Notre Dame University

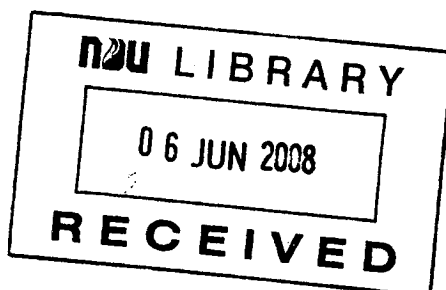## Faculty of Political Science, Public Administration & Diplomacy

The Limitations of the United Nations'

Peace Keeping Operation Mechanism:

The Case of UNIFIL

M.A Thesis

By

Jessy Abouarab

i

The Limitations Of the United Nations'

Peace Keeping Operation Mechanism:

The Case Of UNIFIL

By

Jessy Abouarab

Submitted to the Faculty of Political Science, Public Administration &Diplomacy

In Partial Fulfillment of the Requirements for the Degree of Master of Arts in International Affairs and Diplomacy
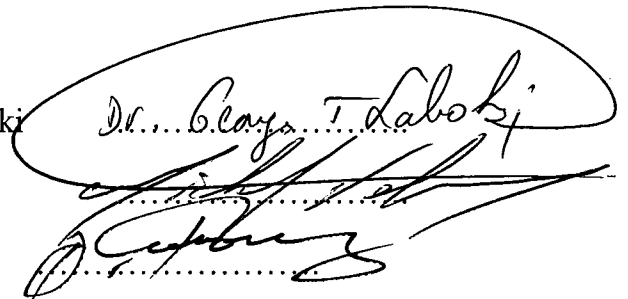
Notre Dame University-Lebanon

2006

Approved by: Advisor: Dr Georges Labaki

    First reader: Dr Nehme

    Second reader: Dr Keyrouz

The Limitations of the United Nations' Peace Keeping Operation Mechanism:
The Case of UNIFIL

Thesis Abstract:

The concept of Collective security was created to oversee that human rights and global peace are maintained in this ongoing struggle for power. As an organization, the United Nations was created to manage collective security in order to prevent global conflict. The notion of peace keeping was created as one of the counter solutions to any threat to global peace. Peace Keeping operations constitute a compromise between peaceful settlement and joint imposition. Knowing the theoretical context and framework of the United Nations' Chapter Six and Chapter Seven is a must for a better knowledge of the dynamics of the peacekeeping operations.

The thesis will, therefore, firstly examine the different procedures that the United Nations undertakes from within its charter for peace settlements. Subsequently, study the big role the Security Council played while managing conflicts. Simultaneously, there is a need to look at some cases where these types of settlements were undertaken.

Afterwards, an in-depth exploration of the differences between peacekeeping mandates and peace enforcement will be presented, showing how they were both confused and misused. Taking the UNIFIL as a case study, a comparison of its different mandates, between a two period time 1978-2006 and 2006 till present, is needed to screen the differences in practice whereas its higher objective is still the same. An in depth investigation will be made subjecting the military, political and logistical aspects of its mandate to a detailed review. This comparison is supposed to support the perspective of the peace keeping weaknesses in general when dealing with conflicts and reaching international peace and security.

The importance of the role of the United Nations as the world's "policeman" is being pressured and sometimes marginalized making the United Nations weak and unreliable. This situation leads to worldwide demands for a reformulation of the Peace Keeping's basic tenets.

OUTLINE

1- INTRODUCTION

1.1   FROM GLOBALIZATION TO GLOBAL SECURITY:

Globalization is a historical process resulting from decades of human advancement and technological development. It takes by default a worldwide course; whereby it theoretically strives to include universal values as common denominators for the worldwide community at large in order to 'fuse' the planet. Globalization could be generally understood as a process that represents a bridge between different 'worlds'; connecting them to the fundamental traits of human nature in order to overcome particularities of different cultures.[1]

Furthermore, this process is considered to be inevitable and irreversible. Founded on the liberal paradigm, globalization focuses on individual human rights and liberties. Common values and concepts that come under this scope are those of private property, market economy with its principle of general competition, democratic forms of government based on the rule of law, and mass culture shared by the entire population whilst at the same time promoting plurality and individuality.

Globalization could also be considered to be transnational and interdependent. No longer is the State to be the dominant actor it once was. As of the 20th century, globalization has gained new strength and vigor; whereby the State has had to face a barrage of challenges that have undermined its independency within the international sphere. Beginning with economic warfare and followed by international communications and permeability of national frontiers as a result of the development of nuclear arms, the entire population of the state has been threatened; indeed its very survival as a state. No country, from the poorest to the wealthiest, can afford to be isolated in this age of globalization.

---

[1] Zagora Golubovie *Globalization and Identity, dilemmas and Controversies of the Concept of Globalization*, November 1999, p2

1

To oversee that human rights and global peace are maintained, collective security was needed. Consequently, the United Nations was created to face all its time issues and adapt to the new realities that humanity would face. The UN, first and foremost as an organization, was created to manage collective security in order to prevent global conflict, without neglecting the rights of the world's population. Nevertheless the role of the United Nations will hardly adapt to this swift globalization factor we are facing without the utmost urgency for the UN to update and reform its agencies.

The thesis explores the changing approaches for use of force from one UN Peace Operation to another. Given the historical background and the evolution of the concept of Collective Security, it is important to understand the reasons, hence the objectives that the International community wanted to reach when faced with disputes, threats to peace or even breaches of peace agreements and acts of aggression. Therefore, knowing the theoretical context and framework of the United Nations' Chapter Six and Chapter Seven is a must for a better knowledge of the dynamics of the peacekeeping operations. The thesis will, therefore, firstly examine the different procedures that the United Nations undertakes from within its charter for peace settlements and the big role of the Security Council played within, while looking at some cases where these types of settlements were undertaken. Afterwards, an in-depth exploration of the differences between peacekeeping forces and peace enforcement ones will be presented, showing how they were both confused and misused, citing the UNIFIL as a case study. This thesis will then compare the UNIFIL's role in Lebanon between a two period time 1978-2006 and 2006- present. Although its higher objective is still the same, an in depth investigation will be made subjecting the military, political, humanitarian and logistical aspects of its mandate to a detailed review. This comparison is supposed to support the perspective of weakness in dealing with conflicts and reaching international peace and security. The importance of the role of the United Nations as the world policeman is being pressured and sometimes marginalized making the United Nations weak and

unreliable. This situation leads to worldwide demand for its "reform". But will these attempts for reform save the UN and bring it back to its appropriate stature?

1.2   LITERATURE REVIEW

The academic literature, on the United Nations initiatives to bring stability, security and eventually peace, has evolved over the years. First, we have the United Nations official reports that provide a detailed description of the steps undertaken by the United Nations in each peace keeping mission. These reports are used to gather case studies to enrich the analysis of the issue at hand.

In particular, reference will be made to Thomas G. Weiss, David P. Forsythe, & A. Coate[2], who wrote, in the fourth edition of *The United Nations and Changing World Politics,* about the historical evolution of the UN concerning international peace and security, especially before and after the Cold War.

The literature on peace operations doctrine has benefited from: *"The Use of Force in UN Peace Operations"* by Trevor Findlay. Findlay meticulously traces the history of the use of force in UN peace operations. He discusses the attempts for reform in UN circles post-Cold War, as reflected in the *Agenda for Peace, Supplement to an Agenda for Peace* by Boutros Boutros Ghali and the *Brahimi Report.* He also analyzed numerous training manuals, documents, lessons-learned reports, operational guidelines and rules of engagement, mainly in the UN. His core assessment highlights in general the use of force by UN peacekeepers as being marked by political controversy, policy vacuousness, conceptual confusion and failure in the field". Findlay also concluded with a list of bold recommendations on Security Council mandates: First, the e.g. where they should all be under Chapter

---

[2] Weiss-Forsythe-Coate, *The United Nations and Changing World Politics,* 2004.

VII. As for mission planning, the Department of Peace Keeping Operations, it should produce model strategies and standard operating procedures for different circumstances. As for capacity, there should be an offshore rapid reaction force whenever a mission is deployed in a dangerous environment. As for rules of engagement, deliberations were listed on the need to reassess their drafting and doctrine, such as "pre-emptive "engagement.

Another recent work on the use of force in peace operations is "The use of force in UN peace operations" by Simon Chesterman[3]. In his paper, the author identifies three main recommendations:

1. The division between peacekeeping and enforcement operations should be re-evaluated.

2. The mandate of a peace operation should be clear and well defined. Its resources and rules of engagement should be consistent and forceful.

3. When deployed in the aftermath of conflict, peace operations should have a robust mandate, and civilian police should be deployed as quickly as possible. If not, filling the security vacuum will fall upon the military.

Another main reference used for the thesis is a book entitled "United Nations: The First Fifty Years", prepared by Meisler. The author is a well recognized political analyst who writes regularly for the Smithsonian Magazine and has been publishing his News Commentary online since 1996. He had several articles written on the American challenges that are facing the UN and will eventually lead it towards a crisis situation.[4] The author also compares between the political loud and suspicious claims

---

[3] Simon Chesterman, *"The use of force in UN peace operations"*, 2004

[4] Stanley Meisler, *"United Nations: The First Fifty Years"*, 2004

for reform, which hide behind that claim for other end purposes, especially the American politicians, and those of the scholars who truly want reform for better management.

1.3   METHODOLOGY

Three combined research methods are used in this study: historical study, case study, and comparative study.

As for historical analysis of the subject studied, this type of method helps in gathering and analyzing historical evidence. Gathering empirical evidence and information for the research drawn from existent literatures and articles, concerning the deteriorating situation and clashes in the Lebanese-Israeli conflict which lead to several United Nations initiatives for conflict prevention, the historical analysis will be based on previous studies and publications that examine its experience within. In this study, I use two types of historical evidence: primary sources and secondary sources. Primary sources are archival data that are found in archives and libraries, mainly the history of the Lebanese-Israeli conflict and United Nations Official Reports. Secondary sources are works of other historians reporting on incidents that took place.

Case study review is a method that involves an in-depth examination of a single instance and event with unique characteristics, and it is useful to adopt this method for the particular and complex phenomena of UN peace interventions.

There are three main advantages to use this type of research method. It provides a sharpened understanding of why there are different patterns for each mission the United Nations took to achieve peace and security. It also provides for a close observation of specific cases where some missions failed while other succeeded generating valuable lessons for us to know the reasons behind these mixed results. Reviewing case studies also shed the light on the significance of the organizational misuse and

hence violations made in peace missions, which might be overlooked in a general study. Furthermore, the combination of a number of case studies is used to build theories on the motives for diffusion of peacekeeping and enforcement in certain missions and their relations between external factors and organizational internal factors. Case studies are necessary since general literatures alone will not satisfy the need to shed light on the anomalies which forced the United Nations to take these measures and violate its own Charter for the sake of peace and security. For this research, I deliberately selected the Lebanese case study, for it comprises two different mandates with an unchanged ultimate goal. Additionally, this case was brought up to demonstrate the concept of the misconception between peace keeping and peace enforcement which could be understood in a more comparable way.

Comparative study is a method that evaluates the differences and similarities of more than two instances and events. Comparative study between peace keeping and peace enforcement will show how distinct they are in theory, being totally the opposite and how they were confused together in practice. Concentrating on the mandates, staff, purposes and goals, each force has the total opposite requirements to implement. Nevertheless, due to the deficiencies in particular missions, the UN did not find it hard to fuse them together.

2- THE CONCEPT OF COLLECTIVE SECURITY

2.1   DEFINING SECURITY IN INTERNATIONAL RELATIONS

Collective Security may be defined as a plan for maintaining peace through an organization of sovereign states, whose members pledge to defend each other against attack[5]. The term Collective Security, not used until the 1930s, is considered, more accurately, as the security for individual nations by collective means. The contemporary idea Collective Security was born after the shock of 1914 and nourished by the further horror of World War II. Its goal was to bring an end to the "international anarchy" of blindly competing states, acknowledging no limitations on their powers except those of brute force. In the inspiring words of the United Nations Preamble, the international community's role was to save "succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."[6]

In order to study the role of state and the inevitability to create collective security, knowing the evolution of international relations is essential. Uncoordinated at the beginning, international relations was documented in scholars' writings and memoirs. It then started to take shape with Machiavelli, the father of the Realist approach, in the 1500's. Then the modern international system came about slowly and gradually. In 1648, Westphalia, a city in Germany, was the first city that witnessed a regional agreement of a nation state system. The main points it exposed were that each state was sovereign with legal equality between them and an accord of non interference. From then till the 19th century it was applied in Europe, after which this state system expanded to the rest of the world.

While examining the concept of international relations, different sorts of theories needed to take shape, since one cannot make sense of the world without a theory and build upon it new ones. A theory

---

[5] The IR Theory Knowledge Base site, http://www.irtheory.com/know.htm
[6] UN Preamble

guides us what to know and what to think about. Only by examining carefully the theories that we use, can we be more refined identifiers of the later establishments that took place and are still evolving with time.

2.1.1 *Realist perspective*

Realism is one of the building blocks in international relations study. Although Realism differentiates in literature, however, all its forms subscribe to the following four criteria: state-centricity, power, hierarchy of issues and international anarchy.

Realists consider the state as the major actor in international relations. All other organizations are regarded as secondary because there is no organization that is independent from state influences, since they indirectly fall under an international system formed by common states' laws. For a state to be considered a recognizable actor in international relations it should first be a sovereign state, as Max Weber defines it as "the monopoly of the legitimate use of physical force within a given territory."[7] An important emphasis should be made here. In domestic politics Hobbes stated, for example, that an individual trades his liberty in return for a guarantee of security. So a person within a state is being provided with laws that insure his or her personal safety. In international relations, a state's existence is constantly threatened by the lack of laws and enforcement within the central authority that can assert its own survival in international relations. Therefore, the important distinction between domestic and international orders lies in the way they are structured. In the domestic order, citizens do not have to defend themselves. However, in the international order there is no overruling authority that would prevent and respond to the use of force. This leads to the presence of international anarchy where

---

[7] Paul R. Viotti & Mark V. Kauppi, International relations Theory, 3rd edition, Longman Publishers, 1999, p27.

states compete with each other for security, markets and further dominance. Each state is looking for its own interest collaborating and sometimes colliding with other states that are competing for power and control.

Therefore, according to the realists, the international system is "anarchic", where "realpolitik"[8] is exercised among sates, in such a way that authority belongs to states and not to international institutions, nor non governmental organizations nor multinational corporations that have no power to regulate or dictate the interaction between one state and another. Furthermore, realism asserts that each state has the concern of looking after its own interests and the primary one is ensuring its self-security[9]. Therefore, as it pursuits its goal of securing itself, the state will increase both its high politics, strategic issues like military, and low politics (economic, social, and agricultural issues) efficiencies which create the state power. In international relations the interaction between two states is determined by their relative power. This fact results in a periodically stable status quo irrespective of the intentions of any particular state. This status quo is sometimes shaped as either a unipolar or bipolar or multipolar system. In an anarchical system, states seek to be more powerful and secured, resulting indirectly in alliances and coalitions to balance the power of other threatening states. Hence, states go into wars occasionally and fear its possibility all the time. They increase their power to deter potential assaults. Sometimes, they make preventive or preemptive wars on potential enemies who might be a threat to their security. An example would be the United States' strike with its allies on Iraq in 2003.

2.1.2   Liberal Perspective

Another major school in international relations is Liberalism. Opposed to realism, liberalism is anchored around the liberty of the individual. Liberalism exerts such strong influences on world

---

[8] Ibid, p 59
[9] Ibid, p6-7

politics. It engulfs many key standpoints that underline the liberalist concept. Nevertheless, the main liberal conviction revolves on the belief that war is an unnecessary and outdated way of settling disputes[10]. Dialogue is a good portrayal of the Liberalist ideology. As a solid ideology, Liberalism covers a fairly broad perspective ranging from Wilsonian Idealism to contemporary neo-liberal theories and the democratic peace notion. The Liberals' main concern and focus is the liberty of individuals. The state's establishment is considered a necessary medium that preserves individual liberty from all harms that may be caused either by other individuals or states. Therefore, the state in the liberalist view is a 'servant' of the collective will and not the 'master'. To guarantee this, the state needs to have liable democratic institutions and lobbies for common interests. Nevertheless, providing order and justice within, the state cannot be fully accountable without reforming the "outside" world.

Although they agree with the realist that international relation is anarchic but they feel that cooperation can be possible. International institutions are important actors and they should play an important role in International relations. This means that the state in their view is not the only rational actor. They see International relation as an extension of domestic relations, where private groups and individuals are important actors within a state. These groups or individuals look for benefits by influencing the government and pressuring it to follow their interest. For maximization of interest their interaction with government should be through cooperation and not by war. This can apply on the international arena.

Idealists strongly believe in the effective power of ideas[11], through which it is possible to base a political system primarily on morality, and that the base and more selfish impulses of humans can be subdued in order to build national and international norms of behavior that generate peace, prosperity,

---

[10] Ibid , p 10
[11] Ibid , p 15

cooperation, and justice. Idealism then is not only heavily reformist, but the tradition has often attracted those who feel that idealistic principles are the "next-step" in the evolution of human behavior. Mostly applicable to widespread international organizations, such as the League and the United Nations, the Idealists assume that the Collective Security arrangement would transcend the reliance on deterrence of competing alliances through a network or scheme of national commitments and international mechanisms. Neo-liberalists, on the other hand, stress the importance of institutions in international relations. States are more concerned with absolute gains rather than relative gains. Therefore, they want to create agencies designed to reduce the transaction costs involved in all aspects of international intercourse. Built on Kant's theory that liberal states do not go to war with other liberal states, however many neo-liberal scholars believe that although these states are less of a threat to one another, they too can be as aggressive as authoritarian regimes. Fukuyama, a famous neo-liberal scholar, believed that liberal states are more stable internally and externally in international relations. According to him there are two ways to spread peace and deal with authoritarian regimes. The first suggested by him in his famous book "the En of History" included the peaceful means such as preserving and spreading the liberal values of the liberal democratic communities and containing the spread of authoritarianism. The second method comes as a last resort, which when human rights are being violated leading to the failure in spreading the basic rights, that is when intervention is necessary. This leads us to the certainty of the liberal democracy justifications for war. For some liberal scholars think that peace and justice are not products of natural conditions, but they are a deliberate construction. They are achieved not only by encouragement of non-liberal states to become democratic, but also by liberal reform done on an international level similar on that occurring in states. Therefore, a neo-liberalist interested in creating global institutions, might deem it acceptable that a country wages war on the basis of creating another

nation – perhaps another liberal democracy – that is more open to international cooperation, and more accepting of international norms and institutions.

2.1.3   The Globalization factor

At current time, Globalization helps to weigh the impact of liberal thought in contrast to that of realism on the role of states in international relations. This challenge to the state centric outlook shared by Realist theorists is not an unusual one. Starting from the 1970's, globalization gained a new strength, where the dominance of the state started undergoing several challenges that were undermining its role bit by bit in the international realm.

Another challenge was posed by economic integration between countries that ultimately lead to political integration; especially in Europe from the early 50's where the classical term of a state sovereignty is being eroded. No country, including the poorest, can afford isolation from globalization. (ERNST HAAS). Transnationalism, on the other hand, argues that there are so many actors other than the states, which play an influencing role in international relations, such as multinational corporations, NGO's interest groups without forgetting the United Nations as international arbitrary and regulatory organization. Thomas Freidman portrayed this increasing interdependence in his book, *The Lexus and the Olive tree*, where, on the one hand, we have the luxury car that represents a consumer product that no one can resist and the olive tree that symbolizes the attachment to one's land and culture that is being eroded with the increased need for luxuries and easy way of life[12]. Interdependence makes the point that the increasing integration among national economies have made these later more sensitive and vulnerable to international events in other states. A demonstration of that was shown with the oil embargo in 1973 made by the Arab OPEC members. Therefore, although realism and globalization both agree on the concept of international anarchy, the international status quo proves to be as a

---

[12] Thomas L. Freidman, *The Lexus and The Olive Tree*, New York: Straus& Giroux 1999,p195-217

mitigating system were states are not anymore the only rational actors. Also, the distinction between domestic and international societies is less clear than before and the slighter became the military factors' influence on international politics than the on economic issues.

This continuingly increasing interdependence between states brought so many new aspects into the international realm, some very hard to control. The terrorist attacks on the World Trade Center in New York and the Pentagon in Washington DC on September, 11, 2001 were one of these aspects. These attacks were considered a huge card reshuffling in the international realm. That huge event made all international theorists rethink about their premises and try to prove their theories appropriateness to that occurrence. Terrorism is not a new phenomenon nor is it a single enemy. It is an ever-going method of conflict seen as deliberate attack on civilians to spread fear and intimidation.[13] This "terrorist attack" led to several serious counter reactions from the US: one of them is in Afghanistan against the Taliban regime that protected a big terrorist image called "Ben Ladden," and then was the war against the Iraqi dictatorial state under the rule of Saddam Hussein. This reaction showed an important geopolitical shift that the world continues to witness. The September 11 event, due to its challenges to the concept of democracy, calls on a reassessment of the "End of History" hypothesis projected by Fukuyama after the Cold war era. Fukuyama argued that the end of the Cold War without any direct conflict proved the settlement of all great clashes of ideas, which historically served as powerful drivers of human history. September 11 reasserts the realist theory of international anarchy as a response to the "Americanization" of the globe, considering it as a zero sum game where the north and west develop on the expense of the south and east. It compares who are exploiting (the core countries), and those who are being exploited (the peripheral ones). It is considered as a setback for the Fukuyama perspective of democracy and free market as being the endpoints of history and

---

[13] Joseph Nye, Jr *Soft Power the means to success in World Politics*, Public Affairs, New York, 2004, p5.

where the state's role of security and survival will diminish with time and scatter[14]. Moreover, like past crucial events in history, September 11, 2001 made a considerable impact on the notion and practice of security. Although being the land of liberty and equality with freedom of choice, the United State's National Security Strategy gave the war against terror priority over civil liberties in the West. They first created the preemptive war on any potential threatening state directly or indirectly minimizing the UN's role internationally, and this is the biggest fatal blow to the liberalist vision of international governance. As Machiavelli once said "princes should be prepared to break their promises if it is in their interest, and to conquer neighboring countries before they attack you." As for the human rights, Morgenthau saw the pursuit of human rights in foreign policy as the "imposition of one state's moral principles on another". Realists analyze this event as a re-assertion of the state's power over forces of free market. . As retaliation, states are striking back and re-powering themselves against the forces of globalization. That is shown by the governments' regulation of financial flows with a will to reduce the economic lifeline to terrorist networks, tightening immigration controls, and remilitarizing borders. Therefore, they respond to Fukuyama by saying that what the world is witnessing now is not "The end of History" but rather the reconfirmation of it. Observing the recent events, realists reaffirm their theory of hegemonic or unipolar control that the world is witnessing with the 'Americanization' that is taking place.[15] Realists predicted that interdependence will not eclipse the state's role by global forces operating either below nation state like multinational corporations and interest groups or from above with the UN and NGO's. One proof is France's biggest commitment for a European union and its refusal to have a joint EU constitution. Hence, Europe is more divided by

---

[14] Nicholas Guyatt"*Another American Century? The United States and the World since 9/11 "*, Zed Books, London& New York, 2003, p192.

— [15] Amitav Acharya, *Security And Security Studies After September 11: Some preliminary reflections*, 2002, p24.

interests than united by a common good. For the realists, the state proved to be more powerful than ever with the interest of maximizing its power. Due to that factor, a constant struggle for dominance between states is always present giving the possibility of war and continuing alliances of states to balance power.

Fukuyama wrote after September 11 a visualization of why this attack happened. He symbolized this attack as the "last sigh of a dying person." As stated earlier, globalization is a non-reversible phenomenon. Multiple channels connect societies, through informal ties between the world's privileged (who can interact directly or indirectly through telecommunication) and transnational organizations such as multinational corporations. Therefore, states are no longer the only units in international relations. Different kinds of relations, such as interstate, transgovermental and transnational relations now are affective. Benjamin Barber criticized this idea with an instructive analysis of the central conflict of our time: entrepreneurial capitalist versus religious tribal fundamentalism[16]. This conflict is due to the fact of undermining the nation state sovereignty, eliminating indirectly all cultures other than *Western culture* either by creating *human rights*, used selectively by the hegemonies with interests, or by the invasion of multinational corporations. This phenomenon can only lead to homogeneity on the one hand, and rebellious fundamentalist groups rejecting this obscene invasion on the other. Samuel Huntington's *clash of civilizations* also explains the replacement of nations and ideologies as the driving force in international. He expects a weakening of nation states and the upcoming of transnational civilization, in addition to the increased division between the western life and the rest of the world.

No one assumes that complex interdependence in international relations won't lead to some anomalies from within. Everything can be used for 'good' as well as 'bad'. In the Pluralist definition,

---

[16] Nicholas Guyatt, 2003, p 190.

Al Quaeda is a form of complex interdependent relations that crossed states' boundaries. They know no territorial border, a perfect example of a cobweb image.[17] This shows another aspect of nongovernmental influence over international relations criticizing the realist view on state centricity. Since Al Qaeda has no territorial borders, the assaulted state cannot deal with it in the classical old fashion manner of invasion and occupation. These kinds of wars will lead to nothing but more hatred towards the US, hence more instability in the international realm. Economic and humanitarian assistance throughout the globe gives a much more pleasant response. Promoting democracy and human rights in a more efficient conceivable way ensures the state's survival more than lunching war and creating detestation.

Security in the hierarchy of issues is not fundamental and important as before and the military power is no longer the most important force to guarantee one's superiority. Nowadays, economic importance and soft powers are as influential as militarization. Economy is a symmetrical non-dependent way, where all countries, hence populations, have the chance to get out of the poverty misery. "Hard Power", also referred to military power, which rests on inducements, "carrots", or threat, "stick"[18]. The more money is circulated around the whole globe, the more it will create growth of exchange in it as a whole. But that does not only apply on the industrialized developed countries. It should also apply on the least developed countries. All the remaining countries have to join in, or else they will have a negative approach due to their marginalization out of this system. So Pluralism, in perspective sees the state as a remaining power but not as the only one. Non-state actors are in a constant state of increasing pressure over the state's territory. Multinational Corporations and NGO's

---

[17] Sreeram Chauli, *September 11 in the International Relations Theory*, Kashmir Herald, volume 2 , No. 8- January 2003.

[18] Joseph Nye, Jr, 2004, p5

reduce a state's autonomy challenging it in different specific areas.[19] As for the "Soft power" of a country, it rests primarily on three resources: Culture and its appeal, when promoting universal values, to others, political values that are seen as justifiably convincing, and foreign policies seen legitimate and having moral authority.[20] Hence, the results of foreign policy are changing: From a centric state's concern on hierarchy issues, giving priority to security and survival to other low politics, such as economy and social affairs, to a managerial organization over the effects of interdependence by constructing institutions, formal and informal. The international system has multiple centers of power and states are increasingly sensitive and vulnerable to the effects of interdependence.

Will the attacks of September 11 stimulate states to change and create new transnational modes of action? There is no simple answer to this question since it implies that states might, at least partly, imagine themselves as non-state transnational actors, coordinating their own interests and strategies beyond simple, old-styles alliances in a "globalizing" age. If they do not do so, then we must ask if old techniques of combat respond to the new terrorist use of global tools. Tod Lindeberg, editor of Policy Review Magazine and research fellow at the Hoover institution, writes in his column in the WASHINGTON TIMES about "protect the people: United Nations takes bold stance"[21]. In his analysis of the World Summit Outcome document, he believes it had one big item that was created.

He first started by pointing out the essence of "The Responsibility To Protect" as presented by the document which says: "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." And this responsibility does not start after these horrors begin since it entails the prevention of these atrocities. Although states are given special treatments by the United Nations Charter of being sovereign, hence no interference will

[19] Roe Goddard, Patrick Cronnin, and Kishore Dash, *International Political Economy: State Market Relations in the changing Global Order*, 2nd edition, International Political Economy series: Boulder: Lynne Rienner Publishers, 2003.
[20] Joseph Nye,Jr, 2004, p 21
[21] Tod Lindeberg, *"protect the people: United Nations takes bold stance"*, Washington Times, 2005.

be allowed in their internal affairs whatsoever, this new decree gives another perception to this "LAW". It states that if a state is not able to protect its citizens from these humanitarian atrocities the international community, through the United Nations, vows to interfere in any mean for it to help. And if the state refuses any assistance, having a hand in these human atrocities most probably, the United Nations, in correspondence to this new decree, can intervene by peaceful means, under Chapter VI or VIII, or by force which will be under Chapter VII. In the old days, the principle of state's sovereignty was kind of sacred. This fact insured a double sided excuse for inaction where a state can just refuse any interference in their territories saying that no one has the right to interfere in internal issues. Meanwhile, outsiders can just avert their eyes stating that there are no legitimate procedures they can use to act upon and bring it to an end. Now after the establishment of this new law in international affairs, the international community resides in a new system. Two reasons were mentioned of why this law is considered as "a revolution in consciousness". The first is the concept that de-centers the state as a central actor in International Relations. The state's privileges over its territory are no longer absolute. If the state does not carry its responsibility over its population, then it looses its privileges by international authorities' interference. The second is that "it de-territorializes the enforcement and protection of the rights of man"[22]. This means that if an individual's state fails to protect his rights as a human being he can now count on the international support or interference to protect him. So this promise of a new doctrine, called the responsibility to protect, reflects a profound shift in international law, whereby a growing sense of global responsibility for atrocities is increasingly encroaching upon the formerly sanctified concept of state sovereignty. While possibly this sovereignty is never more than a convenient imaginary tale, sovereignty of the state has been the rock of international relations for 350

---

[22] Ibid

years, and the guiding framework around which the United Nations is organized. Nevertheless, Sovereignty remains deeply important to most UN member states.

Again, we find ourselves with paradoxes. States remain the "driving force" of globalization. They concurrently complied with transnational types of interdependence while maintaining their so-called autonomy. They can be the dominant actors in specific negotiations, asserting their own interests in international relations and domestic politics. But the nation state here retains its relevance as the prevailing emotional unit of identification, by mobilization and resistance to any threat to their cultural/ethnic/national identity. So states will remain the model unit in the process of globalization, which takes state capacity "to negotiate" within and without as essential. But at the same time, states will have to adapt and create new ways, both structurally and institutionally, to the new realties we are facing nowadays.

In short, the reach of transnationalism heightens the contradictory challenges faced by states in the age of globalization from the one hand security and survival, on the other hand opening up to global interdependence and international interaction among other nations and cultures.

2.2   COLLECTIVE SECURITY AND THE DILEMMA WHILE PURSUING SECURITY

As in Collective Defense, Collective Security is based on the risk of retribution, but it can also involve economic and diplomatic responses, in addition to military retaliation[23]. Consequently, it is theorized that perfected Collective Security would discourage potential aggressors from angering a collectivity of states. Similar to balance-of-power, Collective Security works on the assumption that any potential aggressor would be deterred by the prospect of joint retaliation, but it goes beyond the military realm to include a wider range of security problems. This phenomenon later on will

---

[23] The IR Theory Knowledge Base site, http://www.irtheory.com/know.htm

presumably lead states to relinquish their sovereignty and freedom of action or inaction to increase interdependence and the premise of the indivisibility of peace.

Employed during the establishment of the League of Nations, the concept of Collective Security goes beyond the pure idea of defense to include arrangements for facilitating peaceful settlement of disputes, assuming that the mechanisms of preventing war and defending states under armed attack will supplement and reinforce each other[24]. Writings identifying the concept of Collective Security were known by the international community as the system for maintenance of international peace. The creation of that concept was intended as a replacement for the system commonly known as the balance-of-power.

Further on, in a world with no supreme governance, the potential of wars is always available. States and some other actors, such as terrorists, in international politics always have the power to attack, therefore wars might occur. Although states do not face conflicts and threats all the time, the probability of contingencies could come up. Thus, the fear of conflicts and war flourishes where worry over one's safety would prevail, even when faced with no real threats. As a result, arms race and alliances are the visible insurances against possible threats. However, the mere achievement of these actions is a threat in itself to other states. This reality is labeled as a Security Dilemma. In a Security Dilemma, steps taken to insure security for one party can increase the threat to another and vice versa. Although these kinds of positions are considered as complicated and difficult, nonetheless, they are not impossible to avoid. Security Dilemmas can take shape in forms other than war. That is when international cooperation between states is needed for the sake of a certain state's benefit. An example of that is the Hariri's murder investigation, where Syria had to cooperate with the international judicial system giving up some of its sovereignty rights for the sake of the trial success later on. Last but not

---

[24] Ibid

least, security by itself might cause problems. Sometimes, insecurity can be beneficial to states, since there is more to the international life than security. For instance, individuals in societies would have to cooperate with other states trading some of their security in order to try to gain other advantages, such as economic privileges.

2.3   WILLSONIAN COLLECTIVE SECURITY

2.3.1   The search for stability

Thomas Woodrow Wilson, 28th President of the United States (1913–1921), known as an American scholar and statesman, was best remembered for his legislative accomplishments and his high-minded idealism. He believed in the liberty of the individual.   According to Wilson, the establishment of the state is necessary to preserve individual liberty against harm caused by other individuals or states.   Hence, he understood the role of states as the servants of the collective will and not the masters. His conviction is that only democratic liberal countries can act upon peace and security, otherwise autocratic despotic "imperial" states cannot live in peace and harmony with each other. On April 2, 1917 President Woodrow Wilson delivered a war message to the United States Congress outlining his reasons behind his belief that the United States should enter a war against the German forces and the Central Powers, the Hungarian and the Ottoman Empire, that allied with them. He outlined the reasons or "justifications" for entering World War I, and laid out the fundamental grounds that he saw as threats to global peace in general and how they affect the American national security in specific.

2.3.2   The creation of the League of Nations

The need to maintain international peace and security has always been a major need that developed among the nations of the West since the beginning of the Twentieth Century. Born out of the

catastrophic aftermath of World War I, the League of Nations was established in the hope that it would prevent any future outbreak of wars, and simultaneously maintain international peace and security. The League of Nations, however, failed in achieving these objectives, mostly because it did not have the means, mechanisms or even the processes through which it could achieve these objectives of peace and security worldwide.

2.3.3   The creation of the United Nations

The outbreak of World War II was a declaration of the "death" of the League of Nations, and at the same time, it strengthened the need to find a more effective organization, namely the United Nations Organization.

In order to understand how the UN became the organization we know nowadays, it would be helpful to review the three phases the UN passed through since its formation after the Second World War in its search for instruments for international peace and security. The UN was created in 1945 in a spirit of optimism at the end of the Second World War with the unanimous will to avoid and not repeat its predecessors' mistakes and end the age of wars. The founding members were 51 states; nowadays their total is around 200 states[25]. The UN has a Security Council made up of 15 member sates, five of them are permanent having the famous "veto" power, where any state of these five permanent members can vote against a resolution and prevent it from being applied.

The first phase, before the Cold War, was the period where there was a true application of the UN charter. This period lasted from the mid 1945 to the Spring of 1946. By the end of that period, it had become clear that the East-West division was irreconcilable.

---

[25] Urquhart Brian, *Beyond the Sheriff's Posse*, Survival, vol.32 (3), May-June 1990.

The second phase started with the Cold War that shaped much of the global politics for the next 45 years. Peace keeping began as a mean of filling postcolonial vacuums. The rivalry between the former Soviet Union (USSR) and the United States (US) prevented the Security Council from playing a dominant role in maintaining international peace and security. This was a period when alternatives and compromises of all sorts were pulled out due to the vetoing between the conflicting interests of the two superpowers. The UN had little autonomy to reach a decision of how to end these conflicts.

Nowadays, which forms the third phase, the international realm became smoother with the fall of the USSR. With the ongoing challenges, the conflicting hegemonies vetoes vanished; there was an impressive increase in the number of successful missions than ever before[26]. The atmosphere of the Security Council became collegial for the first time, and at last plenty of decisions were taken. The UN Security Council suddenly realized that it now could do anything. The Security Council authorized the Americans, British and French to expel Saddam Hussein's troops from Kuwait, and indeed they did. There was a euphoric mood at the UN. There was a feeling among many Americans that perhaps now the UN, through the Security Council, was fulfilling their dream and serving as the world's policemen. In the words of Madeleine Albright: "the Security Council had become an international 911 number", the phone numbers that Americans use when their civilians have an emergency. If you were a nation in trouble, you could call the UN, and the Security Council would bail you out. [27]

That euphoria soon dissipated, especially within the United States. Failures, in Somalia, Bosnia, Rwanda, and the recent events in Afghanistan and Iraq contributed in damaging the UN's image as

---

[26] UN, *A more Secure World: Our Shared Responsibility*, New York:DPI , 1995.

[27] Stanley Meisler, *United Nations in Crisis*: The American Challenge, Crayenborgh Lecture University of Leiden, the Netherlands, May 7, 2004.

being capable of preventing conflicts. A series of antagonisms developed between the UN and the US, descending to their lowest point with the latest American-led invasion of Iraq.

One of the most important problems lies in the UN capability of implementing its decision due to its lack of troop numbers and advanced weapons that member states are hesitant and reluctant to provide[28]. Although the United States is only one out of the 191 member states of the UN General Assembly, only one out of the 15 members of the Security Council and only one of the 5 permanent members with a veto, the American significance overwhelms these ratios. Too many governments fear, admire or depend on the US for the UN to operate well when the Americans decide to take the role of an inactive spectator or become an obstacle. When the United States could not decide what to do about Bosnia in the early 1990s, the Security Council was paralyzed. And similarly, when the United States opposed immediate action to stop the slaughter in Rwanda a few years later, the Security Council was again paralyzed. It could be concluded that the UN works best when the United States is on board, cooperating and leading[29].

Therefore, the United States dominated a huge field of power in the global perspective, making it difficult for the UN to oppose its political decisions. For example, before it witnessed war in Iraq in 2003, although the UN did not legitimize the invasion, the United States still went to war with its "allies". A question which might be raised here is if the UN situation today can be considered better than that in the period of the Cold War, or if it lost its autonomy after the fall of the USSR.

2.4   TACTICAL AND PRACTICAL SOLUTIONS

To promote peace and stability, the UN developed a range of instruments to control arising conflicts between and within its member states. The most important was the preventive diplomacy that

---

[28] Alan James, *Peacekeeping in the Post-Cold War Era*, International Journal, vol.L, no.2, spring 1995.
[29] Stanley Meisler, 2004.

encompasses peace making, peace keeping, peace building, disarmament, sanctions and peace enforcements[30]. The UN, applies preventive diplomacy as an action to prevent disputes from arising, hence prevent the disputes from escalating between the two conflicting parties and limit the spread of conflict if and where it occurs. The United Nations as a whole is engaged in the mission of maintaining and promoting international peace and security as a primary purpose.

2.4.1 Negotiations and Mediations

Moreover, negotiation is a familiar way of tackling a conflict. It is basically an exchange of ideas between the parties in conflict to settle matters between them. Those ideas are typically exchanged directly, when parties communicate. Nevertheless, sometimes the exchange is indirect, for it can be expressed through public pronouncements, such as newspapers, or by a party inflicting harm to the other as a mean of sending a message or getting the upper hand while bargaining the possible solutions. The goal from all these methods of exchanging ideas is to reach an agreement to settle or temporarily halt the conflict, when not being able to settle things down.

There is a debate on the most appropriate timing for negotiation. On one hand, some see best that negotiation should start getting a settlement early, before the conflict deepens, positions harden, opposition to negotiate grows, and the costs mount. On the other hand, sometimes negotiations get better results when conflicts get serious, then each party figures out what is really at stake, how determined the other opponent is, and the possible consequences if reaching no deal.

On the other hand, mediation occurs when negotiations start to have difficulties in solving conflicts. It is usually an effort made by a third party to help resolve the dispute by launching and

---

[30] Terry Mays, " historical Dictionary of Multinational Peacekeeping", Lanham, Md, Scarecrow Press, 1996.

managing negotiations that seem impossible for the parties involved to settle by themselves. Mediation is more influential than negotiation due to the presence of a third party, international organizations or foreign governments, which play the role of encouraging the disputants to resolve the conflict. Hence, the mediators try to assist and influence the parties to go through the process of agreement. For instance, preventive diplomacy is a way of intervention where the mediators interfere before conflict deteriorates.

Mediation can be shaped in several forms. It can be informal, through which the conflicting parties meet and start negotiations. Sometimes, the mediators go public stressing on the urge to find a solution by applying a kind of pressure for the negotiations to take place in order for the parties in quarrel to take into consideration the international stand over the issue at stake. This latter occurs especially when mediators offer incentives stimulating dialogues between the disputers. Mediators can assist the negotiations in countless means, such as proposing an agenda or a schedule with a time and place for parties to meet, providing them with security and recordings of the meetings or potential agreements that could be made. If the negotiation is a success, the mediators would still have many requirements to accomplish, such as striving to implement the agreements made within the negotiations since the execution of the outcomes might be controversially difficult to be applied without any foreign thrust. Nevertheless, there is a need to pinpoint that the degree of the mediator's strength affects the degree of pressure and retaliation towards any attempt to violate the agreements made.

The United Nations provides various means through which conflicts can be resolved one of which is peace making[31], referring to the use of diplomatic tools to end conflicts and negotiate peaceful arrangements to end conflicts. However, there are doubts that negotiations and mediations are "the solution" for resolving conflicts. Putting too much confidence in them may be problematic if there were no contingency plans when no "solution" is to be found.

---

[31] Basic Facts About the United Nations, New York, 2004, p71.

2.4.2 Peace Keeping

The Security Council under Article 24 of the Charter is the organizational body that is directly responsible for this maintenance of international peace and security.[32] Thus, the Security Council is primarily responsible for establishing those operations that are required to keep and maintain international peace and security since it is the only body of the United Nations that has the right to authorize the enforcement measures whenever negotiation and peaceful solutions fail, as stipulated in Article 42.[33]

As the nature of conflicts changed from inters state conflicts to intra state conflicts, the initial response of the international community to these conflicts was to expand peacekeeping greatly. In the late 1980s and early 1990s, the number, size, scope, and cost of these efforts all increased dramatically. Three factors accounted for this growth; first the end of the Cold War brought an end to the superpower confrontation that so often rendered the UN unable to act.

A second factor was the change in the type and frequency of armed conflicts. The decolonisation and independence of so many countries since the end of World War II resulted in a surge in civil wars as political elites within these new nations struggled for dominance.

The third factor arose out of humanitarian concerns. As the international community struggled to deal with human suffering caused by the growing number of intrastate conflicts, policymaker saw peacekeeping as a vehicle for helping to solve or mitigate humanitarian crisis. Peacekeepers were often given the task of creating a safe and secure environment within which humanitarian actors should safely operate.

---

[32] Baehr, Peter R. & Gordenker, Leon. The United Nations in the 1990s. Second Edition. New York: McMillan Publishers, 1995, p. 48.
[33] Basic Facts About the United Nations, p.68.

Peacekeeping was developed as a series of ad hoc practical mechanism used by the United Nations to help contain armed conflicts and settle them by peaceful means. The mechanism devised by the United Nations to ensure international peace and security is outlined in Chapters VI, VII and VIII of the Charter.

During the current events that threaten world peace and order, the objectives of achieving global peace and security and in particular, the role of the Security Council in realizing these goals, faced numerous challenges. That is why there is a need to project the function of the Security Council in maintaining global peace and security, with special emphasis on the authorization of the use of force, in addition to exploring any potential ways to improve the role of the Security Council in the future.

Peacekeeping operations are a crucial instrument at the disposal of the international community to press forward peace and security. They are established by the Security Council and directed by the Secretary General sometimes through a special representative, depending on the nature of the mission. The United Nations has no military force on its own. Member states carefully negotiate the terms of their participation providing on a voluntary basis the personnel, equipments and logistics needed for the mission's success, having ultimate authority over their own forces.

2.4.3   Peace Enforcement

If the Security Council senses that the conflict is severe causing direct threat to International Security, enforcement measures can be issued by the latter. Such measures range from economic sanctions to Military retributions[34].

The use of sanctions seeks to apply pressure on a party or state to comply with the Security Council's demands, threatening of further escalations if not achieved. Nevertheless, one of the

---

[34] Basic Facts about the United Nations, p76.

deficiencies that this tactic brings had been expressed by many humanitarian agencies covering the new economic, social even political status quo which affects indirectly the vulnerable civilian segments of the population.

When peace making efforts fail, stronger action may be authorized if seen necessary. Using "all necessary means" to bring an end to the degradation of the situation is a tool which the Security Council can use.

2.4.4   Peace Building

Peace Building refers to the United Nations' efforts, including programs and activities, to assist and strengthen the states' or regions' transition from a state of war and anarchy to a state of peace and stability. This Building process usually starts by the signing of a peace agreement between the former parties in conflict, in which the United Nations plays a role in facilitating its execution[35]. Assistance varies from reintegration of refugees to building a new legitimate state, through democratic elections, strong enough to manage the country peacefully protecting its citizen from any breach of peace and security. The United Nations' assistance involves a wide range of organizations, such as the World Bank, regional and economic organizations, plus many nongovernmental organizations, with the collaboration of local citizens' groups.

---

[35] Ibid, p 78

3 THE UN CHARTER: TACKLING CHAPTERS VI AND VII

3.1 AN OVERVIEW OF TERMS AND CONCEPTIONS:

3.1.1 The Divisions Within the United Nations Charter:

In order to oversee that human rights and global peace are maintained, the United Nations was essentially created to face all these issues and adapt to the new realities that humanity would face. The role of the UN, first and foremost as an international organization, is to manage collective security in order to prevent global inconsistencies, without neglecting the rights of the world's population to live in liberty.

Keeping this in mind, we now turn our attention to the charter that acts as the founding backbone of the United Nations. The central mandate of the UN charter is to, as previously mentioned, maintain international peace and security. From this mandate, we branch off into two very different insinuating concepts: those of peacekeeping and peace enforcement. The UN Charter covers these concepts in two successive chapters that deal with peace and conflict. The first is 'Chapter VI', a section that emphasizes the need for global efforts needed to resolve conflicts through peaceful measures. Whereas, the succeeding 'Chapter VII' focuses on the Security Council's decision to offensively eliminate all sources of direct threat to international peace and to enhance and promote stability by whatever means necessary; including through coercive methods.

In 'Chapter VI', under the heading of "Pacific Settlement of Disputes", the Security Council is entrusted with several duties and commitments requiring member states to settle disputes. The first approach is to call upon all concerned parties to settle disputes by "…negotiation, inquiry, mediation, conciliation, arbitration, adjudication settlement, or to resort to regional agencies or arrangements, or other peaceful means of their own choice." The Security Council may also

"investigate" a dispute or situation to see whether it is likely to endanger international peace and security. Or the Security Council can consider any dispute or situation brought to its attention by any member state and "recommend appropriate procedures or methods of adjustment.

In 'Chapter VII', we find a sharp contrast in language compared to the preceding section. This chapter relates to actions undertaken with respect to "threats to peace", "breaches of the peace", and "acts of aggression". Due to the perceived escalation in the situation, this chapter's language expectantly permits the Security Council to engage in more direct and drastic actions. The council would first impose sanction; with the result being "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." Should these measures not suffice to coerce the implicated parties into a peaceful state, or if the measures are deemed to be inadequate to maintain or restore international peace and security, the United Nations, with the collaboration of multilateral armed forces, will seek to directly impose order in order to find a settlement to the conflict situation since the parties concerned show no signs of agreement and resolution. Here, it is necessary to highlight the responsibility of UN member states to amass forces available for deployment when required.

3.1.2- The Binding Nature of the Security Council Resolutions

Although the Security Council never had at its direct disposal the military or the financial means that would enable it to execute its decisions, the compulsory nature of Security Council decisions upon members has specified a lot of authority and power in this body[36]. Taking the 25TH Article of the Charter as an example, it empowered the Security Council "to make decisions binding

---

[36] Ibid, p 9.

upon all member states, to order economic sanctions, or blockades, or take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."[37]

The obligatory nature of Security Council decisions constitutes one of the major factors that differentiate it from the recommendations of the General Assembly. The General Assembly's recommendations are not binding to states and therefore, it is not uncommon that they are left ignored or neglected. On the other hand, the binding nature of the Security Council decisions enables it to transform itself "into a supranational body with a global authority."[38] That fact is also empowered by the fact that all UN member nations, whether they are represented in the Security Council or not, are bound to "make available to the Security Council...armed forces, assistance, and facilities including rights of passage, necessary for the purpose of maintaining international peace and security."[39]

3.1.3- The one exception from the need of the Security Council's Authorization

According to Article 2(4) of the UN Charter, "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."[40] The exception to this prohibition on the use of force is mentioned in Article 51 when a state is using force in the cases of "individual or collective self-defense against an armed attack."[41] Nevertheless, Article 53 clearly points out the fact that "no enforcement shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council."[42]

---

[37] Max Jakobson. The UN in the 1990s: A Second Chance? UNITAR: A Twentieth Century Fund Book, 1993, p.21.
[38] Ibid, p.78.
[39] Ibid, p.70.
[40] Bruno Simma. "NATO, the UN and the use of force: Legal aspects." , p2 www.unausa.org/issues/sc/simma.htm,.
[41] Ibid, p.2.
[42] Ibid, p.2

3.2   THOSE INNOCUOUS TERMS 'PEACEKEEPING' AND 'ENFORCEMENT':

Although the term 'peacekeeping' is not specifically mentioned in the UN Charter, one should understand that this gives the Security Council primary responsibility for the maintenance and promotion of international peace and security. The Council alone is to create and define the girth of 'peacekeeping' missions. Although this sounds direct, complications arise due to Charter also enabling any of the 5 permanent member states to veto decisions on peacekeeping missions. At this point, it is worth mentioning that the Secretary-General directs and manages the UN peacekeeping missions, and must report directly to the Security Council with regards to progress made in ever mission. Via the 'Department of Peacekeeping Operations', the Secretary-General (SG) formulates policies and procedures and makes recommendations on the establishment of new missions and on the functioning of ongoing missions. However, the most significant matter to be aware of in this process is that the soldiers serving in UN peacekeeping missions do not swear allegiance to the United Nations. Rather, governments that volunteer military and civilian police personnel meticulously negotiate the terms of their participation. They retain imperative authority over their own military forces serving under the UN flag; including disciplinary matters. To illustrate this, peacekeeping soldiers wear their own national uniforms, but commonly wear blue berets or helmets to identify themselves amongst the unilateral forces.

3.2.1 Weaknesses of UN control over it forces: Case study of Bosnia

Taking Bosnia as a case study, a proof of how necessary but weak United Nations control should be over its armed peace forces should be would be cleared out. The war between 1992 and 1995 completely destroyed the Bosnian economy. It also radically changed its population's structure of life.

In the post conflict setting, the absence of an effective and properly functioning police force, judiciary and penal system made human trafficking a highly profitable and "low risk activity" because apprehension is unlikely, prosecutions and punishments are rare even for Bosnian nationals.[43]

Following the end of the armed conflict and the arrival of large numbers of foreign troops as part of the UN peace mission, number of night clubs and foreign nationals "working" there grew suddenly. Most of the bars opened near military bases, indicating that foreign troops were the best clients. Some of the local NGOs reported that as many as 50 per cent of the clients were foreigners, mainly 20 000 foreign NATO troops stationed, known as SFOR -the NATO Stabilization Forces- in 2001 and IPTF soldiers -known as the International Police Task Force- responsible for assisting in the restructuring and training of law enforcement agencies, with the aim of creating police forces that are democratic, multi-ethnic and adhere to accepted international standards. IPTF is comprised of international civilian police officers from member states of the UN.

A Human Rights Watch study (*Hopes betrayed, trafficking of Women and girls to post-conflict Bosnia for forced prostitution*) gave evidence of IPTF and SFOR US civilian contractors' involvement in trafficking in women and sex trade[44]. Some were "just" clients, but others were directly involved in purchasing women and their passport from outright from "owners"-traffickers or transporting girls in official cars. In April 2002, 18 IPTF personnel were implicated in "incidents of sexual misconduct".(and sent home...no prosecution)[45]

---

[43] Counter-Traficking Regional Clearing Point, First Annual Report on victims of trafficking in South Eastern Europe, p115

[44] Human Rights Watch, 2002, p73. http://www.hrw.org/reports/2002/bosnia/

[45] U.S. Department of State, 2003, p175 http://www.state.gov/g/tip/rls/tiprpt/2003/

- Cover-up and lack of transparency in the investigation, as one high level UN official told Human Rights Watch: "the attitude is that the dirty laundry should be washed inside the family; the people fighting trafficking are very good, but they meet resistance inside the IPTF."[46]

- SFOR US civilian contractors' involvement; most of them employed by DynCorp (US-based agency DynCorp, registered with the State Department to provide American police officers to work on humanitarian and peacekeeping duties). DynCorp employees purchased women for use in Bosnia, and then sold them before returning home. After Katryn Bolkovak, a Human Rights investigator and UN Gender monitor sent an email to the chief of the UN Mission in Bosnia-Herzegovina – Jacques Paul Klein- exposing the sexual exploitation of women by those who had been sent to protect them from sex trade, she was unfairly dismissed by her employer, DynCorp.[47]

3.2.1 .1Legal immunity and impunity for peacekeepers involved in trafficking

While Bosnian domestic laws regulate the acts of citizens of Bosnia and of ordinary individuals from other states present in the country, foreign nationals serving with UNMIBH- United Nations Mission in Bosnia and Herzegovina- and on civilian contract to NATO peacekeeping forces can be repatriated but enjoy almost complete immunity from prosecution (it is important to note that soldiers serving with SFOR in Bosnia remain subject to their own military codes of justice). Although it was assumed that countries of origin would prosecute and discipline their citizens upon their return home for crimes committed in Bosnia, this had rarely happened in practice.

Concerning SFOR[48] : The 1995 Dayton Peace Agreement provides immunity from personal arrest or detention, and in respect to acts done by them in the course of the performance of their

---

[46]The Trafficking Victims Protection Act of 2000 (TVPA), Division A of Pub. L. 106-386,
http://www.ojp.usdoj.gov/vawo/docs/victims.pdf,
Colum Lynch, December 27, 2001; Page A17.
[48] Ibid.

mission, immunity from legal process of every kind. In conjunction with the functional immunity provided under the Convention, the Dayton Agreement provides that NATO military personnel are under the exclusive jurisdiction of their respective nations, for example, the US alone has the right to exercise jurisdiction over any offenses committed by members of the US military in Bosnia. (however, in practice is there any case of a SFOR US soldier brought to court martial ?)

As for the IPTF[49]:   Under the Dayton Peace Agreement, the IPTF monitors are not subject to arrest or detention and have full UN immunity from prosecution within Bosnia. Without a waiver of immunity by the UN Secretary General, IPTF monitors can never be brought before Bosnian courts for the crimes they are alleged to have committed. However, the Secretary General would probably never waive immunity, because of the fear of creating a disincentive for nations supplying officers.

The ultimate sanction available to UN officials against members of the IPTF is removal from service and repatriation. The worse thing is, in the rush to repatriate the IPTF and silent the media uproar, UNMIBH indirectly scuttled the prosecution of the owners of the nightclubs: the monitors were not interrogated before they were sent home, while they could have provided evidence.[50]

3.2.2 Step taken recently by the UN against such crimes:

The UN Department of Peacekeeping Operations has created special units in each mission to monitor conduct and report incidents, and even printed pocket-sized reminders of the peacekeeper "code of conduct." The Office of Internal Oversight Services, an independent body, looks into all cases of serious misconduct of U.N. workers, including all complaints involving sexual exploitation and abuse. There are eight alleged cases of sexual abuse by U.N. personnel in Liberia have been reported

---

[49] Ibid.
[50] Ibid.

since 2006. While the investigations are ongoing, one case demonstrated the staff member involvement in sexual abuse and was immediately suspended.

The United Nations, headed by Kofi Annan at that time, committed itself to prevent, identify and sanction the abhorrent practice of sexual abuse and exploitation. In Liberia, with the full compliance with the secretary-general's bulletin 'special measures for protection from sexual exploitation and sexual abuse' a policy of zero tolerance had been established.

Since Jan. 1, 2004, hundreds of cases of alleged sexual violations were being investigated, releasing few UN staff and sending home a little than a hundred military personnel and national police from their missions, including six commanders[51]. The UN Security Council declared that the countries contributing troops to the UN missions should hold their troops more accountable, urging them to prosecute violators in their country. France is one of the examples of countries that trialed its UN staff and it has imprisoned one of its peacekeepers for apparently filming himself his sexual encounters with children in Congo.

All the same, the bottom line is that approval of member states is imperative. If any party refuses to come aboard, the Security Council may not impose terms upon it.[52]

Under the umbrella of Chapter VI, there are three fundamental characteristics which peacekeeping forces rely upon in carrying out there mission.

First and foremost, the mission is to be conducted only with the consent of all parties concerned; specifically the state upon whose territory the forces are to be deployed.[53] Furthermore, the force

---

[51] Michael J. Jordan, June 21, 2005 http://www.globalpolicy.org/security/peacekpg/general/2005/0621sexabuse.htm
[52] Boutros Ghali, *Beyond Peacekeeping*, New York University Journal of International Law and Politics, vol.25 (1), fall 1992.
[53] Urquhart Brian 1990. HTTP://www.iisd.org/security/unac/urqudoc.htm

should be formed of troops from different nations that are "neutral" and unbiased towards the conflict in question; whereby it is down to the host state to approve their deployment within its borders. The number of these peacekeeping troops obviously varies relative to the size and scope of the mission. In certain cases, one might find a handful of observers and officers, and in other cases, thousands of military personnel. Upon the parties' consent, the Secretary-General will permit the peacekeeping forces full freedom of movement within the mandate area, communication, and other facilities that are considered vital for the healthy performance of assigned tasks or mandates.

The second characteristic is the "non use" of force except in conditions of "self-defense". Usually, the use of force must be clearly defined in the rules of engagement. In traditional peacekeeping operations, force will not be used to carry out the mandate. Minimum use of force does not exclude self-defense of United Nations personnel and property. This practically means that no UN personnel may fire his arm unless a hostile party shoots first.

The third characteristic is "impartiality". The peacekeeping mission must undertake its task with utmost objectivity vis-à-vis the conflicting parties and perform its functions under the strict mandate to which it is accountable.

The fourth characteristic is credibility. The credibility of a peacekeeping operation is essential for the confirmation of its ability to accomplish its mandate gives it more legitimacy. In order to be credible, the peace keeping forces should be composed of trained personnel who are well equipped and possess high professional standards.

Negotiation and mediation have enormous potential in de-escalating a conflict, in promoting a secure environment and developing peaceful and lasting solutions to a conflict.

A traditional peacekeeping mission is primarily a political operation. The head of the mission is responsible for establishing the foundations of the various components of the mission, considering the political objectives defined in the mandate. The framework for dealing with rapidly changing or unanticipated situations that require an immediate response is bindingly established upon ten characteristics:

- First, Transparency is consistent with the prevailing requirements for security. All parties should be fully aware of the motives, mission and intentions of the operation.

- Second, a peacekeeping operation may involve a wide range of organizations, e.g., United Nations relief agencies and non-governmental organizations. Personnel at all levels should seek to establish and nurture coordination within the mission, with United Nations headquarters, within their operational areas and with the local population.

- Third, Communication should be established at every possible level at the earliest opportunity.

- Fourth, Information is essential for the force in order to make continuously updated assessments of the attitudes and capabilities of the parties concerned.

- Fifth, the area of operations is strictly defined, operations to gather information are limited, and the Rules of Engagement will normally forbid the use of force unless absolutely necessary for self-defense.

- Sixth, Peacekeeping forces are normally lightly armed, and will deploy with only the armaments required for self-defense, consistent with the mandate and the situation in the area of operations.

- Seventh, the physical visibility of a force is enhanced by g forces must also make their intentions perfectly clear to all parties. Ninth, all activities of the force and all incidents it encounter swearing distinctive, easily recognized United Nations headgear, badges, signs and insignia. Peacekeeping be

mobile in order to navigate large areas. They must have the capacity to respond rapidly to incidents that may have political ramifications. Therefore, reporting and decision-making may be more centralized than in standard military operation. Forces must have adequate communication systems to facilitate the rapid transmission of information from the lowest level in the field to the mission headquarters.

— Eighth, Peacekeeping forces must Last but not least, the Peacekeeping units should arrive in the area of operations, as soon as possible, with sufficient stores to operate until a logistics base is in place after a seize fire agreement takes place.

The primary military objective of most traditional peacekeeping operations is to occupy a clearly recognized interposition buffer zone. Traditional peacekeepers are authorized to use force only in self-defense. Traditional peacekeepers are never intended to use active force to coerce belligerents and were of course never structured for this or mandated to do so. Despite this passive approach, operations are still often dangerous.

Some of the peace keeping missions take shape of involvedness depending on the complexity of the nature of the mission. Complex peacekeeping operations may be authorized under Chapter VI and VII. These operations are multi functional missions in which the military component is only one part of a comprehensive political, diplomatic, humanitarian, and economic effort. The objectives of these missions include supporting civilian components and non governmental organizations in the provision of humanitarian aid, the organization and protection of elections, the supervision of government functions, the disarmament and demobilization of large number of parties, the repatriation and rehabilitation of refugees, the protection of safe areas, restoration of national government and institutions, and other missions. These tasks are also done as auxiliary missions in many traditional peacekeeping operations, but on a much smaller scale and with much less emphasis than in complex

peacekeeping operation. The actual military missions of complex peacekeeping operation are more complicated than those of their buffer zone predecessors, even when conducted in a permissive environment.

The environment of complex peacekeeping operations, are considerably more bellicose and complex than those of traditional peacekeeping. In contrast, the environment of complex peacekeeping operation is characterized largely by unstable intrastate conflicts. Complex Peacekeeping missions take place frequently in hostile environments where a pervasive state of war existed or was in temporary remission.

Nevertheless, the two notions of peacekeeping and the concept of enforcement should not be befuddled. UN peacekeeping usually relies on the consent of the adversary parties and entails the deployment of peacekeepers to implement the approved agreement by those parties. Whereas enforcement measures differ, the Security Council grants its member states the ability to take all necessary measures in order to achieve the objective agreed upon[54]. Consent of the parties is not required. Unlike peacekeeping, peace enforcement is covered in Chapter VII of the Charter; and is under the supervision and authority of the Security Council[55]. Upon failing to employ all peaceful means of coercion stated in articles 40 & 41 of the Chapter, the United Nations declares the use of all means of force required to solve the issues at hand. The organization takes enforcement actions only against the party that is responsible for threats to global security and peace, and who breach or aggress or refuse to comply with prior peaceful decisions agreed upon. So, the non-use of force except in self defense and impartiality are the clearest basis for peacekeeping missions, whereas the opposite of these two characteristics forms the basis for peace 'enforcement'.

---

[54] OCHA Orientation Handbook on Complex Emergencies, August 1999
[55] UN, An Agenda For Peace, Second edition, New York:DPI, 1995, par 44

Although enforcement action has been used in very scarce occasions, Chapter VII gained territory over Chapter VI. Thus, the rebirth of Chapter VII is considered as the most significant manifestation of the revived role for the UN after the Cold War. The string of resolutions on Iraq, especially the audacious Resolution 687 (3 April 1991), suggested a new political will among the Permanent Five to use enforcement measures frequently. Chapter VII became the necessary resolution to the crises in Somalia, Angola, the former Yugoslavia, Haiti, and Rwanda; and its use in the name of counterterrorism in the sanctions against Libya brought innovative guidelines. For the production of an agreement and a compliance of the conflicted parties to a settlement or even a cease fire was absent, and meanwhile the intensity of fights were destructively dangerous.

This division between the two types of 'peace' has been found to cause a problem that widens the theoretical dichotomy. Whereby we find that in enforcement operations that require heavy and costly machinery tend to be conducted by powerful wealthy countries on the Northern hemisphere; whereas peacekeeping operations, that require less criteria, are overwhelmingly conducted by less developed nations of the Southern hemisphere.[56]

Chapter VI remains in the shadow of Chapter VII. As the Council uses Chapter VII more frequently, the likelihood that States will regard Chapter VI resolutions lightly as merely suggestions that the parties may take or leave will increases. Chapter VI resolutions are too often treated by States as mere options. This wipes out the many nuances of seriousness in with which the Security Council acts as 'requests,' 'urges', 'calls upon', 'demands' into one legal overtone.

---

[56] Simon Chesterman , *The Use of Force in UN Peace Operations*, New York University School of Law, 2004.

3.3   THE TWO UN CHAPTERS IN DETAIL:

The following sections go through all the articles of the pertaining Chapters as I elaborate on the literature present in the UN Charter. This detailed account is of importance not only to the current chapter, but more so in the succeeding section when we tackle the issue of UN mandate in Lebanon. All quotations are extracted as-is from the Charter.[57]

3.3.1   Chapter VI:

As mentioned earlier, the language of each chapter is very specific and unique to the other. In the first article of Chapter VI – entitled "Pacific Settlement of Disputes" – the words "negotiation", "enquiry", "mediation", "conciliation", "arbitration", and "judicial settlement" are used to describe what needs to be done in the event when parties enter into dispute. The states in question are responsible for maintaining international peace and security, and should first address their problems in the manner described above, or find an alternative "peaceful means of their choice". Should disputing parties not take this initiative themselves, the Security Council reserves the right and responsibility to call upon the involved parties to settle their disputes by the very same means illustrated. Furthermore, the Security Council reserves the right to "investigate" any dispute or situation that may escalate – leading to international "friction" or rise to a dispute – with the intention of ascertaining whether or not the continuance of the matter or situation may lead to "endanger the maintenance of international peace and security".

As a guideline, the Chapter explains that any member or non-member state has the right to bring any dispute to the attention of the Security Council or of the General Assembly if the party accepts the obligations of pacific settlement provided in the Charter. Having identified a specific

---

[57] United Nations Charter.

dispute and taken it to the organization, the Security Council is given the right to "recommend" appropriate procedures or methods of adjustment at any stage of the dispute.

Should the disputing parties not manage to settle their differences by the means indicated in the first article of the Chapter, they are all required to refer the matter to the Security Council; whereby the pacific solution of the matter is left in the hands of the organization, but which in turn is somewhat bound to the 'methods' explained in the articles of this Chapter.

3.3.2   Chapter VII:

Chapter VII -- entitled "Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression"-- is a lengthier and takes a more dramatic take on disputes and situations endangering international peace or collective security. The Enforcement Measures of the Security Council are based on Articles 39 through 47 of Chapter VII of the United Nations. According to these articles, the Security Council has to take Enforcement Measures whenever there is a threat to peace, a breach of peace and acts of aggression.

The Chapter begins by stating that the Security Council has the function and right to determine what constitutes any "threat" to the peace, breach of the peace, or an "act of aggression". Upon identifying the mentioned situations, it shall take all measures necessary to restore international peace. The party or parties concerned will then be "called upon" to "comply" with those measures that are deemed necessary or desirable by the Council; and the Council will duly take into account the failure of a any party to comply with such measures.

Article 42 on the other hand, relates to the military measures that the Security Council can resort to in case the non-military measures failed. These measures include the use of military land, navy

and air force, from contributing United Nations member states, against the aggressive state in order to restore peace and order. [58]

Should isolation not make an impact or come out as inadequate, the Security Council reserves the right to take action that "may be necessary" to restore the peace.

The succeeding articles describe the nature and conditions in which member states contribute forces and personnel to the peace mission. Whereby all members of the United Nations – in order to participate in the act of maintaining and reestablishing peace and security – undertake to make available to the Security Council armed forces, assistance and facilities including rights of passage on its call.

This necessary reaction to the Security Council's call can only occur in accordance with special agreements agreed upon with regards the function and characteristics of the force in question. Such characteristics include: the number and type of forces deployed, their "degree of readiness", and the nature of the facilities and assistance to be provided.

Both Articles 46 and 47 indicate that the Security Council is to be the supreme commander of all military forces to be provided by the UN member nations to carry out the necessary collective security measures that aim at restoring peace and order.[59] So the Security Council is the United Nations' main constituent in settling conflicts and not the Secretary General. The Security Council, being formed by mainly five permanent members made out of interest states, enables each state to veto any decision or "resolution" not seen fit with their domestic or foreign policies.

---

[58] Masri, Chafik. The New World Order. Beirut: Dar Al-Ilm Lilmalayeen, 1992,p. 107.
[59] Ibid p.107.

3.4 CASE STUDIES OF THE SECURITY COUNCIL ENFORCEMENT OPERATIONS

The activities of the Security Council regarding the implementation of measures that lead to global peace and security are divided into two broad and distinct categories, namely peacekeeping and peace enforcement. The issue of the use of force is restricted to the second function.

Since enforcement operations are military campaigns that aim at deterring an opponent from committing aggressive acts, and when deterrence fails, the aim of the operation becomes to defeat the opponent in battle.[60]

Therefore, an enforcement operation aims at defeating one of the opponents and at seizing territories in order to establish control or to spread sovereignty of the rightful side. Security enforcement forces are authorized by the Security Council to carry out military operations that may involve inflicting defeat on a belligerent party. Enforcement, however, is not restricted to the use of force. In fact, authorizing the use of force by the Security Council is usually a last resort after other measures had failed. Thus, enforcement implies that "the international community, through escalating measures that ultimately threaten war-making and military defeat, attempts to force an aggressor off its track."[61]

The initiation of security enforcement operations involves several steps of action by the Security Council. To start with, the Security Council gathers information about the conflict and based on its analysis of the situation, "an aggressor is collectively identified and punished by an escalating

---

[60] James Boyd. United Nations Peacekeeping Operations: A Military and Political Appraisal. New York: Praeger Publishers, 1971, p.29.

[61] Ruggie, John Gerard. "Wandering in the void: charting the UN's new strategic role." Foreign Affairs, November/December 1993, p29.

ladder of means until its aggression is reversed."[62]The use of military force is always considered to be the last resort for the Security Council as usually. The first step usually condemns the aggression and threatens to impose enforcement measures, usually of economic nature. These measures, not involving the use of force are pointed out in Article 41. Examples of such sanctions are those that were imposed on Libya for harboring the suspects in the Luckerby bombing case and on Serbia for its ethnic cleansing in Kosovo. The sanctions imposed on Libya were considered to be of a severe nature since they involved the blockage of Libya's air traffic. Council decisions and handed over the suspects. Sanctions were lifted when Libya complied with the Security

So when a conflict breaks out, the Security Council is mandated to call on the parties to settle their disputes by peaceful means, to recommend procedures or methods of adjustment, and in addition, to recommend actual terms of a settlement. This has been the role of the Security Council since its formation, and it continues to be as such today.

Since 1945, the Security Council had only been involved twice in enforcement operations, namely in South Korea and in Kuwait.

3.4.1 Involvement in Korea

The first case in which the Security Council authorized the use of force was in 1950 when the North Korean troops invaded South Korea. An emergency session of the United Nations Security Council was held to discuss the invasion. The council passed a measure that called for halting the North Korean invasion. The only reason for this successful decision was that the Soviet delegate to the Security Council was absent because he was protesting the United Nations refusal to admit the People's Republic of China to its ranks. Therefore, the Soviet Union could not veto the Security Council's

---

[62] Ibid, p.28.

decision. On June the 27th, Harry Truman, the President of the United States, under recommendation from the Security Council sent military forces to help South Korea. Had the Soviet delegate attended the Security Council session, the recommendation of the use of force under US command would have never been passed. Still, even when this recommendation was made available, Soviet indirect support to the North Korean and later to the Chinese forces contributed to elongating the crisis and to increasing its costs in human lives and funds.[63]

The Security Council's decision was an indirect authorization for the use of force arising from the breach of peace as obvious in the Security Council Resolution 83, "The Security Council recommends that the members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."[64]

Hence, the Security Council did not rely on Articles 46 and 47 to initiate a Security Council-led military operation, but rather, delegated this role to the UN member nations that were capable of furnishing their military assistance to the Republic of Korea.

The resolution provided by the Security Council in Korea was not the ideal role or function of the Security Council. This situation resulted from several factors and causes. First of all, the decision was carried out without the approval of the Soviet delegate who was away and could not attend to vote on the issue. Hence, the decision was not actually made with an authentic agreement among the members of the Council. Secondly, the entire process of voting on the initiation of the force and later on the dispatch of the forces to Korea was carried out very quickly with the objective of launching a

[63] Morphiet, Sally. "UN Peacekeeping." In Adam Roberts and Benedict Kingsbury, eds., United Nations, Divided World. New York: Clarendon Paperbacks, 1995, p. 87.

[64] Masri, p 110.

war rather than achieving a peace. The United States had a major interest in leading the military activities in South Korean as part of its strategy to show its Soviet rivals that it had the political and military power to lead a war near their borders, and to boost its prestige and power in the international organization. Thus, the formation of the forces that were sent to Korea was part and parcel of Cold War politics, rather than a peace-targeting operation.

3.4.2 The Use of Force in Kuwait

In 1991, the Security Council authorized the use of force for a US-led military coalition to end the Iraqi occupation of Kuwait. Iraqi forces had invaded Kuwait in August 1990 and immediately annexed it. The Security Council immediately condemned the invasion and annexation and warned Iraq to withdraw all its forces from Kuwait immediately. When the Iraqi government refused to comply with the Security Council resolutions, the Council immediately commissioned the United States to enforce its resolutions. At the same time, and before the military operations were carried out, the Security Council imposed severe economic sanctions on Iraq while negotiations were still conducted in order to bring a peaceful end to the conflict.[65] Once all efforts had failed, the use of force was finally initiated until the Iraqi forces were defeated and forced out of the Kuwaiti territories.[66]

The Gulf War was perhaps the least controversial case for the Security Council. One reason for this is that Iraq's president, Saddam Hussein, did not try to conceal his aggression with any pretext. Rather, he simply announced that his forces were invading Kuwait to annex it to Iraq, a naked act of aggression without any diplomatic support. This was not only in defiance of all known norms of international laws and diplomacy, but it also made it impossible for any party to try to defend the Iraqi regime. Even Russia and China found it too embarrassing not to condemn the Iraqi aggression or to

---

[65] , Giandomenico. "UN and the Use of Force." <u>Foreign Affairs</u>, August, 1994, p.15
[66] Ibid., p.16.

condone it by not voting for an authorization of the use of force. Secondly, all efforts of intermediation that took place during the months between the aggression and the use of force by the Security Council proved to be futile, and Saddam Hussein made it clear that he was not going to accept any diplomatic efforts to end the conflict. Thirdly, the invasion of Kuwait represented a threat to the world economy, especially that Kuwait is considered to be one of the fifth largest oil producers in the world. Allowing a tyrannical and aggressive dictator to control all these resources was a direct threat to the economies of the world, especially the industrial countries. In other words, Saddam Hussein's lack of political and diplomatic tact forced the international community and the Security Council to authorize the use of force. This is not to mention that there existed a consensus among Security Council members and world states in general on the fact that the aggression of Iraq against Kuwait was an ultimate threat to international peace and security.[67]

Obviously, the US government had a very strong incentive to lead the world to war under the banner of the United Nations Security Council. The Russian and the Chinese governments could have easily blocked and vetoed the authorization given by the Security Council to use force. However, this did not happen for three main reasons. First of all, Saddam Hussein embarrassed the Chinese and Russian governments, as well as any other government that would have wanted to support him by defying all the values that were shared by world nations such as stating that he had the right to take over Kuwait for it is naturally a province or part of his Iraq. Hussein did not even try to provide a political cover for his aggression, but rather, made it far too easy for the US to secure the approval of all members in the Council. Secondly, the permanent members of the Security Council were aware of the economic and political threats that were to result from the control of the Kuwaiti and Iraqi oil by the same government, not to mention that Saddam Hussein's threat against the rest of the Gulf would

---

[67] Ibid, p.15

have had a very dangerous impact on the prices of oil. Thirdly, the crisis took place at a time when the Soviet Union and China were both opening up onto the United States and relations had never been better, especially that the Cold War had just ended. In other words, the permanent members of the Security Council were enjoying positive relationships at the time the crisis started, shared similar attitudes and interests relating to the crisis, and had shared opinions as to how the crisis was to be resolved.

Despite the military operation's success in Kuwait, the Security Council's role was actually undermined by the course in which the use of force was authorized and applied. The authorization of the use of force was articulated in Security Council Resolution 678: "The Security Council authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements....the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area."[68]

By virtue of this resolution, the Security Council simply waived its primary responsibility in maintaining or restoring peace and security and delegated this responsibility to the UN member states. In fact, the Security Council also waived its responsibilities stated in articles 42 to 47 in Chapter VII since it did not lead the military operations in Kuwait, did not activate its role as a military command of such operation, and it did not even receive reports on the operation altogether, leaving it to the United States forces and its command to take full charge of the operation.[69]

---

[68] Masri, p. 111.
[69] Ibid, p. 112.

3.4.3 Unauthorized Use of Force in Kosovo

When the use of force was applied in South Korea, the US succeeded in obtaining recommendation for the use of force and for carrying out the operation because the Soviet representative in the Security Council was absent. In Kuwait, the military operation was also authorized by the Security Council. It was believed at the time that the end of the Cold War was going to empower the Security Council with the proximity of its permanent members. However, the conflict in Kosovo only proved this to be too high an expectation for its execution would be harder without the Security Council's approval.[70]

Nevertheless in the case of Kosovo, the NATO conducted military operations against the Former Republic of Yugoslavia (FRY) without any authorization from the Security Council. Such authorization would have been impossible since neither China nor Russia were willing to let such a decision pass the veto test. At the same time, the US and the UK wanted an immediate authorization from the Security Council under the pretext that delays in authorizing the use of force by NATO was only helping the Serb regime to carry out its strategic objective of expelling the ethnic Muslims from Kosovo. As a result, the Clinton administration depended on the condemnation of the Serb violations and considered them as an authorization for the use of force, together with direct support from the Secretary General. This way, the US succeeded in giving some sense of legitimacy to its use of force through NATO against FRY.[71]

However, this gave rise to serious issues and disagreements, even among NATO members, especially France and Germany, both that believed that the UN Security Council authorization was

---

[70] Simma, p. 8.
[71] Ibid, p.9.

necessary before the operations would be launched. It took the US administration numerous efforts before its own allies inside NATO were finally to agree on the campaign in Kosovo.

The supporters of the American decision argued that obtaining a decision from the UN Security Council was impossible and that the US had had to intervene in order to stop the atrocities and the violations of human rights in the region. Waiting for the UN Security Council to come up with a decision would have postponed any effective decision for months, a period that the Serb government could have used effectively to carry out its plan to push the Muslims out of the region entirely.[72]

Between the Gulf War and the war in Kosovo, many factors had changed, especially inside the Security Council. First of all, although the Soviet Union had completely disintegrated, the new Russian Federation was less willing to cooperate with the United States than was the Soviet Union in its last days. Secondly, Serbia as a leading member of the Former Republic of Yugoslavia was considered as a historical ally of Russia, especially as the two countries shared similar political and religious cultures for many years. Hence, interference in Serbia's affairs was a threat to Russian interests in the Balkans, especially by the US government.

At the same time, new rivalry had been rising between the US and China, especially as the Chinese resented the American intervention in their political affairs under the pretexts of regulating international trade and the preservation of human rights. It was not likely that the US would be able to secure a Chinese approval regarding the necessary authorization of the use of force by the Security Council in order to launch war in Kosovo. The US was aware that it was impossible to avoid a Russian and Chinese veto in the Security Council and hence did not present the matter for deliberation, but rather, acted without involving the Security Council or getting its approval. This, however, has seriously endangered the role, function, status and prestige of the Security Council.

---

[72] Ibid, p. 9.

3.5 THE USE OF FORCE IN UN PEACE OPERATIONS[73]:

History has shown that the United Nations is generally reluctant to employ the use of force with it military units. Thus, despite applying Chapter VII in terms of sanctions and embargoes on suspect states or parties, the actual use of military force has been scarce. In three of the past peace operation involving troops engaged in the use of force on a large scale – Congo (1960), Somalia (1993), and Bosnia and Herzegovina (1994) – the organization suffered traumatic experiences. The controversy surrounding the decision to use force is only eclipsed by the decision of the United Nations to not use force at all when it came to the repulsive cases of Rwanda and Srebrenica.

Such reluctance is said to stem from the traditional conception of peacekeeping – which is an "impartial" activity undertaken with the consent of all parties (Chapter VI approach), and where force is only used in cases of self-defense. However, what with the current lessons that UN peace operations have been teaching us, the three main characteristics of "traditional" peacekeeping – consent, impartiality, minimum use of force – have been brought into question.[74]

During the Cold War, there was a development of a doctrine, whereby we went from a state of self-defense to "defense of the mission". After the Cold War, the context changed whereby force was used under radically different auspices. By delegating authority to member states, a division of labor soon appeared whereby "enforcement" operations and "traditional" peacekeeping became two very separate matters. As mentioned earlier, one problem that arose is that enforcement operations were conducted by nations from the Northern hemisphere, whereas traditional peacekeeping was conducted by less developed countries of the Southern hemisphere. Reforms indeed need to be made by altering the doctrine in a clear manner that dissolves the multiple interpretations and confusion that surround

---

[73] Chestermann Simon, p. 2-19
[74] Ibid. p.2

current mandates and missions – such as the case of UNIFIL in Lebanon. I presented the details of the articles in Chapters VI & VII to highlight the shortcoming and lack of depth in detail with regards to procedure and responsibilities.

3.6 'PEACE' MISSIONS' OUTCOME: THE NEED FOR REFORMS:

3.6.1 Weaknesses of the Security Council

3.6.1.1. Inadequate Capacity to Execute Decisions

Yet, with all this seemingly enormous power, authority and access to resources, over the past five decades, the Security Council has suffered a number of serious weaknesses that limited its role and prevented it from accomplishing its functions and missions properly. To start with, the Council suffered inadequate capacity to ensure the proper execution of its decisions, especially that this capacity depended on harmony, agreement, and mutual interests of its permanent members who enjoy the veto right, that is, the major powers. Conflicts that have not been resolved in decades despite the existence of Security Council decisions as in Lebanon, Cyprus, Kashmir, Darfor and others stand witness to this weakness. Political considerations have always lurked over these failures. For example, in Lebanon, the Security Council was not able to enforce its measures because the aggressive party, Israel, enjoyed the full support of the United States and was therefore protected by the American veto.[75] As for the Syrian case, many do not tackle or even dare imply its "occupation" of Lebanon. Although the Taif Accord mentioned that Syrian presence in Lebanon was needed at that time, a time table was put for the Syrian troops to withdraw in several phases that never happened until 2 years ago. That fact created a kind of animosity over the Syrian regime exhaustive dealings with the Lebanese internal affairs starting from appointing presidents to the smallest affair a common citizen dealt with. Recently Lebanese domestic

---

[75] Skogmo, Bjørn. International Peacekeeping in Lebanon: 1978-1988. London: Lynne Rienner Publishers, 1989, p. 17.

claims for defining clear borders with Syria and establishing diplomatic relations between the countries are presented to the whole international community. Nevertheless, So many domestic, regional and even international pressures, one cannot know their magnitude, subsist prohibiting its execution. Similarly, in the case of Cyprus, the US was not willing to enforce military or non-military measures against either Turkey or Greece since both countries were allies of the US in its Cold War against the Soviet Union.

3.6.1.2. Inadequate Access to Resources

Secondly, the Council having inadequate access to resources for peacekeeping or enforcement suffered the inability to bring together the various resources available elsewhere in the system for the objectives of conflict prevention, peace-building or peace enforcement. One example of this weakness is the fact that it has taken 18 years to carry out UN Security Council Resolution 425 demanding the withdrawal of Israeli forces from South Lebanon, and even then, the fulfillment of the resolution was partially executed but a part of the Lebanese territory, "Sheba Farms", remains debatably unsettled over its belongings. Similarly, it took years to end the Iraq-Iran War, and years to achieve the withdrawal of the Soviet forces from Afghanistan, or even end the civil war in El-Salvador. The root of the problem is that the Security Council does not have its own armies nor weapons, rather it has to rely on the military resources of UN member nations, and to a greater extent on the resources of the permanent members of the Security Council. These members are not willing to have their forces under the command of another party, nor are they willing to volunteer their resources to achieve resolutions that may not be useful to their interests or that may threaten their interests. Here we go back to the realist perspective of the state's first and utmost interest which demolishes the utopian reason of the establishment of the Collective Security Principle.

3.6.1.3 Divisions & Conflicts among Permanent Members

Another serious weakness was the "inadequate understanding" of the Security Council members of the circumstances surrounding potential conflicts and of the conditions faced in the field by UN peacekeeping and peace enforcement troops."[76] From the five permanent members, only Russia and the People's Republic of China do not belong to the western concept of democracy. Most conflicts usually take place in countries that are outside this club. The limitation of the Security Council arises from the fact that most resolutions tend to be based on a western democratic vision and understanding of the conflict. Such visions and understandings result in resolutions that are not always appealing to or acceptable by all the parties involved in conflicts. One case that illustrates this inadequacy is the intervention in Bosnia-Herzegovina where ethnic violence broke up following the collapse of the Republic of Yugoslavia. The Security Council tried to broker deals that were not in harmony with the visions of the parties to the conflict. As a result of this problem, resolution of conflicts tends to take years and to consume numerous resources.[77] Another vision is the "western democratization" of the last Palestinian parliamentary elections. A Shock and Refutation of the outcome of this "western democratic" election which brought an undemocratic terrorist group like HAMAS into power successively led to the rejection of the latter's legitimacy.

Therefore, the Council is continuously paralyzed whenever its permanent members are unable to reach an agreement on the conflicts on its agenda. This serious limitation has over and again been witnessed over the years whenever one or more of the permanent members or their allies were directly involved as parties to the conflicts facing the Council. As a matter of fact, NATO's intervention in

---

[76] Sutterlin, James S. "The past as prologue." In Bruce Russett (ed.) The Once and Future Security Council. New York: St. Martin's Press, 1997, p.9.

[77] Simma, p. 5.

Kosovo was not authorized by the Security Council because the US did not wish to raise the issue in the Council since both China and Russia had made it clear that they were going to veto any punitive resolution against Serbia.[78]

3.6.2 Reforms Suggested:

As we see, the characteristics and notions of traditional peacekeeping over the years – consent, impartiality, and restricted use of force – have been called into questioning. Peacekeeping was a creative effort to fuse the limited means at the disposal of the United Nations with the lofty ends of maintaining international peace and security. As an example, The Secretary-General Dag Hammarskjold located "peacekeeping" in the interstices between the peaceful and coercive measures available to the Security Council, what he called: "Chapter 6.5". He perceived a distortion in the distinction between the two forces and that suggests the early origins of a doctrinal problem then believed to be affecting the whole performance of the United Nation with regards to peace missions.[79]

In recent times, peacekeeping missions have routinely been given the more robust Chapter VII authorization. These instances have occurred due to three sets of circumstances. (1) Chapter VII has been invoked out of an apparent desire to emphasize that peacekeepers retain the right to use force in self defense. (2) When peacekeeping missions have run into a brick wall, mandates have been revised to include Chapter VII authorization and (3) peacekeeping missions have received Chapter VII mandates to conduct what are effectively enforcement actions. This blend of Chapters is of more than just academic importance. As the United Nations has been drawn into an increasing number of internal armed conflicts, the political assumptions that go with 'traditional' peacekeeping have become largely

---

[78] Ibid, p. 7.
[79] Chesterman Simon, 2004, p.7

artificial. Peacekeepers have had to respond to complex situations that bear little resemblance to a ceasefire between stationed armies of states.

These complications have often undermined the UN's credibility and missions in certain regions, whereby their mandate either did not provide them with the adequate tools to maintain peace, or allowed large partial member states to basically invade the sovereignty of a nation. Several attempts were made to clear out the picture and hence improve the UN's involvement in peace missions. Trevor Findlay [80], director of the Canadian Center for Treaty Compliance and associate professor of International Affairs at NPSIA, conducted several studies about disarmament, peacekeeping and the Use of Force in Peace Operations. He is blunt about the reasons why a new doctrine is needed. To avoid confusion and complications for UN missions, Findlay suggests that, in the future, the organization should replace the line between peacekeeping and enforcement with a clearer line between Chapters VI and VII operations. This would occur by placing all missions involving armed military personnel under Chapter VII, and placing all unarmed observer or peace 'building' missions under Chapter VI. We will find that this reform should be seriously considered when looking into the activities and mandate of UNIFIL in Lebanon.

---

[80] Trevor Findlay, *The Use of Force in UN Peace Operations*, 2002.

4- THE CASE OF UNIFIL: FROM 425 TO 1701

4.1 THE INCEPTION OF THE UNITED NATIONS INTERIM FORCE IN LEBANON:

4.1.1 Circumstances Leading to the Establishment of a Peace Keeping Force:

With the start of the Lebanese civil war in 1975, the country was immersed in a 15-year long conflict that dragged regional forces into participation. With fighting raging in the South between Lebanese militias and the armed forces of the Palestine Liberation Organization (PLO), Syria and Israel were quickly involved[81]. When Syrian troops of the Arab Deterrent Force began deployment in the southern region of the country, Israel considered it as a threat and threatened to take invasive action should the Syrian forces surpass the Zahrani River the "Red line". Sure enough, the Syrians stopped short of the 'Red Line', leaving the South, to be known at that time as "Fateh Land", in the midst of a security vacuum. Without the authority of the Central Government, fighting continued between the Christian militias, assisted by Israel and the Lebanese National Movement– a loose group made of several Muslim and leftist parties affiliated and backed by the PLO.

The PLO had control of much of Southern Lebanon and used their many bases as launching points for commando operations targeting Israel; which in turn retaliated in 'counter-measures'. On March 11 1978, the PLO claimed responsibility for a raid that took place in Tel-Aviv, resulting in 37 civilian casualties and dozens of injured. Israel's response to this raid was the launch of a full-scale invasion of Lebanon on the eve of the 14/15th of March; an incursion that would be code-named "Operation Litani". Initially successful, the Israeli army managed to achieve its mission and took control of the entire region south of the Litani River.

---

[81] The Blue Helmets, Department of public information(DPI), 1996, p83

At this point in time, Israel managed to harmonize world opinion and steer it towards favoring this act of retaliation. Until 1978, Lebanon and Israel were not technically at war. However, Israel held Lebanon responsible for harboring terrorists and negligently supporting the PLO by permitting them to "use its territory as a launching ground"[82]. Moreover, before Israel undertook its retaliation act it had provided a letter of protest to the United Nations Security Council, in which the PLO was described in the harshest terms and assertions were made about Israel's right to strike back[83].

For the next five days following the invasion of southern Lebanon, the largely anticipated event was whether the Security Council would convene or not. For its part, Lebanon had long given up on requesting the aid of the United Nations, due to what it considered a futile process whereby the international community would simply shun Israel's acts of aggression and yet do nothing about it. The last such attempt had been in 1975, whereby the United States of America categorically ended the matter by casting its veto[84]. On the eve of the invasion, UN Secretary-General Dr. Kuyt Waldheim issued a strong condemnation of Israel's actions and would draw the attention of the Security Council.

The international community found that it could not tolerate the scale of the Israeli invasion, whereby hundreds of civilians lost their lives and entire villages was razed to the ground. Israel's 'over-reaction' was considered unacceptable and raised fears of another regional conflict... Action had to be taken.

4.1.1.1 The International Community Takes Notices: Resolution 425

In the midst of all the fighting in the South between Israel and Palestinian guerrilla fighters, the United Nations immersed itself in a diplomatic tug of war to draft a resolution that would end the conflict. Intensive exchanges took place between Beirut-New York, Washington-Moscow, Moscow-

---

[82] Ibid, p3
[83] Ibid, p3
[84] Ibid, p4

Paris, Paris-Tel Aviv, Tel Aviv-Washington, and Washington-Beirut[85]. The initial draft stated the following[86]:

"The Security Council, takes note of the letters from the Permanent Representative of Lebanon and from the Permanent Representative of Israel; having heard the statements of the Permanent Representatives of Lebanon and Israel. Gravely concerned at the deterioration of the situation in the Middle East and its consequences to the maintenance of international peace, convinced that the present situation impedes the achievement of a just peace in the Middle East:

- *Calls for the strict respect for the territorial integrity, sovereignty, and political independence of Lebanon within its internationally recognized boundaries.*

- *Calls upon Israel to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory.*

- *Decides, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations force for Southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States.*

- *Requests the Secretary General to report to the Council within twenty-four hours on the implementation of the present resolution.*[87]

On the 19th of March, 1978, The UN Secretary General introduced to the Security Council his proposal on the establishment of a new force, to be called the United Nations Interim Force in Lebanon

---

[85] Marguerite Johonson and Robert Slater, *"Israeli strikes at the PLO and make peace even more remote"*, Time magazine, 21 June 1982, p 14.
[86] S/12600, and S/12606 and S/12607 official records of the Security Council, April and May supplements 1978.
[87] Ibid.

–UNIFIL. In this proposal, he set out guidelines for the force's deployment at the earliest possible time. UNIFIL would be established under the following official mandate and with the following purpose:

- Confirming the withdrawal of the Israeli forces from Southern Lebanon

- Restoring international peace and security

- Assisting the Government of Lebanon in ensuring the return of its effective authority in the area.[88]

It was deemed that, upon fulfilling its mission, UNIFIL would receive the cooperation of the United Nations Truce Supervision Organization – or UNTSO – whereby military observers would continue to play a role along the Armistice Demarcation Line – ADL.

4.1.2   The Initial Stages: Implementing Resolution 425

4.1.2.1 The Establishment of a Peace-Keeping Force:

Whilst defining the clear terms mandate of the newly established UNIFIL's, many events took place successively[89]. It was agreed that after having confirmed the full withdrawal of Israeli forces from the Lebanese territories, the UN force would establish and maintain a region of operation to be identified after consulting with the parties concerned in the conflict. The Secretary General was quick to realize that, in order to facilitate the tasks of the force, it would be necessary to work out agreements with Israel and Lebanon prior to the implementation of the Security Council resolution. It was generally presumed that both conflicting parties would cooperate fully with UNIFIL.

In establishing UNIFIL, the Security Council was adamant that there would be no use of force – except in self defense cases – and no intervention in the internal affairs of the Lebanese Government –

---

[88] Ibid.
[89] Ed Mac Gnason and William Stuart, "The Gatekeepers", Time Magazine, June 1982, p23

the host country. Operating under Chapter 6 of the UN charter, it was clear that the 4,000 strong peace-keeping force would not take on the responsibilities which usually are under the authority and jurisdiction of the host country's competent authorities. However, this situation created later on dilemmas for the UNIFIL, since the guidelines did not provide clear instructions on how to go about with the existing PLO guerillas. The initial mandate for UNIFIL was set for six months – albeit subject to extension, which would later on prove to be inevitable[90].

By the 8th of April that year, the force had acquired the services of 1,800 units of various ranks and nationalities. A week later, the number reached 2,502 and finally attained 4,016 by the beginning of May 1978[91]. Yet this number was not deemed enough, with the Secretary General recommending to the Security Council that the force be expanded to 6,000 units. This recommendation came immediately after the Israeli army began withdrawing, and as it became apparent that the vacuum required a stronger contingent. On the 3rd of May, the Security Council approved the Secretary General's proposal and passed resolution 427[92]. As of June 1978, the strength of the force was capped at 6,100 units, with 42 military observers of UNTSO assisting UNIFIL in its tasks. This force again was expanded to 7,000 units in 1982 – when resolution 501 was passed.

4.1.2.2 Early Days: Activities between March - June 1978

In March 1978, the Secretary General issued an appeal for all parties to declare a cease-fire. On the 20th of the same month, headquarters were established in Naqoura, and negotiations with Israeli authorities in Jerusalem were initiated to secure their agreement to withdraw all troops from Lebanon as soon as possible[93]. Pending the withdrawal, UNIFIL began deploying troops along the Litani River,

---

[90] Ghassan Tueni, " Peace-Keeping Lebanon,,, The Facts, The documents, William Belcher Group, New York,1979, p 21
[91] UN annual reports on the UNIFIL activities from 1978 till 1996.
[92] UN resolution 427, 1982
[93]United Nations, An Agenda for Peace, DPI, 1995-1996, p 72

and assumed control of the Kasimia and Khardala bridges – two main crossing-points into South Lebanon. On the 6th of April, the chief of staff of the Israel Defense Forces submitted a plan to the UNIFIL Force Commander that involved a two-phase withdrawal plan. The total area to be evacuated was 110 square kilometers – just about one tenth of the total area it occupied after the invasion. The Secretary General found the Israeli plan not satisfactory since it did not adhere to the stipulations of Resolution 425, and yet the United Nations felt it had no choice but to accept the plan, with the understanding that further withdrawals would came later on. True to their word, the Israeli army evacuated on time and the area was handed over to UNIFIL troops. On April 20th, further negotiations permitted a third withdrawal phase – this time a much larger area of 550 square kilometers. Again, this passed without incident. At this point, 45% of the occupied territory had been turned over to UNIFIL, which was quick to fill the area with its troops.

Yet not all was well. Having withdrawn from less than half of the invaded area, Israel adamantly refused to hand over any more land, and was increasingly resistant to negotiation efforts led by the United Nations. For, as it was proven with time, the UNIFIL started to have problems within the areas it had already regained from Israel, as the PLO had its own ideas about entering the newly created security region. The Palestinian forces claimed that, under the terms of the Cairo Agreement of November 3 1969 which were concluded between Lebanon and the PLO, it had the right to be in these areas[94]. Clashes inevitably developed, with a group of armed elements attempting to infiltrate a UNIFIL position on the 1st of May 1978[95]. The French Guards manning the position returned fire in self defense, and this incident resulted in the deaths of two assailants. Over the course of the next few days, French troops were specifically targeted in ambushes. In the end, strong negotiations between the Secretary General and the PLO lead to an agreement which stipulated that the PLO would cease all its

---

[94] United Nations peace keeping, DPI, 1996, p13

hostile activities towards the UNIFIL and cooperate with it. However, this consensus came at a price whereby the PLO were allowed to keep 140 armed elements in six different positions in the South – given that these positions would not be used for military operations.

At the end, Israel succumbed to international pressure and agreed to withdraw fully by the 13th of June, 1978 –[96] with the mechanics for withdrawal to be determined between Israel and the Force Commander. Intense discussions between the Lebanese government and United Nations occurred in order to agree on how to deploy UNIFIL troops in the remaining region, and more importantly, on how to deal with the De Facto Forces in the region – the Israeli backed Militia under the command of army officer, Major Saad Haddad. Discussions also took place between the UN and the Israeli government on how to deploy troops along the Israeli border, but it was not possible to reach a common agreement on this issue at this point in time. It was then when Israel dropped the proverbial bomb. On June 13th, it evacuated the remaining occupied Lebanese territories, only this time, instead of handing the territory over to UNIFIL, it handed them over to Major Saad Haddad. This created a substantial problem, since the United Nations could not officially negotiate with the major, since the De Facto Forces had no connection to the Central Lebanese Government and thus had no legal claim over the area. However the Israeli Defense Force – IDF – insisted on their claim that Major Saad Haddad was a legitimate representative of the Lebanese Government in the south of Lebanon. The UNIFIL managed to occupy five outposts in the entire region and found itself incapacitated because the De Facto Forces of Major Saad were very heavily armed by Israel and threatened to forcibly oppose any attempts by UNIFIL to deploy within their region of occupation. It was then when Israel claimed that it had fully cooperated and implemented its part of the Security Council resolution 425.

---

[96] United Nations Peace Keeping Missions, DPI, 1995, p 101

4.2 WEAKNESSES OF THE FIRST UNIFIL MANDATE:

4.2.1 In the Years Leading to the 1982 Invasion

4.2.1.1 Incursions by the De Facto Forces:

The De Facto Forces of Major Saad Haddad proved to be a major barrier for the accomplishment of UNIFIL's tasks in south Lebanon. Estimates evaluated the de facto forces to be 1,500 trained, armed, and financed fighters[97]. Furthermore all evidence lead to the fact that these forces were being controlled by the IDF. On several occasions, the five outposts held by the United Nations along the Armistice Demarcation Line were isolated from each other, surrounded by De Facto Forces – and United Nations personnel were harassed and sometimes even robbed of their equipments and weaponry. At other times, especially from December 1978 onwards, the forces made several attempts to set up positions within the UNIFIL region of operation. They attempted to raid positions and were found to be heavily armed, and sometimes backed by tanks[98]. In these events, UNIFIL would find itself calling for reinforcements to surround the raiding militia and attempting to negotiate with the De Facto Forces via Israel. Although the UNIFIL preferred as a policy to hold peaceful negotiation to solve military problems raised by these raids, troops had to resort to use of weapons for self-defense when severe harassment or threats took place. But again, their mandate under Chapter 6 seriously limited their operational options. So what did the UN do? It passed yet another resolution – Resolution 467 (1980) – whereby it strenuously condemned the hostile activities against UNIFIL in its Area of Operation, as well as the deliberate shelling of its headquarters[99].

---

[97] Ibid, p12

[98] Robert C.R. Siekmann , Basic Documents on united Nations and related Peace keeping Forces, Martin Nijhoff publishers, Boston 1985, p 206

[99] Resolution 467, 1980.

4.2.1.2 Incursions by the IDF:

Despite withdrawing all its forces from Lebanese territories in 1978, the IDF began re-encroaching along the Demarcation Line by the end of 1979[100]. UN observers noted that the IDF routinely laid mines, manned checkpoints and constructed new positions along the Lebanese side of the border. The IDF then began expanding its presence within the Enclave. Gun and Tank positions were established near the headquarters of Major Haddad. Military exercises taking place right in front of UN observation posts were also routine occurrences[101]. The IDF sporadically carried out incursions into the UNIFIL area seeking out PLO operatives, in addition to the periodic violation of air space and territorial waters which were a common event – and these continuously increased after 1980.

From March 1979 onwards, frequent exchanges of fire occurred between the De Facto Forces and the PLO across the buffer zone occupied by UNIFIL[102]. This secure region occupied by the UNIFIL was only 15km wide, and artillery, mortar, and tank shells could easily fly right over it. When fighting would intensify between the PLO and the IDF, Israeli forces crossed the border to support Major Haddad, which led to the PLO shelling North Israel, which in turn lead to Israel sending warplanes to attack PLO positions north of the UNIFIL area – sometimes going as far as Beirut. The UNIFIL was thus powerless to prevent any of this military action since the fighting fell outside their compromised Area of Operation.

4.2.1.3 Appeals for Calm: Calls for a Cease-Fire

On 17 July 1981, the Security Council's President issued an urgent appeal for military restraint by all parties and called for an immediate end to the armed hostilities. On the 21st of that month, the Council would again pass another resolution – Resolution 490 – which called for an immediate

---

[100] Robert C.R. Siekmann, 1985, p206.
[101] UN report on UNIFL activities, 1980, p 1-2

cessation of all armed attacks and reaffirmed its commitment to the sovereignty, territorial integrity, and independence of Lebanon within its internationally recognized boundaries[103].

At the same time, the United Sates' government undertook peace efforts and together with the call by the United Nations, a cease-fire was declared on the 24th of July, 1981. The Israeli Government endorsed the United States' proposal, the Lebanese government was also for it, and the PLO gave assurances that it would respect its terms.

The cease-fire held up remarkably well until April of 1982. However, new problems started to arise with regards to armed militias within the area of operation. UNIFIL continued to face problems with armed elements of the Lebanese National Movement on one side, and the De Facto Forces on the other. The De Facto Forces continued to restrict the movement and deployment of UNIFIL elements within the Enclave. Furthermore, the forces reinforced four key positions within the area of deployment and even established a new one near the village of Al-Tayri. UNIFIL complained to the Israeli authorities about this provoking position that threatened to jeopardize the cease-fire[104]. And then there was the issue of a new impediment: AMAL, a Shiite political movement with its own paramilitary organization that become active in the South. They were fighting the presence of non-Lebanese elements – mostly Palestinian – resulting in serious clashes between Amal and the Lebanese National Movement.

4.2.2   Operation Galilee: The Second Israeli Invasion:

4.2.2.1 April-June 1982:

All hell broke loose in early April, 1982. Despite the cease-fire holding up, tension in South Lebanon markedly increased; mostly due to incidents and developments elsewhere in the country. On

---

[103] UN Resoultion 490.
[104] The Blue Helmets, 1996, p 96

the 3rd of April, the PLO was allotted responsibility by Israel for the assassination of an Israeli diplomat in Paris, despite PLO denying these claims. The PLO was also held responsible for the failed assassination attempt of the Israeli Ambassador to the United Kingdom —again PLO denied these claims.[105]

On the 4th of June 1982, the IDF launched heavy aerial bombings against PLO targets in and around Beirut. This attack resulted in heavy loss of life and infrastructure, and the aftermath would see massive confrontations and shelling between the PLO in the South and De Facto Forces/IDF positions. The north of Israel would again come under heavy rocket fire.

Not surprisingly, the Security Council again convened a meeting and appealed to all parties to cease all forms of hostile acts and restore the fragile cease-fire, however the bombardments kept going on. On the 5th of June, the council would yet again ratify a new resolution – resolution 508[106] – whereby all parties were called upon to simultaneously cease all military operation within Lebanon and across the international border by the following day.

Instead of abiding by this new resolution, Israel politely told representatives from UNIFIL that it intended to launch a massive-scale invasion into Lebanon and that they will provide them with a thirty minute heads up[107].   The Force Commander of UNIFIL then issued instructions to all its units to hold their positions as long as possible and block the advancing Israeli forces and take defensive measures. At 11:00 that same morning, two entire IDF divisions, along with air support, crossed the border and overran the UN positions within twenty-four hours. The light defensive weapons that the UNIFIL units possessed were not able to match the heavy armored divisions of IDF.

---

[105] Patricia Black, "Violence Begets Violence: An Israeli Ambassador shot and Jerusalem strickes back:, Eime Magazine, June1982, p41.
[106] UN Resolution 508, 1982
[107] Ed Mac Gnason and William Stuart, ,1982, p23

Hardly had the ink dried on resolution 508, that the Security Council yet again unanimously adopted a new resolution – resolution 509[108] – whereby Israel was ordered to withdraw its military forces unconditionally to the internationally recognized boundaries of Lebanon. Again, this resolution fell on deaf ears.

4.2.3   1982-1996: The Failure of a Mission

4.2.3.1 Political Stalemate

Despite claiming that, over the years, the Security Council had maintained its commitment to Lebanon's sovereignty and independence, the Secretary General was forced to admit that he had failed to persuade Israel to leave the area it occupied in Southern Lebanon. Israel had long maintained that it was only a temporary measure of necessary importance to its security. Meanwhile, Lebanon continued to demand that Israel withdraw in accordance with resolution 425.

At this point in time UNIFIL had failed in fulfilling its mandate. Its deployed forces did its best to limit the conflict between the two concerned sides, claiming to at least contributing to 'stability in the region'. Despite diplomatic impasse, and its proven week role in the south the Security Council has constantly extended the mandate of UNIFIL, as per the request of the Lebanese Government and as per recommendations by the Secretary General.

4.2.3.2 The Massacre of Qana:

Another display of force of IDF came to effect illustrating the deficiencies of the UN Force to protect its own headquarters. On April 1996, during its operation "grapes of anger" Israeli fire killed more than 120 Lebanese civilians and wounded another 500, in what the UN called 'a tragic event';

---

[108] UN Resolution 509, 1982

whereby Israeli shelled a UN compound resulting in what is called the Massacre of Qana[109]. The Secretary General military advisor, Major Franklin Van Kappen, submitted a report stating that the shelling of the compound was unlikely the result of a "misidentification of their targets"[110] as reported by Israel upon questioning by UN Security Council. The Secretary General, Boutros Ghali, adopted the report not knowing that this "defying" decision could cost him his position. After several investigations, still, the UN could not take decisive action against Israel for its actions in 1996.

4.3   2000-2006: LEADING UP TOT THE 33-DAYS WAR

4.3.1   Israel Withdraws from the South:

On the 17th of April, 2000, the Government of Israel sent a formal notification to the Secretary General stating that it would withdraw its forces from the South of Lebanon *"in full accordance with Security Council resolution 425 and 426"* by the end of July 2000. Israel further claimed that it would give its full cooperation to the United Nations[111]. However, the withdrawal began much earlier than expected. On the 16th of May, 2000, the IDF began to vacate its positions. On the 25th of May, the Israeli government notified the Secretary General that its forces had been recalled, in compliance with resolutions 425 and 426.

Between May 24th and June 7th, The United Nations cartographer and a team assisted by UNIFIL, tried to identify and set up an imaginary line to be adopted for the "practical purposes of confirming the Israeli withdrawal". What would later on become known as the "formal border demarcation" basing it on the prior armistice agreement between Israel and Lebanon, so-called Blue Line, that was never intended to be the official border between both countries. The demarcation was completed on June 7th, 2000. A map showing the line was submitted to both parties by the UNIFIL

---

[109] UN secretary General Military advisor report about the Quana massacre on April 18th 1996.
[110] Ibid
[111] The Annual UNIFIL reports during the 1990's

Force Commander. Both parties, despite having reservations about the line, agreed that they would give the UN full responsibility for the line and that they would abide by it.

On the 16th June, the Secretary General reported back to the Security Council that Israel had indeed withdrawn its forces from Southern Lebanon, in accordance with resolution 425. In saying so, what was meant was that Israel had withdrawn behind the established Blue Line set by the United Nations team and dismantled all its posts in Lebanon. On the other hand, Lebanese Government moved quickly to assert its presence in the vacated area by deploying its security forces.

4.3.2   The Security Council Augments UNIFIL:

On the 18th of June, 2000, the Security Council welcomed the Secretary General's report and noted that the United Nations *"could not assume law and order functions that were properly the responsibility of the Lebanese Government."* It called upon the government to proceed to deploy its armed forces throughout the south and up to the blue line, with the 'assistance' of UNIFIL. This assistance would come in the form of patrols in the area and common work to provide humanitarian assistance – supply of water, medical treatment, and food to families. UNIFIL also assisted former members of the De Facto Forces who decided to return to Lebanon with their families after having fled across the border to Israel in May 2000 upon the withdrawal of Israeli troops.

Going back to a previous report, dated 22nd of May 2000, where the Secretary General requested that the UNIFIL troops be enlarged in order to fulfill its mandate under resolutions 425 and 426. By that he meant that a phased reinforcement of the force would be required for it to carry out its responsibilities, considering the security situation in the South of Lebanon, and considering the larger area of operation that it would be responsible for after the IDF withdraw. With an existing troop consisting of 4,513, the Secretary General required that an initial increase to 5,600 troops would be

needed to back up the withdrawal. Upon implementation of the withdrawal, an increase to 7,935 peacekeepers (or 8 battalions) would be required to accomplish the mission of UNIFIL.

4.3.3 Problems Faced When Deploying the Force:

Additional peacekeeping divisions were intended to be deployed in the South of Lebanon to assist the local army and security forces in maintaining peace and order in the south, as well as stamping their authority on the territories previously occupied by Israel. However, near the blue line, the Lebanese authorities had left control of the area to Hezbollah, a Lebanese Shiite resistance movement. Usually unarmed and in civilian clothing, members of 'Lebanese resistance' monitored the Blue Line through a network of mobile and fixed positions. It also acted as a surrogate for the civil administration; whereby it provided social services in the south area such as medical care, schools and other services for the poor and needy. Such was their control that UNIFIL, on several occasions, complained that Hezbollah personnel restricted the freedom of movement of UNIFIL, effectively interfering with the UNIFIL's redeployment[112].

The official stance of the Lebanese Government on that matter was that, as long as there was no comprehensive peace with Israel, the army would not take on the task of being border guards for Israel; effectively refusing the deploy the Lebanese Army in the mentioned area. Meanwhile, UNIFIL monitored the area through ground and air patrols and observation posts.

The Secretary General also reported in October of that year that *"tangible progress"* had been made with respect to Lebanon's efforts to restore social services to the territories that Israel withdrew

---

[112] Nicholas Blanford, UN Veteran witnesses end of an ugly era", Thw Daily Star, May 2000, p1.

from. However, he placed the sole responsibility of taking control of the whole area and putting an end to the provocations on the Blue Line by Hezbollah on the shoulders on the Lebanese Government[113].

4.3.4   The Reconfiguration of UNIFIL:

On the 22nd of January 2001, the Secretary General reported to the Security Council. He provided an overview of the situation and recommended that the UNIFIL should be reconfigured – i.e. reduced – to fulfill the remainder of its mission, now that the confirmation of the withdrawal had been accomplished[114].   This act would, in the future, end up putting more strain on the Lebanese Government to accomplish its effective control over the area heavily supported by Hezbollah.

Thus, UNIFIL focused on the remaining part of its mandate, which was defined by the Secretary General, in his report, as *"the restoration of international peace and security"[115]*. In the absence of a state of peace between the two countries, UNIFIL would at least seek to maintain the ceasefire agreement along the Blue Line; through patrols and observation posts, as well as keeping close contact with both parties. It was the Secretary General's opinion that the United Nations would be needed to perform these tasks for the foreseeable future. But as we now know, these tasks would prove futile in escalating matters into a full fledged war in 2006.

The Secretary General was quick to note that these functions being carried out were the tasks of an *"observer mission"*. However, even then, he was reluctant to entrust these functions to frivolously armed observers alone, due to the volatile nature of the area of operation. Therefore he recommended a combination of armed personnel – in the form of two infantry battalions -- and unarmed observers. He also recommended that the Forces be reduced to its pre-augmentation number of 4,500 personnel. However the reduction did not stop there. Prior to his report – and as of March 31, 2001 – there were

---

[113] Secretary General Report , October 2000
[114] Secretary General Report, January 2001
[115] Ibid

5,700 troops in the Force, and in his report, he outlined a phased procedure whereby the force would eventually be reduced to 2,000 troops – which would be the existent number prior to the 2006 war. The idea was to redeploy troops in 'protected positions' close to the Blue Line, as well as maintaining UNIFIL's headquarters in Naqoura. The schedule for redeployment went as follows: 3,600 troops until January 2002, and 2,000 by the end of July 2002[116].

4.3.5   Tensions Build Up:

Throughout this period, there were several isolated incidents of violations of the Blue Line by both sides; some of them of serious nature. For example, an incident that occurred on the 3rd of October 2001, whereby Hezbollah fired 18 missiles and 33 mortar rounds at two positions of the IDF that were on the Blue Line South-East of Kafr Shuba. Hezbollah then fired again, on the 22nd of October, 10 missiles and 61 mortar rounds at five Israeli positions in the same area. Both instances resulted in the IDF responding with heavy artillery and mortar fire to the Lebanese side of the Line. This caused concern for UNIFIL, as did the daily and constant Israeli air violations of the Blue Line that went deep into Lebanese territory. These air violations continued despite repeated requests from the United Nations not to continue with such 'unjustified' violations[117].

Meanwhile, despite the constant reduction in the UNIFIL strength, the Security Council continued to expect and request the Lebanese Government to deploy it Army in the South and secure the Blue Line, and effectively stamp their authority on the area. It did not take into account that, at this period of time, the Lebanese army was itself seeing a downgrade in the number of its soldiers, and that the government couldn't stamp its authority even if it had wanted to. In addition all along, however, the

---

[116] Ibid.
[117] The Annual UNIFL reports from 2000 till 2005.

government stood by its stand to not deploy along the Blue Line until there was peace with Israel – which, one could infer, would not occur unless the issue of the Shebaa farms was resolved.

This remained the status quo for most of the period going on to 2006. Violations by both sides would take place, and the United Nations would call on both sides to exercise restraint. All along, UNIFIL, with its limited mandate was not able to do anything to prevent these incidents and with a mere 2,000-strong force, could just about patrol its area of operation, and try hard to ensure peace in the region.

4.4   THE ERUPTION OF A NEW "CRISIS": THE UN MISSION COLLAPSES

4.4.1   The 33-Day War: July-August 2006

The status quo ended on the 12th of July 2006 when, according to the UN's official position, Hezbollah fighters launched several rockets across the Blue Line towards Israeli positions and, in parallel, crossed the Blue Line and kidnapped two Israeli soldiers after ambushing their patrol. Three more Israeli soldiers were killed, and two wounded in that ambush. Israel retaliated by bombing Beirut International Airport and kicking off a 33 day-long war whereby heavy exchange of fire took place between Hezbollah and the IDF; with Hezbollah targeting IDF positions and Israeli towns, and the IDF responding with heavy ground, air and sea attacks. In addition to targeting Hezbollah positions in South Lebanon, Baalbak and Southern Beirut Suburbs, the Israeli air raids penetrated deep into Lebanon, targeting bridges and roads, as well as media communication infrastructure and some Lebanese Army military stations.

4.4.2   The Security Council Wakes Up:

Upon investigating the causes of the hostilities led by Israel, the Secretary General reported to the Security Council that the commencement of hostilities on the 12th of July had *"radically changed*

the context in which the mission operated", and that *"in the current environment, circumstances conductive to the role of the United Nations do not exist"[118].* Such was the situation that the Force was incapable of even accomplishing basic tasks like supplying its positions, or conducting search and rescue missions. With the UNIFIL mandate due to expire on the 31st of July, the Secretary General recommended that the mandate be extend by just one month, after which alternative considerations and arrangement would have to take place. The Council agreed, and as usual, expressed its "deepest concerns" for the situation in the region.

Meanwhile, and to the credit of the UN forces on the ground, UNIFIL continued to occupy all of its military and observance positions, despite being at grave risk. The Force attempted on several occasions to assist in humanitarian efforts and medical provisions, while maintaining its function as a military observation force. This came at the price of five peacekeeper deaths and 16 injuries[119].

On the 11th of August 2006, the Security Council, having conducted intense negotiations, passed the resolution 1701 calling for a *"full and immediate cessation of hostilities"*. In that meeting, the Secretary General stated that *"it is absolutely vital that the fighting stop now"*, adding that *"providing it does, I believe this resolution will make it possible to conclude a sustainable and lasting ceasefire agreement in the days ahead. And I hope this could be the beginning of a process to solve the underlying political problems in the region through peaceful mean".[120]*

The Secretary General also stated that he was *"profoundly disappointed"[121]* that the Security Council had not been able to reach this stage at an earlier time in order to avoid all civilian casualties.

---

[118] Secretary General Report , July 2006
[119] The UNIFIL Annual report, 2006
[120] Security Council Resolution 1701
[121] Ibid

"All members of this Council must be aware that this inability to act sooner has badly shaken the world's faith in its authority and integrity."[122]

4.5   COMPARING RESOLUTIONS 425 & 509 AND THE MANY RESOLUTIONS IN BETWEEN WITH 1701:

4.5.1   The Challenges and Fundamental Handicaps of the First UNIFIL:

The weak points of UNIFIL would be that, like other peace-keeping forces, it had no enforcement power and was dependent on the full cooperation of both parties concerned. However, time has shown that its relationship with the PLO was the trickiest. Along the years, upon the opening of each hostility act the Secretary General issues an appeal to all parties – including the PLO – to cease fire. The PLO – with Yasser Arafat as the Chairman of its Executive Committee – would initially agree to this proposal and pledge its cooperation in a meeting between the Force Commander and Arafat only to break it later on. The second complication was the existence of various militias in the region not under control of the central government and the difficulty of having a regular and reliable relationship with them. The UNIFIL forces could not "officially" negotiate with these armed factions, although it was obvious that they played a key role in the conflict and in its resolution. These same militias were also divided between those who were supporting and/or supported by the PLO, and those who were sponsored by Israel. When fighting occurred between these various militias, UNIFIL found that at the end it had to negotiate with Israel and the PLO directly to end any conflict since they were the controlling parties.

Difficulties encountered by UNIFIL also arose from the fact that, from the start, there was no clear definition of its area of operation. Resolution 425 was the result of a compromise which reflected the delicacy of the situation at the time. As such, the resolution was vague on defining the area of

---

[122] Ibid.

operation. As mentioned earlier on, the indication was that UNIFIL would operate in the South of Lebanon and take on the task of confirming the withdrawal of the Israeli Army to the international border, but there was no clear detailing where and how in the South such a withdrawal will take place. The Secretary General at the time was also not able to propose a clearer definition and in the end, the resolution was passed with a statement that the area of operation would be decided upon consultation with the parties concerned. This particular dilemma left each conflicting party with a very different perception of the tasks of the UNIFIL and no clear or common area of operation was ever agreed upon. Israel considered itself fulfilling resolution 425 upon its retreat from Lebanese territory even though it gave ground control to the De Facto Forces of Major Saad, while the Lebanese and PLO considered them to still occupy Lebanese territory thru this force. Therefore it was perceived that from its beginning, UNIFIL's tasks were set up for failure.

Throughout its presence in the South, UNIFIL was always facing inadequate cooperation of concerned parties – a key factor for the success of its mandate. Upon its establishment through resolution 425, it had been a fundamental assumption that all the parties would fully abide by the Council's decision[123]. Should this condition fail to exist, it was expected that the member states that contributed to the force would act decisively to ensure the mandate's success. The Israeli invasion of 1982 would radically change the circumstances and rules of the game under which UNIFIL had been working under since its inception. Within 24 hours of invading the country, the UNIFIL area of operation fell under Israeli control, leaving UNIFIL to operate behind the advancing Israeli line.

---

[123] Security Council Resolution 1701.

4.5.2 RESOLUTION 1701: THE CREATION OF A NEW UNIFIL

4.5.2.1 The Objectives and Calling of Resolution 1701:

The preamble of the resolution achieves the following in its preparatory paragraphs[124]:

- Puts the blame for the conflict directly on Hezbollah, with the preparatory paragraph two stating that the hostilities began since *"Hezbollah's attack on Israel on the 12th of July"*

- Calls for the unconditional release of the two captured soldiers, by stating in the preparatory paragraph 3 that there is an urgent need to *"address the causes that have given rise to the current crisis, including the unconditional release of the abducted Israeli soldiers"*

- Calls for the withdrawal of Israeli forces from the South of Lebanon at the earliest in preparatory paragraph six.

The operative paragraphs of the resolution achieved the following:

- We find in the operative paragraph one: *"Calling for a full cessation of hostilities."* However, this first operative paragraph discriminates between callings on Hezbollah to cease all attacks, whereas it only calls on Israel to halt its *"offensive military operations"*. Now although this is a distinction without a difference, whereby Israel would have no legitimate reason to take defensive action as long as Hezbollah does not attack, one could put a question mark over what Israel might or might not deem 'defensive operations'.

- In the operative paragraph two the Security Council calls upon the Lebanese Government and UNIFIL to deploy together in the South as Israel withdraws from the region 'in parallel'.

---

[124] Ibid.

81

- In the operative paragraph three and eight we find a call for the implementation of previous resolutions 1559 & 1680. Calls on both parties to support a permanent ceasefire and a long term solution, whereby: (Operation Paragraph eight)

  o Both parties must respect the Blue Line

  o Both Parties make security arrangements to prevent future hostilities

  o The Lebanese Armed Forces are to establish an area free of unauthorized armed personnel between the Litany river and the Blue Line

- Calls for the disarmament and absence of any armed groups, foreign or domestic, other than those of the Lebanese Armed Forces. (Operation Paragraph eight)

- Calls for the expansion of the UNIFIL force and its mandate, with an increase in troops from 2,000 to a maximum of 15,000, and a more extensive mandate to allow UNIFIL to accomplish the objectives of resolution 1701. (Operation Paragraph eleven)

- Calls for an establishment of an embargo of weapons to Lebanese parties other than the government (Operation Paragraph fourteen). Whereby the Lebanese government is required to secure its borders, since UNIFIL's area of operation does not cover all Lebanon, and any intervention by the UN must be made at the government's request.

4.5.2.2 The Mandate: Expanding the Scope of UNIFIL

According to Security Council resolution 1701, the 'new' UNIFIL, in addition to carrying out its mandate under resolutions 425 and 426, shall:

- Monitor the cessation of hostilities;

- "Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon";

- Coordinate its activities referred to in the preceding paragraph (above) with the Government of Lebanon and the Government of Israel;

- "Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons";

- "Assist the Lebanese armed forces in taking steps towards the establishment between the Blue Line and the Litani river of a free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL deployed in this area";

- "Assist the Government of Lebanon, at its request, in securing its borders and other entry points to prevent the entry of arms or related materiel without its consent".

"By this resolution, the Council also authorized UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind; to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council; and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence. "

4.5.2.3 ANALYZING RESOLUTION 1701: CHAPTER 6 OR CHAPTER 7?

The following section, displays an analysis of specific preparatory and operational paragraphs of resolution 1701. Preparatory Paragraph and Operative Paragraph within resolution 1701 will be

shown by Anthony D'Amato of the Northwestern University School of Law[125] in parallel with the

United Nations Security Council special Research Report, which will be attached as an appendix in the

end of this study. At first a citation of the exact text of the resolution will be followed by a notes on his

analysis.

"Determined to act for this withdrawal to happen at the earliest"[126]

The Security Council could have issued a decree that Israel should begin withdrawal

immediately; however that fact would have meant that the Security Council was acting under the

powers of Chapter 7 of the UN charter. However, one can infer from this preparatory paragraph that it

is acting under Chapter 6, which limits the Council to make recommendations to the parties concerned.

In fact, throughout this analysis, we shall find profound ambiguities as to whether UNIFIL is to operate

under Chapter 6 or 7, with separate paragraphs jumping from one chapter to the other.

"Determining that the situation in Lebanon constitutes a threat to international peace

and security"[127]

Preparatory Paragraph eleven directly invokes Chapter 7 by using the keywords *"determine"*,

"constitutes", *"threat"*, and *"international peace and security"*, which are terms found in Article 39 of

the Charter.

Operational Paragraph seven: *"Affirms that all parties are responsible for ensuring that no*

action is taken contrary to paragraph one that might adversely affect the search for a long-term

solution, humanitarian access to civilian populations, including safe passage for humanitarian

---

[125] http://jurist.law.pitt.edu/forumy/2006/08/un-mideast-ceasefire-resolution.php
[126] Appendix1, p1, second paragraph
[127] Ibid, p2, second paragraph

convoys, or the voluntary and safe return of displaced persons, and calls on all parties to comply with this responsibility and to cooperate with the Security Council"[128]

This is more than simple language. It permits the Security Council to enforce its stipulations under the Chapter 7 authorization of resolution 1701 that was inserted in the above preparatory paragraph ten provision.

> ***Operational Paragraph eleven:*** *"Decides, in order to supplement and enhance the force in numbers, equipment, mandate and scope of operations, to authorize an increase in the force strength of UNIFIL to a maximum of 15,000 troops, and that the force shall, in addition to carrying out its mandate under resolutions 425 and 426 (1978):*
>
> *a. Monitor the cessation of hostilities;*
>
> *b. Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon as provided in paragraph 2;*
>
> *c. Coordinate its activities related to paragraph 11 (b) with the Government of Lebanon and the Government of Israel;*
>
> *d. Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons;*
>
> *e. Assist the Lebanese armed forces in taking steps towards the establishment of the area as referred to in paragraph 8;*
>
> *f. Assist the government of Lebanon, at its request, to implement paragraph 14"*[129]

---

[128] Ibid, p2
[129] Ibid, p3

We come back to Chapter 6 language here. Key terms are used to enhance this perspective such as: 'monitor', 'accompany' & 'assist'.

> **Operational Paragraph twelve:** "*Acting in support of a request from the government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, authorizes UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, and, without prejudice to the responsibility of the government of Lebanon, to protect civilians under imminent threat of physical violence*"[130]

Once again, Chapter 7 language is adopted "*resist by forceful means*". In other words, UNIFIL is a lot more than a conventional peacekeeping force. It is an army acting under the authority of the Security Council. It should be noted that Chapter 7 mandate to the new UNIFIL has already made it so attractive that nations are now racing to send their own soldiers to UNIFIL. Only a week earlier, most nations expressed their reluctance to send any of their ground troops into Lebanon.

4.6   RESOLUTION 1701: WHAT HAS UNIFIL ACHIEVED THUS FAR

4.6.1   Applying Resolution 1701: Initial Steps

In resolution 1701, the Security Council requires the United Nations to take on a wide range of political, humanitarian, and military responsibilities. A revision and retrospection on what the 'new' UNIFIL has managed to achieve till then, depends on the reports of the Secretary General to the

---

[130] Ibid, p3.

Security Council. The first report was issued almost immediately after the 'cessation of hostilities'. The second came in December 2006, and the third report came out in March 2007.

As of the first week following the cessation of hostilities, the UN noted that both concerned parties complied with maintaining the ceasefire. Furthermore both Israel and Lebanon announced their acceptance of resolution 1701 and declared their commitment to its obligations. Based on this commitment, the Secretary General d 'urged' the parties concerned to the development of a long a lasting cease-fire, and that it should be done *"in cooperation"* with UNIFIL, as per the terms of resolution 1701.

The first report, delivered one week after the passing of resolution 1701, maintained that the primary focus of efforts undertaken by the UN included the following urgent measures following the cessation of hostilities[131]:

1. The withdrawal of Israeli troops from Lebanon.

2. The deployment of UN troops in the South of Lebanon.

3. The swift reinforcement of the United Nations Interim Force in Lebanon.

4. The assessment of the humanitarian situation and the action required to address it.

The Secretary General also talked of the immediate need for a 'reinforced' UNIFIL, as called for in paragraph 11 of resolution 1701. The need for reinforcements is pointed up by the necessity to 'monitor' compliance with the cessation of hostilities; to 'help' ensure humanitarian access to civilians; and to 'help' implement a permanent cease-fire agreement once it has been established. In meeting these three objectives, UNIFIL would be *"contributing to enable"* the Lebanese Government to extend its authority over the South.

---

[131] Secretary General first report to the Security Council, August 2006 (Appendix3).

87

At a tripartite meeting between representatives of the Lebanese and Israeli army in the presence of the UNIFIL commander, the Lebanese party affirmed its will to deploy its army forces in the South of Lebanon as soon as possible, with the *"assistance"* of UNIFIL. Upon this agreement the IDF began its phased withdrawal from pockets or sectors from the south. UNIFIL immediately deployed its units, set up checkpoints and 'confirmed' the withdrawal of Israeli forces from these sectors. UNIFIL was then set in place to 'monitor' the next phases which included the withdrawal of IDF and the deployment of Lebanese Armed Forces.

4.6.2   *Applying Resolution 1701: Reinforcement and Expansion of the Force*

At a meeting with 70 countries, potential contributors to UNIFIL, the Secretary General urged that in order to fulfill its immediate requirements, 3,500 soldiers were needed to reinforce the already existent 2,000 force units in Lebanon. Much can be inferred from the military nature of the reinforcements these units as would be specifically described in the following[132]:

- Three mechanized infantry battalions

- One light reconnaissance battalion

- Two engineer battalions (one combat, one construction)

- Two signal companies

- One military police company

- One headquarters company

- One maritime unit for patrolling the coastline

---

[132] Ibid.

It was made clear that these units would immediately reinforce the 'existing' UNIFIL; mainly in order to 'support' the handover by the IDF to the Lebanese Armed Forces of occupied territories in the South.

The Secretary General then outlined the need for the next wave of reinforcements that would be needed by September 2006, 'assuming that the cessation of hostilities continues to hold[133]. An additional 3,500 units is required in order to 'assist' the Lebanese Armed Forces in achieving full operational capacity. The nature of these reinforcements is as follows:

- Three mechanized infantry battalions.

- Two light reconnaissance battalions.

- One engineer battalion.

- Two signal companies.

- One helicopter unit for 'observation' and reconnaissance.

- One helicopter unit for medium-lift capacity.

- One military police Company.

- One level II hospital.

- One logistics battalion.

- Two headquarter companies.

A third and final wave of reinforcements is also mentioned in the Secretary General's first report, whereby up to 3,000 units would be required to further 'assist' the Lebanese army in achieving full operational capacity in the south.

---

[133] Ibid.

In this report, the Secretary General reverts to paragraph 12 of resolution 1701, and states that a draft of the concept of operations and of the new 'robust' rules of engagement were presented to potential contributing countries. The reason for this emphasis is to stress on the revisions needed regarding the *"authorization of the use of force consistent"* as per the above mentioned paragraph.

Also worthy of note, is the bringing up of the Secretary General to the possibility of requesting more additional troops, should an additional resolution be adopted. He states that, as per paragraph 16 of resolution 1701, should a new resolution be adopted mandating UNIFIL with *"significant new and additional tasks"*, additional forces would required, perhaps even more than the 15,000 authorized troop strength.

4.6.3   Applying Resolution 1701: The Violations Continue

In his first report, the Secretary General reported a few 'isolated' violations of the cessation of hostilities. Between the 15th and the 17th of August, UNIFIL 'observed' a series of violations undertaken by Israel, both in terms of military operations and the daily violation of Lebanese air-space. On all these occasions, UNIFIL was said to have *"strongly protested"* the incidents.

In his second report, the Secretary General opens up with accounts regarding violations on the Blue Line[134]. He expressed his concern over the daily air violations conducted by Israeli jets and unmanned aerial vehicles. One two occasions, UNIFIL 'recorded' a total of over 14 flights daily. Many of these flights took on the shape of mock air attacks above the headquarters of the French battalion of UNIFIL. On another occasion, two Israeli jets came within two miles of a German ship which was part of the Interim Maritime Task Force. The United Nations 'sided' with the Lebanese Government on this issue, and confirmed that these air incursions are a violation of Lebanese

---

[134] Secretary General second report to the Security Council, November 2006.(Appendix 4).

sovereignty, and contradicts with resolution 1701; not to mention *"undermining the credibility"* of the newly formed UNIFIL.

Also in connection with these violations to the Blue Line, the Secretary General begined his third report with an account of all breaches to the cessation of hostilities between the IDF and the LAF with special emphasis on breaches occurring on the 7[135]th of February 2007. On this day, the IDF informed UNIFIL that it would be conducting demining operations but on the Lebanese side of the technical fence dividing both countries. The LAF in turn warned UNIFIL that it would open fire at the IDF should they insist on this operation. UNIFIL was quick to appeal to both sides to exercise restraint, and immediately dispatched two entire platoons to the area to establish a buffer zone. This force would then be reinforced with a mechanized infantry company and a tank platoon; in addition to artillery. The UNIFIL even went as far as keeping another mechanized infantry company nearby on reserve.

Despite these efforts, clashes did occur when the Israeli forces continued as planned with the demining and the LAF opened fire which was then returned by the IDF. And although a ceasefire was brokered between the two sides by virtue of the UNIFIL Force Commander, it was 'noted' that the IDF did in fact violate the Blue Line. The Force Commander then arranged for a tripartite meeting whereby he presented to both sides a report claiming that both were at fault in violating resolution 1701. The Commander then proceeded to make 'recommendations' in order to prevent future clashes and violations. The Secretary General reports that he is 'concerned' about the tension and violations of the Blue Line, as he is also concerned by the increasing number of over-flights by Israel, which also consist of a violation of Lebanese sovereignty and resolution 1701.

In his third report, the Secretary General also outlined concerns over the smuggling of unauthorized arms into Lebanon. According to Israeli intelligence, breaches of the arms embargo have

---

[135] Secretary General third report to the Security Council, February 1007 (Appendix 5).

taken place along the Syrian-Lebanese border. Detailed evidence has allegedly been provided to the United Nations. The Lebanese government had requested that the evidence be turned over to them, in order to allow the authorities to verify their validity. The report also indicated that since the Lebanese authorities have admitted to not being fully capable of strengthening their border-control capacity, a *"joint committee"* is to be established to monitor and control all Lebanese International borders[136].

Then the issue of Hezbollah exasperated matters further more. Concern was raised regarding Hezbollah publicly announcing that it is rearming and reinforcing its positions, despite there not being any evidence of this. The Secretary General's pointed out his concern over these statements which implied the existence of activities violating resolution 1701.

4.6.4 Applying Resolution 1701: What Progress Has Been Made so far:

One of the main issues stressed on by the Secretary General is the issue of disarmament, whereby he stated that the Lebanese Armed Forces, with the 'assistance' of UNIFIL, have taken steps to make sure that the area between the Litany River and the Blue Line is free of "armed groups", "assets", and weapons other than those of UNIFIL and the Lebanese Government. There have been several incidents when isolated incidents occurred, whereby armed Hezbollah personnel in uniform challenged the UNIFIL demining team, in addition to weapons caches being located. In all the incidents, UNIFIL 'requested' the Lebanese Armed Forces to deal with the matter, and the LAF was prompt to act.

By the third report, the Secretary General also stressed on the security arrangements met during the period reported on. UNIFIL continued to 'assist' the Lebanese Armed Forces in verifying that the area south of the Litany River is free of armed personnel and weaponry. He noted that the LAF and

---

[136] Ibid.

UNIFIL have been carrying out 'coordinated' operations with the aim of locating and confiscating unauthorized arms, munitions and mines.

Several issues were outlined in the second report, with some relating to resolution 1701 and others not included in the operative paragraphs of the resolution, yet considered top priorities by the Secretary General. For example with respect to the issue of captured soldiers, the Secretary General made an appeal to the humanitarian responsibility of both sides to ensure that detained personnel be released. As for the issue of landmines and cluster bombs, the Secretary General was quick to denounce the fact that Israel has not yet provided UNIFIL with adequate information regarding the location of fired cluster bombs in the South, resulting in more civilian and personnel casualties. He reiterated that he 'expects' Israel to provide this data.

The Secretary General also admitted that with respect to the unconditional release of the two Israeli prisoners, Hezbollah is only prepared to swap prisoners with Israel; meaning that the matter is *"beyond the framework"* of resolution 1701. The Secretary General also 'hoped' that Hezbollah would allow UN facilitator to see the two prisoners; a request rejected by Hezbollah up till this date.

As for the issue of cluster bombs and mines, the third report 'regrettably' states that Israel had yet to provide the data 'requested' by the United Nations indicating the location of all mines used in the 2006 war. The Secretary General *"reiterated his request"* for Israel to comply.

As for the issue of delineation of borders, the Secretary General affirmed that any success on this matter depends on Syria and Lebanon reaching a common agreement on their borders. For their part, the United Nations had employed the services of a senior cartographer who is still in the process of analyzing and classifying related documents. The report stated that many documents had only just surfaced and that were not available before, and that the UN team is still translating many of these

documents. The report also called for more 'amplification' from the Lebanese government and the Syrian government.

4.7 THE UNIFIL'S MANDATE ANALYSIS THUS FAR IN SOUTHERN LEBANON:

Although UNIFIL's mandate in Lebanon has been expanded after the last clash with Israel in summer 2006, however inserting that Hezbollah's disarmament is essential since they consists a threat for international peace and security might bring lots of questioning and potential primary problems in the near future domestically and regionally. However Hezbollah's position after the war had been elevated to a degree that it got a worldwide support from all those who compete with or dislike the Americans or Israeli's foreign policy. All the same the ambiguity of the expansion of the UNIFIL's number of troops and the manner of how it will help the Lebanese armed forces deployment in the South makes us question if, with the current conditions, they can ever fulfill such far fetched goals unless all excuse for Hezbollah's armament would be taken out, such as the Sheba farms and the release of Lebanese detainees in Israel's prisons.

The mere implication of isolating and neutralizing Hezbollah in resolution 1701 clearly aim at having a conflict rather than finding a solution since no reproach was made on Israel's policies in the region. This clear attitude would indicate that only enforcement measures over Hezbollah's disarmament are taking place while Israel is left free to monitor even interfere within the process. Resolution 1701 did never clearly stipulate a cease of fire with Israel, but it declared a free war zone where the UNIFIL would establish a buffer zone free of any Hezbollah arm. Therefore many worry about Israel feeling free to interfere whenever it sees fit, or even attempt to invade in the name of disarming the "terrorists" Hezbollah.

Even though the new mandate of UNIFIL's stipulates that it should support the Lebanese government in "securing borders and other entry points to prevent arms or related material from entering Lebanon", it should also take "all necessary actions" to make sure that the area south of the Litany river would not be used for "hostile activities" against Israel. This situation might bring the UNIFIL to a point where one day it would have to confront armed groups even Hezbollah if ever found in this specific area. Therefore given the degree of loyalty people have towards Hezbollah in this specific area might cause the UNIFIL to be perceived as the enemy and become a target for any "terrorist attack" and thus create security problems to the UNIFIL staff deployed there.

In the mean time, Lebanon is also confronted with the prevailing domestic political situation. Two distinct political groups have emerged in the aftermath of the July 2006 war and resolution 1701. The current government is pressured from all sides to end the "Hezbollah" situation on one hand and to end Israeli interference and liberate Lebanese land and prisoners on the other hand. Either situation is difficult to deal with. If the government opts for preserving and protecting Hezbollah's armament there will be constant dilemma and fear of another conflict or even war with Israel. Also dilemma is raised over the vision where Hezbollah's and other non Lebanese armed group would have to be arms free to be able to secure Lebanon from all interior animosity and bring Democracy and freedom to choose what is best for the country.

5- CONCLUSION

Regardless of the record of the Security Council vis-à-vis the use of force, it can be maintained that the Security Council has witnessed some successful achievements when "it subcontracts out those duties directly or to a subsidiary organ."[137]

Indeed, it cannot be imagined how the Security Council or even the United Nations can ever develop and arm an independent force that can carry out the enforcement decisions of the Security Council effectively. In fact, the costs of such a project alone will only add to the ailing financial problems of the United Nations. At least due to this reason, the only option through which the Security Council can operate enforcement decisions is by authorizing other parties to fund, equip and run these operations. These parties could be states, regional alliances or alliances of states.

The future of the Security Council is not yet in jeopardy but many questions have been raised over the years. In specific, it has been argued by many third world countries that the major powers tend to dominate the Security Council, an allegation that stands true as it is obvious in most of the decisions and performances of the Security Council.

At the same time, it has been argued, especially by the supporters of the NATO operations in Kosovo that using force to stop crimes against humanity and the violation of human rights should be used without the authorization of the Security Council if the Security Council happens to be paralyzed and unable to reach a decision due to the conflicts among its permanent members. The stance of these supporters tends to focus on the ethical dimension. However, international law is not simply about ethics and human rights in as much as it is about the legal forum in which states behave and operate. If NATO's use of force against Former Republic of Yugoslavia without international authorization is to

---

[137] Giandormenico Picco, p.15.

96

be set up as a precedent, it is very likely that in the future similar attacks and violations of state sovereignty will take place without even involving the Security Council in any way possible.

Another problem that needs to be raised in this case is the fact that the UN Security Council has been overshadowed by the role played by the Secretary General. The Secretary General aims mainly at negotiating peaceful resolutions to solve conflicts between nations, but he is not mandated to authorize the use of force. The American administration has more or less treated the behaviors and interventions by Secretary General Koffee Anan as some kind of authorization that was eventually considered as a replacement for the role of the Security Council as the sole organization that could authorize such use of force as witnessed in Kosovo. What is feared most of all, is that the NATO involvement in Kosovo will be considered as a precedent in the future, where regional or individual alliances among states may apply the use of force without authorization from the Security Council, a pretext that may eventually weaken and immobilize the Security Council.

Apparently, the role of the Security Council as the main body of the UN that is responsible for the maintenance of global peace and security should be reformed. It was believed that after the end of the Cold War, the role of the Security Council would be facilitated and made more effective. The opposite has happened, especially as was obvious in the Kosovo conflict where the Security Council was completely excluded from the resolution of the conflict. It is very possible that Kosovo will become a precedent for similar situations in the future where the Security Council, due to conflicts and divisions among Security Council permanent members may not be able to fulfill its primary responsibility of maintaining and restoring international peace and order. Such a development represents a very serious threat to the role of the Security Council and even to the rationale behind its existence.

Moreover, due to the lack of equipments and the financial dependency especially when the United States is now considered as the major contributor, neither the Security Council nor the Secretary

General at present have the capacity nor the will to deploy, direct, command and control operations without the consent of the US.

To cope with the deteriorating performance and functioning of the Security Council, several recommendations have been made by a number of scholars, analysts and public figures like Boutros Ghali and Akhtal El Brahimi and many others over the years. To start with, it has been argued that there is a need for an increase in the international military presence of the major powers of the UN and the Security Council in order to shed more legitimacy and resourcefulness on the ability of the Security Council to enforce peace and order. There should be a need for peacekeepers to be familiar with the UN organization and the peacekeeping operations principles is one of the effective instrument to maintain international peace and security.

More importantly, it has been recommended that geographical, ideological and other kinds of bias in the Security Council should be minimized, either through increasing the number of permanent numbers or though giving a collective single veto vote to the temporary members on the Council. No scholar can object the fact that this will promote and reflect greater diversity. But at the same time, if people are interested in getting serious results and not only process then a quick point should be made saying that an increased Security Council of 21 or 25 or even 30 members would hardly improve effectiveness. Moreover, the group would be too large to conduct serious negotiations and too small to represent the UN membership as a whole. Plus the General Assembly was created for states' representation. Another General assembly replicate will is not needed. Thus, the obvious agreement about some expansion is to accommodate more seats to the underrepresented "global South". The goal is noble but practicably unfeasible for it would create another dilemma. Starting with the disagreements about which countries should be added, moreover on who would be the new permanent members. If dominance by the western industrialized countries was the problem, then a question should be raised

about the nomination of Germany and Japan as obvious candidates. Plus we have Argentine's and Pakistan's opposition for the nomination of Brasil and India as potential permanent members. We come back to the differences between the true reformers and the loud self interest claims for reforms. That is why the goals are noble but the practical steps and implementations are deceitful.

In addition to this, reforms in the United Nations Charter relating to Peace keeping and enforcement should be reevaluated. Some amendments to Chapter VII and to the articles related to the definition of peacekeeping and security enforcements will ultimately reduce the degree of uncertainty and vagueness and thus cover more complicated security issues that have evolved since the end of the Cold War.

Regardless how the role of the Security Council will be reformed and developed, and no matter what kind of changes will take place inside this global institution, the Security Council must remain an indispensable security valve to world nations, and an effective and empowered reference capable of dealing with conflicts and disputes worldwide. The Cold War is over, but this has not meant in any way that the world is going to face less violence.

A way of avoiding the veto dilemma in the Security Council which will handicap UN from performing necessary immediate interventions to end conflicts, such as the case of Rwanda, is the use of the General Assembly by calling them in such emergency special cases. Although the General Assembly's decision on the matter would only be viewed as a recommendation, whereas the Security Council's decision is biding, it can have moral and political influence that can be categorized as legal when Security Council is paralyzed. In such cases, the action would certainly be regarded as legitimate.

This process has been used when authorizing military action in the early 1960s for the Congo. It employed the idea of all member states' coalition which brings peace and security. Acting through the

General Assembly can be useful in times when there is a Security Council deadlock, having one permanent member vetoing a resolution viewed by the majority member states as vital. Nevertheless, substantive and significant reforms have been observed as virtually unachievable.

As for the appointment of the Secretary General, the UN Charter states that "the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council."[138] The original concept stresses that the two bodies should reach a consensus on a candidate. However, the five permanent members are the ones who agree on a candidate, and their decision is rubber-stamped first by the Security Council and then by the General Assembly. Taking the Example of this kind of impasse is the reelection of Secretary General Boutros Ghali. Fourteen Security Council members with the acknowledgement of the General Assembly reelected him. One state which had the veto power had the ability to fail him and bring someone else in his place.

Till what extent these attempts help organize the UN performance in implementing peace and security? Without forgetting, a too independent UN will disagree with powerful states' interests and hegemonies over it. Pressuring it by contributions, financial, humanitarian and political, many different demands and threats were made towards the UN for not complying with their needs to keep "peace" and "security" in the world.

The future status quo and the effectiveness of the United Nations as an international peace maker are still vague and unclear. But to deny that the US and its allies are not a super power, and have personal interests and goals that the UN need to take into consideration is something foolish and unthinkable. President Bush once said in relation to war on terrorism: "you are either with us or against us", the United Nations has to see about that if it wants to keep its position as the world policeman.

---

[138] UN Charter.

6- BIBLIOGRAPHY

United Nations Official reports

- <u>UN charter</u>. New York: United Nations Publications, 1945.

- United Nations. <u>Basic Facts about the United Nations</u>. United Nations Publications, 1996.

- United Nations. <u>United Nations Peace-Keeping</u>. United Nations Publications, 1993.

- www.un.org

- www.un.org/depts/dpko

- http://www.un.org/aboutun/basicfacts/index.html

- http://www.un.org/aboutun/index.html

- http://www.un.org/Depts/dpko/dpko/home.shtml

- http://www.un.org/Depts/dpko/dpko/intro/index.htm

- http://www.un.org/Depts/dpko/glossary/

- United Nations, *A/3943,* 9 Oct 1958

- United Nations, S/11052/Rev.1, 27 Oct 1973

- S/12600, S/12607, April –May, Department of Public Information (DPI), 1978.

- United Nations, An Agenda For Peace, Second edition, New York: DPI, 1995

- Secretary General Communication, keynote *speech at twenty-fifth Vienna Seminar*, SG/SM/5572, PKO/39, march 1995

- United Nations department of Public information, *The Blue Helmets*, 1996

- United Nations Security Council Resolution 1701, 11 August2006. S/RES/1701(2006)

- United Nations First Report of the Secretary General on the implementation of Resolution 1701, 18 august, 2006. S/2006/670

- United Nations Second Report of the Secretary General on the implementation of Resolution 1701, 12 September, 2006. S/2006/730

- United Nations Letter addressed by the Secretary General to the President of the Security Council, 1 December, 2006. S/2006/933

Books

- Baehr, Peter R. & Gordenker, Leon. <u>The United Nations in the 1990s</u>. Second Edition. New York: McMillan Publishers, 1995.

- Barros, J. <u>The United Nations: Past, present & future</u>. New York: MacMillan, 1965.

- Beckel, G. The specialized agencies of United Nations. NY: Abelard-Schuman, 1954.

- Boyd, James. United Nations Peacekeeping Operations: A Military and Political Appraisal. New York: Praeger Publishers, 1971.

- Dr. jur., MSc Econ, *Between Unilateralism and Collective Security: <u>Authorizations of the Use of Force by the UN Security Council</u>*, London, 1994

  http://www.ejil.org/journal/Vol5/No4/art2.html#TopOfPage

- Ghassan Tueni, *Peace Keeping Lebanon*, William Belcher Group, New York, 1979.

- Howard, E. C. <u>The origin, structure and working of the League of Nations</u>. New York: United Press, 1928.

- Joseph Nye, Jr *Soft Power the means to success in World Politics*, Public Affairs, New York, 2004

- Jakobson, Max. <u>The UN in the 1990s: A Second Chance?</u> UNITAR: A Twentieth Century Fund Book, 1993.

- Masri, Chafik. <u>The New World Order</u>. Beirut: Dar Al-Ilm Lilmalayeen, 1992.

- Morphiet, Sally. "UN Peacekeeping." In Adam Roberts and Benedict Kingsbury, eds., <u>United Nations, Divided World</u>. New York: Clarendon Paperbacks, 1995.

- Nicholas Guyatt, *"Another American Century? The United States and the World since 9/11"*, Zed Books, London& New York, 2003

- Peace Enforcement : Mapping the 'Middle Ground' in Peace Operations, Glenn Steven McDONALD, Genève, 2001

- Picco, Giandomenico. "UN and the Use of Force." <u>Foreign Affairs</u>, August, 1994

- Richard Connhaughton, *"Command, Control and Coalition Operations"*, Washington D.C., National Defense US. Press, June 1993

- Ruggie, John Gerard. "Wandering in the void: charting the UN's new strategic role." <u>Foreign Affairs</u>, November/December 1993.

- Simma, Bruno. "NATO, the UN and the use of force: Legal aspects." <u>www.unausa.org/issues/sc/simma.htm</u>.

- Skogmo, Bjørn. <u>International Peacekeeping in Lebanon: 1978-1988</u>. London: Lynne Rienner Publishers, 1989.

- Sutterlin, James S. "The past as prologue." In Bruce Russett (ed.) <u>The Once and Future Security Council</u>. New York: St. Martin's Press, 1997.

- Thomas G. Weiss, David P. Forsythe, & A. Coate, *"The United Nations And Changing World Politics"*, fourth edition, 2004

- Trevor Findlay, *"Cambodia: The Legacy and Lessons of UNTAC"*, Oxford University Press, 1995,

- Terry Mays, *" historical Dictionary of Multinational Peacekeeping"*, Lanham, Md, Scarecrow Press, 1996

- Thomas L. Friedman, *The Lexus and The Olive Tree*, New York: Straus& Giroux, 1999.

- United Nations, *A more Secure World: Our Shared Responsibility*, New York:DPI, 1995

– Paul R. Viotti & Mark V. Kauppi, International relations Theory, 3rd edition, Longman Publishers, 1999

– Weiss-Forsythe-Coate, *The United Nations and Changing World Politics,* 2004.

Research papers and articles

- Alan James, *Peacekeeping in the Post-Cold War Era*, International Journal, vol.L, no.2, spring 1995,

- Amitav Acharya, *Security And Security Studies After September 11: Some preliminary reflections*, 2002

- Boutros Boutros Ghali, *Beyond Peacekeeping*, New York University Journal of International Law and Politics, vol.25 (1), fall 1992

- Brian Urquhart, *Beyond the Sheriff's Posse*, Survival, vol.32 (3), May-june 1990

- Colum Lynch, <u>*U.N. Halted Probe of Officers' Alleged Role in Sex Trafficking*</u>, *Lack of Support From Above, in Field Impeded Investigators*, Washington Post, December 27, 2001 available on

http://commdocs.house.gov/committees/intlrel/hfa78948.000/hfa78948_0.HTM

- Ed Mac Gnason and William Stuart, *"the gate keepers"*, Time magazine, 21 June 1982.

- Human Rights Watch "BOSNIA AND HERZEGOVINA: HOPES BETRAYED: TRAFFICKING OF WOMEN AND GIRLS TO POST-CONFLICT BOSNIA AND HERZEGOVINA FOR FORCED PROSTIT4444444444444444444444444444444=55668UTION", Human Rights Watch, 2002.http://www.hrw.org/reports/2002/bosnia/

- Alan James, Peacekeeping in the Post-Cold War Era, International Journal, vol.L, no.2, spring 1995

- Marguerite Johonson and Robert Slater, *"Israeli strikes at the PLO and make peace even more remote"*, Time magazine, 21 June 1982.

– Marrack Goulding, *The Evolution of United Nations Peacekeeping*, International Affairs, vol. 69(3), July 1993

– Michael J. Jordan, "*UN Tackles Sex Abuse by Troops, Changes include a new code of conduct for peacekeepers and monitors within each mission*", Christian Science Monitor, June 21, 2005

– Nicholas Guyatt, *Another American Century? The United States and the world since 9/11*, Zed books London & ?New York, 2003 p 190

– Patricia Black, "*Violence Begets Violence: An Israeli Ambassador is shot and Jerusalem strickes back*", Time Magazine 14 June 1982.

– Richard Connhaughton, *Command, Control and Coalition Operations*, Washington D.C., National Defense US. Press, June 1993

– Robert C.R.Siekman,"Legal Documents and Studies on Peace-Keeping", Nijhoff Publishers, London, 1985.

– Roe Goddard, Patrick Cronin and Kishore Dash, *International Political Economy: State Market Relations in the changing Global Order*, 2nd edition, International Political Economy series: Boulder: Lynne Rienner Publishers, 2003

– Stanley Meisler, *United Nations in Crisis*: The American Challenge, Crayenborgh Lecture University of Leiden, the Netherlands, May 7, 2004

– Simon Chesterman , *The Use of Force in UN Peace Operations*, New York University School of Law, 2004

– Stanley Meisler, *Bolton and History, 2005 (available on) http://www.stanleymeisler.com/index.html*

- Sreeram Chaulia, *September 11 in the International Relations Theory*, Kashmir Herald, volume 2 , No. 8- January 2003

- Trevor Findlay, *The Use of Force in UN Peace Operations,* 2002.

- Urguhart Brian, Brian Urquhart, *Beyond the Sheriff's Posse*, Survival, vol.32 (3), May-June 1990

- U.S. Department of State, Office to Monitor and Combat Trafficking in Persons *"VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000: TRAFFICKING IN PERSONS REPORT"* U.S. Department of State, 2003.http://www.state.gov/g/tip/rls/tiprpt/2003/

- Zagora Golubovie, *Globalization and Identity, dilemmas and Controversies of the Concept of Globalization*, Institute Belgrade, November 1999.