, where Finland's legal claim to sovereignty was clear but the islanders themselves had strong ties to Sweden. On the basis of recommendations by a League commission of inquiry and a subsequent convention of concerned parties, Finland was granted sovereignty. At the same time, the islanders were given a large measure of autonomy, and the archipelago was neutralized and demilitarized. In 1924[21] the council and the Permanent Court of International Justice became involved in a two-year effort to settle a frontier dispute between Turkey and Iraq, the latter country then under British mandate. Since Turkish border violations persisted after the League became involved, a military investigation team was sent to the area to preserve the status quo while the talks were in progress. The team served its purpose, bringing the military operations to a halt.

Notwithstanding, peacekeeping has always undertaken similar operations even during the Cold War. These include United Nations Force in Cyprus (UNFICYP), deployed in Cyprus since 1964, and established a humanitarian and economics branch to provide

[20]Lorenz J.P, *Peace, Power and the United Nations: A Security System for Twenty-first Century.* Op. cit. p.19

[21] Ibid, p.20

emergency humanitarian assistance. UNIFIL, deployed in Lebanon since 1978, has long been engaged in civilian administration, humanitarian activities, and rebuilding infrastructure. UNIFIL also operates a hospital for the local population in southern Lebanon. United Nations Security Force (UNSF), deployed in west New Guinea from 1962 to 1963, built a police force, performed civilian administration, and helped organize civilian elections[22]. The main difference between traditional and expanded peacekeeping missions is the carte-blanche authority to use force in order to achieve compliance. The significant difference is that such expanded peacekeeping missions do not require the consent of parties in disputes before deployment. These changes were an attempt to address a major shortcoming of traditional UN peacekeeping: the ability of parties in disputes to use national sovereignty and the UN Charter's non-intervention clause to prevent the international community from attempting to relieve human misery in areas beset by civil conflict or dire humanitarian disasters[23]. This was a radical departure from traditional peace-keeping experience and practice: It abandoned the neutral, non-threatening reputation of traditional peace keeping and tended to turn UN troops into combatants in internal conflicts. There were no minimum conditions to abide by; the UN made up its own rules and conditions as it went along.

The failure of the formulators of the UN Charter must have omitted the issue of internal threats to international security deliberately due to the supremacy of sovereignty and territorial integrity inherited from the Westphalia state system. This phenomenon has endured over time and no politician is ready to cede that sovereignty to any other organisation.

Challenges to the Security Council in the maintenance of peace and security mandate

The invasion of Kuwait by Iraq became a direct challenge to the Security Council, the conflict presented a real threat to international peace and security as envisaged by the formulators of the Charter, a sovereign state had attacked another sovereign state. In this case the UN member states were required to collectively come up with a military force to evict the forces of Saddam Hussein from Kuwait and restore the government that had been exiled to Saudi Arabia. However, the UN was unable to raise a force under its command to repel aggression by a major national army, and hence the coalition of forces under the command of the US under the UN flag.

[22]UN Documents , *The Blue Helmets: A Review of United Nations Peacekeeping*, (New York: UN Publication), pp.175-185
[23] Leland M Goodrich and Edvard Hambro, *Charter of the United Nations: Commentary and Documents*, (Boston: World Peace Foundation, 1949) pp281-293

Nothing is more dangerous for a peacekeeping operation than to ask it to use force when its composition, armament, logistic support, and deployment deny it the capacity to do so. The logic of peacekeeping flows from political and military premises that are quite different from enforcement; and the dynamics of the latter are incompatible with the political process that peacekeeping is intended to facilitate. To blur the distinction between the two can undermine the viability of the peacekeeping operation and endanger its personnel[24].

A tenuous legal basis also undermined expanded peace keeping. Chapter VII of the UN Charter, "Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," applies where economic sanctions and military action are used against a nation state that poses a dire threat to international security, such as Korea in 1950 and Iraq in 1991[25]. This view, adhered to during the Cold War, was given a strong legal boost in 1962 by a ruling of the International Court of Justice with respect to the ONUC. Although that mission was authorized to use force by the UN Security Council and had conducted military operations against mercenaries and Katangese separatists, the court held that it "was not an enforcement action within the compass of Chapter VII of the Charter," because it was a situation within a state, initially deployed at the request of the Congolese Government, and approved by the Security Council to be a UNEF like peacekeeping operation[26]. Nevertheless, since 1993 the council rejected this and similar long-standing precedents and began to "invoke" Chapter VII in approving several expanded peace-keeping missions, but failed to provide sufficient military force to carry out enforcement actions. This created confusing mandates for peacekeeping forces, as UN SG Boutros-Ghali explained in his May 1995 UNPROFOR report: " UNPROFOR is not a peace enforcement operation and some confusion has arisen as a result of references to Chapter VII in some Security Council resolutions relating to its mandate, particularly as regards the use of force other than in self-defence"[27] In effect, for UNPROFOR and UNOSOM II, references to Chapter VII in authorizing Security Council resolutions actually constituted a threat of future Chapter VII enforcement action against recalcitrant parties, without giving them actual enforcement mandates. Thus, these peace-keeping soldiers were placed in the impossible situation of being incapable of fighting a war, while at the same time unable to make peace.

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[24]UN Documents, *Report of the Secretary General Pursuant to Security Council Resolutions 982 and 987*, No S/1995/444 30, May 1995.
[25]Robert C. Hilderbrand, *Dumbarton Oaks: The origins of the United Nations and the Search for Post-war Security*, (Chapel Hill: University of North Carolina, 1990), p239
[26] Michael Akehurst, *A Modern Introduction to International Law*, (London: George Allen and Unwin, 1984), pp189-192.
[27]UN Document No S/1995/444, 30 May 1995

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Besides peace enforcement problems economic sanctions also presented peculiar dilemmas especially where it was viewed that enforcement caused great hardship to innocent civilian population; as in Haiti and Iraq. In the face of these dilemmas, the newly effective Security Council was overwhelmed by demands and almost seemed incapable of carrying out its mandate. Most sanctions increase suffering and death among civilians, particularly among the most disadvantaged in sanctioned countries who we are supposedly trying to help[28]. This is contrary to the UN's Charter that charges it with promoting higher standards of living, social progress, solutions to health problems, educational cooperation, and respect for human rights. The Universal Declaration of Human Rights, the Convention on the Rights of Children, and other major human rights conventions strongly condemn actions that hamper the provision of shelter, health services, food, or otherwise deny essential goods, the lack of which might effect survival[29]. Rights to health, health care, education, and security are routinely violated when essential goods aren't permitted. Further, governments and the UN system are obliged to uphold international law principles of non-intervention and sovereignty; sanctions may violate both. The international order is turned on its head: the U.N. becomes the violator rather than protector of human rights[30].

As it happened in the League of Nations the unwillingness of the major powers to subordinate their national interests to the wider interests represented by the UN, the US declared that it would not participate in peacekeeping or peace-enforcement actions unless it could clearly see that its participation was in the Americans national interest.

Conclusion

Second, while the superpower conflict was a major reason for UN peacekeeping limited scope of applications during the Cold War; it was not the only reason. Incompetent UN troops, fraud, mismanagement, and limited commitments constantly plagued Cold-War peacekeeping missions. UN systemic problems had a far greater effect on expanded peacekeeping efforts because of their greater size, cost, and complexity. However, since most peacekeeping efforts because of their greater size, cost, and complexity. However, since most advocates of expanded peace keeping held an unrealistically favourable view of traditional peace keeping's record, they had little understanding of the UN's problems and failed to take any steps to address them. Unlike traditional peacekeeping missions, which due to their

[28]Garfield et al, The Impact of Economic Sanctions, *Academy of Medicine*, Vol.72. Iss.2 (Bull, New York, 1995), pp.454-468
[29] Hoskins E., *The Impact of Sanctions*: A Study of UNICEF's Perspective, (New York: UNICEF,1998)
[30]Richard Garfield, Economic Sanctions, Humanitarianism and Conflict after the Cold War, *Social Justice*, Vol.29. Iss.3, 2002. pp94-112

small numbers and size could be deployed indefinitely, expanded peacekeeping missions were large operations that did not have the luxury of time. Since nations would not agree to maintain these expensive peacekeeping efforts indefinitely, they needed to fulfil their mandates promptly, an impossible feat due to problems within the UN system.

Chapter 5

Conclusion

The mandate of the Security Council to maintain international peace and security is well documented in the UN charter; however, the implementation of the mandate was stifled at the very beginning of its inception by the Cold War. One would then wonder the reason for the formation of the UN in the first place, but it is very clear that the formation of the UN did not change the nature of the international system. The anarchical nature of the world system did not change, states remained sovereign and therefore no powers to control or moderate their behaviour. The quest for dominance and power remained a concern of the states; this is in essence the reason behind the desire for the superpowers to extend their influence in the world and hence the Cold War. Thus when the US and USSR left their troops where they were after the end of the second world war the inevitable had to happen, power competition had to start and with the introduction of the veto power the Security Council was quickly thrown to a stalemate. What this meant is that 'collective' security as envisaged in the charter could not be enacted. This brought about the ingenuity of establishing the peacekeeping concept in order to circumvent the problems of the Security Council becoming totally impotent. Peacekeeping has at now been institutionalized and therefore the most commonly used instrument to carry out the UN mandate in the maintenance of peace and security in the international system.

In the assessment of the significance of UN peacekeeping in the Cold War it is necessary to disentangle its various political purposes. During the Cold War the peacekeeping enterprise was important in three distinct areas of political activity, institutional, international and national. Firstly, it had a major role in the politics of the UN itself. Secondly, peacekeeping had a part to play in the relationship between the superpowers in both Cold War and the interlude of détente. Simultaneously it had an impact on the international relations of the various regions in which it took place. Thirdly, peacekeeping operations were instrumental in shaping the domestic politics of a number of 'host states'. Also at the state level, peacekeeping was often important in the national politics of the peacekeeper as well as to the 'peacekept'.

As an institutional 'device' peacekeeping went some way to rescue the UN from military irrelevance. The effect of the Cold War on broader global relationships caused a clustering in the international state system around the respective ideological poles of the superpowers. This polarization fractured the collectivism necessary for the installation and

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operation of the security system on which the UN Charter was based. The Korean War merely underlined the futility of pursuing the collective security ideal. In consequence, by the early 1950s the UN faced an uncertain future as a security organization. The US and its allies dominated the GENERAL ASSEMBLY and with the Uniting for Peace resolution in 1950 it was clear that they were willing to use this power to undermine the supremacy of the Security Council. Its credibility had to be sustained by an alternative security function in the form of peacekeeping. Peacekeeping saved the UN from irrelevance or disintegration and provided institutional buoyancy through the most threatening phase of the Cold War. The importance of peacekeeping in the UN's internal politics was enhanced by its origins within the institution itself.

The impact of peacekeeping on the national politics of the contributing states has been less ambiguous; participation in peacekeeping operations is about altruism, national sacrifice and international good citizenship. In reality, the role of 'peacekeeper' brought advantages to contributing states, the original middle powers' and later the growing number of third world states who took part, contributing forces to the UN conferred a distinct international status. Participation implied stable domestic politics, disciplined and well-trained armed forces, and diplomatic sophistication.

Indeed for some states during the Cold War, Ireland, India and Sweden among them UN activism became a central component of foreign policy. Later, smaller less developed states like Nepal and Fiji acquired international prestige disproportionate to their tangible national resources through their peacekeeping contributions. At the most practical level too, states could gain from participation. UN service provided operational experience otherwise unavailable to the armed forces of many states. While obviously secondary to the purposes of peacekeeping, this symbiotic distribution of benefits between the undertaking and its participants was an important element in maintaining the supply of peacekeepers apparently in defiance of the normal rules of international behaviour.

Despite the spectacular growth in the number of new operations established from the late 1980s onwards, a great deal of the optimism surrounding the prospects for peacekeeping in the post-Cold War world proved misplaced. Much of the 'new world order' thinking which characterized discussion of the UN's role in the 1990s failed to make a distinction between collective security and peacekeeping. Enforcement and interposition were conflated in a loose assumption that UN military intervention of whatever variety was now liberated from the prison of the Cold War and would provide the key to a new global security system. In reality there were considerable obstacles to the further development of both collective security and

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peacekeeping. Like the Unified Command in Korea forty years previously, Operation Desert Storm against Iraq in 1991 could be interpreted as the dawn of 'real' collective security. The truth was that, just like Korea, Desert Storm was a temporary military alliance which had procured a limited legitimization through Security Council resolutions. The passage of these resolutions, in 1950 as in 1990, was merely a function of the balance of national power in the Security Council at these particular historical points. The central flaw of collective security remained the same as at the time of the League in the 1930s. Sovereign states will always reserve to themselves the power to make decisions about their national interests and will tend to do so according to narrow political and geographical criteria. Cold War bipolarity may have rendered UN collective security unworkable, but only in the sense that a lack of fuel makes a car without an engine unworkable. The larger problem remains under the hood.

Peacekeeping was developed to meet those flaws in collective security which derived from the more superficial problem, the empty fuel tank of bipolarity. The forms and practices of peacekeeping were contrived to work round the obstacles of superpower competition. It was, in this sense, a product of the Cold War. There was no obvious reason, therefore, why the end of the Cold War should enhance its effectiveness. On the contrary, the passing of superpower competition brought a retraction of superpower interests and the end of their influence over local clients. This moderation of local behaviour by the big powers had been an essential component in Cold War peacekeeping from Suez to Lebanon.

The peacekeeping model, with certain modifications, is likely to remain at the centre of multilateral intervention in the absence of an effective system of collective enforcement. It remains the most viable form of international military involvement in local conflicts. Fundamental problems will inevitably remain between the model and the reality. In the real world the division between interposition and enforcement will frequently be unclear; the presence of a peacekeeping force will inevitably impact on local politics; the separation of national crises from international ones will often be impossible. And the passing of the Cold War may have brought as many operational drawbacks for peacekeeping as it has institutional improvements. But peacekeeping remains where it was in the Cold War: at the conjunction between the best possible and the most desirable.

In conclusion it is my view that UN still remains the most respected organisation to maintain peace and security in the international system. The collective security concept envisaged at the formulation of the UN Charter never worked and will never work as it is. However, the institution of peacekeeping has actually become a normative way of maintaining international peace and security and therefore should be entrenched in the UN

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Charter to formalize it and ease the problem of funding. Recent involvement of regional organisations under Chapter VIII further strengthens the institution of peacekeeping. The introduction of Chapter six and half in the Charter should be explored to legitimize the institution.

Peace enforcement should totally be divorced from peacekeeping, chapter VII cannot work with the principles of peacekeeping, consent, impartiality and none use of force except for self-defence. Peace enforcement should be developed as a different institution with adequate teeth to enforce Security Council resolutions that need force; this should also be entrenched in the Charter to legitimize it and consequently have explicit terms of reference.

The institution of humanitarian intervention should be divorced from the mandate of peace and security enforcement, this is a matter best done by international non-governmental organisation and other UN agencies of the UN mainly under the ECOSOC mandate. Peace and security matters should remain reserved for those matters that might result to sporadic violence that would cause massive destruction of life and property.

The Security Council members need to be reviewed to be more inclusive; if the international system is tending to full democratization, the Security Council should also be democratized. The veto power should be revised to depict the current realities; whereas the permanent five were declared so as the 'policemen' of the world due to their might then, the concept of equality in the UN should be embraced. The number of member states have quadrupled from a mere fifty to the current number of about two hundred, it's only logical that the veto powers be redistributed. There are states that would play bigger roles than the permanent five, especially in the area of financing peace and security activities and therefore need to be included in the Security Council.

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