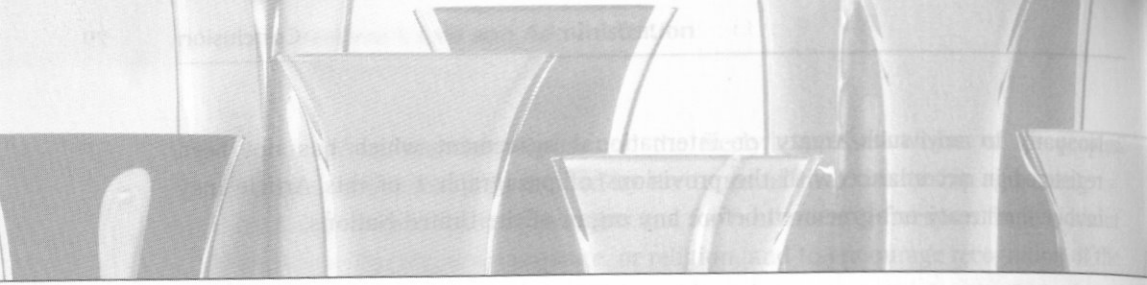

4 The United Nations II
International Peace and Security

key facts

Headquarters: New York

Members: 193 countries

Mandate: to end international war, and to promote peace and security.

Key structure: the Security Council has fifteen members, five of which are listed in Article 23 as permanent members, and the remaining ten are elected for two-year terms; decisions are passed when nine members (including the five permanent members) support a resolution.

Key obligations: member states must give up the use of force except for self-defense, must carry out Security Council decisions, and must provide military resources to the Council for its enforcement actions.

Enforcement: the Security Council can take any action it deems necessary, including the use of force, to respond to threats to international peace and security.

Key legal clauses of the UN Charter:

Article 24(1) [T]he United Nations . . . confer on the Security Council primary responsibility for the maintenance of international peace and security.

Article 25 The Members of the United Nations agree to accept and carry out the decisions of the Security Council.

Article 39 The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression

key facts

and shall ... decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41 The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions.

Article 42 Should ... measures provided for in Article 41 ... be inadequate, [The Security Council] may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.

Article 43(1) All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council ... armed forces ... necessary for the purpose of maintaining international peace and security.

Article 46 Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 49 The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 51 Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.

On matters relating to "international peace and security" the United Nations has decisive authority to impose itself on any country or dispute in the world. This power goes far beyond the power ever given to any other international organization and it introduces a radically new kind of legal hierarchy into inter-state relations. There are strict limits, both legal and political, on how this authority can be used, and these limits are in large part responsible for the patchwork of activism and seizure that characterizes the UN's record on international security crises since 1945. The UN Security Council controls this authority, and decisions to intervene must pass through the peculiar membership and voting rules of the Council. The combination of these rules and the political interests of influential states produce the controversies, actions, and limits that define the UN's behavior on international security.

The UN's power over international security begins with Articles 24(1) and 39. These define an organization that has the "primary responsibility for the maintenance of international peace and security" (Art. 24(1)) in world politics and that has the authority to decide what kind of collective response is warranted in times of crisis (Art. 39). There are many other points in the Charter at which this power is modified, elaborated, and limited, and equally important are the ways these powers have been interpreted and applied in practice since 1945. Together, the rules of the Charter and the instances in which those rules have been invoked and fought over by states create the legal regime for international war that exists today. They define both the laws that govern the use of force by states and the military powers and capacity of the UN itself. As a result, no use of force by states can ignore the rules and practices that originate in the UN Charter – and though they may frequently be misinterpreted, abused, and manipulated by states, the rules on force in the Charter create the inescapable context for state behavior.[1]

This chapter examines the law and practice of the UN with respect to international peace and security. This is the most important contribution of any international organization to international security, and it puts the UN at the center of the high-politics concerns of nation-states. The obligations that states take on with respect to international security are highly constraining on state sovereignty, and as a result the politics of compliance and enforcement are extremely interesting. These obligations are also changing over time as the Security Council interprets the Charter for particular crises. That this may take place without the explicit consent of the rank-and-file membership of the UN is conceptually puzzling to state-centric theories of International Relations.

The UN has enforcement powers unlike any other international organization in the history of the inter-state system. This chapter begins by examining states' obligations regarding international security under the UN Charter, and then looks at peacekeeping and peace-enforcement to illustrate the means at the Council's disposal to encourage state compliance with those obligations and to enforce them when states fail to fulfill them. Peacekeeping operations rest on the consent of the parties in the conflict and peace-enforcement refers to missions that use the full coercive power of the United Nations against a member state. The law and politics of the two are very different.

[1] A broad view of this legal context is provided in the excellent book by Christine Grey, *International Law and the Use of Force*, 3rd edn. Oxford University Press, 2008.

Finally, the chapter considers the case of Darfur to explore how the legal authority of the Security Council, set out formally in the Charter, translates into practical politics. The Darfur case is exceptional in its scale and its historical importance, but it also provides an archetypal instance of the kinds of security problems that fall under the authority of the Security Council. It shows in practice how all the main rules of the Charter relating to peace and security play together to shape the real-world politics of the most pressing problems of international security, and how these rules are no guarantee of peace or decency.

Obligations

The Security Council is the organ of the United Nations responsible for international peace and security. It is the only body in the UN with the authority to take action in defense of the collective security needs of the international community. This includes the authority to take military action to enforce its decisions. It was designed in 1945 as something like the executive committee of the most powerful states to enforce against threats to the post-war international order that they were constructing. The Charter clauses that define the authority of the Council create novel and compelling legal obligations for states that join the United Nations.

The members of the United Nations concede a tremendous amount of their legal autonomy to the Security Council. In Article 25 of the Charter, they "agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." In Article 49, they agree to "join in affording mutual assistance in carrying out the measures decided upon by the Security Council." In Article 103, they concede that "in the event of a conflict between the obligations ... under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." These provisions apply even to states that oppose or disagree with the decisions of the Council. Together, these commitments mean that every member of the United Nations is legally bound by what the Council decides and that there are no avenues by which they can escape that legal subordination short of withdrawing from the organization.[2]

[2] Even withdrawing from the UN may not end a state's obligation to comply with a decision imposed on it by the Security Council.

The scope of that subordination is further refined when the Charter explains over what areas the Security Council has the authority to issue decisions, and on this there are two key provisions. The first comes in the combined effects of Articles 24(1) and 39, which give the Council authority over matters of "international peace and security," and the second comes in the general prohibition on UN involvement in "matters essentially within the domestic jurisdiction of any state" (Article 2(7)). These two are logical exclusives of each other, in the sense that any matter that constitutes a threat to international peace and security under Article 39 is by definition not a matter within the domestic jurisdiction of a state under Article 2(7). Conversely, in the absence of a threat to international peace and security, the Security Council has no authority at all. As we shall see, all decisions of the Council that impose legal obligations on states must be premised on a finding by the Council of a breach of, or threat to, international peace and security.

State obligations to the Council therefore hinge on how the phrase "international peace and security" is interpreted. The Charter has nothing to say on the subject, except to make clear in Article 39 that it is up to the Security Council itself to determine case by case what situations constitute threats to or breaches of the peace. We therefore must look at the practice of the Council in making these determinations in order to learn how much sovereignty states are giving up. Each time the Council adopts a resolution invoking the phrase "international peace and security," its meaning in international law is clarified a little and shifts a little. Overall, there has been a gradual expansion over the years in how the Council has interpreted its key phrase, and so the grant of authority to the Council has been expanding as well. For instance, Bruce Cronin has listed nation-building, war crimes, peacekeeping, apartheid, humanitarian crises, civil wars, and restoring democracy as recent areas of high activity by the Council, all of which stretch the understanding of "international peace and security" from where it rested when the Charter was written.[3]

Two recent moves have shifted the type, not just the scope, of the Council's authority over states. Both are related to the response to international terrorism networks since the mid-1990s. In 1999, the Council issued the first in a series of resolutions (Res. 1267) to impound the assets of individuals supporting the Taliban in Afghanistan. This has been expanded several times since then and

[3] Bruce Cronin, "International Consensus and the Changing Legal Authority of the UN Security Council," in Bruce Cronin and Ian Hurd (eds.), *The UN Security Council and the Politics of International Authority*. Routledge, 2008, pp. 57–79.

has led to a new norm that UN economic sanctions should primarily take the form of "smart" sanctions (or "targeted" sanctions) that attack individuals responsible for threats to international peace and security, rather than a state and all its citizens as a whole.[4] The second development involves Council resolutions that create a broad requirement that all states must conform to some policy framework set out by the Council. Demands such as these, extending indefinitely into the future, in essence define certain choices in the domestic laws of states (i.e. loopholes that allow for underground financial transactions, or weak controls on nuclear material) as potential threats to international peace and security, and then require that states bring their policies up to a Council-determined standard. These have been used to pursue the financial transactions that support terrorist networks, among other goals. These two moves mean that the Council now has established the practice of identifying individuals rather than states as "threats to international peace and security," and has also decided that its resolutions can function essentially as legislation for states. Both claims to power are innovations in the history of the Council, and they further expand the effective meaning of the Charter's language defining the Council.

Both have also been controversial. The move to regulating individuals has created a string of practical and legal problems for the Council because all the Council's work in the preceding decades had been premised on dealing with inter-state problems, and its quick adaptation to dealing directly with individuals has meant it has had to learn (often by trial and error) of the importance that individuals and their domestic courts attach to due process. The Council's early experience with maintaining lists of suspected "terrorists" has been riddled with complaints about errors and unfairness, and many harmed individuals are suing the Council or states for wrongs done to them.[5] The Council's efforts to demand changes to domestic regulations have also been conceptually interesting and practically controversial. The novelty arises in these resolutions because the Council is using its international authority to require that states adopt particular standards or legislation; these demands are addressed to all states, unbounded by a particular crisis or a limit in time, and are backed by the Council's authority under Chapter VII of the Charter.[6] A more normal way of

[4] This is reviewed in a very interesting report of the Watson Institute at Brown University, "Strengthening Targeted Sanctions through Fair and Clear Procedures," March 2006.

[5] See the discussion in José Alvarez, *International Organizations as Law-Makers*. Oxford University Press, 2005, pp. 174–175.

[6] Ian Johnstone, "The Security Council as Legislature," in Bruce Cronin and Ian Hurd (eds.), *The UN Security Council and the Politics of International Authority*. Routledge, 2008, pp. 80–81.

operating for the Council would be to make demands of specific states that they should change their peace-threatening behaviors. For instance, in the famous Resolution 678 in 1990, the Council insisted that Iraq should "fully comply with resolution 660" (which demanded that Iraq withdraw its forces to the positions of August 1, 1990) and if it failed then other states would use force to compel it to do so. Ian Johnstone has suggested that the new approach, as illustrated by Resolution 1373 on terrorist financing, indicates a move into something that looks more like issuing legislation than the crisis-response model envisioned in 1945. This may be a shift in the practical power of the Council, making it more general and perhaps governmental than had been the case prior to 1999, and its legality depends on one's interpretation of Articles 39, 41, and 42 of the Charter, which are discussed further below.

Compliance

The entry into force of the Charter ushered in a new international legal system, one by which member states are legally subordinate to the Security Council to a striking degree. This, of course, does not translate automatically to state compliance with these obligations, and this section investigates the ways that states and the UN approach the question of compliance. The Council aims to produce compliance by states by a combination of political suasion and the threat of military enforcement. The latter is rarely used but its possibility rests in the background and helps activate the Council's political influence. This section focuses on how the UN has used the practice of peacekeeping to negotiate with states over compliance, while the next, on enforcement, looks at the practice of military coercion by the Council through its peace-enforcement power.

The Security Council is at once a legal actor and a political forum, and so the dynamics of compliance by states have both legal and political features. The legal content of the Council's powers derives from the Charter clauses discussed above that establish the absolute legal subordination of member states to the Council's decisions on international peace and security. These legal powers are immense, and therefore are often hard to put into practice. They engender great controversy and often great resistance by the states against which they are used or who may fear the precedent that their use may set. As a result, there are relatively few instances in which the Council is able to mobilize its full coercive

legal authority against a state, its "peace-enforcement" powers (Iraq in 1990–91 is one example), and it is far more common to see the Council's authority used as a resource or tool to shift the political grounds of a dispute among states, in a "peace-keeping" mode. In these cases, the threat of enforcement remains but it is sent to the background of the dispute, and compliance by states is achieved (or sought) more through negotiation and compromise. In other words, the Council often seeks compliance with its decisions through political means rather than by brute force, and the history of peacekeeping is testament to the centrality of nuance, diplomacy, and even ambiguity in UN power. It is a mistake to necessarily interpret this nuance as a sign of weakness in the Council or as an unfortunate by-product of Great-Power dissensus; rather, it may instead be evidence that the Council is looking for whatever means it can find to influence states amid, and around, the realities of international politics.

To study how and whether states comply with the Security Council requires that we recognize that there is rarely a situation in which the Council can achieve its goals by itself. Its accomplishments are ultimately a result of its ability to influence the choices of states in directions that it desires. The Council has some instruments that might influence these choices but, as with all international organizations, the most the UN can do is to shape the legal and political context in which states make their choices. It hopes that in such a way compliance with its decisions is made more likely than non-compliance. Sometimes, this influence is decisive and explicit, as with enforcement action in Libya in 2011, and sometimes it is decisive and subtle, as when the UN created the idea of peacekeeping and thus changed the language of intervention for all players. Often, it is just one influence among many: for instance, on Darfur, the Council catalyzed action by the International Criminal Court by issuing a resolution that authorized the ICC to investigate international crimes in Sudan, as discussed in Chapter 9.

The Council has learned to maximize its influence by leveraging its legal powers into the more subtle currency of political persuasion. It has reserved the exercise of its absolute legal authority over states for a small subset of disputes that appear before it. The difference between these two modes of operation is evident in practice in the difference between peacekeeping and peace-enforcement missions, as mentioned above. Peace-enforcement missions are coercive invasions of countries by a UN-authorized force, intent on eliminating or mitigating a threat to international peace and security. Peacekeeping missions, by contrast, are negotiated between the UN and states or other parties, and have the consent of the government in the state where they are operating; they often occur in the shadow of a threat from the Council, but in legal form they are

always present with the formal consent of the country. A peacekeeping mission is characterized by three key components. It is a multinational force authorized by the UN that is (i) impartial between the sides in the conflict; (ii) authorized to use force only to defend their own lives; and (iii) consented to by the relevant governments. These three features, of impartiality, force only in self-defense, and consent of the states, are the hallmarks of a peacekeeping force.[7] They reappear time and again across cases, including the UN missions in Cyprus (UNFYCIP, monitoring a cease-fire between Greek and Turkish Cypriots since 1964), in southern Lebanon (UNIFIL, since 1974, though substantially changed over time, especially after the Israel–Lebanon War in 2006), in Nicaragua (ONUCA, 1989–92), in El Salvador (ONUSAL, 1991–95), and elsewhere.

The military operation against Qaddafi in Libya in 2011 represents the peace-enforcement model, while the Rwanda mission from 1993–94 is an example of a peacekeeping mission (at least at the start). Both operations were intended as responses to threats to international peace and security, and they included demands by the Council that the states involved comply with certain conditions set out in the Council's Resolutions, but the logic by which they induced compliance was dramatically different between the two. The two resolutions governing these operations are excerpted below in Appendices 4.A and 4.B, and the differences in language are striking.

The concept of peace-enforcement is clearly set out in the Charter (in Chapter VII) but in practice the Council in fact has far more experience with the peacekeeping type, and this is not explicitly described in the Charter. The idea of the "peacekeeping mission" was launched in the context of the Suez War in 1956, and was initiated by the Secretary-General and the General Assembly rather than the Security Council. After an invasion of Egyptian territory in the Sinai by France, the UK, and Israel, the General Assembly established a multinational "emergency force" of soldiers to patrol the area and monitor a cease-fire agreed to by the warring governments. This was given the name United Nations Emergency Force (UNEF) and it lasted until 1967 (it became known as UNEF I after a new force was sent to Sinai in 1973 to prop up an Israel–Egypt cease-fire). The UNEF mission has come to define the category of "peacekeeping" with the following features.

[7] The key UN documents that define this and other peace-mission categories are An Agenda for Peace (1992) and Supplement to an Agenda for Peace (1995). These were originally reports by the Secretary-General to the Security Council, www.un.org/Docs/SG/agpeace.html. Accessed October 5, 2009.

The Security Council created a classic peacekeeping mission in the 1993 Rwandan civil war. After the government of Rwanda and the forces trying to overthrow it (the Rwandan Patriotic Front, RPF) signed a cease-fire agreement, the Council agreed to send a multinational peacekeeping force to the country to monitor the compliance of both sides with its terms. These included monitoring the demobilization of troops on both sides and a weapons-free area around Kigali, the capital, training workers to clear land mines, coordinating aid supplies, and monitoring the return of refugees.[8] The mission, known as UNAMIR, was initially composed of around 2,500 military personnel, largely Belgians, under a Canadian commander with a political leader from Cameroon. Its powers were negotiated between the United Nations, the Rwandan government, and the RPF, and were set out formally in SC Resolution 872. The resolution made it explicit that the mission was "at the request of the parties" (i.e. the government of Rwanda and the RPF) and rested on the twin premises of "peaceful conditions" and "the full cooperation of all the parties." These terms were important to the character of the mission, both in theory and in practice, because they ensured the mission would operate as a partnership between three players: the government, the RPF, and the UN. This partnership is paradigmatic of a classic peacekeeping mission. In practice, it meant the mission was in a poor position to adapt to the new circumstances that arose once the genocide began in April 1994, leaving it a bystander amid mass atrocities.

The consent of the Rwandan government was essential because UNAMIR could not otherwise legally be present in the country. As a sovereign state, Rwanda enjoyed the protection against UN interference afforded by Article 2(7) of the UN Charter. Its domestic affairs are legally insulated from all branches of the UN. It follows therefore that the Council can only impose military solutions on countries by following the procedures of Articles 39, 41, and 42, which permit it to identify threats to international peace and security and to respond in any way it deems necessary. These clauses lead to peace-enforcement missions described below, rather than to peacekeeping. Peacekeeping is the UN's mode of operation when, for whatever reason, it does not pursue these more forceful and interventionist powers. For Rwanda, the Council declined to use its power to impose itself on the parties until well after the government had largely succeeded with the genocide by mid-1994.

[8] The mission is described at: www.un.org/Depts/dpko/dpko/co_mission/unamir.htm. Accessed October 9, 2009.

The set of three principles that defines peacekeeping is the necessary and logical consequence of the UN's absence of legal authority in instances when the Council has not taken its more forceful route. Without a finding under Chapter VII, the UN is left with whatever influence it can organize with the consent of the states involved. This often, perhaps always, requires substantive compromises in order to gain the support of the target state, and can produce mandates for peacekeeping missions that are seriously impaired as compared with what the UN's Department of Peacekeeping Operations might want. It also often means no mission at all, when states refuse to agree. In the case of Rwanda, it meant a mandate for UNAMIR that did not include the right to use force to protect innocent civilians or to challenge the genocidaires.

Without legal authorization to do these things UNAMIR became, once the genocide started, a witness to the killing and did almost nothing to stop it. Such are the legal limits on UN action, and to respond differently to the killing UNAMIR would have been likely to violate some aspect of the international legal agreements that had brought it into being in the first place. In one very stark case in April 1994, UNAMIR soldiers from Belgium were stationed at a school, providing de facto protection to 2,500 people inside the school from a crowd outside who wanted to murder them. The soldiers could in principle have used their guns to defend those they were protecting, but this would have meant exceeding UNAMIR's authority as set by the Security Council. It would also have meant breaking the Council's promise to the Rwandan government not to take sides in the conflict. It would likely further mean that the peacekeepers would become targets of the killers as well, both at the school and around the country. In deference to the law and politics of the United Nations the peacekeepers left the school when they were challenged by the killers, and the people in it were massacred within hours of their departure.[9] The faithful adherence to the law of the UN Charter in this case contributed to a tragedy.

A peacekeeping mission is expressly designed around terms that the target state can agree to, and as such it aims to get states to voluntarily follow the Council's wishes. It represents an exercise in subtle power by the United Nations, where the terms of compliance are negotiated between states and the organization and are consented to by both. This is more in the style of the ILO or the ICJ than of centralized enforcement or punishment. Threats and coercion, where

[9] The story of the school, the École Technique Officielle, is recounted in the film *Beyond the Gates* (IFC Films, 2004).

they exist in such cases, take place behind the scenes and in advance of the public agreement represented by the mission's mandate.

There remains of course the category of peace-enforcement, explained in the next section. This is the logical complement to peacekeeping, and the characteristics of each help to explain the peculiarities, and strengths and weaknesses, of the other.

Enforcement

In many ways, what was needed in the Rwandan conflict was a peace-enforcement mission rather than a peacekeeping mission. In peace-enforcement, the three features that define peacekeeping are each reversed: the UN's military force is neither neutral nor consensual, and it is authorized to wage war to accomplish the political goals set out by the Security Council. The military operation to force Iraq from Kuwait in 1991 illustrates this in practice. The Security Council in that case declared that by refusing to leave Kuwait the government of Iraq had "usurped the authority of the legitimate Government of Kuwait" and had thereby breached international peace and security. It further declared that the UN was "determined to bring the invasion and occupation of Kuwait by Iraq to an end and restore the sovereignty, independence and territorial integrity of Kuwait" (Res. 660). To achieve this it authorized "Member States cooperating with the Government of Kuwait ... to use all necessary means to uphold and implement Resolution 660 [restoring Kuwait's independence]" (Res. 678). These resolutions and the war that followed show the contours of a peace-enforcement mission: the UN identified an enemy whose conduct was threatening international peace and security, and authorized a full military campaign to reverse it. Such missions, which remain rare, do not have the consent of the target government, they take sides in the conflict, and they deploy force in a war-like fashion to accomplish their goals. This is the reverse of peacekeeping's consent-based model.

Enforcement by the Security Council is governed by Chapter VII of the UN Charter. Here, the Council is given the power to identify threats to international peace and security (Article 39) and decide what measures are necessary to respond to those threats. These measures may include economic sanctions, blockades, and other non-military means (Article 41) as well as collective

military force (Article 42). This power is in principle unbounded, making the Council on paper the most powerful international organization in the history of the states system.

The Council can decide on collective military action on behalf of the entire United Nations and all its member states. These decisions must come in the form of a resolution of the Council, passed according to its voting formula set out in Article 27 and described in Chapter 3: "an affirmative vote of nine members including the concurring votes of the permanent members." The voting rules mean that these enforcement actions can take place only when all five permanent members are willing to support it, or at least abstain from vetoing it, and also at least four of the non-permanent members must vote in favor. This sets a high standard of inter-state agreement before enforcement by the Council can take place and is the main reason that the Council has used its full power only a handful of times.

A second constraint on Council activism is that the Council itself (and the UN more generally) possesses no military resources and it must rely on voluntary contributions from UN member states. These contributions (of troops, money, and equipment) are negotiated case by case by the Secretary-General or the members of the Council, and require separate legal agreements in each case between the troop-contributing country and the United Nations.[10] States are paid a per diem reimbursement by the UN for their contributions, though these are far below the carrying costs of all but the most ill-equipped and ill-trained troops. The diversity that is characteristic of most multinational forces, and is a source of both strength and weakness, is the result of this organizing system. When too few contributions are forthcoming for a proposed mission, the mission cannot take place. In Rwanda, a shortage of willing contributors helped to delay the launch of UNAMIR II, a peace-enforcement mission, until after the genocide was over, by which point its raison d'être had largely dissipated.

When these obstacles are overcome, the Council can be a very efficient and powerful military force. This was well illustrated in the 2011 military intervention against Libya. The intervention was motivated by the imminent threat of a massacre of citizens in Benghazi by the Libyan government, in the context of a widespread uprising against Muammar Qaddafi's dictatorship. The Security Council had previously made various demands of Qaddafi to refrain from using his military to defeat the political opposition, and when these were ineffective

[10] Kofi Annan's autobiography describes some of these negotiations. Kofi Annan and Nader Mousavizadeh, *Interventions: A Life in War and Peace*. Penguin, 2012.

the Council agreed to Resolution 1973 on March 17, 2011. This resolution is reproduced in Appendix 4.A below. Its key legal components include:

- identifying Qaddafi's violence against his citizens as a threat to international peace and security (using Article 39 of Chapter VII of the Charter)
- banning "all flights in the airspace of" Libya in order to protect civilians
- authorizing UN member states "to take all necessary measures" to enforce this no-fly zone
- authorizing UN member states "to take all necessary measures... to protect civilians... under threat of attack"

These measures together constituted the legal foundation for NATO and others to use their military forces to defeat the Libyan army, in the name of protecting the Libyan population against the depredations of its government. This took the form of air and naval power, since Resolution 1973 explicitly ruled out "a foreign occupation force" in Libyan territory. The war that ensued was a hybrid of civil war, inter-state war, and UN peace-enforcement operation. It ended in late October 2011 when Qaddafi himself was killed by anti-government forces.

The Charter includes provisions (in Articles 43 and 45) that require members to make available to the UN some proportion of their national military forces. These were intended to allow the Council to have more direct control over troops so that it could be more independent and expeditious in launching new enforcement missions, but these clauses have never been enacted. No state has concluded the kind of agreement envisioned in Article 43, which imagined that states would negotiate bilateral agreements with the Council on the types and terms of available resources. There is little enthusiasm among UN members for a more militarily independent Security Council; neither the Great Powers, who would likely supply the capacity for these missions, nor the small and medium states, who see themselves as the likely targets of such missions, have pushed to further empower the Council. There does exist a coalition of activists and middle-power states who defend the idea, on the grounds that a UN "rapid-reaction force" could be more efficient and effective than the current practice of generating new contributions each time the Council decides on an operation.[11]

The categories of peacekeeping and peace-enforcement define ideal-types, and as much as the UN might try to keep them separate in practice many

[11] For instance, Brian Urquhart, "A Force behind the UN," *New York Times*, August 7, 2003.

missions end up blurring the lines between them.[12] As Michael Matheson has said, "UN operations do not fall into well-defined, mutually exclusive categories, any more than do the conflicts they address."[13] However, keeping them distinct is important both legally and practically. In law, they have entirely different sources of legal authorization under the Charter, and these legal foundations produce characteristic features and problems in the missions themselves. In practice, the needs and the dangers associated with each type of mission are significantly different, so that mixing up the two can be counterproductive and even dangerous. The Somalia operations of 1992–94 provide a classic example of the dangers: these missions included both UN and US operations designed at the start to follow the classic peacekeeping model and to assist with the delivery of humanitarian aid. Once they discovered the extent to which local militias were impeding that aid, the US and the UN began using their military capacity to defeat the militias. They shifted, in other words, from peacekeeping to peace-enforcement, from having the consent of the government and using force only in self-defense to actively using force to defeat local enemies.[14] The transition left the foreign troops vulnerable to counterattacks, and several dozen were killed, and it alienated many local people by making them the targets of foreign militaries. These together made the original humanitarian mission impossible and led to the collapse of the whole enterprise, though the operation succeeded in increasing the supply of humanitarian assistance for a time.

The peace-enforcement mission is a seldom-used tool of the United Nations, but it represents the starkest application of the UN's powers of enforcement in response to threats to international peace and security. It is far more common for the Council to invoke its enforcement power as a leverage tool to induce states to change their policies. Thus, the Council relatively frequently identifies some particular crisis or state behavior as "a threat to international peace and security," and it uses that language from Article 39 to signal that it is making a legally binding call to UN members to respond as it demands. By using this language, it is indicating unambiguously that it is conscious of its enforcement capacity under Chapter VII of the Charter and is implicitly threatening to take

[12] A third type of operation, known as peace-building, occurs when the UN takes a direct role in the administration of a state, generally after the collapse of the existing government or its complete capture by one side in a civil conflict.

[13] Michael Matheson, *Council Unbound: The Growth of UN Decision Making on Conflict and Postconflict Issues after the Cold War*. United States Institute of Peace Press, 2006, p. 100.

[14] Resolution 794 (1992) made the legal change to the mandate of the UN mission.

more forceful measures if states fail to act as it requires of them. The enforcement powers of the Council therefore form part of the inescapable background to its political influence.

The interaction between law, politics, and enforcement is characteristic of the Security Council's place in international relations, and this was very much part of its original design when the United Nations was formed in 1945. It was the intention of the UN's framers that the Security Council would be a place where the political negotiations among the Great Powers over the management of the international system would be framed within an explicit grant of legal authority by all the other states. It created a legal hierarchy on top of the traditional dynamics of power politics between Great Powers and the rank-and-file states of the international community.[15] This is a dramatic development for international politics: it means that governments have given up their legal primacy regarding questions of international peace and security. Sovereign states in the UN system accept that the Council (and the Charter) has the ultimate legal authority over international peace and security. This directly contradicts the mythology of sovereign statehood, and the assumption that world politics takes place in an international "anarchy."

CASE I: Darfur 1990s–2000s

The international response to the Darfur crisis is thoroughly shaped by the rules, powers, and paradoxes of international organizations, and none more importantly than those of the UN Security Council. Within the UN, the rules on domestic sovereignty (Article 2(4)), threats to international peace and security (Article 39), voting in the Council (Article 27), and troop-contributing countries are central, and beyond the UN the case involves also the International Criminal Court, the African Union, the ambiguous and changing norms of humanitarian intervention, and the nascent doctrine of the Responsibility to Protect.

The "problem" of Darfur centers on the fact that the Sudanese government has organized and encouraged attacks on the people in the Darfur region, in the west of Sudan, often using para-state militias. The purpose of this violence appears to be to destroy three ethnic groups, the Fur, the Masalit, and the

[15] Gerry Simpson provides an excellent history of legal hierarchies in world politics in *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order*. Cambridge University Press, 2004.

Zaghawa, and to eliminate, through mass killing, a potential source of political opposition for the government. As a consequence, something like 400,000 people have been killed and millions more made landless and homeless or turned into refugees.[16] The scale of the violence, and the fact that it is directed by the government against innocent civilians, places it in the top rank of modern crimes against humanity, alongside the Holocaust, the Khmer Rouge in Cambodia, and the Rwandan genocide. To many it looks precisely like the type of case for which United Nations intervention was invented, and indeed the United Nations has been reacting to it in one way or another since at least 2004. In the shape of these reactions, and in their successes and their failures, we can see on display the powers and the limits of the UN Security Council.

The first step to any Council action, as we saw in Chapter 3, is to satisfy the requirement that there be a breach of, or threat to, international peace and security. This language appears in Article 39 of the Charter, at the opening of Chapter VII, and it defines an unbreachable outer limit on the authority of the Security Council; all of the enforcement powers available to the Council, described later in Chapter VII of the Charter, are possible only if the Council finds that there is a threat to or breach of international peace and security.

In the Darfur case, this has been extremely controversial. The predations of the Sudanese government have been almost exclusively addressed to people who are Sudanese citizens and living in the territory of Sudan. The politics of the conflict are part of the internal politics of the country. In what sense, therefore, can the problem be said to be one of "international peace and security" as opposed to a problem of domestic turmoil and civil war? The Security Council cannot act on any matter "essentially within the domestic jurisdiction" of a member state (from Article 2(7)), and a government's behavior toward its own citizens has traditionally been understood in international law as largely within the confines of its domestic sovereignty. Even gross mistreatment of innocent people seems to be within the bounds of the domestic exclusion from international authority, as long as the people are not the citizens of another state. In an exclusively state-centric view, the Darfur case could fall within the domestic space, both territorial and conceptual, of the Sudanese government. The Council, with its state-centric construction and the state-centric Charter, has in

[16] John Hagan and Wenona Rymond-Richmond, *Darfur and the Crime of Genocide*. Cambridge University Press, 2009, ch. 4.

consequence struggled to reconcile this with the self-evident urgency with which massive human suffering pushes itself back on to the policy agenda.

The same problem arose in 1994, as the Security Council considered whether and how to act in response to the Rwandan genocide. Much like Darfur a decade later, in Rwanda the government of the country organized and encouraged mass killing of innocent people as a tool to tighten its hold on power. The government drew its political power from sections of the Hutu population of the country, and it decided that the Tutsi population constituted a threat to the continuation of that power. It sought to massacre the Tutsi people, along with many Hutus, to avoid implementing a power-sharing compromise negotiated by the United Nations. In its own way it succeeded: the genocidaires killed in the range of 800,000 people in three months. In the first days of the genocide, the Security Council met to consider the problem and through informal conversations among the most powerful countries on the Council it was decided this was a domestic matter within the meaning of Article 2(7): the killing was within the borders of Rwanda, and targeted Rwandans rather than foreigners, and so the diplomats in the Council decided that the killing did not constitute a threat to international peace and security under Article 39. It was seen instead as part of a civil war, which by definition was "a matter essentially within the domestic jurisdiction." The UN could therefore have no authority (or obligation) to respond.

This interpretation of the situation, and of Charter law, led to the conclusion that the United Nations should, and could, do nothing in response to the killing, and produced the policy of inaction which allowed the killing to continue unbounded. It is clear today that this policy conclusion was in fact the preferred policy of the US and many other powerful governments, and so the legal interpretation of the Charter and of the situation in Rwanda looks to have been driven by the desire to find a way not to take action to help end the genocide quickly. The US was cowed by its experience in Somalia in 1993, discussed above, and saw the possibility of intervening in Rwanda as an opportunity to repeat the failure. Many in the UN felt the same fear and similarly preferred inaction over action.[17] The consequence of these choices was that the Council allowed the genocide to continue for several weeks, and allowed thousands to be killed, on the grounds that this was made necessary by the language of Article 2(7). As the killing progressed, the Council's inaction became unbearably shameful. While it

[17] See Michael Barnett, *Eyewitness to a Genocide*. Cornell University Press, 2003. Also Kofi Annan and Nader Mousavizadeh, *Interventions: A Life in War and Peace*. Penguin, 2012.

remained committed to the idea that the killing was part of a civil war, the Council decided that the increasing refugee flows out of Rwanda, as people sought to escape the massacres, were themselves a threat to international peace and security. In these refugee movements the Council found the trans-border element that it needed to activate its powers under Article 39. It eventually authorized a peace-enforcement mission in Rwanda to protect civilians, though by the time any troops arrived to carry out the mission the genocidal government had already been overthrown by the RPF army and the killing had stopped.

The Rwanda case shows that the legal interpretation of "domestic matters" is extremely powerful, both legally and politically. It is the device by which governments insulate themselves from outside (i.e. UN) interference. It limits what the United Nations can say about, among other things, how the Myanmar government reacted to the devastating flooding after cyclone Nargis in 2008, how the Iranian elections of 2009 were conducted, how Bashar al-Assad maintains himself in power in Syria, and how the death penalty is applied in the United States. In all these cases, the relevant governments claim that their actions are protected by the domestic exclusion of Article 2(7), and therefore neither the Security Council nor any other part of the UN system has any legal authority.

However, the final word on the legal interpretation of such claims appears to lie with the Security Council rather than with the governments or any other institution. This follows from the fact that the Council has the authority to decide what is or is not a threat to international peace and security under Article 39. The meaning of the domestic exclusion is the inverse of what is meant by "a threat to international peace and security," and so it is in the power of the Council to decide how a given crisis should be understood. The Council is effectively unlimited, from a legal perspective, in its ability to declare new things to be threats to international peace and security.

The inverse relationship between matters of domestic jurisdiction and of international security is being continually remade with each decision of the Council. We only know the extent of state sovereignty by observing the practice of the Security Council in identifying threats in specific situations. State sovereignty is therefore an uncertain category, despite being so highly prized by governments. As discussed earlier, the Council has found that terrorist financing is a threat to international peace and security, along with the proliferation of weapons of mass destruction, the use of children in war, and sometimes rape and sexual assault as tools of war. With each move, the areas protected by Article 2(7)

shrink a little further and the scope of Council authority grows a little broader. Sovereign authority is being transferred from states to the Security Council.

Genocide, however, is different – and it is the possibility of genocide in Darfur that changes the legal environment for the Security Council. Genocide is one among a small number of behaviors that automatically and in themselves are considered breaches of international peace and security – the others include crimes against humanity and war crimes. These crimes have special status in international law; they are acts that by their very nature are violations of the laws of nations and there is no need for the Council to specifically identify them as such. They may also permit cross-border military or criminal responses that do not require separate legal authorization from either the local government or an international body.

It is this special status that explains why the United States in 1994 refused to call the massacres in Rwanda "genocide," because to acknowledge it as genocide would immediately void the legal interpretation that the problem was a domestic matter and not a threat to international peace and security. Security Council inaction would therefore be much harder to justify. William Schabas, in his excellent survey of international law on genocide, notes that genocide has been recognized "as anti-social since time immemorial" but that there was little effort to prosecute its perpetrators since it "was virtually always committed at the behest and with the complicity of those in power."[18] After 1945, it was quickly institutionalized around the Nuremberg Trials as a rule of jus cogens (that is, a law that binds all states by virtue of their being states, regardless of their consent or opposition).

The United States declared in 2004 that the Sudan killings were part of a genocide, though the Security Council to date has not. In the American perspective, the Council therefore already has the authority to take enforcement action in Darfur. For the UN, though, the matter remains open to intervention based on a Council finding of threat to international peace and security. In large part the Council has operated on the basis of negotiation with the Sudanese government rather than by force. The UN has approved a "hybrid" peace operation in Darfur, under Council resolution 1769 in 2007. It is hybrid in two distinct ways: first, it was grafted on to a peace operation of the African Union (AU), known as AMIS (African Union Mission in Sudan), and it is meant to support the political reconciliation negotiated by the AU in the Darfur Peace Agreement; and second, it has aspects of both a peacekeeping and a peace-enforcement mission. Both issues arise from the Council's unwillingness to make Darfur a clear-cut case of

[18] William Schabas, *Genocide in International Law*, 2nd edn. Cambridge University Press, 2009.

humanitarian international intervention, and the consequent need to maintain a working relationship with the Sudanese government.

China and Russia are both opposed to finding that the Sudanese government is breaching international peace and security, and have used the veto threat to stop resolutions that make formal demands of the Sudanese. Instead, the Council's response to Darfur incorporates the government as a partner rather than as an enemy, meaning that it negotiated the mandate of the Darfur mission with Sudan and made changes in response to Sudanese demands, such as accepting limits on the countries that would be considered qualified to be troop-contribution countries. This is typical of a peacekeeping mission, where the mission must have the consent of the host country. The hybrid nature of the UN–AU partnership was also a result of this process, as Sudan insisted on an "African" rather than international mission.

However, the resolution itself complicates things, and leads to the second dimension of hybridity in the mission. The preamble to Resolution 1769 reaffirms the Council's earlier decision that "the situation in Darfur, Sudan continues to constitute a threat to international peace and security," which has traditionally been coded language in Council resolutions for the authority of enforcement given to the Council by Article 39 and the rest of Chapter VII. Invoking that phrase should set the UN mission safely beyond the domain of Article 2(7) and its domestic protections, though in the operative paragraphs the resolution does not use this authority to set any legal limits on the Sudanese government. Subsequently, one paragraph of the resolution (para. 15) opens with the explicit declaration that for that paragraph alone, the Council is "acting under Chapter VII of the Charter of the United Nations." This paragraph contains the rules that govern when troops of the mission can use force, and these say that they may "take the necessary action . . . in order to

i) protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers,
ii) support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan."[19]

[19] S/RES/1769 (2007).

These clauses therefore give the UN mission the legal right to use force in self-defense (i.e. "to protect its personnel, facilities . . .") but also more broadly in defense of the goals of the mission itself (i.e. to protect "humanitarian workers" and to "protect civilians"). This broader grant of authority is what was missing from the UNAMIR mandate in Rwanda and caused that mission to actively seek the minimum of impact in preventing killings, and it gives the Sudan operation the potential for direct confrontation with those forces who are punishing the Darfur population. It could well become a peace-enforcement mission. However, this is unlikely to happen in practice, as indicated by the last words of 15(ii): "without prejudice to the responsibility of the Government of Sudan." This clause, though it is ambiguous, would seem to return the mission back under the authority of the government of Sudan, and reinforces the sense that it is a peacekeeping mission consistent with the sovereignty of Sudan, at least with respect to the broader goals of the mission (notice that this clause modifies the authority to use force to protect civilians and not the previous section that defines the right to use force to defend UN troops or humanitarian workers).

In the end, the mission is a hybrid between peacekeeping and peace-enforcement: it deploys the forceful legal language of Chapter VII of the Charter with an implied threat of military enforcement, but its ability to exercise authority on the ground is circumscribed by the Sudanese government. The mission ultimately defers to the local government and makes no demands of it.

The Darfur mission shows how the law of the Charter mixes with the politics of international affairs to constitute a UN peace operation. The powers, limits, and dilemmas of these missions make sense when seen through the lens of Council politics. The Council can authorize extremely powerful interventions when it has the collective will to do so, and when it lacks a consensus in favor of intervention it may do nothing or may make only a symbolic but ineffective gesture. Its successes and failures have much to do with the private interests being sought by the Permanent Members. Even "success" and "failure" need to be carefully defined – the Rwanda operation could be considered a "success" from the point of view of those permanent members whose objective was to avoid involving the Council and themselves in another civil war, and the Sudan mission is a "success" if one's goals are to protect the Sudanese government from the "illegal" intrusion of the Council. They are both failures in terms of improving the fortunes of those targeted by their governments.

CASE II: Syria in the 2010s

The patterns evident in Darfur and Rwanda appear again in the UN's response to the Syrian war since 2011. A people's revolution against the dictatorship of President Bashar al-Assad was met with widespread violence by the government against the civilian population. This cost the government much of its domestic support and its international legitimacy. As large areas of the country fell to various opposition groups, the tenure of Assad looked shaky which prompted his government to escalate even further its indiscriminate killing of civilians in opposition areas. The US began openly bombing Da'esh (ISIS) forces which took over some areas as the government retreated. Russia began openly attacking rebel forces and neighborhoods in 2015 to support Assad. What began as a street-level uprising against a long-standing dictator has become a thoroughly internationalized regional war with superpowers backing opposite sides and regional powers including Israel, Turkey, Hezbollah from Lebanon, Saudi Arabia, Iran, and others deeply involved. Under the weight of this militarization, civilian society has been crushed: perhaps 500,000 people have been killed, 2 million more wounded, and 10 million people (half the country's pre-war population) displaced from their homes.

At every stage of the conflict – from street protests to civil war to a regional "world war" – the UN Security Council has been watching carefully and continually failing to take constructive action. It has issued statements in favor of peace and condemning human rights violations, violence against civilians, and the use of chemical weapons. It has declared cease-fires, supported UN envoys, demanded humanitarian access, and supplied some aid. It endorsed an inspection team to monitor the government's promise to dispose of its chemical weapons.

But the Security Council has not made use of its enforcement powers to impose a solution that resolves the underlying "threat to international peace and security." The reasons for this are clear, and will be familiar from the stories about Rwanda in 1994 and Darfur in the 1990s: the Permanent Members in the Council disagree on how the Syrian conflict should be resolved. The US, UK, and France among others have for many years wished to see the Assad government overthrown, though the US at least since 2015 has appeared more interested in "stability" in the country that excludes Da'esh. Russia supports Assad and increases its military commitment any time he appears to be weakening. Without Great Power consensus, the Security Council cannot do anything; it is

irrelevant by design. On Syria, it has produced a series of relatively weak statements of aspiration for peaceful settlement, because this is all that the P-5 can agree on. When the Secretary-General told the Council in 2016 that it has "no higher responsibility" than ending the Syrian war, he is speaking in a sense against the institutional framework that undergirds the organization.[20] The Council has the legal authority to act forcefully in Syria but its permanent members have conflicting ideas about what it should do and whom it should protect. When the Great Powers in the Council agree with each other, the organization can act like a global imperial power, imposing itself as it sees fit anywhere. But when they do not agree, it disappears.

Conclusion

Every peace mission of the United Nations must be built on two foundations, and each contributes to the shape of the final structure: a legal mandate under the Charter, and a grant of resources (military or otherwise) from the member states. The legal mandate defines what are the powers and limits of the mission (usually though not always in the form of a formal resolution of the Security Council) and how the mission relates to Article 2(7) on domestic sovereignty. Peace-enforcement missions use the coercive authority of Chapter VII of the Charter and are therefore not covered by the domestic exclusion in Article 2(7). Peacekeeping missions, with their foundation on the consent of the states involved, use that consent to avoid violating Article 2(7): what is consented to by the government cannot, by definition, be considered interference in "matters which are essentially within [its] domestic jurisdiction."

In addition to a legal mandate, all missions also must have the resources to enact that mandate, and these resources always come from loans by member states. The United Nations has no military capacity of its own, despite the plain language of Articles 43 and 45, and it has little leverage to force states to contribute what it needs. Therefore, the resources that make up peacekeeping and peace-enforcement operations are given at the discretion of the contributing states and often fall short of the ideal. In the case of Darfur, the possibility

[20] See www.un.org/apps/news/story.asp?NewsID=55002#.WB4GCDKZNp8.

of a humanitarian intervention on behalf of the local population has thus far failed on both the legal and the resource fronts: the states on the Council are not in sufficient consensus to authorize a forceful legal mandate for a peace mission, and even if they agreed to authorize an enforcement or humanitarian mission against the wishes of Sudan there are not at present sufficient contributions from UN members to make it work.

The Security Council is the institutional expression of the enforcement powers of the United Nations. The Charter gives to the Council the right (or the responsibility) to identify threats to international peace and security and the authority to respond to them. Its menu of options in crafting its response is partly contained in Chapter VII of the Charter, especially in Articles 41 and 42, and partly exists at the uncertain intersection between the Council's political power and the details of the dispute in question. The formal powers in Chapter VII can be clearly ascertained, and amount to everything from economic sanctions to military invasions. Its practical powers are seen in particular cases, where the Council uses its influence to cajole states into cooperating with it. It is also seen in the cases where the Council does not use its full influence – for instance, the absence of a forceful response to the Darfur situation is a function of the arrangement of interests on the Council that do not permit a veto-proof coalition in favor of intervention.

The Council is an excellent example of an international organization that displays all three of the functions set out in Chapter 2. It is at times primarily a forum that brings together senior diplomats from its fifteen member states and where high-level negotiations can take place. Members are required to be continuously available so that Council meetings can take place on very short notice, and the result is a well-institutionalized forum of inter-state crisis diplomacy. When these states are sufficiently in agreement to take a decision, the Council becomes more like an actor in its own right. It takes collective decisions and appears to have a collective opinion, and it stands independent of any of its members. This collective personality may well be a fiction, but this does not diminish its power – it is an effective fiction. Finally, these collective decisions enter into a broader international society where they can be used by other actors as tools in their own political strategies, perhaps even in ways that are quite dislocated from the original intentions of the Council. States use the decisions and statements of the Council among the raw materials for their foreign policies, and in so doing they help constitute the broader world of international politics. The complexities in the nature of the Security Council help to account for its usefulness to states – it can be used and interpreted in a number of ways, subject of course to certain limits set by the legal terms of the UN Charter.

Further Reading

The best resource for insight into the practical operation of the Council, including how it has interpreted its powers in various crises over the years, is Loraine Sievers and Sam Daws, *The Procedure of the UN Security Council* (Oxford University Press, 4th edn., 2014). David Malone's edited volume is an excellent collection of essays across the broad range of Council history and activity: David M. Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century* (Lynne Rienner, 2004).

For primary documents and facts on specific peace operations, the annual Global Peace Operations *Review* is excellent (NYU – Center on International Cooperation), as is the UN's own series of "blue books," documents on its main missions, organized by country. For further analysis of some of these operations, see Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge University Press, 2004), Katharina P. Coleman, *International Organizations and Peace Enforcement: The Politics of International Legitimacy* (Cambridge University Press, 2007), and Nigel White, *The United Nations System: Toward International Justice* (Lynne Rienner, 2002). On the UN's involvement in Rwanda, see Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Cornell University Press, 2003). On Darfur, see John Hagan and Winona Rymond-Richmond, *Darfur and the Crime of Genocide* (Cambridge University Press, 2009). The documentary film *Refuge: A Film about Darfur* (Juju Films, 2009) is also revealing of the relationships between environmental change, political conflict, and the local people.

On Syria, two short documentary films provide particularly striking personal perspectives on the war: *Return to Homs* highlights a young soccer star who joins the anti-Assad movement after his home is destroyed by government forces, and *#chicagoGirl* shows some of the social networking behind the early protest movement from the perspective of a woman in the Chicago suburbs coordinating with protesters in Syria.

APPENDIX 4.A
UN Security Council Resolution 1973 on Libya (2011)

S/RES/1973 (2011)

17 March 2011

RESOLUTION 1973 (2011)

Adopted by the Security Council at its 6498th meeting on 17 March 2011

The Security Council,

Recalling its resolution 1970 (2011) of 26 February 2011,

Deploring the failure of the Libyan authorities to comply with resolution 1970 (2011),
Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,

...

Reiterating the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

...

Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,
Acting under Chapter VII of the Charter of the United Nations,

1. Demands the immediate establishment of a ceasefire and a complete end to violence and all attacks against, and abuses of, civilians

...

4. Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory

...

6. Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians

...

8. Authorizes Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above

...

29. Decides to remain actively seized of the matter.

APPENDIX 4.B
UN Security Council Resolution 872 on Rwanda (1993)

S/RES/872 (1993)
5 October 1993
RESOLUTION 872 (1993)

Adopted by the Security Council at its 3288th meeting, on 5 October 1993

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

...

Welcoming the signing of the Arusha Peace Agreement (including its Protocols) on 4 August 1993 and urging the parties to continue to comply fully with it, Noting the conclusion of the Secretary-General that in order to enable the United Nations to carry out its mandate successfully and effectively, the full cooperation of the parties with one another and with the Organization is required,

Stressing the urgency of the deployment of an international neutral force in Rwanda, as underlined both by the Government of the Republic of Rwanda and by the Rwandese Patriotic Front and as reaffirmed by their joint delegation in New York,

...

Resolved that the United Nations should, at the request of the parties and under peaceful conditions with the full cooperation of all the parties, make its full contribution to the implementation of the Arusha Peace Agreement,

1. Welcomes the report of the Secretary-General (S/26488);
2. Decides to establish a peace-keeping operation under the name "United Nations Assistance Mission for Rwanda" (UNAMIR) for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council based on a report from the Secretary-General as to whether or not substantive progress has been made towards the implementation of the Arusha Peace Agreement;
3. Decides that, drawing from the Secretary-General's recommendations, UNAMIR shall have the following mandate:
   (a) To contribute to the security of the city of Kigali inter alia within a weapons-secure area established by the parties in and around the city;
   (b) To monitor observance of the cease-fire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new demilitarized zone and other demilitarization procedures;
   (c) To monitor the security situation during the final period of the transitional government's mandate, leading up to the elections;
   (d) To assist with mine clearance, primarily through training programmes;
   (e) To investigate at the request of the parties or on its own initiative instances of alleged non-compliance with the provisions of the Arusha Peace Agreement relating to the integration of the armed forces, and pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;

(f) To monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it is carried out in a safe and orderly manner;

(g) To assist in the coordination of humanitarian assistance activities in conjunction with relief operations;

(h) To investigate and report on incidents regarding the activities of the gendarmerie and police;

...

7. Authorizes the Secretary-General, in this context, to deploy the first contingent, at the level specified by the Secretary-General's report, to Kigali for an initial period of six months, in the shortest possible time, which, when fully in place, will permit the establishment of the transitional institutions and implementation of the other relevant provisions of the Arusha Peace Agreement;

...

11. Urges the parties to implement the Arusha Peace Agreement in good faith;

...

13. Demands that the parties take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

14. Urges Member States, United Nations agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda;

15. Decides to remain actively seized of the matter.