

United Nations

&

Global Security

# Regulating Use of Force

Trend of last 100 years = ↓ tolerance of war

- Hague Conferences 1899 & 1907
- Covenant of League of Nations (1919)
  - Articles 11 & 12
- Kellogg-Briand Pact (1928)
- Anti-War Treaty of Rio de Janeiro (1933)

# UN Charter

## ■ Article 2 (4):

*“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations”*

= principle of int. customary law

## ■ Interpretation of Article 2 (4):

- War of aggression = violation of international law
- States cannot violate international frontiers by force
- States must refrain from acts of reprisal involving force
- States must not use force to deny right of self-determination
- States must not instigate acts of terrorism in another state

# UN Charter

- Article 39: right of international community to determine  
*“the existence of any threat to the peace, breach of the peace or act of aggression”*
- Article 42 authorised Security Council  
*“to take such action . . . as may be necessary to maintain or restore international peace and security”*
- UN Charter did not put an end to war, but moved closer than ever before to “outlawing war”.

# UN & Collective Security

**UN Collective security system is based on:**

**– Article 2 (4)**

**– Article 2 (5) [= SC has primary responsibility for international peace & security]**

**– Article 25 [= SC acts on behalf of UN members]**

**– Article 42**

**– Article 48 [= Un members under obligation to carry out SC decisions]**

# Security Council Responses

## Ramesh Thakur's typology

- Do nothing
- Adopt resolutions (under Ch. 6)
- Impose economic sanctions (under Ch. 7, Article 41)
- Enforce sanctions (under Ch. 7, Article 42)
- Enforce resolutions by use of force
- establish peacekeeping forces

# SC Determinations during Cold War

- 2 determinations of “breach of peace”  
(Article 39):
  - Korea (1950): SCR 82
  - Falklands (1982): SCR 502
- 2 countries labelled “aggressive”:
  - Israel & South Africa
- “threat to international peace and security” identified 7 times:
  - Palestine (1948); Congo (1961); South Rhodesia (1966); Bangladesh (1971); Cyprus (1974); South Africa (1977) Israel; 1985

# SC Determinations after Cold War

- Collective measures in 8 situations:

Iraq, Liberia, Former Yugoslavia, Somalia, Libya, Angola, Haiti, Rwanda

- Military force authorised 5 times in 19 Resolutions

- 1988: 5 peacekeeping operations

1994: 17 peacekeeping operations

1988: 15 SC Resolutions

1994: 78 SC Resolutions