



## **UN'S APPROACH TO PEACE AND SECURITY, THE EFFECTIVENESS OR OTHERWISE OF ITS MECHANISMS**

**By**

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### **Abstract**

*Peace and security of lives and property cannot be overemphasized, as the world is grappled with insecurities, terrorism and vices. Peace and security of citizens is one of the fundamental directive principles of many national constitutions of the world. Peace and security often do not thrive where there is conflict, so nations of the world in collaboration with international institutions, endeavour to maintain and sustain peace and security. The main international institution saddled with the responsibility of maintaining international peace and security is the United Nations and its Security Council. The main purpose of the United Nations *inter alia* is to maintain international peace and security. There are several mechanisms provided in UN Charter and tools put in place by the Security Council to ensure international peace and security is attained. Consequently, this article will discuss these mechanisms and tools used by the UN, assess their effectiveness, the challenges faced by the UN in order to maintain peace and provide necessary recommendations.*

**Keywords:** *Peace, Security, Mechanisms, Tools, Effectiveness, Challenges*

### **Introduction**

Through the years, the UN Charter has become the grundnorm of international order.<sup>1</sup> It is seen as the constitution of the whole world. The Charter lays down some of the ultimate principles governing all international institutions and supersedes any other treaty in the event of an inconsistency.<sup>2</sup>

The UN Charter<sup>3</sup> was the basis of the United Nations. It was established in 1945 and describes the organization's goals and guiding principles, with a focus on maintaining global peace and security. The UN plays a central role in promoting peace and security through its Security Council, which can authorize peacekeeping missions, impose sanctions, and facilitate conflict resolution. The UN also establishes international norms and standards for human rights and humanitarian law.

By virtue of Article 1 of the Charter, the purposes of the United Nations are;

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

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<sup>1</sup> C C Wigwe, *The Economic Perspective of the Law of International Institutions* Chrismarcus Chambers (2<sup>nd</sup> ed 2023)37

<sup>2</sup> *Ibid*

<sup>3</sup> The UN Charter 1945

for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and To be a center for harmonizing the actions of nations in the attainment of these common ends.<sup>4</sup>

The Charter, further in article 2 provides that the United Nation is premised on the principle of state sovereignty, hence it is mandatory for members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.<sup>5</sup>

Consequently, the Charter provides for several disputes and resolution mechanisms in the event of conflict.

### **Type and Nature of Dispute under the UN Charter**

Disputes that are covered under the UN Charter include; International Disputes, Intra-State Dispute, Non-International Dispute, Legal Dispute, Political Dispute and Economic and Social Dispute.

#### **a. International Disputes**

These are disputes that arise between nations or between a nation and an international body that may affect international relations. Increasingly these disputes are no longer just primarily between states but also between states and other parties like international organizations and other non-state actors, and between these actors mutually.<sup>6</sup>

In this context, the Charter of the United Nations (UN) plays a major role, in particular, regarding disputes between states. Article 2(3) of the UN Charter states that all Member States have to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.<sup>7</sup>

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<sup>4</sup> (n3) Art 1

<sup>5</sup> *Ibid* Art 2(4)

<sup>6</sup> Peace Library [https://peacepalacelibrary.nl/research-guide/settlement-international-disputes#:~:text=Article%202\(3\)%20of%20the,and%20justice%2C%20are%20not%20endangered.](https://peacepalacelibrary.nl/research-guide/settlement-international-disputes#:~:text=Article%202(3)%20of%20the,and%20justice%2C%20are%20not%20endangered.) <accessed 18 August 2024>

<sup>7</sup> (n3), Article 2(3)



All over the world, there are various international disputes arising from territorial issues to maritime, political and so on. A typical example of an international dispute is the one between Russia and Ukraine.

### **b. Territorial Disputes**

A territorial dispute is a disagreement between two or more States about which State exercises sovereignty over a certain part of territory.<sup>8</sup> Territorial disputes fall within two different categories. Certain territorial disputes concern the entirety of the territory of a State thus resulting in a challenge to that State's existence. Other territorial disputes only affect part of one or more States' territory and concern the placement of one or more boundaries that delimit the territory over which each State exercises sovereignty.<sup>9</sup>

### **c. Maritime Boundary Dispute**

Generally, a maritime boundary is a theoretical division of the Earth's water surface areas using physiographic or geopolitical criteria. Thus, it usually bounds areas of exclusive national rights over marine resources, encompassing maritime features, limits, and zones. According to United Nations Convention on the Law of the Sea,<sup>10</sup> maritime boundary represents the borders of a maritime nation which serve to identify the edge of international waters. Normally, a maritime boundary is demarcated at a particular distance from a jurisdiction's coastline.<sup>11</sup> According to the United Nations Law of the Sea Convention, the length of territorial sea is 12 nautical miles, contiguous zone is 24 nautical miles, and exclusive economic zone (EEZ) is 200 nautical miles from the baseline.<sup>12</sup> But practices show that larger limit of the different maritime zones is existing among the states. Every state claims jurisdiction to its own interest.<sup>13</sup>

Maritime boundary dispute is a dispute relating to demarcation of the different maritime zones between or among states.<sup>14</sup> Maritime boundary dispute is an alarming issue all over the world. The countries are now becoming very much concerned about their marine resources because the world economy has turned into ocean-based resources termed as Blue Economy. So, every coastal state is aware of their maritime boundary for exploring and exploiting both its mineral and its food resources<sup>15</sup> and tends to protect it.

<sup>8</sup> Territorial Dispute <https://www.curts.com/glossary/public-international-law/territorial-dispute#:~:text=Territorial%20Disputes&text=A%20territorial%20dispute%20is%20a,certain%20part%20of%20territory.> Last <18 August 2024>

<sup>9</sup> *Ibid*

<sup>10</sup> UNCLOS 1982, Art. 3

<sup>11</sup> M. Hasan, H. Jian, W. Alam and K.M. A. Chowdhury. Protracted Maritime Boundary Disputes and Maritime Laws, (2018) 2 (2) *Journal Of International Maritime Safety, Environmental Affairs, And Shipping* 2018, Vol. 2, No. 2, 89–96 (p89) <https://www.tandfonline.com/doi/epdf/10.1080/25725084.2018.1564184?needAccess=true> <accessed 18 august 2024>

<sup>12</sup> (n3) Art. 3, 33, and 57

<sup>13</sup>(n11)89

<sup>14</sup> *Ibid* 90

<sup>15</sup> (n11)89



#### **d. Intra-state Dispute**

An intra-state dispute is that which occurs within the confines of a country or nation. Major causes of this type of dispute are resource control, tribal or ethnic disparity, political stance of different groups, religious conflicts and so on. This type of disputes usually results in unrest and civil war and often times when not curtailed, attracts international intervention as it presents threat to international peace and security.

#### **e. Non- International Armed Dispute**

Under Article 3 common to the Geneva Conventions,<sup>16</sup> non-international armed conflicts are armed conflicts in which one or more non-State armed groups are involved. Depending on the situation, hostilities may occur between governmental armed forces and non-State armed groups or between such groups only.<sup>17</sup> As the four Geneva Conventions have universally been ratified now, the requirement that the armed conflict must occur "in the territory of one of the High Contracting Parties" has lost its importance in practice. Indeed, any armed conflict between governmental armed forces and armed groups or between such groups cannot but take place on the territory of one of the Parties to the Convention.<sup>18</sup>

Furthermore, two requirements are necessary for such situations to be classified as non-international armed conflict. One, the hostilities must reach a minimum level of intensity. This may be the case, for example, when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents, instead of mere police forces. Secondly, non-governmental groups involved in the conflict must be considered as "parties to the conflict", meaning that they possess organized armed forces. This means for example that these forces have to be under a certain command structure and have the capacity to sustain military operations.<sup>19</sup>

#### **f. Legal Dispute**

A legal dispute refers to a dispute between countries that cannot be resolved, requiring both parties to voluntarily resolve the dispute through legal means, namely arbitration or court litigation.<sup>20</sup> An international legal dispute can be defined as a disagreement on a question of law or fact, a conflict, or a clash of legal views or interests.

The UN Charter<sup>21</sup> charges the Security Council to take into consideration that settlement of legal disputes should as a general rule be referred to the International Court of Justice in accordance to the Statute of the Court.

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<sup>16</sup>Geneva Conventions of 12 August 1949, Article 3; [https://casebook.icrc.org/a\\_to\\_z/glossary/non-international-armed-conflict](https://casebook.icrc.org/a_to_z/glossary/non-international-armed-conflict) <accessed 22 august 2024>

<sup>17</sup> *Ibid*

<sup>18</sup> *Ibid*

<sup>19</sup> *Ibid*

<sup>20</sup> What is legal dispute? <https://thac.or.th/what-is-a-legal-dispute-how-is-it-different-from-non-justiciable-disputes/> <accessed 23 August 2024>

<sup>21</sup> (n3)Article 36(3)



Consequently, in the exercise of its jurisdiction in contentious cases, the International Court of Justice settles disputes of a legal nature that are submitted to it by States in accordance with international law.<sup>22</sup>

### **Mechanisms for Dispute Resolution under the UN Charter**

The UN Charter in Chapter VI<sup>23</sup> provides for the pacific settlement of disputes. This entails different means by which disputes can be peacefully settled. It states thus:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.<sup>24</sup>

In other words, consensual and judicial settlement of disputes are the recommended means or mechanisms by which parties to a dispute can settle their differences under the UN Charter. However, these means of settlement must first be sought by the parties before the Security Council can make recommendations or take action.

Where parties fail to come to a common ground as to resolution of their dispute as provided in article 33, they are to refer it to the Security Council<sup>25</sup> which may now decide on the appropriate action to take in order to maintain peace and security.<sup>26</sup>

Consequently, we shall now consider these mechanisms under this heading.

#### **a. Consensual Settlement of Dispute**

The settlement of dispute through consensual means denotes that parties to a dispute shall of their own accord decide to peacefully settle their disputes. They come into an agreement and resort to alternative dispute resolution such as negotiation, mediation, conciliation and so on. The Charter recommends this type of dispute settlement.<sup>27</sup>

A settlement where the parties consent freely is much better than a settlement enforced by a third party such as a judge, hearing officer, arbitrator or expert. A conflict settled by consensus is typically achieved quicker and hence cheaper than one concluded by litigation or arbitration. Since there is no winner or loser a contractual partnership is easier for the parties to recover.<sup>28</sup>

<sup>22</sup> ICJ <https://www.icj-cij.org/contentious-jurisdiction> <accessed 23 August 2024>

<sup>23</sup> (n3) Article 33 to 38

<sup>24</sup> *Ibid* article 33(1)

<sup>25</sup> *Ibid* article 37(1)

<sup>26</sup> *Ibid* article 37(2)

<sup>27</sup> (n3) article 37(2)

<sup>28</sup> Sunaina Jain, Consensual Dispute Resolution <https://viamediationcentre.org/readnews/MzY0/Consensual-Dispute-Resolution> <accessed 25 august, 2024>

### **i. Negotiation**

Negotiation is the process of parties bargaining in an attempt to reach an agreement.<sup>29</sup>

This is the simplest form of settling the international dispute by the states. It may be carried out by the head of state or diplomatic agents.<sup>30</sup>

Negotiation is the process of resolving a dispute or a conflict permanently, by providing for each sides' needs, and adequately addressing their interests so that they are satisfied with the outcome.<sup>31</sup> In many negotiations, both parties are aware of what their interests are, and are willing to engage in a give-and-take process with the other party to come to an agreement.<sup>32</sup>

### **ii. Mediation**

Mediation simply refers to the process of resolving conflict in which a third party neutral (mediator), assist the disputants to resolve their own conflict. The process is voluntary and the mediator does not participate in the outcome of the mediation process (agreement). The disputing parties themselves have control over the agreements to be reached.<sup>33</sup> For an international dispute, the mediator is usually a friendly third state or organization.

### **iii. Conciliation**

In the Indian case of *Haresh Dayaram Thakur v. State of Maharashtra & Ors.*<sup>34</sup>, the Supreme Court while dealing with sections 73 and 74 of the Arbitration and Conciliation Act, 1996, held that a conciliator helps the parties in settling the differences amongst them amicably.<sup>35</sup> Consequently, conciliation is a process of formal settlement proposals after investigating a fact by a commission or committee.<sup>36</sup> Conciliation is a voluntary proceeding, where the parties involved are free to agree and attempt to resolve their dispute by conciliation. The process is flexible, allowing parties to define the time, structure and content of the conciliation proceedings. These proceedings are rarely public. They are interest-based, as the conciliator will when proposing a settlement, not only take into account the parties' legal positions, but also their; commercial, financial and / or personal interests.<sup>37</sup>

### **iv. Enquiry**

In enquiry, facts are investigated. The main purpose of the enquiry is to investigate the relevant matters to establish facts that may help the ultimate solution of the problem.<sup>38</sup>

<sup>29</sup> Cornell Law School (Legal Information Institute); <https://law.cornell.edu/wex/negotiation> <accessed 31st October, 2024>

<sup>30</sup> Peaceful Settlement of Dispute [https://unacademy.com/content/upsc/study-material/law/peaceful-settlement-of-dispute/#:~:text=As%20per%20article%20%20\(3,peace%20or%20act%20of%20aggression](https://unacademy.com/content/upsc/study-material/law/peaceful-settlement-of-dispute/#:~:text=As%20per%20article%20%20(3,peace%20or%20act%20of%20aggression). <accessed 25 August 2024>

<sup>31</sup> <https://www.pon.harvard.edu/tag/conflict-negotiation/#:~:text=Conflict%20negotiation%20is%20the%20process,are%20satisfied%20with%20the%20outcome>. <accessed 25 August 2024>

<sup>32</sup> *Ibid*

<sup>33</sup> George Amoh, Mediation: The Preferred Alternative for Conflict Resolution, 2007 <https://www.gdrc.org/u-gov/conflict-amoh.html> <accessed 25 August 2024>

<sup>34</sup> *Haresh Dayaram Thakur v. State of Maharashtra & Ors*, AIR 2000 Supreme Court 2281; <https://indiankanoon.org/doc/1600086> <accessed 31st October 2024>

<sup>35</sup> Law Sikho, Difference Between Arbitration, Conciliation and Mediation, 1 April 2024; <https://blog.ipleaders.in/arbitration-conciliation-and-mediation/> <accessed 31st October 2024>

<sup>36</sup> *ibid*

<sup>37</sup> What is Conciliation? <https://www.dispute-resolution-hamburg.com/information/conciliation> <accessed 25 August 2024>

<sup>38</sup> (n35)



The 1899 Hague Convention<sup>39</sup> provided for commissions of inquiry in cases of differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, to ‘facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation’.<sup>40</sup>

#### **v. Arbitration**

By virtue of the Interpretation Section of the Arbitration and Mediation Act of Nigeria,<sup>41</sup> arbitration means a commercial arbitration whether or not administered by a permanent arbitral institution.

Arbitration is the submission of a disputed matter to an impartial person (the arbitrator) for decision. It is typically an out-of-court method for resolving a dispute. The arbitrator controls the process, listens to both sides and makes a decision. Like a trial, only one side will prevail. Unlike a trial, appeal rights are limited.<sup>42</sup>

In a more formal setting, the arbitrator will conduct a hearing where all parties present evidence through documents, exhibits and testimony. The parties may agree to, in some instances, establish their own procedure, or an administering organization may provide procedures. There can be either one arbitrator or a panel of three arbitrators. An arbitration hearing is usually held in offices or other meeting rooms.<sup>43</sup> Further, with reference to the settlement of international dispute through arbitration, the Permanent Court of Arbitration also facilitates arbitration and other forms of dispute resolution between states. In conducting the proceedings, the Permanent Court of Arbitration Rules, United Nations Convention on International Trade Law (UNCITRAL) Arbitration Rules and other rules pertinent to the functioning of the PCA are usually invoked.

#### **b. Judicial Settlement of Disputes**

Article 33(1) of the UN Charter<sup>44</sup> refers to “judicial settlement” as a method of pacific settlement of international disputes. It also directs the Security Council, in Article 36(3), to “take into account that legal disputes should, as a general rule, be referred to the ICJ by the parties.”<sup>45</sup>

Judicial settlement is the resolution of international dispute by an international tribunal in accordance with the rules of the law of nations. The International Court of Justice (ICJ), The Hague (UN, 1945), the International Tribunal for the Law of the Sea (ITLOS), the European Court of Justice, the European

<sup>39</sup> 1899 Hague Convention, Article 9

<sup>40</sup> R. Mackenzie Law and policy of international courts and tribunals (Section B: Non-adjudicatory dispute resolution processes) p38; <https://www.london.ac.uk/sites/default/files/uploads/study-guide-postgraduate-laws-law-policy-international-courts.pdf> <accessed 25 August 2024>

<sup>41</sup> Arbitration and Mediation Act, 2023. S. 91

<sup>42</sup> Methods for Resolving Conflicts and Disputes: Oklahoma Bar Association; <https://www.okbar.org/freelegalinfo/disputes/#:~:text=Definition%3A%20Arbitration%20is%20the%20submission,sides%20and%20makes%20a%20decision.> <accessed 25 august 2024>

<sup>43</sup> *ibid*

<sup>44</sup> (n3) article 33(1)

<sup>45</sup> *Ibid* 36(3)



Court of Human Rights, and the Inter-American Court of Human Rights are examples of international tribunals.<sup>46</sup>

On 17 July 2019, the ICJ determined in a case filed by India against Pakistan that Pakistan was required to provide effective review and reconsideration of Mr. Kulbhushan Sudhir Jadhav's conviction and sentence through means of its own choosing, in order to ensure that full weight was given to his conviction and sentence, so that the full weight of the effect of the violation of the rights set out in Article 36 of the Vienna Convention was given (ICJ, 2019:234). Through this, it is obvious that the provision of Judicial Settlement of dispute as outlined in Article 33 of the UN Charter is still very much a present-day phenomenon.<sup>47</sup>

### **Principles Guiding Dispute Resolution**

A number of guiding principles for resolving conflicts between nations are outlined in the United Nations Charter. These guidelines are necessary to preserve international peace and security and are meant to encourage just and peaceful dispute settlement. The following are the main principles:

#### **a. Peaceful Settlement of Disputes**

The UN Charter<sup>48</sup> states that Members are required to settle their international disputes by peaceful means. It therefore recommended that parties to a dispute instead of using force, should pursue a resolution through discussion, negotiation, mediation, arbitration, or judicial settlement.<sup>49</sup>

A vivid example of a peaceful settlement was displayed in the conflict between Russia and Ukraine. With respect to eastern Ukraine, Russia and Ukraine formally participated in a conflict resolution process structured around a set of measures known as the Minsk agreements (Russia refuses to engage in a similar conflict resolution process with respect to Crimea, as Russia claims to have annexed that region). The Minsk agreements were signed in 2014 and 2015 by representatives of Russia, Ukraine, and the Organization for Security and Cooperation in Europe (OSCE)—members of what is known as the Trilateral Contact Group—together with Russian proxy authorities in eastern Ukraine. The agreements are supported by a broader international grouping known as the Normandy Four (or Normandy Format): France, Germany, Russia, and Ukraine.<sup>50</sup>

#### **b. Non-Use of Force**

The Charter<sup>51</sup> prohibits the threat or use of force by states except in self-defense or as authorized by the Security Council. This principle underscores the commitment to resolving disagreements without using violence.

<sup>46</sup>Temitope Peter Ola, United Nations' Provisions for Pacific Settlement of International Disputes, AUDRI, Vol. 14, No. 2/2021, pp. 84-95; <https://dj.univ-danubius.ro/index.php/AUDRI/article/view/1343/2038> <accessed 28 August 2024>

<sup>47</sup>(n46)

<sup>48</sup>(n3) article 2(3)

<sup>49</sup> *Ibid* article 33(1)

<sup>50</sup> Ukraine: Background, Conflict with Russia, and U.S. Policy, Congressional Research Service (2021) p17-18 <https://crsreports.congress.gov/product/pdf/R/R45008?loclr=blogloc> <accessed 25 August 2024>

<sup>51</sup> (n3) article 2(4)



The exception of self- defence is further preserved in article 51 of the charter where it provides thus:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

**c. Good Faith and Cooperation**

States are expected to act in good faith and cooperate with one another to maintain peace and security.<sup>52</sup> This involves complying with agreements and international obligations relating to dispute resolution.

**d. Respect for Sovereignty and Non-Interference**

The UN Charter emphasizes the importance of respecting the sovereignty and territorial integrity of states.<sup>53</sup> While the UN encourages the peaceful settlement of disputes, it must also respect states' sovereignty and non-interference in domestic affairs except in cases where there is a threat to international peace and security.

These principles collectively aim to foster international cooperation where disputes can be resolved constructively and in accordance with international law.

**Tools for the Maintenance of International Peace and Security**

The established organs of the UN, in a collaborative and distinct effort ensure that international peace and security is maintained. The main organ saddled with the primary responsibility for maintaining international peace and security is the Security Council.<sup>54</sup> It can intervene in disputes, impose sanctions, and authorize peacekeeping missions.

The General Assembly as an organ plays its role by discussing and making recommendations on disputes. The International Court of Justice (ICJ) on the other hand, settles legal disputes between states and provides advisory opinions on legal questions referred to it by the UN organs or specialized agencies.

In order to support the organization's aims, the Secretary General's office implements initiatives that promote international peace. There are various tools, measures and initiatives taken by the UN to sustain international peace which shall now be discussed below.

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<sup>52</sup> (n3)article 2(2)

<sup>53</sup> *Ibid* article 2(7)

<sup>54</sup> *Ibid* article 24(1)



## **Preventive Diplomacy**

The Secretary-General's vision for centering the Organization's work on peace and security around prevention and through a surge in diplomacy for peace reaffirms the United Nations founding mission.<sup>55</sup>

Preventive diplomacy refers to diplomatic action taken to prevent disputes from escalating into conflicts and to limit the spread of conflicts when they occur. While it is conducted in different forms and fora, both public and private, the most common expression of preventive diplomacy is found in the work of envoys dispatched to crisis areas to encourage dialogue, compromise and the peaceful resolution of tensions. Preventive diplomacy can also encompass the involvement of the Security Council, the Secretary-General and other actors to discourage the use of violence at critical moments.<sup>56</sup>

The Secretary-General provides his "good offices" to parties in conflict both personally and through the diplomatic envoys he dispatches to areas of tension around the world. The Department of Political and Peacebuilding Affairs (DPPA) is the principal support structure for those efforts, providing conflict analysis, planning and support to the work of peace envoys and overseeing more than a dozen field-based political missions that serve as key platforms for preventive diplomacy. Of these missions, regional offices covering Central Africa, West Africa and Central Asia have explicit mandates for preventive diplomacy and strengthening the capacity of states and regional actors to manage sources of tension peacefully. Preventive diplomacy is also carried out frequently within the context of peacekeeping missions.<sup>57</sup>

The work of the United Nations in conflict prevention extends well beyond traditional preventive diplomacy to involve a broad constellation of United Nations entities operating across a wide range of relevant disciplines — poverty-eradication and development, human rights and the rule of law, elections and the building of democratic institutions, the control of small arms, to name just a few.<sup>58</sup>

The Department of Political and Peacebuilding Affairs also carryout mediation and peacekeeping operations around the globe.<sup>59</sup>

## **Peacekeeping**

Peacekeeping has proven to be one of the most effective tools available to the UN to assist countries to navigate the difficult path from conflict to peace. Today's multidimensional peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate political processes, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support

<sup>55</sup> UN Department of Political and Peacebuilding Affairs [https://dppa.un.org/en/prevention-and-mediation?\\_gl=1\\*iloeu\\*\\_ga\\*OTQzMjgxMDkxLjE3MjIzMjE1NzE.\\*\\_ga\\_TK9BQL5X7Z\\*MTcyNDkzNTgxMC4yLjAuMTcyNDkzNTgxNC4wLjAuMA](https://dppa.un.org/en/prevention-and-mediation?_gl=1*iloeu*_ga*OTQzMjgxMDkxLjE3MjIzMjE1NzE.*_ga_TK9BQL5X7Z*MTcyNDkzNTgxMC4yLjAuMTcyNDkzNTgxNC4wLjAuMA) <accessed 29 august 2024>

<sup>56</sup> *Ibid*

<sup>57</sup> *Ibid*

<sup>58</sup> *Ibid*

<sup>59</sup> (n55)



constitutional processes and the organization of elections, protect and promote human rights and assist in restoring the rule of law and extending legitimate state authority.<sup>60</sup>

Peacekeeping operations get their mandates from the UN Security Council; their troops and police are contributed by Members States; and they are managed by the Department of Peace Operations and supported by the Department of Operational Support at UN Headquarters in New York.<sup>61</sup>

There are 11 UN peacekeeping operations currently deployed and there have been a total of 71 deployed since 1948. In 2019, the Secretary-General launched the Action for Peacekeeping Initiative (A4P) to renew mutual political commitment to peacekeeping operations.<sup>62</sup>

### **Peacebuilding**

United Nations peacebuilding activities are aimed at assisting countries emerging from conflict, reducing the risk of relapsing into conflict and laying the foundation for sustainable peace and development.<sup>63</sup>

The UN peacebuilding architecture comprises the Peacebuilding Commission, the Peacebuilding Fund and the Peacebuilding Support Office.<sup>64</sup>

The Peacebuilding Support Office assists and supports the Peacebuilding Commission with strategic advice and policy guidance, administers the Peacebuilding Fund and serves the Secretary-General in coordinating United Nations agencies in their peacebuilding efforts.<sup>65</sup>

As part of the Department of Political and Peacebuilding Affairs (DPPA), the Peacebuilding Support Office (PBSO) serves as a facilitator to enhance coherence and collaboration across the UN system and with partners in support of nationally owned efforts to build and sustain peace. Established in 2005, PBSO draws together expertise to advance impactful system-wide action, policies and guidance and fosters an integrated and inclusive approach to prevention and sustaining peace.<sup>66</sup>

### **Countering Terrorism**

The United Nations is being increasingly called upon to coordinate the global fight against terrorism. Eighteen universal instruments against international terrorism have been elaborated within the framework of the United Nations system relating to specific terrorist activities. In September 2006, UN

<sup>60</sup>Maintain International Peace and Security <https://www.un.org/en/our-work/maintain-international-peace-and-security#:~:text=The%20UN%20accomplishes%20this%20by%20working%20to%20prevent, and%20should%20reinforce%20one%20another%2C%20to%20be%20effective.> <accessed 29 August 2024>

<sup>61</sup>*Ibid*

<sup>62</sup> (n55)

<sup>63</sup> *Ibid*

<sup>64</sup> *Ibid*

<sup>65</sup> (n60)

<sup>66</sup>UN Peacebuilding: <https://www.un.org/peacebuilding/> <accessed 29 August 2024>



Member States adopted the United Nations Global Counter-Terrorism Strategy. This was the first time that Member States agreed to a common strategic and operational framework against terrorism.<sup>67</sup>

### **Disarmament**

The General Assembly and other bodies of the United Nations, supported by the Office for Disarmament Affairs, work to advance international peace and security through the pursuit of the elimination of nuclear weapons and other weapons of mass destruction and the regulation of conventional arms.<sup>68</sup>

### **Assessment and Effective Performance and Challenges of the Security Council**

The Security Council being the main organ with the responsibility to maintain international peace and security has discharged its duties effectively though not without setbacks. Hence, this section will access the effective performance and challenges of the UN Security Council.

#### **a. Effectiveness of the Security Council**

Having discussed the tools employed by the UN in maintaining international peace and security, it is pertinent to examine the effectiveness of those tools, taking into consideration significant conflicts around the world.

#### **Resolution of conflicts**

Through diplomatic interventions and peacekeeping operations, the UNSC has effectively controlled a number of crises. Examples include its role in the Korean War, the Gulf War, and the establishment of peacekeeping forces in places like Cyprus and South Sudan.

In Sudan, through the efforts of the Inter-Governmental Authority on Development (IGAD) which began peace initiatives in 1993 and strongly supported by the UNSC, the UN continued several peace missions such as the UNMIS and this successfully led to the end of the civil war in Sudan and independence of South Sudan in 2011.<sup>69</sup>

#### **Use of Sanctions and Diplomacy**

The Council has influenced state behavior through diplomatic pressure and sanctions. Sanctions has been used against countries like North Korea, Iran and so on, where the UNSC has sought to curb activities deemed threatening to international peace and security. The United Nations Security Council has adopted nine major sanctions resolutions on North Korea in response to the country's nuclear and missile activities since 2006.<sup>70</sup>

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<sup>67</sup> (n60)

<sup>68</sup> *Ibid*

<sup>69</sup> United Nations Mission in Sudan Background <https://peacekeeping.un.org/en/mission/past/unmis/background.shtml> <accessed 30 August 2024>

<sup>70</sup> UN Security Council Resolutions on North Korea, Fact Sheets & Briefs; <https://www.armscontrol.org/factsheets/un-security-council-resolutions-north-korea> <accessed 1 September 2024>



Each resolution condemns North Korea's latest nuclear and ballistic missile activity and calls on North Korea to cease its illicit activity, which violates previous UN Security Council resolutions. All nine resolutions were unanimously adopted by the Security Council and all but Resolution 2087 (January 2013) contain references to acting under Chapter VII, Article 41 of the United Nations Charter.<sup>71</sup>

### **Peacekeeping Missions**

The UNSC approves peacekeeping missions that have proven successful in stabilizing post-conflict areas, safeguarding civilians, and assisting with political transitions. Notable examples of these missions' accomplishments include Liberia and Bosnia and Herzegovina.

In Liberia, the Peacekeeping Operations, United Nations Mission in Liberia (UNMIL) accomplished its mission after 15 years. But the UN Country Team, such as the UN Development Programmes, UNICEF and the World Food Programme, continued to remain in the country for post-conflict reconstruction and development activities. After successful disarmament, demobilization, rehabilitation and reintegration process and peaceful elections, the mission's attention shifted to providing security for the country, helping to midwife a new army and police force and extending civil authority throughout the country. UNMIL provided technical and logistical support to various government departments. Countries like Sierra Leone, Burundi, Côte d'Ivoire, Timor-Leste, Liberia, Haiti and Kosovo, have been provided with the path to normal development including; basic security, support in political transitions and building new state institutions.<sup>72</sup>

### **b. Challenges of the Security Council**

#### **Veto Power**

The Charter<sup>73</sup> established the Security Council which is composed of 15 members. However, 5 members out of the 15 are permanent members while the remaining 10 are non-permanent members elected by the General Assembly.

The five permanent members (P5) of the UN are the United States, Russia, China, the United Kingdom, and France. These permanent members were given veto power because of their role in the establishment of the UN.

Veto is an official power or right to refuse to accept or allow something.<sup>74</sup> Beyond permanency itself, the veto power is probably the UN Charter's most significant distinction between permanent and non-permanent members. Article 27 (3) of the Charter establishes that all substantive decisions of the Council must be made with "the concurring votes of the permanent members". The veto has been

<sup>71</sup> *Ibid*

<sup>72</sup> J. M. Pathania Conflict Resolution Methodologies and Approaches: United Nations Context, p4  
<https://www.claws.in/static/DR.Pathania-Joint-Publication-BIPSS-UN.pdf> <accessed 29 August 2024>

<sup>73</sup> (n3) article 23

<sup>74</sup> Cambridge Dictionary <https://dictionary.cambridge.org/dictionary/english/veto> <accessed 31 August 2024>



addressed regularly during the annual working methods debates and is among the topics most frequently raised in the context of almost all discussions of Council working methods.<sup>75</sup>

Permanent members use the veto to defend their national interests, to uphold a tenet of their foreign policy or, in some cases, to promote a single issue of particular importance to a state. Since 16 February 1946, when the Union of Soviet Socialist Republics (USSR) cast the first veto on a draft resolution regarding the withdrawal of foreign troops from Lebanon and Syria (S/PV.23), the veto has been recorded 293 times.<sup>76</sup>

Veto power of the Security Council can lead to inaction or delays in crises where the interests of these nations are at stake and this is a major challenge.

### **Representation and Legitimacy**

By virtue of article 23, the UNSC's composition is 15 members out of currently 193 members of the UN. This is a poor representation of the United Nations.

Also, European countries are overrepresented as they account for little more than one-fifth of member states.<sup>77</sup> There are two eastern European states, Russia and Slovenia and five states representing the Western European and Others Group (WEOG) which are France, United Kingdom, United States, Malta and Switzerland.<sup>78</sup> On the contrary Africa and Asia are underrepresented. Asia which alone accounts for 53 member states, or more than one half of the world's population, apart from China (a permanent member), is represented in the Council by two non-permanent members.<sup>79</sup>

A common criticism of the Security Council is that, with its five permanent members, it does not adequately represent the contemporary global power structure. As a result, the legitimacy and efficacy of the Council are compromised, and emerging countries and regions such as Japan and India feel underrepresented.

### **Limited Resources**

United Nations (UN) peacekeeping missions celebrated 75 years of operations in 2023. Despite their successes, UN peacekeeping missions have faced extensive criticism due to a wide range of problems,

<sup>75</sup> UN Security Council Working Methods, The Veto 2024 <https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php> <accessed 31 August 2024>

<sup>76</sup> *Ibid*

<sup>77</sup> Pascal Teixeira, The Security Council at the Dawn of the Twenty-First Century: To What Extent Is It Willing and Able to Maintain International Peace and Security? UNIDIR, United Nations Publication (2003/36) p12 <https://unidir.org/files/publication/pdfs/the-security-council-at-the-dawn-of-the-twenty-first-century-to-what-extent-is-it-willing-and-able-to-maintain-international-peace-and-security-en-545.pdf> <accessed 31 August 2024>

<sup>78</sup> UN Membership <https://research.un.org/en/unmembers/scmembers> <accessed 31 August 2024>

<sup>79</sup> *Ibid*



including mismanagement, lack of resources, reluctance to intervene in civilian crises, examples of human rights violations by peacekeeping forces, and financial challenges.<sup>80</sup>

Peacekeeping operations get their mandates from the UN Security Council; their troops and police are contributed by Members States; and they are managed by the Department of Peace Operations and supported by the Department of Operational Support at UN Headquarters in New York.<sup>81</sup> Consequently, where member states withhold finance and personnel commitments, this can jeopardize mission accomplishments on ground, thus translating to a weakness of the Security Council.

### **Complex Global Challenges**

In recent decades, the United Nations Security Council (UNSC) has been increasingly confronted with new and unconventional security threats. Such matters have challenged the Council as they stem not from traditional security threats, as most Council matters do, but from events which cause economic, societal and/or political instability, in turn threatening livelihoods and increasing risks of conflict.<sup>82</sup>

In 2020, the UNSC was faced with one such threat. COVID-19, a highly infectious disease, spread rapidly around the globe, impacting on livelihoods as large parts of the world were forced into unprecedented shutdown. The pandemic, which caused large-scale death, economic turmoil, and social and political instability, was declared by the Secretary-General of the United Nations (UN) to be "a significant threat to the maintenance of international peace and security" in March 2020.<sup>83</sup> In spite of this, the UNSC, the UN body primarily responsible for maintaining international peace and security, was slow to act, severely delayed by disputes amongst the Council's permanent five (P5) members over the extent to which the Council should deal with COVID-19, as well as trivial political matters.<sup>84</sup>

Hence, it can be safe to say that the UNSC cannot be primarily relied upon to address non-traditional threats to peace and security, as its mandate and tools are often geared towards conventional conflict rather than these emerging issues.

### **Conclusion and Recommendations**

Owing to the decadence caused by global conflicts, and the outcry for peace and security in various parts of the world, it has become pertinent to analyze the effectiveness of the UN's approach to peace and security, as the UN stands to be the main institution responsible for the sustainability of international peace and security. Having examined the challenges faced by the UN in its aim to maintain international peace and security, the following recommendations are proffered:

<sup>80</sup>Najla Al Midfa, Assessing Past UN Peacekeeping: Lessons for Future Mission <https://trendsresearch.org/insight/assessing-past-un-peacekeeping-lessons-for-future-missions/> <accessed 1 September 2024>

<sup>81</sup> (n60)

<sup>82</sup> Louise Goodwin, The Un Security Council and Non-Traditional Security Threats: Why The Failures Of The Council's Covid-19 Response Dampen Hopes For Council Action On Climate Change p251-253 <https://www.nzlii.org/nz/journals/VUWLawRw/2022/10.pdf> <accessed 1 September 2024>

<sup>83</sup> *Ibid*

<sup>84</sup> *Ibid*



1. Article 23 of the UN Charter which provides for the composition of the Security Council, provides for five permanent members of the security council. This composition should be amended to include emerging nations of the world such as Japan and India. This will give more repute to the organization as currently, emerging nations has great stake in international affairs.
2. The same article provides for 15 members of the security council. Such an organ as the Security Council which is saddled with the responsibility of international peace and security should not be downplayed by limited representation of the United Nations. Hence, the researcher humbly suggests that each region should be heavily represented. By so doing, fairness and inclusiveness will be recalled in the system to ensure serenity in the international environment.
3. The Security Council should be more proactive in handling non-traditional threats such as pandemics and climate change. As it has thrived in counter terrorism and conventional threats to international security, it should do more by putting aside sentiments and facing headlong the threats at hand. In other words, members of the Security Council should not be seen to be political over such decisions as this may further endanger the international community. Resources should be channeled rightly when it comes to non- traditional threats to international peace and security.
4. Reform should be made with regards the use of veto power by the permanent members of the UN Security Council. This will speed up resolutions of the Council.
5. The UN should be willing to step up in the provision of sufficient resources for peacekeeping missions. Where troops and civilian personnel are not supplied with sufficient training, equipment, food and other supplies, this tend to stir up activism, hence, the civilians they are meant to protect begin to bear the brunt.