History and Structure of the United Nations

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The United Nations: History of Ideas

The United Nations and its affiliate agencies embody two different approaches to the quest for peace that historically appear to conflict with each other. The just war theory and the pacifist tradition evolved along quite separate paths and had always been considered completely opposite ideas. However, political history thought us that pacifism and legalism are actually complementary rather than contradictory ideas. Practice showed that any institution set up to promote peace remains ineffective without international law, whereas international law becomes unenforceable without an overarching governing body envisioned by the pacifists. Once the underlying unity of the two ideas was realized, the challenge was to set up an international organization to promote peace among nations and enforce international law. That happened at the end of World War I with the creation of the League of Nations. However, the League of Nations failed to prevent the outburst of the Second World War. Nonetheless, it provided the blueprint for the creation of a new more successful institution – the United Nations. The system of the United Nations and its broad political structure were essentially drawn from the template of the League of Nations.

The Just War Theory was the first to evolve in Western philosophy. Its origins can be traced back to Aristotle and Cicero, but St. Augustine is undoubtedly the founding father of the Christian just war doctrine. In the decades preceding the fall of the Roman Empire, Christian values were conflicting with the need to defend a political institution from external threats. St. Augustine found a way to reconcile Christianity with war. In his thought, St. Augustine put forth arguments about the right of Christians to go to war and affirmed that war is sometimes necessary to political life but that it should at least be limited. While war may be necessary in some occasions, the war against non-Christians for example, it should always be motivated by a justifiable cause and its sole purpose should be to promote peace. Furthermore, a war, motivated by the right intentions should nevertheless be authorized by a proper authority. When the Roman Empire collapsed, Augustine’s theories on limitations of war disappeared from people’s minds and from military practice.
In the 13th centuries St. Augustine’s writings and theories were taken up again by the immensely influential philosopher Thomas Aquino. St. Thomas Aquino combined Augustine’s ideas with concepts drawn from cannon law, theology, secular law, chivalry, and the habits of relations among princes (Johnson 1987, pp. 67-68; p. 58). From the theories of St. Thomas Aquino by the 15th century Christian just war theory had crystallized into one doctrine with two components within. *Jus ad bellum* referring to permissible reasons to go to war, and *jus in bello* regarding the permissible actions during war. Permissible reasons to go to war (*jus ad bellum*) were: a just cause such as retaking something wrongfully taken or punishing evil; an authorization by a proper authority to initiate war, which according to Aquino could be only the Roman Pontiff; and a right intention to employ such force, i.e. war should be initiated only if the final goal of it is peace. Furthermore, the force used should not do more harm than good, i.e. it should be proportional. Finally, war should be a last resort; it should come after all peaceful means have been exhausted and if there is a reasonable hope for success. If all these requirements are satisfied and war is initiated, there are two general principles of *jus in bello*. First, the use of force should avoid inflicting unnecessary destruction. Second, the noncombatants should be protected from the ravages of war as much as possible (Miller 1987, pp. 267-258). St. Thomas Aquino considered war to be compatible with Christianity, if the war was for a just cause. Just cause was restoring justice, peace and tranquility by undoing or punishing a wrong deed. Therefore, war was not the aim, but rather the means for achieving the final goal - peace. According to Aquino, the only one who had the right and authority to determine, whether a war is just or not, was the Roman Pontiff.

In the 14th century Dante Alighieri himself was the prophet of peace and international cooperation. In his political treatise “De Monarchia”, Dante Alighieri argues that peace is a vital condition for fully realizing humanity’s distinct intellectual potential. According to him, peace cannot be maintained if humanity is divided. Dante suggested that everyone accepted the Emperor as the temporal sovereign instead of the Pope, as envisioned by Augustine and Thomas Aquino. Dante intended that this would apply only to the international system, and there would be local rule otherwise (Lu, 2012). Dante’s “De Monarchia” is probably the first idealistic vision of unity and peace that comes close to the pacifist tradition.
In the 15th century, a very interesting international system was suggested by George Podebrad of Bohemia. The fear of Turkish invasion inspired George Podebrad to propose a project that would improve international cooperation and unite the West against the threat from the East. Therefore, the purpose of the international system was not peace but protection. Nevertheless, the structure proposed by George Podebrad has a strong resemblance to some organs of the United Nations. He suggested establishing an international parliament with both assembly and tribunal. In order to avoid the domination of one nation in the international parliament, each nation would have one vote. Also, the staff and meeting places would be rotated often and the powers of the Pope would be limited (Le Goff 2004, pp. 235 -236). According to George Podebrad, a strong union of Christian monarchs, capable of resisting the Turks, was possible, only if equality among powers was assured. For this purpose, the powers of the Church should be limited. In two short centuries, the crucial role of the Pope in maintaining peace in Europe, envisioned by the Christian just war theory, evaporated. Instead, the Church had turned into an obstacle for the unity of Christian princes.

In the 16th century, Desiderius Erasmus revived the role of the Church as an arbitrator in settling disputes, completely abandoned the Christian just war theory and replaced it with the pacifist theory. In his “Querela Pacis”, Erasmus condemned all wars, just or non-just, by stating that “one can hardly imagine an unfavorable peace which would not be preferable to the most favorable war”. In his writings, Erasmus wrote passionately about the scourges of the war and the need to settle disputes between Christian monarchs by peaceful means and proposed arbitration undertaken by the Church. Even though Erasmus shared Luther’s view that the Church needed reformation, he was never prepared to sacrifice peace for it, because he thought that war and Christianity are absolutely incompatible (Wynner&Lloyd 1949, p. 32). Although Erasmus was focused on eliminating wars between Christians, in his examples of the brutality of war, he denounced Christian attacks on the Turks as well. All thinkers before Erasmus were primarily concerned with peace in Europe. The tolerance of Erasmus for the Turks made him the first to suggest that peace is not just for Christians, that peace is actually universal. That is why scholars often trace the pacifist tradition back to the work of Erasmus (Johnson 1987, p. 158).
Another interesting proposal for peace came from the talented minister of Henry IV the Duc de Sully. In his “Le Grand Dessein”, Sully proposed the dissolution of the already weakened Austrian Empire and the re-division of Europe into fifteen states. The new states would be nearly equal in territory and power, and would constitute a Christian Republic. The new Republic would be presided over by a General Council of delegates from each state, which would hold ultimate jurisdiction power, and would be supervised by Henry IV, King of France (Jacob&Jacob, 1972). According to Sully’s “Memories”, the grand design had the support of Queen Elizabeth I of England, another great monarch of that time. Nevertheless, Sully’s plan was limited to Europe, thus it was less tolerant and rather narrow in its scope.

In the 17th century, a French monk named Emeric Cruce proposed a federation of states that also included not only European rulers but the Emperor of the Turks, the Jews, the Kings of Persia and China, the Grand Duke of Moscovy (Russia) and monarchs from India and Africa. In his “Le Nouveau Cynée ou Discours d'Estat” Cruce proposed a more specific structure that would end international conflicts. Cruce’s federation of states consisted of a permanent Council of Ambassadors that can enforce peace by arbitration among themselves and if necessary, by the use of force against any unruly member. According to Cruce, peace would also benefit the extension of commerce and free trade. Cruce’s plan was founded upon the principle of equality and tolerance among nations, and its purpose was to preserve peace and security. The principles and purposes laid out in Cruce’s plan constitute an early precursor of the Covenant of the League of Nations and of the Charter of the United Nations (Balch 1909, pp. 85-85).

In the 16th and the 17th century Europe evolved the states based on secular rather than religious ideologies. After the Protestant Reformation, the Christian just war theory became incompatible with the secular tendencies of the time and the pacifist theory became increasingly influential. However, just war theory was not forgotten. A new movement was initiated by the Spanish theologians Francisco de Vitoria and Francisco Suarez who attempted to ground the just war doctrine in natural law instead of divine law.

Perhaps the most prominent philosopher belonging to this movement and the “father of international law” was Hugo Grotius. Unlike the pacifist theorists of the time, Hugo Grotius
thought that sovereign states can coexist in peace without a supervisory power such as that envisioned by Cruce. Unlike the classic just war theorists, he believed that there was potential for trust and reciprocity in international affairs, however not deriving from divine law. In his “De Jure Belli ac Pacis” (1625) Hugo Grotius set limits on religious wars and recognized the two primary alternatives to divine law, which he referred to as the law of nature and the law of nations. The law of nature consisted of norms and universals that derived from our innate sociability and our desire for self-preservation. The law of nations, on the other hand, was derived from customary practices and relationships of actual states. These two sets of norms provided the theoretical grounding for much of the contextual evolution of international law in the 19th and 20th centuries (Falk et al 1985, p. 7). Even though Grotius’s contribution to the formulation of international law is great, his views on enslaving a defeated enemy expressed in “Rights of War and Peace” might alienate the modern reader. Later, the 18th century Locke opposed the rather extensive rights of conquest put forth by Grotius and argued that even in a just war the victors should never kill or enslave anyone but the actual combatants.

In the very end of the 17th century, the pacifist tradition gave to history another great thinker and another project for an international peace organization. In his “Essay toward the Present and Future Peace of Europe”, William Penn proposed the establishment of a European parliament that included all European States, Russia and the Turks. Unlike previous plans, Penn spelled out clearly the need to give powers of enforcement to the international body and equipped the international peace organization with a military force created by the Members. The force could “police the peace” against external threats and unruly member states (Souleyman, 1941; Johnson 1987, p. 180; Jacob & Jacob, 1972). Penn’s suggestion to give enforcement powers to the peace organization was perhaps the first attempt to intertwine the just war theory and the pacifist tradition. The tendency to incorporate the two theories into one homogenous stream of thought continued in the 18th century with the influential and provocative texts of Saint-Pierre, Rousseau and Kant. All three authors were read widely in the period leading up to the creation of the League of Nations, and during the founding of the United Nations (Roosevelt 1990, p. 260).
In the early 18th century, the idealist and reformer Abbe de Saint-Pierre proposed to organize the sovereigns of Europe into a permanent league or union. In his “Projet pour rendre la paix perpétuelle en Europe”, Abbe affirmed that agreeing to settle their disputes by peaceful means would ensure mutual protection against invasions, secure their sovereign power from uprisings from within and promote perpetual peace in Europe. Nevertheless, such advantages could only come through some measure of restrain. Abbe suggested forming an army maintained by contributors from each state, which would deal with either sovereigns who attacked the union, or sovereigns who refused to accept its judgments (Jacob, 1972). Because of Abbe’s dull writing style and excessive verbiage, no one took his perpetual peace project seriously at the time. In fact, Abbe’s plan might have never reached us had not Jean-Jacques Rousseau selected and edited Abbe’s writings. The result from Rousseau’s editing resulted in two distinct works. The “Summary” of Abbe’s “Project for Perpetual Peace”, and a more pessimistic “Critique” of Abbe’s plan. In the “Critique” Rousseau confirmed the usefulness of Abbe’s project, and at the same time he denied the possibility that ruling monarchs would ever agree to any limits on their power to make war (Roosevelt 1990, p. 109-110).

The dual nature of Rousseau’s response to the peace project was typical for his other writings on war and peace. On one hand, Rousseau believed that political associations derived from an awareness of the principles of the common good, and thus he looked positively on any peace plan that might embody such principles. On the other hand, he was skeptical about a plan for peace that relied solely on the benevolence of princes and believed that it was the responsibility of the whole nation (Roosevelt 1990, p. 223). For its complexity and duality, Rousseau’s political theory has been the subject of widely differing interpretations. In the early 20th century, when hopes for an effective League of Nations were high, scholars stressed Rousseau’s pacifist believe in political associations. During the Cold War, realists made use of his skeptical view of human nature (Roosevelt 1990, p. 109). Jean-Jacques Rousseau contributed perhaps as significantly to the just war theory as he did to the pacifist tradition, though in a less systematic way. In the fourth chapter of “On Social Contract”, Rousseau drafted principles concerning the nature of war and limitations on the right of conquest. Rousseau affirmed that war had always been a relationship between states and never between people. People may be the ones fighting the war but it is states that initiate,
plan and benefit from it. Following this line of thought, killing should be permissible only between combatants and once hostilities have ended, the victors have no rights over the lives of the defeated (Rousseau 1988, p. 91). Rousseau’s condemnation of slavery and his focus on states rather than people as a source of war were often cited by scholars in the late 19th and early 20th century (Roosevelt 1990, p. 62, p. 242).

Immanuel Kant was the most skeptical of all pacifists. Nevertheless, he believed that peace among nations was possible and can be achieved in the long run. In his essay entitled “To Perpetual Peace”, Kant laid out a set of preconditions for perpetual peace among nations. Kant’s exposition was schematically and logically laid out into “preliminary” and “definitive” articles. The preliminary articles narrowed down some specific preconditions for perpetual peace among nations. It recommended the abolition of mercenary armies, discussed peace treaties, and affirmed that no nation shall forcibly interfere with the constitution and government of another. In the last article, touching upon issues included in the just war theory Kant stated that no nation at war with another nation shall allow such acts of war that would make mutual trust impossible in time of peace in the future (Kant 1983, p. 109-110). Even more interestingly, in the commentary to the last Article Kant anticipates 20th century concerns on mutual assured destruction (Kant 1983, p. 107-110).

The definitive articles include general conditions for the establishment of a federation of states to promote perpetual peace among nations. According to Kant there are three preconditions for the creation of such federation. First, the constitution of every nation should be republican. Second, the law of nations should be based on the sovereignty of the state. Finally, the cosmopolitan law should be limited to conditions of universal hospitality. The federations of sovereign states, as envisioned in the second article, would be called the “league of peace” and its powers would be nothing like the sort of power possessed by the nations. In the “Supplement” to the articles, Kant emphasized that international anarchy would be better than any kind of dictatorial world state. Thus, the League’s only function and power would be to maintain and secure each nation’s sovereignty and freedom. Kant envisioned that eventually all nations would be part of the League of Peace, which would lead to perpetual peace.
The pacifist theory was dominant stream of thought during the 18th century. Nevertheless, the late 18th century gave history the great just war theorist Emeric Vattel. Opposed to the pacifist tendencies of the 18th century, Vattel explicitly rejected the idea of a federation of nations with authority over its member states. Instead he suggested a set of rights and obligations derived from natural law. In his work “Le Droit des Gens”, subtitled “Principles of Natural Law Applied to the Conduct and Affairs of Nations and Sovereigns”, Vattel transformed natural law into the secular ground from which many of the classical just war percepts reemerged. In terms of *jus ad bellum*, Vettel denounced all state’s actions that would create disturbance in another state and limited state’s right to wage war to self-preservation. In terms of *jus in bello*, Vattel made a strong argument for the needless violence towards the non-combatant immunity. He rooted his argument in common sense and self-interest explaining that by preserving the enemy’s civilization, land and fine edifices the victors will gain more in the future (Johnson 1987, p. 203-206). Vattel’s complex and elaborate theory borrowed the classical just war framework and grounded it in natural law. Vattel argued that states are the only viable unit of governance and that finding conventional limits to war within the existing system of sovereign states was the only possible way to achieve perpetual peace, decisively rejecting the need for a supra-national political body to encourage peaceful alternatives to war, envisioned by the pacifists.

In the 19th century the focus shifted from grand theories to organizational efforts. Napoleon I, Czar Alexander I and Simon Bolivar all made various proposals for international mechanisms to enforce peace, but Napoleon was the only one who actually saw his project realized. Napoleon promoted his empire as the universal monarchy that would safeguard the Bourgeois Revolution and spread freedom throughout oppressed nations. He created a new powerful French empire, which absorbed the Holy Roman Empire in 1806. Napoleon established a three tier international system in Europe, dividing European territories in three categories – *pays réunis*, *pays conquis* and *pays alliés*. *Pays réunis* were the territories included in the French natural frontiers and governed by the administration of Paris. At the peak of the Empire, that category included also Holland, Piedmont, Parma, Tuscany, the Illyrian Provinces and the Papal States. *Pays conquis* were a number of conquered but supposedly independent states, which were ruled by people approved by Napoleon, mostly his relatives. These states included Confederation of the Rhine, Spain, Naples,
the Duchy of Warsaw and parts of Italy. Pays alliés were the fully independent states that, however, were allies of the French empire. These included Prussia, Austria and Russia, etc (Schneid 2008, p. 593 - 598). States in both pays réunis and pays conquis adopted the Napoleonic legal code, the Concordat, tax demands and administration based on the French system. All states, including pays allies, were forced by France to apply the large-scale embargo against British trade known as the Continental system from 1806 to 1814. The Continental system turned out to be Napoleon’s first big mistake. Although it did hurt British commerce as planned, the system also damaged regions within the Empire that were dependent on overseas commerce. Moreover, it was disastrous for Russia, thus Czar Alexander I of Russia started trading with British merchants through proxies. This led to Napoleon’s second and biggest mistake – the decision to invade Russia in 1812 to force them to stop trading through proxies (Smith 2006, p. 71-71). Eventually, this led to the definitive collapse and dissolution of the First French Empire and the establishment of the Vienna System of international relations in 1815.

The Congress of Vienna was held from September 1814 to June 1815 and its objective was to provide a long-term peace solution for Europe. Most of the decisions were made in secret by the representatives of the five great powers – Russia, Prussia, Austria, Great Britain and France. The peace plan for Europe adopted in Vienna was elaborated by the most influential representative at the Congress - the foreign minister of Austria, Prince Klemens von Metternich. He distrusted the democratic ideals of the French Revolution and thought that the rise of Napoleon had been the natural outcome of democracy. Thus, the great powers restored Europe’s royal families to their thrones affirming the principle of legitimacy. It was believed that the return of former monarchs would stabilize political relations among nations in Europe. Furthermore, the European nations agreed to come to one another’s aid in case of threats to peace, thus ensuring the balance of power on the continent (Seignobos 2012 , p. 4-12). The Vienna system worked and none of the five great powers waged war on one another for nearly forty years. Industrialization and free trade flourished during the forty years of peace on the continent turning the British Empire into a global hegemon.

The peace lasted until the balance of power lasted. The balance was disturbed by the decay of the Ottoman Empire which led to the confrontation of Britain and France on one hand, and Russia on the other. The Crimean War was just the first of series of wars in the 60’s and 70’s, which forever
changed the map of Europe and destroyed the balance of power system established by the Vienna Congress. The turbulent period lasted till 1878, when the old balance of power system was replaced by series of fluctuating alliances at the Congress of Berlin. The system of fluctuating alliances was designed and proposed by the German chancellor Otto von Bismarck and it lasted till the outburst of World War I in 1914 (Seignobos 2012, p. 17).

Bismarck’s system was designed to prevent war. During his twenty years in office, Bismarck negotiated a series of alliances with other European powers and basically singlehandedly balanced peace on the continent. Meanwhile, Great Britain and France stayed more of less outside the new system of fluctuating alliances. Throughout the 19th century, Great Britain continued to enjoy position of power and its foreign policy was to remain aloof from alliances while exercising its influence to encourage a balance of power on the continent. Whereas, after the Franco-Prussian War Bismarck thought that France was the biggest threat to Germany. He sought to keep France diplomatically isolated so that it would never attempt to regain the lost territories (Seignobos 2012, p. 19).

The first alliance Bismarck formed was the Three Emperor’s League between the three monarchs of Germany, Russia and Austria. The alliance collapsed when the interests of Austria and Russia clashed in the Balkans in 1878. Bismarck managed to convince Russia and Austria to rejoin the second alliance of the Three Emperors in 1881. The second alliance involved pledge of friendly neutrality in case any of the three powers started a war with a forth power. However, the second alliance also collapsed in 1887, when tension in the Balkans led the Russians to withdraw from the agreement. Meanwhile, in order to restrain Russia after the Belin Congress, Bismarck formed the Triple Alliance between Germany, Austria and Italy. The Triple Alliance was a defensive military alliance that lasted from 1882 to 1914. This was the status quo in Europe until in 1890 Bismarck was forcibly retired by the new emperor William II. The emperor abandoned diplomacy and initiated a new aggressive German foreign policy, which changed the course of events in Europe (Seignobos 2012, p. 19-32).

As Germany was becoming more and more isolated, Russia and France began negotiations. The Russians were looking for western investment and the French were seeking to break out of their
diplomatic isolation. This led to the Franco-Russian alliance in 1894. Meanwhile, the financial crisis of the late 19th century and the consequent adoption of protectionism in most countries weakened British power. Subsequently, Great Britain changed its foreign policy from avoiding alliances to actively seeking ones. The English improved their relationship with the United States and signed the Entente Cordiale (friendly agreement) with France in 1904. Furthermore, Russia, after suffering a defeat by Japan, settled some outstanding differences with the British, which led to the Triple Entente between England, France and Russia in 1907. Therefore, Bismarck’s alliance system designed to prevent war actually led to the division of Europe into two armed camps. Furthermore, it failed to resolve disputes over the Balkans which eventually led to the outburst of the most devastating First World War.

The horror and destruction of the Great War led to the founding of the first in history intergovernmental organization whose principal function was to maintain world peace – the League of Nations (Tomuschat 1995, p. 77). Metternich had been the visionary behind the balance of powers system established after the Congress of Vienna. Otto von Bismarck had been the creator and facilitator of the system of fluctuating alliances after the Congress of Berlin. After the end of World War I, at the Paris Peace Conference, it was the President of the United States Woodrow Wilson that inspired and perpetuated the creation of the League of Nations. However, the final result of the Paris Peace Conference slightly differed from Wilson’s idealistic vision laid out in his fourteen points. The Treaty of Versailles was negotiated between the David Lloyd George of Britain, Clemenceau of France and Woodrow Wilson of the US and signed by Germany on 28 June, 1919 in Paris. George Clemenceau of France strongly believed that Germany should be brought to its knees and insisted on harshly punishing it militarily, territorially and financially (Moss 1987, p. 29). Punitive peace of the sort had been once avoided at the Congress of Vienna because it was thought to be unwise. President Wilson shared the believe that by punishing the State that is the sole perpetuator of war, in reality, punitive peace punishes only the people, who are just an instrument of war, and that the feeling of injustice among people would eventually lead to a desire for revenge. Nevertheless, the Treaty of Versailles spelled out major territorial and military cuts and imposed impossible reparations on Germany. Although President Wilson did not
manage to negotiate a fair treaty, he succeeded in establishing the first international peace organization – the League of Nations.

The League of Nations was founded at the Paris Peace Conference that ended World War I. The Covenant of the League of Nations was the founding treaty of the Organization and it put forth the two basic goals of the League. The primal function of the League of Nations was to preserve the peace among nations through collective action. The second goal of the League of Nations was to promote international cooperation in economic and social affairs. For these purposes, the League of Nations established the International Labor Organization, the Permanent Court of International Justice, Health, Slavery and Refugees committees of the League. To satisfy its primal purpose the League was equipped with three main bodies. The Secretariat’s role was to run the various bodies of the League including the Mandates unit, the Health department and the Social unit. The Assembly’s function was to control the budget and membership of the Organization and to appoint the Council of the League of Nations. The Council initially had four permanent members – Britain, France, Italy and Japan as well as Germany when it was admitted to the Organization, and four non-permanent members elected by the Assembly for three-year terms. The Council was the executive organ of the League, and thus all disputes were to be referred to the Council for arbitration and conciliation. The Covenant provided the League with four main ways to resolve disputes. The first was to invoke the Covenant itself, particularly Article 10 where all Members promised to keep the peace, and the second was to condemn a country that was doing wrong and endangering peace. The League could also offer arbitration between two counties to settle their dispute. Finally, the League could use economic sanctions and theoretically was allowed to use military actions but it did not have an army of its own (Moss 1987, p. 29).

Woodrow Wilson envisioned and created the first international peace organization which incorporated both the pacifist theorists’ federal view and the just war theorists’ legal framework. Nevertheless, the League of Nations was not short of problems. First of all, although the League was mostly work of Woodrow Wilson, the United States of America adopted a policy of isolationism after the war, and never joined the Organization. According to the Treaty of Versailles, Germany and Russia were also not allowed to join the League. Thus, three of the world’s most powerful nations played no part in supporting the League of Nations, and left them
free of responsibilities. Second, perhaps the biggest weakness of the League was its chaotic organization. The different organs of the Organizations were supposed to work together but they experienced difficulties to manage in crisis. The League of Nations had a number of successes during the 20’s in ending or preventing conflicts between Yugoslavia and Albania, between Greece and Bulgaria, in Upper Silesia, Mosul and in the Aaland Islands. The League was also quite successful in dealing with refugees, trying to wipe out diseases and attempting to improve working conditions across the world on the other. Nevertheless, during the 20’s the League failed to solve several problems such as the Russo-Polish War, the Corfu Incident or the conflict between Greece and Turkey, etc. The League was overall unsuccessful in carrying the self-determination policy out. In the 30’s, the League of Nations completely lost control over international relations and was practically powerless during the Manchuria Affair, Abyssinia, Rhineland and the Munich Pact, which culminated in the World War II (Moss 1987, p. 29).
Structure of the United Nations

There are many and various reasons for the outburst of the Second World War. However, most of them came about as a result of the punitive and profoundly unfair way the Allies treated Germany at the end of the First World War. World War I ended with the abdication and exile of William II, the creation of Weimar Republic, and German acceptance of the Treaty of Versailles. The Treaty severely punished Germany by forcing them to accept the ‘war guilt’ clause, reduction of their territory and their military, and payment of enormous war reparations. Reparations were so unrealistically high that in 1923 Germany defaulted. As a result, the government started printing money to pay its debts causing astronomical hyperinflation. Meanwhile, French and Belgian troops occupied Ruhr. Thus, only four years after the end of World War I, Europe was facing yet another major crisis. To resolve the crisis, the United States worked out payment plans and loans to help Germany. Initially, Germany’s economy improved but once the Great Depression forced the United States to pull out their money, German economy collapsed again. As the crisis was deepening, the Nazi party was becoming more and more popular. In 1928 the Nazi party polled mere 2.5% of the vote, whereas in 1930 the 18.3% of the vote made them the second largest party in Germany. By 1932 elections, the Nazi party received 37% of all votes, and thus President Hindenburg was forced to appoint Hitler Chancellor of Germany. Thus, the Nazi party’s popularity in the 1930’s was a direct consequence of the devastated German economy, which was a result of the unwise and unrealistic reparations imposed by the punitive Treaty of Versailles. Even though there were a lot of other factors that brought about the Second World War, Hitler’s determination to recover Germany’s dignity and pride was without a doubt the glue that was holding the Axis powers together (Bessel, 1993).

The necessity of establishing an international organization for the maintenance of international peace and security was first mentioned in the Declaration of St. James’s Palace on 12 June 1941. The idea crystalized in the Atlantic Charter and the following Declaration by the United Nations. However, it was not until the meeting of the Foreign Ministers of Great Britain, the United States
and the Soviet Union in October, 1943 in Moscow that the bases for a world organization were defined. In December, two months after the Moscow Declaration, Roosevelt, Stalin and Churchill met for the first time at Teheran, reaffirming the principles of the world organization-to-be. If the principles and purposes of such body were now clear, it was now necessary to set up the structure of the world organization. For this purpose, representatives of China, Great Britain, the USSR and the United States met for conference at Dumbarton Oaks. The discussions were completed on October 7, 1944, and a proposal for the structure of the world organization was submitted by the four powers to all the United Nations governments (UN Resources).

According to the Dumbarton Oaks proposals, four principal bodies were to constitute the world organization – the General Assembly, the Security Council, the International Court of Justice and the Secretariat. The Security Council was envisaged as the executive branch, while the General Assembly could study, discuss and make recommendations in order to promote international cooperation and adjust situations likely to impair welfare. Furthermore, member states were to provide the Security Council with armed forces that would assist in preventing war and suppressing acts of aggression. The question of the actual method of voting in the Security Council was resolved at Yalta Conference in Crimea in February, 1945. Soon after, in early April, the sudden death of President Roosevelt shocked everyone. However, President Truman decided to carry out all the arrangements already made, and the San Francisco Conference opened on the appointed date (UN Resources).

Delegates of fifty nations gathered in San Francisco determined to set up an organization which would preserve peace and help build a better world. Representatives of over eighty per cent of the world's population, people of every race, religion and continent had to produce a Charter acceptable to all the countries. Differences were overcome, vital issues were resolved and the San Francisco Conference got through its monumental work in exactly two months. In the Opera House at San Francisco on June 25, the Charter was passed unanimously and the next day it was signed by all the countries. On 24 October, 1945, when the Governments of China, France, Great Britain, the Soviet Union and the United States and the majority of other signatory states had ratified the Charter, the United Nations came into existence (UN Resources).
The United Nations was created to maintain international peace and security. The Charter of the United Nations set forth comprehensive instructions for settling disputes between states and envisaged the possibility for the United Nations to provide collective security itself. The Charter of the United Nations established the six principal organs of the Organization: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat. The United Nations is also linked to fifteen specialized agencies, four related organizations, three secretariats of conventions and two UN trust funds. All these organizations are independent and have autonomous governing bodies, budgets and secretariats. Together with the principal organs of the United Nations they form the UN family (UN Resources).

The Charter of the United Nations is the multilateral treaty which established all the principal organs and set forth the agenda of the Organization. However, the UN Charter is much more than the founding treaty of an international organization. Together with the Statute of the International Court of Justice, the Charter became the constitution of the international community. The general purposes, the structure and all questions about the Organization find answers in the Charter of the United Nations. The view of the Charter of the United Nations as the constitution of the international community has been shared by many academics (Tomuschat, 1995; Fassbender, 2009). The claims for constitutional dimension of the Charter are founded upon one provision in the Charter. Article 103, which deals with the relationship between the obligations of its members deriving from the Charter and those deriving from other instruments, reads as follows:

“In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail.” (UN Charter)

The provision of Article 103 applies not only to obligations under laid down in the Charter but also to decisions taken by the organs of the United Nations. The constitutional feature of this article confirms the constitutional claim of the Charter of the United Nations (Bernhardt, 1994; Dupuy, 1997).
Along with the principal organs founded by the Charter, there are fifteen other independent organizations linked to the United Nations through cooperative agreements. Some of them are even older than the United Nations itself. These autonomous bodies, known as specialized agencies, have wide-ranging international responsibilities in the economic, social, cultural, educational, health and related fields. These include the International Monetary Fund, the World Bank, the World Health Organization, the International Labor Organization, etc. Furthermore, a number of UN offices, programs and funds work to improve the economic and social condition of people around the world. Those are the Office of the UN High Commissioner for Refugees (UNHCR), the UN Development Program (UNDP), the UN Children’s Fund (UNICEF), etc. They have independent governing bodies, budgets and secretaries but they all report directly to the General Assembly or the Economic and Social Council. All these organizations provide technical assistance and other forms of technical help, consistent with the general purposes and principles of the United Nations (UN Resources).

The general purposes of the United Nations have been narrowed down in Chapter I, Article 1 of the Charter. The main goal of the Organization is to maintain international peace and security by bringing about peaceful means for conflict resolution. Its responsibility is to develop friendly relations among nations based on respect and equality and, in doing so, to strengthen universal peace. The goal of the United Nations is to solve international problems of economic, social, cultural, or humanitarian character, and to promote human rights and fundamental freedoms. In pursuing those objectives, the United Nations and its Members are expected to act in accordance with the principles set forth by the Charter. All the Members commit to settle their international disputes by peaceful means, to refrain from threats of force against other nations, and to assist and support the United Nations in its decisions and actions. The main principle of the Organization is the principle of the sovereign equality of all Members. The organs of the United Nations commit to the principle of non-interference in matters within the domestic jurisdiction of any state (UN Charter).
If the General Assembly is the deliberative, policymaking and representative organ of the United Nations, the International Court of Justice is the judicial organ, and the Security Council is the executive organ of the Organization, the Secretariat, established with Chapter XV (Articles 97-101) of the Charter, is the administrative organ of the United Nations and the skeleton of the Organization. The Secretariat comprises a Secretary General, appointed by the General Assembly upon the recommendation of the Security Council for a five-year term, and staff, appointed by the Secretary General under the regulations established by the General Assembly. The Secretary General is the chief administrative officer of the United Nations and “shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council”. It is responsibility of the Secretary General to prepare an annual report to the General Assembly on the work of the Organization and to bring to the attention of the Security Council “any matter which in his opinion may threaten the maintenance of international peace and security”. The duties of the Secretariat range from administration of peacekeeping operations to arbitration of international disputes, from surveying economic and social tendencies and issues to doing research on human rights and sustainable development. The Secretariat is also expected to inform the media about the work of the United Nations, to organize conferences and to interpret speeches and translate official documents of the Organizations. The staff of international civil servants takes an oath to answer exclusively to the United Nations and “not seek or receive instructions from any government or from any other authority external to the Organization”. The Secretariat is divided into offices and departments headquartered in New York, but it maintains a significant presence in Addis Ababa, Bangkok, Beirut, Geneva, Nairobi, Santiago and Vienna, and has offices all over the world (UN Resources).

The General Assembly was established with Chapter IV (Articles 9-22) of the Charter of the United Nations. The General Assembly is the chief deliberative, policymaking and representative organ of the United Nations and the only organ of the United Nations in which all Members have equal representation. The functions and powers of the General Assembly are various. According to the Charter, the Assembly is responsible for discussing and approving the budget of the Organization. The General Assembly can also initiate studies and make recommendations to promote international political and economic cooperation and development, and human rights. In
doing so, it can consider reports from the Security Council and from any other organ of the United Nations. Also, the General Assembly can discuss any question in regards to international peace and security and make recommendations except, as indicated in Article 12, where a situation is currently being discussed by the Security Council. However, in cases of threat to peace, breach of peace or act of aggression, if a veto deadlocks the Security Council, according to the Uniting for Peace Resolution 377 adopted in November 1950, the General Assembly can consider the matter. Then it can make recommendations for collective measures to maintain or restore international peace and security. However, these measures are strictly recommendatory and to implement them, the General Assembly needs the consent of the receiving country (UN Resources).

For the performance of its functions the General Assembly can establish subsidiary organs, which can be divided into five categories – Boards, Commissions, Committees, Councils and Panels, and Working Groups and others. For example, two of the six organs of the United Nations, the Economic and Social Council and the Trusteeship Council have been established under the authority of the General Assembly. These subsidiary organs perform a very important role in the work of the General Assembly. They discuss the items on the agenda and try to harmonize the various approached of the States. Then, they present their recommendations to a plenary meeting of the Assembly in the form of draft resolutions. Each of the Member States in the Assembly has one vote. Voting rights can be suspended when a Member is in arrears in the payment of its financial contributions. Important decisions, such as recommendations on peace and security, the election of Economic and Social Council or Security Council members, and budgetary questions require a two-thirds majority in the General Assembly. All other matters require simple majority (UN Resources).

The Economic and Social Council established under the authority of the General Assembly is another principle organ of the United Nations. The Economic and Social Council is responsible for fourteen specialized agencies, nine functional commissions and five regional commissions. In other words, the Council is in charge of 70% of the entire human and financial resources of the United Nations, turning it into one of the most robust organs of the Organization. The functions of the Economic and Social Council include promoting higher standards of living, full employment,
and conditions of economic and social progress and development. It is responsible for addressing international economic, social, health, and related problems, as well as supporting international cultural and educational cooperation. The Council is also observing violations of human rights and fundamental freedoms, and promoting universal respect without distinction as to race, sex, language, or religion. The Council can initiate studies and reports in regards to all these issues. It can make recommendations to the General Assembly, cooperate with the specialized agencies or advise the Security Council upon request. The Economic and Social Council can prepare draft conventions and call international conferences on matters falling within its competence.

The Economic and Social Council consists of fifty four Members of the United Nations elected by the General Assembly for three year terms. The amendment to Article 61 from August 1965 increased the membership from eighteen to twenty seven. The subsequent amendment to that Article from 1973 further enlarged the membership from twenty seven to fifty four. Each Member has one vote and decisions are made by a majority of the members present and voting. The Council assembles regularly throughout the year, but the biggest gathering is the month-long substantive session every July. The session is divided into five segments – High-level, Coordination, Operational Activities, Humanitarian Affairs, and General - which cover global issues together with technical and administrative questions (UN Resources).

The Trusteeship Council was also established under the authority of the General Assembly. In fact, for the creation of the Trusteeship Council the San Francisco Conference added a whole new chapter, which was not included in the Dumbarton Oaks proposals. The Trusteeship system replaced the League of Nations mandate system, and the Trusteeship Council was created to promote the advancement of the inhabitants of these territories and their progressive development towards self-government or independence. The territories placed under trusteeship were eleven - ten former League of Nations mandates plus the former Italian Somaliland. The Trusteeship Council collaborated intensively with the Economic and Social Council and with the specialized agencies in regards to the matters they are respectively concerned with.

The Trusteeship Council consisted of the five permanent members of the Security Council plus all Members administering trust territories, plus a number of non-administering members equal to the number of the administering members in the Trusteeship Council. The non-administering members
were elected by the General Assembly for three-year terms. Each Member of the Council has one vote and decisions are made by a majority of the members present and voting. Over the time the trust territories either gained independence or joined neighboring independent countries. In 1994 the last trust territory Palau became an independent state, leaving the Trusteeship Council without responsibilities. Ever since, all activity of the Trusteeship has been suspended. Although the Trusteeship Council continues to exist on paper under Article XIII of the Charter, its future role remains uncertain (UN Resources).

The International Court of Justice established by Chapter XIV of the Charter is the successor of the Permanent Court of International Justice and the main judicial organ of the United Nations. Towards the end of WWII the PCIJ was seen as a part of the old Eurocentric order. It was believed that the creation of a new court would reflect more accurately the current international situation where States outside Europe started playing more influential role. Nevertheless, all continuity with the past was not broken. The Statute of the PCIJ had been drawn up, as previously shown, on the basis of centuries of experience, and it was felt better not to change it drastically. There was a considerable debate on the jurisdiction of the International Court of Justice at the San Francisco Conference. The conference decided against compulsory jurisdiction of the Court, but member might voluntarily declare their acceptance of compulsory jurisdiction. The PCIJ met for the last time in October 1945 when it was decided to ensure the transfer of its archives and effects to the new International Court of Justice. In April 1946, the PCIJ was formally dissolved (UN Resources).

The International Court of Justice became a principal organ of the United Nations, on the same footing as the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council and the Secretariat. It is composed of fifteen judges elected to nine-year terms by the UN General Assembly and the UN Security Council. The Statute of the International Court of Justice, its main constitutional document, is annexed to and forms an integral part of the Charter of the United Nations. The International Court of Justice is the main judicial organ of the United Nations, and as such, settling disputes in contentious cases is its primal function. Another function of the International Court of Justice is to give advisory opinion on any legal question requested by
the General Assembly, the Security Council and any other organ of the United Nations, and to all the specialized agencies. The International Court of Justice has jurisdiction only on the basis of consent and its advisory opinions are only consultative. Thus, although its decisions and opinion are highly influential and widely respected, in reality they are only recommendations. If the parties to a dispute decide not to implement the decisions of the Court, only the Security Council can decide upon measures to be taken to give effect to the judgment (UN Resources).

The Security Council is the executive organ of the United Nations and the only organ that has the power to make decisions that other member states are obliged to implement under the Charter. All other organs of the United Nations have the power to only make recommendations. The Security Council was established with Chapter V (Articles 23-32) of the Charter of the United Nations. The main function of the Security Council is to preserve international peace and security. It has the responsibility of developing friendly relations among nations, harmonizing international relations and cooperating in solving international problems. The Security Council consists of fifteen Members of the United Nations. The five permanent Members are the Republic of China, France, the Soviet Union (Russia), Great Britain and the United States. The General Assembly elects the ten other non-permanent Members of the Security Council. Traditionally, the African bloc is represented by three members; the Latin American and the Caribbean, the Asian, and Western European and Others blocs are represented by two members each; and the Eastern European bloc is represented by one member. Each member of the Security Council has one vote. For a decision to be made, it needs affirmative vote of nine members including the concurring vote of the permanent members, who are the only ones who have the right to veto (Schmidt, 1958). The right of each of the permanent members to veto actions of the Security Council provoked long and heated debate at the San Francisco Conference. The smaller powers strove to have the power of veto reduced, because they feared arbitrary decisions and deadlock of the powerful Security Council. However, the “Big Five” insisted on this provision, emphasizing that the responsibility for maintaining world peace would fall most heavily on them. Eventually, the smaller powers decided to compromise, which comes to show the determination of every nation to set up, if not the perfect international organization, at least the best that could possibly be made.
Chapter VI of the Charter deals with the appropriate methods of dealing with international disputes and draws on the role of the Security Council in such situations. It is generally accepted by reference to Article 25 that resolutions under Chapter VI will be recommendatory.

Parties to any dispute should first seek a pacific solution among themselves (Schmidt, 1958). Many countries had their own arrangements for regional defense and mutual assistance. There was the Inter-American System, for example, and the Arab League. As envisaged by Article 33, they can resort to regional agencies, or any other peaceful means of their own choice. However, the Security Council reserves itself the right to investigate any dispute or any situation which, in its opinion, might lead to international friction. The Security Council may also recommend appropriate procedures or methods of adjustment at any stage of the dispute. If the parties to the dispute fail to settle it by themselves, they should refer it to the Security Council, as indicated in Article 37. Any Member of the United Nations, or any state which is not a Member but is a party to the dispute, can bring the situation to the attention of the Security Council. Then, if the Security Council, after exhausting all peaceful means, fails to settle the dispute, the situation turns into a threat to peace and requires more decisive actions (Higgin 1995, p. 445-450).

All appropriate actions with respect to threats to peace, breaches of peace, and acts of aggression are laid out in Chapter VII (Articles 39-51). Article 39 provides the Security Council with the power to define a threat to the peace, or breach of the peace, or act of aggression, and to recommend or decide what to do in order to maintain or restore international peace. Article 40 provides for provisional measures, while Article 41 refers to non-forcible sanctions such as “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”. Article 42 provides for military enforcement measures such as “demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations”. Articles 45-47 envisaged the establishment of a Military Staff Committee, which was supposed to deal with the military planning and logistical aspects of such measures, as well as “advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security”. The Members of the United Nations were supposed to provide
the Security Council with the armed forces, assistance, and facilities, necessary for the purpose of maintaining international peace and security, in accordance with a special agreement or agreements. In Chapter VIII, which deals with the relationship between regional arrangements and the Security Council, Article 53 states that the Security Council can use regional arrangements in enforcement actions under its authority. However, regional arrangements cannot take enforcement actions without the authorization of the Security Council. The idea was that states would abstain of the use of force themselves, and instead rely on the provision of collective security by the Security Council (Higgin 1995, p. 445-450; Schmidt, 1958).

In this spirit and with these ideas the Charter of the United Nations was unanimously passed in the Opera House at San Francisco on June 25, 1945. In addressing the final session, President Truman said:

"The Charter of the United Nations which you have just signed is a solid structure upon which we can build a better world. History will honor you for it. Between the victory in Europe and the final victory, in this most destructive of all wars, you have won a victory against war itself. . . . With this Charter the world can begin to look forward to the time when all worthy human beings may be permitted to live decently as free people. If we fail to use it, we shall betray all those who have died so that we might meet here in freedom and safety to create it. If we seek to use it selfishly – for the advantage of any one nation or any small group of nations – we shall be equally guilty of that betrayal." (UN Resources)

The hope of many years, endless discussion, countless compromises and four years of planning had materialized in an international organization designed to end war and promote peace, justice and better living for all mankind. President Truman pointed out himself that the United Nations and the Charter would work only if the peoples of the world were determined to make it work (UN Resources).
Peace and security: From the war in Korea to the Gulf war

The Soviet Union and the United States were allies during World War II. Even though there was some tension between them, Stalin shared President Roosevelt’s view for the future. In fact, Stalin himself remarked at the Yalta Conference that they should secure unity for the future and seek to prevent clashes between them. Unfortunately, President Roosevelt died on 12 April and did not live to see his great project realized. President Truman decided to finalize Roosevelt’s grant project and the San Francisco Conference was held as planned. The United Nations came into existence on 24 October, 1945 when the Governments of China, France, Great Britain, the Soviet Union, the United States and a majority of the other signatory states ratified the Charter. Soon after that the USSR-USA alliance began to crumble. The Zhdanov Doctrine, developed by the Central Committee Secretary Andrei Zhdanov in 1946, raised fear and paranoia in the democratic West. In response to that, President Harry Truman set forth the Truman Doctrine, a new US international relations policy that abandoned the traditional US reluctance to become involved in the European affairs. In a speech on 12 March, 1947, President Truman stated that the United States would support Greece and Turkey with economic and military aid in their struggle against communism. Historians often consider this to be the starting point of the Cold War. History of the United Nations for the next forty years is largely influenced by the Cold War.

Roosevelt’s vision of a united front responsible for peace enforcement was impossible to establish during the Cold War. Instead, the United Nations was forced to work around a constant deadlock in the Security Council. The only peace enforcement action of the United Nations during the Cold War was the war in Korea. However, the resolution invoking military action in Korea was passed by the Security Council only because the Soviets were absent. After Korea, until the end of the Cold War the Security Council never again passed a military peace enforcement resolution. The Cold War conflict paralyzed the Security Council, but the United Nations adapted quickly to the situation by developing the notion of UN peacekeeping. From Suez to Congo, from Cyprus to Lebanon, UN peacekeeping over the years changed multiple times and immensely enlarged its scope. During the Cold War the United Nations faced a lot of resistance from both the USSR and
the United States who preferred to rely on unilateral military action. Nevertheless, during this period the United Nations proved that it is, if not perfect, at least a functional and flexible international organization capable of learning from its own mistakes and adapting to any situation.

The Cold War was a conflict of ideologies and was characterized by distrust and hostility between East and the West. As a result of the tension between the two super powers, the activities of the Security Council became strictly limited. The strain between them deepened when on 1 October, 1949, Mao Zedong proclaimed the establishment of the People’s Republic of China. The Soviet Union welcomed a new communist ally in the Security Council and immediately recognized the People’s Republic of China as the legitimate Chinese representative. The USSR insisted on replacing the National Chinese delegation with the PRC at the United Nations but the Soviet resolution to expel Nationalist China was rejected by the Security Council. As a result, the Soviet representative to the United Nations Jacob Malik stormed out of the meeting declaring a Soviet boycott of the Security Council (Malkasian 2001, p. 16). Meanwhile, in late June 1950 North Korea invaded South Korea and the matter was immediately brought before the United Nations. The Security Council decided to carry on despite the boycott and quickly adopted a resolution invoking military action against North Korea. It became clear that the Soviet boycott had backfired and that Malik’s hopes to forestall any future Security Council action came to grief (Weiss et al 1994, p. 44).

After the end of World War II, Korea was divided in two – the south was left in the hands of the United States, while the north was dominated by the Soviet Union. In South Korea the elections were held under the supervision of the United Nations and resulted in the election of Syngman Rhee for President in August 1948. In North Korea the Soviet Union would not allow United Nations observers in. As a result the United Nations declared illegitimate the election results from North Korea. By the end of 1948, two separate states had formed – South Korea, with the blessing of the United Nations, and North Korea under the direction of the USSR (Weiss et al 1994, p. 43). The actual invasion of the South by the North took place on 25 June, 1950. The Security Council of the United Nations met the same day and by June 27. In the absence of the Soviets, who could have vetoed Resolution 83, the Security Council voted to invoke military action by the United Nations for the first time in the organization’s history. When the USSR returned to the Council on
August 1, 1950 they used their veto to block numerous Security Council initiatives and any further action was prevented (Howard 1993, p. 34). Also, as soon as the Soviets rejoined the Council, the Secretary General Trygve Lie had to resign, because his position had become untenable without the support of the Soviet Union. Some academics describe the war in Korea as the United Nations first collective security enforcement as envisaged by Chapter VII of the UN Charter. Others consider it a US police action that would have happened even without the consent of the United Nations. Even though the role of the United Nations in the Korean War has been highly controversial and a subject of many discussions, it gave clear indication for the emergence of a new international system based on its own rules and constitution. Resolution 83 provided international legitimacy to US actions and marked the beginning of new era in history of international relations (Weiss et al 1994, p. 44).

Following the War in Korea, series of ‘law making’ resolutions were passed by the United Nations General Assembly. The Uniting for Peace Resolution 377 was submitted by the “Joint Seven-Powers” in October 1950. It concerned cases in which the Security Council is unable to act as required in order to maintain international peace and security because of lack of unanimity amongst its five permanent members. The Uniting for Peace Resolution stated that in cases of stalemate in the Security Council, the General Assembly should consider the matter and issue recommendations. If necessary, the General Assembly could use force to maintain or restore international peace and security but only with the explicit consent of all parties in the conflict (Weiss et al 1944, p. 44). The Uniting for Peace Resolution was adopted by the General Assembly on 3 November 1950 with 52 votes to 5, with 3 abstentions.

At the fifth session of the General Assembly, the US delegate to the United Nations John Foster Dulles underlined the need and importance of the Uniting for Peace Resolution:

"Then came the armed attack on the Republic of Korea and it seemed that the pattern of 1931 had in fact begun to repeat itself and that the third world war might be in the making. And that might have been—and I think it would have been—had it not been for a series of accidental circumstances which made it possible to improvise collective resistance to that aggression." (J.F. Dulles, 1950)
Initially, the Uniting for Peace Resolution was passed by the “Joined Seven Powers” to overcome stalemate in the Security Council caused by Soviet vetoes. However, the Resolution was invoked for the first time to overcome not Soviet but British and French vetoes. The first emergency special session of the United Nations General Assembly was convened on 1-10 November 1956 to resolve the Suez Crisis between Egypt on one hand, and Britain, France and Israel on the other.

On July 26, 1956, Egyptian President Gamal Abdel Nasser nationalized the Suez Canal. The Canal was on Egyptian territory but it had been built and maintained by Britain and France for the past seventy years. Up to this point, the Canal had been handled by a private Company under the Constantinople Convention of 1888. However, the Convention had not set up a public international organization, so when Nasser nationalized the Canal there was no international legal recourse for the British and the French to oppose his action. Nasser claimed that revenues from the Canal were now necessary to build Aswan Dam, since the United States had withdrawn its offer to build it. Initially, President Eisenhower attempted to defuse the situation without involving the United Nations but both the First London Conference and the Australian minister Menzies’s mission failed to resolve the problem. Then the British and the French referred the Suez problem to the Security Council of the United Nations (McDermott 2001, p. 135-164).

The Secretary General Dag Hammarskjöld helped develop Six Principles for the future of the Canal based on the conclusions of the First London Conference and on Menzies ideas and suggestions. He proposed to create a Suez Canal User’s Association to operate the Canal but Nasser rejected this second proposal as well. When the situation deadlocked, Britain and France decided to act unilaterally and orchestrated a plan together with Israel. As planned, Israel attacked Egypt on October 29, 1956, in an overwhelmingly successful campaign. In this situation, Britain and France invoked the Tripartite Agreement of 1950. They called on Israel and Egypt to stop all hostilities, withdraw troops ten miles from the Suez Canal and allow occupation of the zone by Anglo-French “peacekeeping” forces. However, Egypt refused to withdraw from the Canal and the international situation continued to deteriorate (McDermott 2001, p. 135-164).
The United Nations Security Council was paralyzed by the French and British vetoes. Meanwhile, neither the United States, nor the USSR approved the Anglo-French intervention in Egypt. The Soviets suggested they united against France and Britain but President Eisenhower refused to take sides knowing this would mean a Third World War. In this situation, the United for Peace resolution was enacted for the first time. The first emergency special session of the United Nations General Assembly was convened on November 1, 1956. By November 10, the United Nations Emergency Force (UNEF I) was created to replace British and French forces and to provide an international presence between the belligerents in the Suez Canal zone. After the dispatch of the Emergency Force to the area, British and French troops left Suez Canal zone by 22 December 1956. The UNEF I was not a peace enforcement operation, as envisioned in Article 42, but rather the first United Nations peacekeeping force. UNEF was an armed force but force was to be used only in self-defense. It was carried out with the consent and cooperation of the parties to the conflict and represented a significant innovation in conflict resolution mechanisms within the United Nations (UN Resources).

Almost simultaneously to the Suez Crisis, a new challenge for the United Nations arose. The Hungarian Revolution began on 23 October, 1956, when the student demonstration marched through central Budapest to the Parliament building. The revolt spread quickly and soon there was a new government. The Soviet discontent with these events led to the subsequent Soviet military invasion culminating on November 4, 1956. The Hungarian crisis was placed before the United Nations relatively early. Two days into the uprising, France, the UK and US called for an urgent meeting of the Security Council. The first meeting on the matter was held on October 28, and the key articles referred to by the majority were Article 1, 2 and 34, concerning the purpose of the United Nations to take collective security measures and the jurisdiction of the Security Council to investigate controversies. Articles 55 and 56 regarding human rights and fundamental freedoms were also cited by the majority, along with the Genocide Convention, the Universal Declaration of Human Rights, the Paris Peace Treaty and even the Warsaw pact (Racz 2007, p. 2-16). The USSR simply bypassed all legal arguments and based their entire position around the mere claim that the United States instigated the revolt. They claimed that US interference in Hungarian domestic affairs violated Article 2.4 of the Charter. Therefore, any further discussion of the matter by the
United Nations would be interpreted as intervention in the sovereign jurisdiction and thus violation of Article 2.7 of the Charter. To strengthen their position, the Soviets also invoked the Charter as a whole, as well as the Paris and Warsaw treaties (Racz 2007, p. 2-16).

The British pointed out that, in fact, Article 8 of the Warsaw Pact guaranteed the sovereignty and non-intervention in domestic affairs to its members, and thus could not be used to create legal basis for intervention. However, due to the unstable situation, no substantive action could be taken. The Hungarian Prime Minister Imre Nagy requested action by the Council. The United States presented a draft resolution calling on the Soviets to cease intervention and to remove its forces from Hungary, but the single Soviet veto blocked the draft resolution. The Council decided to invoke the Uniting for Peace Resolution 377 and a Special Security Session of the General Assembly was convoked. However, the General Assembly has only recommendatory powers. Therefore, decisions made by the General Assembly are mere recommendations and need the explicit consent of both sides to the conflict to be implemented. The United Nations was paralyzed and soon after the Soviet invasion, the Hungarian Revolution was suffocated and the government was replaced (Howard 1993, p.35).

Since the United Nations could not take part in the peaceful solution, on its 11th regular session on January 10, 1957 the General Assembly established a Special Committee on Hungary for investigation and observation. The resolution called for permission for the Special Committee to enter Hungary which was rejected by the government on the ground that the establishment of the Committee violated the Charter. Thus the Special Committee was forced to interview only outside Hungary. Their report was based on 111 witnesses and was accepted by Resolution 1133 on September 14, 1957. The report concluded that the uprising was spontaneous; it confirmed that the USSR deprived Hungary from its political independence and human rights, and stated that the USSR violated the Geneva Convention of 1949 and the Paris Peace Treaty. Soon the crisis period was closed but without tangible results for the United Nations (Racz 2007, p. 2-16).

The UN experience in the first decade led to two important realizations. The first was that peace enforcement, as envisaged by Articles 42 and 43, was impossible during the Cold War. The second realization was that while the UN was capable of resolving conflicts between States, it was
powerless when one of the super powers was directly involved in the conflict (Howard 1993, p. 35). The United Nations was a vibrant and flexible organization and quickly adapted to these circumstances. While military enforcement seemed impossible during the Cold War, military interposition proved possible with the UNEF experience in Egypt. In his famous Summary Report of 1958, Secretary General Dag Hammarskjöld crafted the new notion of UN peacekeeping placing it under Chapter “six and a half” (Higgins 1995, p. 447). Peacekeeping was a midway between dispute settlement and peace enforcement. Its objective was not to defeat the aggressor but to prevent fighting, act as a buffer and maintain ceasefire. Central to the new peacekeeping agenda were the ideas that UN peacekeeping would be only by consent; that force would be used only in self-defense; and that UN peacekeeping would never be used to control political situation within a country. Furthermore, collective security was initially supposed to be a responsibility of the permanent members under Chapter VII, but the new agenda envisaged that permanent members would not be involved in UN peacekeeping. In fact, essential part of UN peacekeeping was to prevent Cold War conflicts from spreading in unaffected areas. These ideas served as a model for peacekeeping operations for the next thirty five years (Osmançavuşoğlu, 2000).

The first large-scale mission of the United Nations in Congo challenged all these ideas and enlarged immensely the scope of UN peacekeeping (Weiss et al 1994, p. 46). Congo had been a Belgian colony until at the Round Table Conference in January the 1960, it was decided that the Congo will be given independence in five short months. Elections were held from 11 to 25 May and by 24 June 1960 a government was formed. Joseph Kasavubu was elected President, Patrice Lumumba was appointed Prime Minister and on June 30, 1960 the Republic of the Congo became an independent state. Problems arose almost immediately after independence. Even though the Round Table Conference agreement allowed Belgian officers to remain in the Congo and train Congolese troops, on 5 July 1960 the Congolese army revolted against the Belgians. When Lumumba refused to allow Belgian troops back in the country, Belgian government decided to intervene anyway, and thus violated Article 2.7 of the United Nations Charter. Meanwhile, on 11 July Moise Tshombe announced that the province of Katanga, Congo’s richest province, was seceding from the Congo (Griffioen 2010, p. 116). The following communiqué was sent on July 15 to the Ghana Ministry of Foreign Affairs, explaining Tshombe’s motivations for the secession:
“The people of Katanga consider that the United Nations Charter solemnly proclaims the right of all people to self-determination. They do not think they can support the decision taken by r. Lumumba to break off diplomatic relations with Belgium. Through their elected representatives the solemnly appeal to all the countries of the free world to recognize without delay the independence of their territory.” (Tshombe, 1960)

After the Belgian aggression and the secession of Katanga, the government of the Congo decided to turn to the United Nations for help. In a communiqué to the Secretary General on 12 July Kasavabu and Lumumba requested the “dispatch by the United Nations of military assistance… to protect the national territory of the Congo against the present external aggression which is a threat to world peace”. The Congolese complaint contained an allegation of external aggression; an allegation of a conspiracy “between Belgian imperialist and small group of Katanga leaders” to bring about the secession of Katanga; and a request for United Nations military aid to bring end to alleged infractions of Congolese sovereignty. At the time Congo was not yet member of the United Nations, but it could bring up the matter to the attention of the Security Council under Article 35.2 of the Charter. Instead Congo leaders preferred to leave the Secretary General to bring up the matter on his own initiative under Article 99, whereby creating initial jurisdiction for the operation as well as a precedent in the history of the United Nations (Franck 1962, p. 632-652). The way Congo leaders approached the matter came to show that the United Nations had managed to make legitimacy matter.

On 13 July, in his appearance before the Security Council, the Secretary General Dag Hammarskjöld suggested the dispatch of a military force in Congo. The Secretary General postulated the principle of “neutral” intervention in Congo, expecting that the UNEF experience would repeat itself. He believed that the withdrawal of Belgian forces from the Congo would be sufficient to pacify the region. The next day the United Nations Operation in the Congo (ONUC) was established by the Security Council Resolution 143. The Resolution authorized the Secretary General to “take the necessary steps” to ensure the withdrawal of Belgian forces from the Republic of Congo, to assist the government in maintaining law and order, and to provide technical assistance. Along with the standards for its formation, the Resolution outlined the limitations on
the functions of ONUC as well. In the spirit of the new peacekeeping agenda the proposed force was not allowed to take sides in internal conflicts or to use force except in self-defense (Franck 1962, p. 632-652).

Although ONUC and UNEF were both set up on temporary emergency basis and with the consent of the receiving states, the two operations were very different. UNEF was created under the terms of the Uniting for Peace Resolution by the General Assembly. In contrast, ONUC was not authorized by the General Assembly but by the Security Council. The General Assembly only has power to make recommendations, thus every aspect of the UNEF mission needed the explicit consent of the government of the receiving country. In contrast, the decisions taken by the Security Council are not mere recommendations. They are compulsory mandates, which members of the United Nations “agree to accept and carry out”. And if the Republic of Congo was not under this obligation in July, it certainly has been since it became a member in September, 1960. That meant that even though the United Nations “should take fully into account the view of the host Government”, “the Organization reserved itself the authority to decide on the composition of the Force” (Franck 1962, p. 632-652). The situation further complicated after the fall of Premier Lumumba, when the government of Congo ceased to exist in September 1960. For a total of eleven months between Lumumba’s dismissal and the vote of confidence given to the government of M. Adoula, no constitutional government functioned in Congo. This situation challenged the UN principle of “neutral” intervention, and forced the operation to assume ancillary functions, such as persuasion and negotiation with local officials and military personnel (Franck 1962, p. 632-652).

In January 1961, UN peacekeeping encountered yet another major challenge. Ex- Prime Minister Lumumba was brutally killed in Katanga, which changed the course of UN peacekeeping forever. Almost immediately after the murder, on 21 February 1961, the Security Council issued resolution 161 authorizing “the use of force, if necessary, in the last resort” and urged ONUC to ”take immediately all appropriate measures to prevent the occurrence of civil war in the Congo”. Thus, the United Nations continued to be engaged in an interposition in the Congo, but it was no longer the envisioned “neutral” intervention in international conflict. Instead it had become an
interposition between domestic forces. Between May and August 1961 several conferences were held to resolve the constitutional crisis until on 2 August the parliament voted to elect Cyrille Adula. This brought stability to the central government and provided the United Nations with a legitimate support for the mission (Franck 1962, p. 632-652).

On 13 September 1962, the United Nations launched “Operation Morthor”. The operation was originally intended as an arrest operation for Tshombe and other key Katangese officials, but quickly escalated into an open warfare. In an effort to secure cease-fire, Dag Hammarskjöld arranged a meeting with Moise Tshomb, but his plane crashed on the way to this meeting and the Secretary General and all of his staff died. On the 2 November 1961, U Thant was appointed Secretary General unanimously by the General Assembly, and on 24 November the Security Council adopted Resolution 169 authorizing the Secretary General “to take vigorous action, including the requisite measure of force, if necessary”. Soon, on 18 December Tshombe agreed to unity talks. These talks lasted a year without reaching agreement, and it was not until UN operation Grand Slam that in February 1963 the secession of Katanga was ended. ONUC was completely withdrawn by 30 June 1964 (Dunabin 2007, p. 468; UN Resources).

The United Nations Operation in the Congo was the first large-scale mission of the United Nations. However, it was also one of the most highly controversial operations of the Organization. ONUC generated a financial crisis that almost bankrupted the United Nations when France, Belgium and the Soviet Union refused to pay, claiming that the expenses incurred by ONUC were ultra vires (Nicholas 1974, p. 65). After Congo the role of the Secretary General was considerably circumcised and all subsequent missions were given six months long mandates, allowing the Security Council to periodically review ongoing operations. The UN endeavor in Congo cost the life of 250 UN personnel and confirmed that peacekeeping should always remain consensual, non-threatening and outside the Cold War conflict. The United Nations maintained this attitude for almost three decades until the end of the Cold War.

Both the world and United Nations underwent a major transformation in the following two decades. While, the period from 1945 to 1960 was characterized by the division and competition between the communistic East and the democratic West, throughout the 1960s and the 1970s focus
shifted towards the North-South division of the world. By the 1960s, the United Nations had facilitated decolonization in Africa and Asia. In the 1970s, the decolonization and emancipation of the newly formed nations transformed the United Nations into a Third World dominated organization. Before decolonization, the West had nearly two-thirds majority in the General Assembly. The period after decolonization was characterized by changes in membership, and the subsequent end of Western and US dominance in the United Nations (Stoessinger 1965, p. 7). While the Security Council remained paralyzed by the Cold War conflict, the General Assembly became more active during this period. As most of the newly independent states did not see the Cold War as their main problem, they sought to change the United Nations into a more democratic organization instead. Their main agenda focused on development issues, anti-colonialism and race discrimination. The Third World countries united in a non-aligned movement headed by China, Egypt, India, Indonesia and Yugoslavia, and together shifted the priorities of the United Nations to social progress and higher standards of living (Mendlovitz&Weston 1996, p. 690-693).

Even though the non-aligned movement made big changes in the United Nations, it was not strong enough to prevent the various unilateral military actions undertaken by the major powers. The period was characterized by a long list of unilateral uses of force. For example, the United Nations was quite helpless over Vietnam and failed to solve the conflict. The Security Council was paralyzed since two of the permanent members were involved in the conflict, and the General Assembly could do nothing since it only had recommendatory powers. The Vietnam War blemished the Organization’s authority and revealed the helplessness of the United Nations when the superpowers were involved. However, UN peacekeeping activities outside the Cold War conflict continued to make valuable contributions to peace. For example, the UN force in Cyprus provided humanitarian assistance and acted as a buffer between the Greek and the Turkish Cypriots. Throughout it ten years of presence in Cyprus, UNFICYP assisted in maintaining order and keeping relations calm and it tried to diffuse the inter-communal tension (Stoessinger 1965, p. 7).

Starting from the mid-70s, relations between the Soviet Union and the United States became friendlier. It seemed like the deadlock in the Security Council characteristic of the 60s and 70s was about to cease to exist. However, cordial relations between the two super powers deteriorated
again paralyzing the Security Council, when the USSR invaded Afghanistan in December 1979. The period was also characterized by many international conflicts in the form of civil wars, guerrilla wars and armed rebellions in Northern Ireland, Iran, Iraq, Malaysia, Chad, Sudan, Colombia, El Salvador and Nicaragua. Also, during the 1980’s, as the United States reduced its contribution to the budget of the Organization, the long-standing financial difficulties of the United Nations became acute (Amsrtrons et al 1996, p. 113).

The fact that the first forty year of the United Nations history happened during the Cold War left its mark on the organization, and it had several major consequences. The first is that during this period states preferred to rely, as much as they can, legally, militarily and politically speaking, on unilateral use of force, even though initially it was envisaged that the United Nations would provide collective security system. The long list of unilateral military actions which characterized the period 1956-1990 included USA in Dominican Republic, in Grenada, in Libya and in Vietnam, as well as USSR in Hungary and in Afghanistan. Major Powers tried justifying these unilateral uses of force by referring to Articles 2.4 and 51 and invoking an ‘invitation’ from the state concerned, the protection of one’s nationals, and even an extended notion of self-defense. However, these efforts to articulate justification were not substantial. During this period the classic notion of UN peacekeeping was born, as a result of the lack of agreement in the Security Council during the Cold War. All this was about to change with the end of the Cold war, when the second ever peace enforcement action by the United Nations, the Gulf war, raised the expectations of the international community (Higgins 1995, p. 447).

The Gulf war in 1991 was only the second example of military enforcement after Korea in 1950. However, while Korea was a United Nations Command, Iraq was authorized operation in which states acted in support of and within the parameters of Security Council resolutions. The Gulf War was an event of global importance that represented the zenith of multilateral cooperation. Operation Desert Storm embodied many of the principles of the UN Charter and restored the authority of the United Nations (Higgins 1995, p. 450).

The Gulf War was a conflict between Iraq and a coalition of 34 other nations who condemned the Iraqi invasion of Kuwait on 2 August 1990. Within hours of the invasion, the Security Council
was assembled for an emergency meeting. The Council passed Resolution 660 condemning the invasion and demanding the immediate withdrawal of Iraqi troops from the territory of Kuwait. On 6 August, Resolution 661 placed economic sanctions on Iraq, providing for a full economic embargo, followed by Resolution 665, which authorized a naval blockade to enforce the sanctions. Meanwhile, the Arab League passed a separate resolution calling for a solution of the problem within the League. In the course of several months negotiations took place inside and out of the Arab League, without any success. As a result, on 29 November 1990 the Security Council passed Resolution 678, giving Iraq six weeks to withdrawal from Kuwait, and if not, authorizing the Coalition to use “all necessary means” to force Iraq out of Kuwait after the deadline. Resolution 678 made no mention of Articles 42-45 of the Charter, which called for military enforcement measures by the member states. Instead, the Resolution was founded on Article 51, which recognizes the right of “individual or collective defense”. Thus, the Resolution was not mandatory for individual member states. Nevertheless, with 34 nations involved, broad-based international cooperation became the highlight of the Gulf War, raising hopes for a new post-Cold war global security regime (Şeker, 1999; UN Resources).

Iraq refused to withdrawal and on 15 January 1991 the Coalition attacked. On 28 February 1991 the Coalition was victorious and Kuwait was free. The Gulf War was officially over when on 3 April 1991 Iraq agreed to the ceasefire conditions. Iraq was required to leave Kuwait and to pull back to the pre-conflict borders, to “unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of all chemical and biological weapons” and to “reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons”. The Security Council resolution 687 established the weapons inspection system – the United Nations Special Commission (UNSCOM). Soon after that the Security Council adopted Resolution 688, condemning the repression of Kurdish and Shiite populations on the territory of Iraq. Resolution 688 appeared to violate the fundamental principle of right of “domestic jurisdiction”. Nevertheless, the Gulf War held out the promise of a new global security system based on multilateral cooperation, secured by the UN and the rule of international law (Şeker, 1999; UN Resources).
The discipline demonstrated by the members against Iraq gave the unprecedented image of a world community placed under the centralized authority of the United Nations. In this moment of euphoria, the Secretary General Dr. Boutros Ghali issued his new Agenda for Peace. This was a bold initiative, in which Ghali made specific proposals for the new roles and methods of the United Nations. While the new agenda never rejected the old categories of ‘enforcement’ and ‘peacekeeping’, it modified and intertwined them into a new typology of functions. The Secretary General identified four functions of the United Nations – preventive diplomacy, peacemaking, peacekeeping and post-conflict peacebuilding. The new Agenda set aside the distinction between enforcement and peacekeeping and opened the way to an enforcement element within peacekeeping operations. These objectives were to be achieved by putting regional organizations into the center of UN peacekeeping. On one hand, this would contribute to “a deeper sense of participation, consensus and democratization in international affairs”. On the other hand, it would solve the purely practical problem with UN military capabilities (Şeker, 1999; Higgins 1995, p. 451; UN Resources).

The Gulf War marked the beginning of a new era for the United Nations and its newly recovered authority. Throughout this period the organization did not evoke any real criticism from the large majority of the member states. That was about to change from mid-1993 onwards. The outcome of the Somalia Crisis, the increasing difficulties met by the UNPROFOR in Bosnia, together with the questionable decisions taken by the Security Council, regarding the Libya and the Lockerbie Case, raised new questions and calls for a reform in the United Nations.
The United Nations in the post-Cold War Era

The end of the Cold War raised great expectations for the future of the United Nations. Finally, discord in the Security Council was overcome and at last the Organization could start performing its role as initially envisaged in the Charter. Since the end of the Cold War a number of new operations were launched in states like Angola, Somalia, Mozambique, Georgia, Liberia, Rwanda, Haiti, and South Africa. Hopes for the future role of the United Nations in maintaining international peace and security were raised further by the collective response of the Security Council to the Iraq’s aggression against Kuwait. However, those hopes faded away shortly after the Gulf War, which became the first and last case of traditional interstate conflict resolved by the United Nations under Chapter VII of the Charter.

After the end of the Cold War many intra-state disputes, which took the form of ethnic conflicts and civil wars, sprang in different parts of the world, predominantly in regions formally under authoritarian and communist regimes. In the ex-communist states of Yugoslavia, Georgia, Armenia, and Azerbaijan new demands for self-determination led to series of new generation civil wars. In Africa, more than a decade of economic decay, devastating state policies, corruption, natural disasters, and civil wars led to the collapse of law in Zaire, Somalia, and Rwanda - the so-called “failed states”. Apart from the Gulf War, conflicts in the post-Cold War period were within states rather than between them. This represented a major problem because provisions in the UN Charter which deal with threats to international peace and security were intended for interstate conflicts, not for civil wars. In fact, interference in civil war violates one of the main principles upon which the United Nations was founded - that of sovereign equality and respect for the domestic jurisdiction of all UN Members. Nevertheless, civil wars result in a mass exodus of refugees to neighboring countries, which may cause or aggravate existing threats to international peace and security. This brought about the novel concept of humanitarian intervention and led to a new era in international politics.
In fact, the first time the United Nations needed to deal with the humanitarian aspect of a conflict was during the Gulf War. After Iraqi forces withdrew from Kuwait, Iraq put pressure on the Kurdish and Shiite populations within its borders. In response to that, the United Nations established a “safe heaven” for refugees linking humanitarian with security issues.

In the post-Cold War cooperative spirit among the permanent members the United Nations sought to improve its capacity in conflict resolution. At a meeting on 31 January 1992, the Security Council adopted a declaration, which called on the Secretary General to recommend ways to improve the efficiency and capacity of the Organization (Bourantis et al. 1995, p.13).

The report of the Secretary General Boutros-Ghali, entitled An Agenda for Peace, was issued in June 1992. An Agenda for Peace recognized that a new generation of intra-state conflicts dominated the post-Cold War international realm. In order to improve the capacity of the United Nations in conflict resolution, the Secretary General proposed to expand the role and scope of UN peacekeeping. In his report Boutros-Ghali distinguished four broad categories of UN peacekeeping and conflict resolution activities – preventive diplomacy, peacemaking, peace building and peacekeeping. However, the report did not go so far to challenge the principle of non-intervention and reconfirmed the sovereign state as the fundamental actor of the international politics (Krause&Knight 1995, p.15).

Preventive diplomacy seeks to ease tension and resolve disputes that are likely to turn into open conflicts. Likewise, peacemaking requires similar diplomatic and negotiation efforts. However, its goal is to reduce the intensity of an already erupted conflict and to bring hostile parties to an agreement by peaceful means. While all Members of the United Nations fully supported preventive diplomacy efforts, peacemaking process in the former Yugoslavia was highly criticized and showed that these idealistic ideas may not work in practice.

Peacebuilding, as described in the report, can occur before and after a conflict. It is especially needed in the aftermath of war. The post-conflict peacebuilding include strengthening institutions such as social services, government and judiciary system (Fawcet&Newcombe 1995, p. 125). Stability and sense of confidence and wellbeing between people are fundamental to peace. Post
conflict peacebuilding may also facilitate the connection of two or more countries in a mutually beneficial project. This would contribute to economic and social development which also enhances confidence and stability (Boutros-Ghali 1992, p. 12).

Classical UN peacekeeping in the post-Cold War era underwent a transformation. With fourteen new operations launched in the two years after the end of the Cold War, UN peacekeeping reached a new magnitude. In addition, with peacekeepers having to confront previously unknown issues such as observing for human rights violations, providing safe havens for displaced persons and planning, administering and monitoring elections, UN peacekeeping had changed qualitatively. Furthermore, UN personnel was authorized to implement cease-fires, demobilize regular and irregular military forces, inspect arms control constrains, observe troop withdrawals, train and oversee police forces, provide administrative oversight of movement ministries and protect personnel attempting to give humanitarian assistance in war-torn areas (Mendlovitz/Weston, p. 167).

Later on peace enforcement was added to this list of UN peacekeeping activities. Peace enforcement does not necessarily involve the consent of all parties concerned and it had always been considered very different from peacekeeping (Wentges 1998, p. 61). An Agenda for Peace abandoned the long-standing distinction between peacekeeping and peace enforcement, and opened the way to enforcement element within peacekeeping. Boutros-Ghali mentioned the need for military support of the new kind of operations. He recommended the establishment of rapid deployment peace enforcement units on permanent basis under the command of the Secretary General. However, this suggestion was rejected by the majority of the Members because they were concerned that these forces would be beyond their control and may be used against them in the future. Another suggestion regarding military support for such operations was to put regional organizations back into center play. Boutros-Ghali encouraged ‘regionalism’ because it would contribute to deeper sense of participation and democratization of international affairs. Thus, if during the Cold War mostly Chapters VI and VII were up for discussion, in the post-Cold War era the time had come for Chapter VIII to be revived.

To sum up, in his Agenda for Peace Boutros-Ghali addressed newly emerging questions and suggested several strategies to improve the capacity of the United Nations in conflict resolution.
These suggestions were both new and old. The traditional concept of UN peacekeeping was reinforced with preventive diplomacy and peacemaking on one hand, and with post-conflict peacebuilding activities on the other. Furthermore, an enforcement element was incorporated within peacekeeping itself. However, the report failed to recognize the fact that states were no longer the sole participants in the international system of peace and war. The understanding that only interstate conflicts can be threat to international peace and security was changed by the ethnic conflicts. These conflicts are usually very violent which induces a large number of people to seek refuge in neighboring countries. That creates tension in the whole region and, in doing so, creates a threat to international peace and security. Ethnic conflicts blurred the line between domestic and international, state and non-state actors. The new Agenda for Peace attempted to find solutions for these new issues within old concepts and understandings. As a result the United Nations continued to respond with irrelevant remedies to increasingly serious international crisis. The outcome of the Somalia crisis, together with the increasing difficulties encountered by UNPROFOR in Bosnia demonstrated that a mix of peacekeeping and enforcement is not the answer to a lack of consent and co-operation by the parties to the conflict.

The United Nations Protection Force was the first peacekeeping force in the Balkans during the Yugoslav wars. UNPROFOR was established by the Security Council Resolution 743 on 21 February 1992. The initial mandate of the UNPROFOR was to create conditions of peace and security, necessary for the negotiation of an overall settlement of the Yugoslav crisis. In June 1992 the conflict intensified and extended to Bosnia and Herzegovina. As Yugoslavia entered the final stages of breakup in mid-1991, both Croatia and Serbia had interest in Bosnia and were making plans for its partition. The Bosnian Muslims, who amounted to 43 percent of the population and did not approve the partition, introduced a resolution of independence in the Bosnian parliament on 15 October, 1991 (Daniel et al., 42). The Bosnian Serbs, on the other hand, did not want to break away from Yugoslavia, so they left the parliament and formed their own parliament. The Bosnian Croats, inspired by the Bosnian Serbs decisive actions, also declared autonomy. In November 1991 Bosnian president Alija Izetbegovic invited the United Nations to send a peacekeeping deployment in Bosnia. However, that was impossible because Bosnia was still technically a part of Yugoslavia, thus UN peacekeeping force required the consent of Yugoslav
President Milosevic. Milosevic was unwilling to bring in peacekeepers because the unrest made it easier for him to claim and annex Bosnia. Moreover, he threatened to start a war if Bosnia seceded from Yugoslavia.

When on 6 April, 1992 the European Community (EC) recognized Bosnia as a sovereign state, the war began. Serbs occupied 70 percent of Bosnia which resulted in over 750,000 refugees by June 1992 (Daniel et al., 42). In spite of all peacekeeping and humanitarian efforts of UNPROFOR, throughout the summer of 1992 the eastern, northern and northwestern parts of Bosnia underwent a systematic ethnic cleansing. In a further attempt to safeguard the civil population UNPROFOR expanded its mandate and established six safe areas in Bosnia: Bihac, Gorazde, Sarajevo, Srebrenica, Tuzla, and Zepa (Daniel et al., 56). However, UNPROFOR was very limited by its rules of engagement. Peacekeeping personal was not authorized to use force or engage in offensive military operations. The enforcement of the safe areas was supposed to be through the presence of UNPROFOR alone. The ability of UNPROFOR to carry out the mission was also circumcised by the limited recourses available. Dr. Boutros-Ghali realized these limitations and in the spirit of ‘regionalism’ promoted by the new Agenda, asked NATO to assist in future UN actions in Yugoslavia. The positive answer of the NATO Secretary General Manfred Worner marked the beginning of the UN-NATO collaboration in January 1993.

However, the legal bases for this collaboration were rather uncertain. NATO had never been regarded as a regional arrangement or agency, it was a collective security pact established during the Cold War. In the post-Cold War era and after the dissolution of the Warsaw pact in 1991, NATO needed to find a new role. The ‘New Strategic Concept’ of the North Atlantic Treaty was adopted at its Rome Summit in late 1992. The new role of NATO was to support peacekeeping operations and activities under the authority of the Conference on Security and Cooperation in Europe. Even though, NATO was still not a regional agency, the alliance between the United Nations and NATO became reality in January 1993. The terms of the alliance acknowledged the primary responsibility of the Security Council. However, the commitment was not a generalized commitment to the UN and it was to be done by reference to NATO’s own procedures. Between April 13, 1993 and December 15, 1995, the United Nations and NATO launched a series of air
threats and strikes in response to Serb aggression. NATO has been assisting the United Nations in relation to the protection of UN personnel and of safe zone, the naval embargoes and enforcement of no-fly zones over Bosnia (Higgins 1995, p. 453).

In 1995 the course of events caused the withdrawal of UNPROFOR and forced NATO to take over. In May 1995 Bosnian Serbs captured 350 UN peacekeepers, tied them to potential targets and brought them before television cameras, forcing NATO to call off the air strikes. In July 1995 the Bosnian Serbs launched a full-scale assault on the safe area of Srebrenica (Daniel et al., 52). While UNPROFOR troops were being reconfigured, the Bosnian Serbs took over the city and massacred thousands of Muslim men. Following these events all troop-contributing forces met in London where it was decided that NATO no longer needed the approval of the United Nations to launch air strikes. The United Nations decided to pull all UN peacekeeping personnel out of Bosnia and allowed NATO to take over. UNPROFOR forces in Bosnia and Herzegovina were withdrawn and the replaced by the NATO-led multinational Implementation Force (IFOR) (Daniel et al., 69). On 11 October, 1995 fighting in Bosnia and Herzegovina came to an end. The Dayton Peace Agreement was signed on 14 December 1995, by the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia. They mutually recognized each other and agreed to comply with the principles and practices upheld by the Charter of the United Nations (Rikhye, 43).

The United Nations Protection Force in Yugoslavia was an example of the UN peacekeeping envisaged in An Agenda for Peace. The increasing difficulties encountered by UNPROFOR in Bosnia demonstrated that a mix of peacekeeping and enforcement cannot deal adequately with ethnic conflicts. The problem was that UNPROFOR had no real design. The vague mandate was stretched over to cover both the large scope of the mission and the changing circumstances. The vague mandate and broad scope reminded a bit another long and difficult peacekeeping mission – ONUC. Peacekeeping missions need to have a concrete purpose and a solid plan for action; otherwise they turn into long and disastrous missions with no real effect. Another problem was the lack of international support for UNPROFOR, particularly the support of the United Nations. In the post-Cold War era, the authority and support of the United States was the necessary ingredient for a successful peacekeeping operation. Although Agenda for Peace did not improve the capacity
in conflict resolution, it initiated a significant debate on important and relevant issues and it was the starting point for serious discussion.

Secretary General Boutros-Ghali was blamed for focusing solely on peace and security, and for not giving enough attention to development issues. In the post-Cold War era development was becoming a big problem. During the Cold War funding development projects was a mechanism for establishing spheres of influence. When the Cold War ended, the funding ended as well. The 47th General Assembly invited the Secretary General to elaborate a new development strategy for the United Nations. Boutros-Ghali issued the reform document entitled An Agenda for Development in May 1994. The wide-ranging document offered guidelines for thought and action by Members of the United Nations. An Agenda for Development stated that national governments are the sole responsible for development, but they are no longer the paramount agents. The international market system is what dominates economic development and national governments shall comply with its regulatory framework. The role of the United Nations in development is to ease and simplify communication between states and their domestic and international partners. According to Boutros-Ghali the purpose of economic growth is to promote full employment and poverty reduction. Economic growth is irrelevant if poverty, disease, illiteracy, great unemployment, discrimination against women, armed conflict, or lack of social integration persist. Economic growth and development are not always connected, but democracy and development are fundamentally linked. The participation of people in the decision-making process legitimizes the government and its development policies. Furthermore, An Agenda for Development recognizes the environment as a resource for development and affirms that successful development requires policies that incorporate environmental consideration. However, Boutros-Ghali realizes that major economies cannot be persuaded to change their own economies to benefit the world economy, or to adopt more globally responsible economic, fiscal and monetary policies. Unlike Agenda for Peace, the development report of the Secretary General was very successful.

Following An Agenda for Development, the United Nations seemed more effective and more connected to people than ever before. In the next few years, the United Nations organizes three more path-breaking international conferences that set new policy standards. The World Summit for Social Development held in March 1995 in Copenhagen reached a consensus on the need to
put people at the center of development. The goals put forward by the Social Summit included fostering social integration, achieving full employment and eliminating poverty. The International Conference on Population and Development in 1994 discussed a variety of population issues such as immigration, infant mortality, birth control, family planning, the education of women and protection for women from unsafe abortion services. The Conference reached consensus on some issues such as universal education, reduction of infant and child mortality, reduction of maternal mortality and access to reproductive and sexual health services including family planning. The Fourth World Conference on Women was held in Beijing in September 1995. The major result of the conference was the Beijing Declaration of Indigenous Women.

As development efforts and the United Nations were positively flourishing, the Organization was progressively losing the support of the United States. The US government considered these conferences to be a waste of money and conservatives in the US Congress insisted that the United Nations abandon work on ending poverty and universalizing health care. Instead they required favoring more “attainable goals and useful activities” like disaster relief and humanitarian assistance to refugees. As US discontent with the United Nations grew, the arrears on its dues grew too. As a result the United Nations experienced serious financial difficulties, because the US contributions make up for 25 percent of the budget of the United Nations. To resolve the financial crisis in the Organization, UN officials suggested global taxes. As a result the conflict between the United Nations and the United States deepened. In fact, in 1996 the US Congress passed a law declaring that the United States would not pay its dues if global taxes are even discussed in the United Nations. Senator Jesse Helms, Chairman of the Senate Foreign Affairs Committee said that the United Nations was “power hungry and dysfunctional” and went as far as suggesting the withdrawal of the US from the United Nations.

The view of the United States was not shared by the other members. For example, members of the South Center affirmed broad support for the United Nations. The South Center was an intergovernmental organization set up by a number of poor countries in 1995. It was created by the South for the South to strengthen South-South cooperation in international affairs. This independent intergovernmental think-tank published a major report in 1996 entitled “For a Strong
and Democratic United Nations”. The report sharply criticized pressures from Washington and called for greater democracy, better funding and a larger development role for the United Nations. At UN’s 50th Anniversary General Assembly, a gathering of world leaders, almost every speaker, whether from the north, south, east or west, called for an urgent reform of the Organization. The United Nations took steps towards a greater Secretariat efficiency by setting up an Efficiency Board with leading outside advisors. However, no real change occurred until Kofi Annan’s reform package was released in 1997.

Within three months of his appointment, Secretary General Kofi Annan introduced a number of measures designed to streamline the Secretariat and reduce costs. He also transferred resources from the administration to economic and social programs. In July 1997 he presented a report to the General Assembly entitled “Renewing the United Nations: A Program for Reform”. The Report contained a comprehensive reform program that described the measures that had already been taken and further reform proposals. The measures were divided into Track I proposals that can be initiated under the authority of the Secretary General himself, and Track II proposals which required action and approval by the General Assembly. The reform did not fundamentally restructure the United Nations but the organizational changes that were introduced enabled the Organization to act with greater unity and coherence. Perhaps most importantly, the tension with Washington was resolved when US regular dues were reduced from 25% to 22% of the budget and its peacekeeping assessment from 30% to 27%. The difference was picked up by the other nations.

In his report, Kofi Annan stated that “reform is not an event; it is a process” and suggested the establishment of the post of Deputy Secretary General whose responsibility was to monitor the reform process. This action was approved and Maurice Strong was appointed Deputy Secretary General by the General Assembly. Greater participation of civil society was made possible following the recommendation of the Secretary General to adopt a code of conduct for UN staff members and to consolidate and reconfigure the ECOSOC’s subsidiary bodies. Even though no real organizational changes were made, working practices in many of these bodies became more open, informal and generally productive. The adoption of a “budget for results” system characterized by accountability for results rather than inputs marked the beginning of a
modernization process of the personnel system in the Secretariat. In his report, Secretary General Kofi Annan also presented a new concept of the role of UN peacekeeping. The staff of the Department of Peacekeeping Operations in the Secretariat was substantially increased. The development of a rapidly deployable military-civilian mission headquarters for peacekeeping operations was approved by the General Assembly. A time frame for the conclusion of status of force agreements for peacekeeping operation was also agreed upon. For example, the actions of the United Nations in East Timor in 1999 represent this new generation of UN peacekeeping.

East Timor has been on the international agenda since 1960 when the General Assembly added it to the list of Non-Self-Governing Territories. At the time, East Timor was administered by Portugal but in 1974 Portugal made steps towards independence. A popular assembly was organized to determine the future status of East Timor but then a civil war started between those favoring independence and those advocating integration with Indonesia. Portugal was unable to control the situation and withdrew giving Indonesia the opportunity to intervene militarily and integrate East Timor as its 27th province in 1976. The United Nations and the international community disapproved of that and called for the withdrawal of Indonesia. The United Nations never approved or recognized the integration of East Timor from Indonesia and since 1982 held regular talks trying to resolve the status of the territory. Finally, in 1998 a consensus between Indonesia and Portugal was reached and a set of agreements was signed in New York on 5 May 1990. A “popular consultation” was held to determine whether the people of East Timor accept or reject the proposed limited autonomy for East Timor within Indonesia. The responsibility to carry out the popular consultation fell on the Secretary General of the United Nations. Kofi Annan issued Resolution 1246 authorizing the establishment of the United Nations Mission in East Timor (UNAMET). The mandate of the mission was to organize the voting and after the implementation of the decisions taken by the Timorese people to assist East Timor in the transition period (UNTAET, Background).

The vote of the people of East Timor affirmed their decision to reject the proposed autonomy within Indonesia and to begin the transition towards independence. After the announcement of the result, pro-integration militants supported by Indonesian security forces launched a campaign of
violence killing around 3,000 – 4,000 East Timorese, and displacing as many as 500,000 (McFarlane and Maley, 203). UNAMET started a partial evacuation to Australia of both its international and local staff members and their families. However, a small team of UNAMET staff members remained in the UN Headquarters in East Timor to assist the non-UN staff that stayed there. The failure of Indonesian authorities to respond effectively to the violence as agreed upon in the New York agreements, induced the immediate response of the Secretary General and the Security Council. A Security Council mission visited Jakarta and Dili and proposed to authorize a multinational mission aiming at resolving the situation. A multinational mission was gaining more and more international support until in September the Indonesian government agreed to accept the international assistance. Then the Security Council authorized the multinational force INTERFET, a unified non-UN command structure organized and headed by Australia. Its mandate was to restore peace and security, to protect and support UNAMET, and within force capabilities, to facilitate humanitarian assistance operations (UNTAET, Mandate). Eventually the Indonesian Armed Forces and police withdrew from East Timor completely leaving a gap in the civil authorities. After on 28 September Indonesia and Portugal restated their agreement to transfer the authority over East Timor to the United Nations, UNAMET re-established its headquarters in Dili and immediately began efforts to restore the mission’s logistical capacity. Shortly after the Indonesian People’s Consultative Assembly formally recognized East Timor, the Security Council established the United Nations Transitional Administration in East Timor. UNTAET was an integrated, multidimensional peacekeeping operation which assumed the responsibility for the administration of East Timor during the transition to independence (UNTAET, Background).

UNTAET was established by resolution 1272 which mandated it to provide security and maintain law and order throughout the territory of East Timor. The mission had the responsibility to establish an effective administration and assist in the development of civil and social services. It also had to ensure the coordination and delivery of humanitarian assistance, to support capacity-building for self-government and to assist in the establishment of conditions for sustainable development. The mission consisted of three components: governance and public administration component, a civilian police component of up to 1640 civilian police and an armed UN peacekeeping force equivalent size to INTERFET. Humanitarian assistance and rehabilitation
components were also incorporated within the structures of the Transitional Administration. Only four months after its deployment, in February 2000, UNTAET assumed command of military operations from INTERFET.

The governance and public administration component of UNTAET, in cooperation with the East Timorese political leadership, established the National Consultative Council. The NCC was the consultative and decision-making assembly during the transition period. It consisted of 15 members – eleven East Timorese and four UNTAET members. The NCC was responsible for setting up a legal system, creating a first consolidated budget for East Timor, etc. Soon after that, UNTAET started increasing the direct participation of East Timorese and quickly re-organizing itself into eight portfolios to resemble more closely the future government of East Timor. The internal administration, infrastructure, economic and social affairs portfolios were headed by East Timorese, while finance, justice, police and emergency services, and political affairs were handled by senior UNTAET officials. In August 2000 the first East Timor Transitional Administration (ETTA) was established.

Meanwhile, in September 2000, a series of armed attacks against United Nations troops and East Timorese were committed along the border and in refugee camps in West Timor. The violence culminated in the murder of three UN staff members in West Timor and the subsequent suspension of UN humanitarian relief efforts in the region. The deteriorating security situation was confronted by the Security Council with the adoption of resolution 1319, which urged the Indonesian government to fulfill its responsibility to maintain law and order and ensure safety and security in the refugee camps. Furthermore, the Transitional Cabinet approved the creation of an East Timorese Defense Force additionally to the expansion of the East Timor Police Service. The efforts towards maintaining peace and security in East Timor were accompanied by the development of a functional judicial and legal system consisting of an East Timorese Prosecutor General’s Office and a Defender Service, three District Courts, a Court of Appeals, and prisons in Dili and two other locations.
In October 2000, the National Council (NC) was established. It replaced the former National Consultative Council (NCC) and expanded its functions and size by including 36 members from East Timorese civil society – businesses, political parties, NGOs and the territory’s thirteen districts. The continuous efforts made towards the establishment of means for sustainable development and assured economic growth in East Timor culminated when the negotiations for the Timor Sea Arrangement started. The Timor Sea Treaty signed on 20 May 2002 between Australia and East Timor would govern petroleum operations in the Timor Sea from this point onwards. Meanwhile, a regulation for the election of the Constituent Assembly was promulgated and elections were scheduled for 30 August 2001.

On 30 August 2001, the people of East Timor elected an 88-member Constituent Assembly to write and adopt a new Constitution and to elaborate an agenda for future elections and a transition to full independence. A new all-East Timorese Council of 24 members replaced the Transitional Cabinet (ETTA) created in August, 2000. The new East Timorese Cabinet and Assembly were to govern East Timor until its independence on 20 May, 2002 (UNMISET, Background).

The United Nations continued its presence in East Timor throughout the post-independence period with the establishment of a successor mission, known as The United Nations Mission of Support in East Timor (Schnabel&Thakur 2001, p. 15). The UNMISET was established to support the East Timorese authorities in all areas until they develop and attain full self-sufficiency. Initially, the mission’s mandate was for a period of two years. Later on, the Security Council extended the mandate of the mission with one more year. With the proficient mandates and execution of UNAMET and UNTAET, the innovative use of the non-UN command structure INTERFET, and the gradual withdrawal of UNMISET from East Timor, the United Nations proved its capacity in conflict resolution. On 20 May 2005, UNMISET successfully completed its mandate becoming a milestone in UN peacekeeping history.

The new approach in peacekeeping came as a result of the so-called Brahimi reforms from 2000. The United Nations Secretary General Kofi Annan convened the Panel on United Nations Peace
Operations on 7 March, 2000. The panel was convened ahead of the upcoming Millennium Summit in September, and its task was to make a thorough review of all United Nations peace and security activities and to recommend improvements. The Brahami Report was issued on 17 August, 2000, and it was named after the chairman of the commission, Lakhdar Brahimi. Following that, in September 2000, hundreds of leaders met in New York and 189 of them ratified the United Nations Millennium Declaration. By adopting the Declaration, world leaders affirmed their faith in the United Nations and its Charter, and set “Millennium Development Goals” to achieve by 2015.

The Millennium Declaration had eight chapters and key objectives. The first chapter affirmed the values and principles of the United Nations – freedom, equality, solidarity, tolerance, respect for nature and shared responsibility. The second chapter dealt with peace, security and disarmament. The third chapter focused on development and poverty eradication, while the fourth chapter urged to protect our common environment. Chapter five was dedicated to human rights, democracy and good governance, and chapter six urged to protect the vulnerable. The seventh chapter encouraged meeting the special needs of Africa and chapter eight focused on strengthening the United Nations. However, at the Millennium+5 meeting in September 2005, it became clear the many governments had not acted on their promises and that the world would not meet the UN goals in one hundred years, let alone by 2015.

While most of the millennium development goals seemed out of reach, the reforms in the UN peacekeeping following the Brahami Report were tremendous. The report addressed many issues of the United Nations peace and security operations which Secretary General Kofi Annan highlighted as essential. Among these were strengthening the relationship with Member States, legislative bodies and other United Nations bodies, reforming the management culture and the relationship with field missions of UN peacekeeping operations, and improving rapid deployment of peacekeeping operations (Bellamy 2010, p. 135). The Report also noted that a standing UN army or a police force, as originally envisioned in the Charter, was still not established by Member States and as a result, UN peacekeeping has been depending too much on ad hoc coalitions of
willing states. That harmed the impartiality of peacekeeping missions, as well as their peacekeeping capacity.

On 13 November 2000, the United Nations Security Council adopted resolution 1327 concerning the reform of UN peacekeeping operations. The Resolution contained seven decisions taken by the Security Council in order to strengthen the United Nations peacekeeping operations. Firstly, the Security Council affirmed the importance of clear objectives and timeframe for peacekeeping operations. The Council urged the Secretary General to regularly inform the Council about military operations and humanitarian factors (Slomanson 2003, p.485). Secondly, the rules of engagement needed to have clear legal basis, hence the Security Council requested the Secretary General to prepare a doctrine for the military component of peacekeeping operations. Thirdly, the need to improve information gathering stressed by Brahimi, led to the establishment of Executive Committee on Peace and Security Information and Strategic Analysis Secretariat. The forth decision set timeframes for deployment – 30 days for a traditional operation and 90 days for a complex peacekeeping mission. Also, peacekeeping operations had to be ready to deploy as soon as possible, and task forces within the mission can be formed and used to improve peacekeeping capacity. Decisions five and six agreed that reducing poverty and enhancing economic growth were steps towards conflict prevention. Also, the need for better coordination and funding for disarmament, demobilization and reintegration programs was strongly emphasized. The Security Council insisted that conflicts should be addressed with sustainable development and a democratic society with respect for human rights (Corell, 2000). The final seventh decision stated that the Secretary General will identify areas where establishing temporary criminal proceedings would be easier (Corell, 2000).

After the 2000 Millennium Summit Declaration and the majorly successful Brahimi Reforms, it seemed like goals were set, issues were fixed and everything was finally running smoothly in the United Nations. In addition, in 2002 the International Court of Justice came into existence after many nations had ratified the Rome Statute of 1998. For the first time the international community had a permanent international court that can bring individuals to trial for large-scale political crimes. As hopes and expectations for the United Nations rose in the beginning of the century, so
did the new American imperialism promoted by the Bush administration. From his earliest days as a President of the United States, George W. Bush made clear his unwillingness to be bound by others. The rejection of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the refusal to even sign the Rome Statute made it clear that the Bush administration had no intention whatsoever to cooperate with the United Nations. The culmination of Bush’s hostility toward multilateralism came about when in 2003 the United States bypassed the United Nations and undertook a preventive regime change in Iraq without hardly any international support. It became clear that the Bush administration had transformed American authority into American imperialism (Lake 2008, p. 287). During the Bush administration, between 2001 and 2009, the United States consistently hindered the work of the United Nations, consigned the Organization to irrelevance and pressured the Secretary General various changes, policies and reforms. So far, the Obama administration has made greater efforts to engage and cooperate with the United Nations.
The United Nations is an international organization composed of most of the countries of the world. The Organization was founded in 1945 to promote peace, security and economic development. Even though the international institution was founded just seventy years ago, the ideas that inspired it and the practices that paved the way to the creation of the United Nations are centuries old.

The United Nations and its affiliate agencies embody two different approaches to the quest for peace – the just war theory and the pacifist tradition. The just war theory evolved in antiquity and can be traced back to Aristotle and Cicero. In the 4th century, St. Augustine reconciled war with Christianity turning the just war theory into an integral part of the Christian doctrine. Since then, various philosophers had been developing the just war theory. From Thomas Aquino to Jean-Jacques Rousseau, and from Hugo Grotius to Emeric Vattel, the just war theory slowly evolved into the contemporary concept of international law. The pacifist tradition developed later on in the 15th and 16th centuries with the work of Desiderius Erasmus and Emeric Cruce. Initially, pacifism and legalism were thought to be completely separate and opposite concepts. However, history and political practice led to the realization that they are actually complementary rather than contradictory ideas. This realization let to the creation of the League of Nations in 1919. The League was the first international peace organization that incorporated both ideas. The system and broad political structure of the League of Nations provided the blueprint for the creation of the United Nations.

The political structure of the United Nations was mimicking the political structure of a nation state. The United Nations was composed of six principle organs and was supposed to play the role of a World Government. The General Assembly was envisioned as the World Parliament, and together with the Economic and Social Council and Trusteeship Council formed the deliberative branch of the United Nations. The International Court of Justice is the judicial organ of the Organization, the Secretariat handles the administration and the Security Council is the executive organ of the United Nations. The UN Charter plays the role of a constitution of the international
community. However, the United Nations had no territory, no army and no national identity, and thus the institution lacked features that traditionally defined a government as such. The United Nations was a new kind of institution founded on the principle of sovereign equality of all Members and on their commitment to settle all international disputes by peaceful means. The newly founded institution faced a lot of problems in the early years of its existence. Perhaps the biggest issue that basically defined the first forty years of history of the United Nations was the Cold War.

The Security Council is the executive organ of the United Nations. It is dominated by the five permanent members who have the power to veto any decision of the Council. During the Cold War, the United Nations encountered a lot of resistance from both the Soviet Union and the United States. Both superpowers preferred to resolve their disputes with unilateral military action instead of relying on the Organization. That blemished the authority of the United Nations, and questioned the ability of the Organization to fulfil its purpose. Nevertheless, the United Nations managed to resolve a number of disputes during the Cold War. Since the Security Council was paralyzed most of the time, the United Nations was forced to rely more on its other organs. The stalemate in the Security Council during this period induced the United Nations to abandon military peace enforcement, as envisioned by Chapter VII of the UN Charter, and to embrace military interposition instead. The Secretary General Dag Hammarskjöld crafted the notion of UN peacekeeping in the late 1950’s, which dominated UN operations for the next thirty five years. From Suez to Congo, from Cyprus to Lebanon, UN peacekeeping over the years changed multiple times and immensely enlarged its scope.

The end of the Cold War and the success of the United Nations in resolving the Gulf crisis raised hopes for the future of the United Nations. It was believed that the Security Council would finally be able to work together and fulfil its initial function to maintain international peace and security. The end of the Cold War may have brought about accord in the Security Council, but it also resulted in new demands for self-determination in regions formally under authoritarian and communist regimes. This led to series of new generation ethnic conflicts and civil wars and the United Nations faced the problem of jurisdiction. The Secretary General Boutros-Ghali attempted to improve the capacity of the United Nations in conflict resolution. However, the disastrous
United Nations Protection Force in Bosnia showed that his new *Agenda for Peace* was insufficient and that UN peacekeeping needed further reformation. Meanwhile, the United Nations was facing major financial problems as well. Both peacekeeping reform and the financial issues were confronted and successfully resolved by the Secretary General Kofi Annan.

The United Nations operation in East Timor was a major success and once again raised hopes for the bright future of the Organization. However, the new millennium brought about new problems for the United Nations. When the Bush administration undertook a preventive regime change in Iraq without hardly any international support, it became clear that American authority turned into American imperialism. Between 2001 and 2009, the United States consistently hindered the work of the United Nations and consigned the Organization to irrelevance. So far, the Obama administration has made greater efforts to engage and cooperate with the United Nations. However, a quarter of century after the end of the Cold War problems in the United Nations seem even more than before.

The truth is that no substantial change in the status quo can occur without a reform in the Security Council and no reform in the Security Council is possible until there is a substantial change in society. Rousseau correctly observed that sovereigns would never willingly agree to any limits of their powers to make war. However, power of the sovereigns derives from the consent of the people to be governed by them. Therefore, sovereign power and any other power that derive from it, originates from the consent of the public. Hence, public opinion has an unrealized potential and society has the de facto power to change any institution, including the Security Council. Thus, the United Nations should focus on strengthening society by economic and social development policies, and by improving health and education. An educated and healthy society equals strong and thriving institutions.
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