



Accessing The Role of The United Nations Organisation in Internal Conflicts

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Abstract: *The United Nations Organisation is considered as guardian of international peace and security. It assumes various roles and responsibilities as per the demand of the situation, in order to maintain the international peace and security. Internal conflicts such as civil wars and armed rebellions although do not come under the direct responsibility umbrella of the UN, but such conflicts have potential to threaten the international peace and security. This article has tried to study the roles and responsibilities of the UN in such conflicts and debates around such engagement of the UN.*

The United Nations Organisation (UNO) was established in October 1945. It was established after the great devastation of global order, caused due to World War II. In this backdrop, this organization was mandated to prevent and protect the upcoming generations from the devastating effects of wars and conflicts and to maintain the international peace and security. Article 1 of the UN Charter clearly outline this responsibility of the United Nations (UN). Additionally, article 24 of the charter talks about talking joint actions to stop and deal with acts of hostility towards the International Peace and security. While article 1 explicitly mandates the UN to intervene in the conflicts among the countries, article 2 of the charter prohibits the UN to intervene in the domestic jurisdiction of the member state. Hence considering both the articles in tandem, one can say that the UN is only authorized to take up those issues which is Interstate in nature and not which are Intrastate in nature. But as we look upon the real world, we can easily note that the name of United Nations often popped up in many conflicts which were primarily Intrastate in nature. The cases of Sudan, Yemen, Syria, Libya, Iraq etc. are glaring examples of the above statement. Hence this article has examined the logics and arguments which have backed and encouraged the United Nations to take actions in the civil wars of above-mentioned example. This article has also examined the nature of its engagement in intrastate conflicts such as which are the organs of UN have primary role in conflict managements and what are the tools employed in order to manage the conflicts.

Debates around intervention in internal conflicts

The original purpose of the formation of the United Nations was not to oversee the issue of internal conflicts. The reason behind this was very obvious that the members of the organization are sovereign states and none of the sovereign entity will never want to concede any pie of their sovereignty to others. That is the reason why founding members of the UN explicitly outlined in the UN Charter the provisions related to “Non-Interference of the UN in the domestic jurisdictions”. The members were of the view that the sovereign members were the most benevolent and appropriate authority to deal with the issues, which are well within the domestic boundary. Article 2 (7) of the UN Charter explicitly outlines:

“Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.”

To a large extent the UN followed this principle till the end of Cold War as it largely refrained from tasking itself with the issues related to internal conflicts. But the global political landscape started changing as the number of interstate conflicts declined while the intrastate conflicts mushroomed rapidly. Due to culmination of cold wars, countries and more specifically the communities started getting out of the larger umbrella of political ideologies of communism and capitalism. And now the communities inside the countries started asserting their identities based on their ethnicity, religious belief, language, cultural etc. and they later became the reason of conflicts. Along with those conflicting identities, the spread of democratic notions in the countries where many authoritarian rulers were ruling without any responsibilities towards the fundamental rights of their citizens, also created grounds for the friction and conflict. Hence due to the changing circumstances globally, the UN assumed the new role with respect to the engagement in internal conflicts. The recalibration of the concept of domestic jurisdictions of member-states along with the role of the UN and the strengthening of the concept of human rights globally, are the two major reasons which justifies the assumptions of such role by UN.

Domestic Jurisdiction versus UN intervention

First reason emerges from the article 1 and 2 of the UN Charter itself, when comprehensively discussed, taking both in tandem. As former UN legal counsel Professor Paul Szasz (1993) has noted a number of elements that, alone or in combination, may internationalize domestic disputes and turn them into issues of global importance. These factors include the probability of external states intervening on behalf of the government or insurgents; actual or potential spill over across international borders; the conflict's classification as a colonial conflict; the submission of certain aspects of the dispute to international agreements; and major acts of international outrage or significant human rights violations during the conflict (Szasz 1993).

Self-determination concerns, violations of human rights, effects on neighbouring states, or consequences that provide a "danger" or "threat" to peace are central to these causes. Since each of these factors, when taken alone or in combination, has the potential to eventually have international repercussions that inspire external intervention. Such dangers or threats have frequently resulted from intervention or the possibility of intervention by other governments. Internal disputes have not always been viewed as "threats" to peace, despite the Organization's recognition of them as issues of international concern. As a result, chapter VI of the UN charter, which is advisory, has been used by the Organization instead of Chapter VII, which deals with threats to peace. Therefore, intervention has typically taken place at the request of or with approval from the state in question (Fabian 2016).

When the United Nations has stepped in, it has usually addressed the parts of the situation that have global implications, leaving other matters under the domestic jurisdiction of the state concerned. For example, the UN maintained the distinction between the Turkish and Greek Cypriot communities in Cyprus, to thwart outside action, and it dispatched observers to Lebanon and Yemen to oversee foreign aid. The UN has refrained from influencing or deciding on the final political resolution, upholding impartiality and objectivity. It refrained from taking sides or imposing its will on situations such as Lebanon, Yemen, and Cyprus, upholding the idea that the people, not the UN, should finally decide on a political solution (Schachter 1963).

Internal uprisings were traditionally considered domestic problems, allowing governments to put an end to them by any legal means, even enlisting the aid of international powers. However, the rules that currently govern foreign powers' interventions are ambiguous, up for discussion, and inconsistent in their application. Conventional wisdom permits outside assistance to an established government that is confronting internal political uprising or secession, but considers comparable assistance to rebel organizations to be illegal. On the other hand, Murphy contends that the support for the de facto authority within a state is becoming less important in international law in favour of non-intervention (Murphy 1997).

Although it is often believed that states are free to support an established administration, the majority of interventions are legitimately justified as countermeasures, reactions to earlier unlawful interventions by outside parties backing the opposition. This ambiguity is a reflection of some ambiguity surrounding current legal views regarding the legitimacy of specific interventions in internal disputes. The ICJ may not support assistance that infringes upon the right to self-determine or violate the political autonomy of the state, even though it seems to recognize individual state's attempt to intervene in to support the legitimate government (Parekh 1994).

The Organization is required by the UN charter Article 2(7), to abstain from meddling in the internal affairs of its member nations, with the exception of situations in which Chapter VII enforcement measures are necessary. It highlights a persistent point of contention between the United Nations and its members about how much state sovereignty is given up when a state joins the organization. By defining limits that the Organization is not allowed to cross, Article 2(7) regulates the relationship between the UN and its members. The exact definition of these boundaries is still up for debate, though, as the dynamics of international interactions change and the idea of domestic jurisdiction changes along with it. The assessment of the current status of international affairs, which may be impacted by political or legal standards, is necessary to determine whether a matter is domestic or international. According to Rajan, UN practice has tended to favour a political evaluation when defining jurisdictional limits, leading to an extension of the subjects included within the Organization throughout the past five decades (Rajan 1996).

According to Pearson (1974), the political determination of whether a certain subject is within the purview of domestic affairs is left to the institutions like UNSC and UNGA. Even though these decisions are intrinsically political, they follow specific normative guidelines that take into account legal criteria and the understanding that each choice sets precedents. Resolutions frequently prove ineffectual when addressed at subjects that an affected state believes to fall within its domestic scope, even though the concept of domestic jurisdiction has progressively lost its effectiveness as a barrier to U.N. intervention in issues. This emphasizes the persistence of the idea that local and foreign jurisdiction are mutually exclusive. As he points out, views on what constitutes intervention have been extremely diverse, ranging from broad definitions that include any kind of deliberation or discussion to more narrow definitions that confine involvement to requests that are accompanied by threats of enforcement. In actuality, though, neither extreme has been widely accepted. Rather, interventions are usually interpreted to include resolutions that are directed at particular states, which means that it is necessary to determine if the matter is under the state's domestic jurisdiction.

Furthermore, interventions are typically not defined as acts done with the parties' permission. On the other hand, intervention is categorically defined as the imposition of mandatory measures or the deployment of military into a state's territory for whatever reason. However, as Melzer (2016) observes, recommendatory procedures can be considered acceptable types of intervention provided they are carried out with permission.

The extent of internal conflicts that are seen to be issues of international concern is likely to increase if the Szasz (1993) criteria are used in the current global context. Ethnic or religious links may be the source of external support for these wars, as the circumstances in the former Yugoslav Republics demonstrate. According to Szasz, there is a possibility that these disputes will spread to neighbouring governments, as seen by the exodus of Iraqi Kurds to nations with substantial Kurdish populations. This could have a substantial effect on regional stability. In addition, there is less acceptance of human rights abuses, as demonstrated by the circumstances in Somalia and the reactions of the global community to them.

The UN should, in theory, have an advantage in this area because parties to a dispute are more likely to reach long-lasting agreements if they are supported by an impartial body, and outside counsel is more likely to be accepted if it is not seen as furthering the interests of a specific nation. In order for this to come to pass, though, the UN needs to be given enough autonomy to function adequately independently. It runs the risk of losing credibility if it is seen as just another powerful state's agent; on the other hand, if significant nations show that they don't back UN efforts, those efforts are bound to fail. Its limited natural strength means that its ability to bring about the change from war to peace mostly depends on its ability to use the might of its member nations, especially the most powerful ones. It needs to do a careful balancing act, using its access to power to put pressure on opposing parties while simultaneously using its independence to win their trust (Gisslen 2018).

When the UN is given enough power to formulate a political plan, it becomes important to define success. Establishing a centre of power that is seen sufficiently legitimate to not rely exclusively on coercion for authority maintenance is supposedly the goal of a successful political strategy to terminate a civil war (Campbell and Weiss 1996). Still, this idea begs more questions: Does genuine legitimacy differ from perceived legitimacy? Does what is deemed legitimate serve as the definition of legitimacy? Furthermore, what does it mean to be "legitimate enough"? Restoring the state's monopoly on lawful force happens gradually since every state depends on coercion to some degree, and because the worldwide ratio of coercion to voluntary obedience changes. A political strategy should, however cautiously, carefully identify different power centres and decide on the right combination of political incentives, pressure, and other means to bring a country from conflict to peace (Ibid.).

The UN should define its function with the acknowledgement that it cannot solve all of the problems that states face on its own or limit itself to supporting traditional nation-states. It is not practical to respond to globalization by establishing a global governmental framework or by going back to entirely independent and self-contained states. Rather, through diplomatic discussions, the UN may support shattered communities in renegotiating new agreements, ultimately contributing to the redefinition of human communities. For example, in the case of Syria and Iraq, the answer probably resides in rearranging the power dynamics within those borders rather than changing the borders as defined by Sykes and Picot (Shirkey 2016).

The UN must modify its approach to conflict resolution in light of shifting operational and strategic environments if it hopes to remain relevant. From a strategic perspective, it ought to move away from a purely state-centric strategy and expand. First, given that the majority of disputes cross national boundaries, there should be a stronger regional focus. It may be overly simplistic to describe them as proxy battles between regional powers, but resolving them apart from their regional context is unfeasible. Furthermore, it is possible that controlled population migrations could be a component of the solution because rigid borders frequently exacerbate the problem. Second, a lot of problems need to be solved at levels lower than the state. Political agreements made in the nation's capital might not fully address issues in megacities or the peripheries. Physical closeness is seen as essential for efficacy, accountability, and legitimacy in a world growing more mobile and networked, highlighting the need for more locally led initiatives to support national peace processes (Thompson 2018).

The UN also needs to acknowledge that managing the complex character of modern conflicts may be beyond the scope of conventional diplomacy. Conventional political organizations are becoming less representative, and engaging them in discussions alone could not provide conclusions that can be put into practice. The UN needs to adopt an inclusive strategy that takes into account these political actors as the boundaries between criminal and political goals become hazier and new, non-traditional actors like women's associations arise. It must also recognize that, although elections are a fundamental component of political legitimacy, they cannot serve as the only foundation, particularly in light of the competition from other sources of legitimacy for numerical representation. Other unelected entities may take on more significance depending on the situation, requiring that the UN support and encourage these innovative forms of political organization (Ibid.).

Operationally, the UN has to accept that striving for a final state in the midst of extreme change could be unattainable. Rather, the aspirational objective ought to be to peacefully oversee the process of change, enabling peace accords to be flexible enough to develop and be reviewed when conditions alter. Despite not having been negotiated by the UN, the Dayton Peace Accords should be taken seriously because they strictly define the conditions surrounding Bosnia and Herzegovina's end of the war in the former Yugoslavia.

The UN also needs to modify its peace operations to reflect the changing environment. It has already modified its military posture. It needs to lower expectations and strengthen capabilities to prevent failure. This won't make UN Blue Helmets into combat zones, but it will raise the bar for those who try to sabotage peace efforts. When there are conflicts between incompatible groups, peace enforcement and peacekeeping must coexist. The best-equipped forces in the world must get more involved in this. There are situations where peace enforcement may work alongside a UN force, which presents difficult operational issues. In other cases, they ought to be integrated into the UN mission, offering UN peacekeepers the mobility, firepower, and intelligence they need to strike quickly and decisively. Any peacekeeping operation that is deployed in unstable environments needs to have strong quick-reaction forces. But a plan cannot be limited to the use of military force, and the division between political and peacekeeping missions—which is ingrained in the UN funding framework—needs to end. The military's role might vary from major to non-existent, and the road to peace is not straight (Valek 2005).

R2P – A Legal Answer to Humanitarian Intervention

Many civilian populations were systematically targeted in violent wars during the 1990s and early 2000s, including those in the former Yugoslavia, Rwanda, East Timor, and Sierra Leone. A plea for a collective reaction to protect people from certain crimes was sparked by the international community's persistent inability to act in cases of egregious abuses of human rights. These crimes referred to as "core" crimes - include war crimes, crimes against humanity, ethnic cleansing, and genocide. Because of their effects on the victims and the larger community, they are regarded as especially heinous. In keeping with this idea, the Canadian Government's International Commission on Intervention and State Sovereignty (ICISS) produced Responsibility to Protect Report which explores the idea of humanitarian intervention and whether governments have the authority to use force, if necessary, to defend citizens who are in danger in another state (Binder 2015).

As has been noted, the idea of R2P arose in reaction to international crimes that were witnessed by the UN, which upheld a policy of non-intervention. Meanwhile, R2P was also a way to deal with the idea of "humanitarian intervention," which defies the principle of non-intervention and does not have UN sanction for military action or self-defence, so it is not covered by the legal grounds for force under international law. In the Nicaragua case, the International Court of Justice (ICJ) recognized the possibility of the emergence of a customary international law principle permitting military intervention on another state's territory. It did, however, stress that implementing such a rule would fundamentally alter the accepted non-interventionist stance. Fears that stronger powers may intervene in weaker states under the pretence of humanitarian missions, perhaps creating exceptions to the rule against the use of force that become new norms themselves, were heightened by concerns about the possible abuse of extra-legal use of force. Violations could change accepted wisdom or authoritative interpretations of treaty law because governments are both law-making entities and subjects of international law (Roberts 1993).

Conclusion

The United Nations is the first internationally functioning multilateral institution, possessing a wide range of powers and assigned numerous duties. It continues to be a vital institution that needs to be protected at all costs, despite criticism. As a result, the emphasis ought to be on coming up with creative solutions to address the organizational and ancillary shortcomings of the UN, all in the name of improving human happiness. Nonetheless, the UN is unable to promote international peace and address issues related to global governance in its current form. Reform is necessary, and how this reform is carried out will depend on how ideas that are fashioned by the interests of current members come together. It is not possible to establish a peaceful system based only on such conceptions because there is no objective truth and no law shaped properly. Rather, reaching this kind of goal requires finding common ground between the goals of different stakeholders.

The UN's legitimacy and ability to be legitimated cannot last without establishing a meaningful balance and interplay between the principles of representation, the interests of great nations, and universal human rights. The United Nations is ill-equipped to mediate disputes in this situation. Even if it may seem difficult at first, humanity must work toward this goal for its own well.

Originally designed to protect nation-state interests, the UN now has to deal with a world in which non-state actors are often involved in crises. In order to support non-state players in their endeavours, the UN should set up centres devoted to coordinating their actions, especially those involved in second- and third-track diplomatic channels.

The UN's ability to effectively control information flows and carry out intelligence operations in the global social media sphere is crucial in the information age. There is a growing demand for improved communication between the international community, the UN as a key player, and the world's population as people become more aware of human rights issues and the interconnectivity of the world and shared natural environment. The UN as an organization needs to adopt new techniques and technologies and create systems for averting conflicts. In an environment where AI is beginning to impact human existence more and more, the UN needs to transform into a global guardian organization.

Failure to address these pressing issues could have a number of detrimental consequences, including the outbreak of proxy conflicts, the potential collapse of smaller states, the weakening of the UN's influence, and a significant threat to international peace and security. Essentially, the question is whether the UN can actually contribute to global order, stability, and peace, even if it will remain the most important universal international body for the foreseeable future. The threat of unheard-of disorder could grow ominously in the absence of reforms that result in long-lasting solutions, possibly reaching a threshold beyond which corrective action is impossible.

The United Nations and its affiliates, in particular the United Nations Security Council, need to be better represented in order to keep up with modern demands and dynamics. This means finding a middle ground between the representation of larger groups, identities, or geographical areas and the interests of powerful nations or powers. The UN has to overcome the image of being completely controlled by major nations or incapable of making or implementing decisions.

It is critical to acknowledge the relevance of the human rights concepts that guided the creation of the UN system and that have been reinforced by ensuing declarations, conventions, and safeguards. International justice and peace as well as national order are predicated on respect for human rights. Experience emphasizes how crucial it is to understand and defend pluralistic democracy and fundamental human rights. A stronger UN that adheres to these ideals has the potential to fundamentally alter how people view international security. Important questions come up, in order to guarantee the UN's effectiveness in advancing world security and peace, how might effective global governance be established? How should the organizational framework of the UN change? How may stakeholders engage in global governance within the context of pluralism on a universal scale?

References

- Binder, M. (2015), "The legitimacy of the UN Security Council: Evidence from recent General Assembly debates", *International Studies Quarterly*, 59(2):238–250.
- Campbell, M. and Weiss, T. (1996), *Humanitarianism and War: Learning Lessons from Recent Armed Conflicts*, London: Routledge.
- Fabian, K. (2016), *The Emergence of Humanitarian Intervention-Ideas and Practice from the Nineteenth Century to the Present*, Cambridge: Cambridge University Press.
- Gisslen, M. (2018), *Humanitarian Intervention in History- An Analysis of the Historical Evolution of the Doctrine*, Sweden: Lund University.
- Melzer, N. (2016), *International Humanitarian Law: A comprehensive Introduction*, International Committee of the Red Cross.
- Murphy, S. D. (1997), *Humanitarian Intervention: The United Nations in an Evolving World Order*, London: Longmans.

Parekh, B. (1994), *Rethinking Humanitarian Intervention*, New Delhi: Orient Longman.

Pearson, F. S. (1974), "Foreign military interventions and domestic disputes", *International Studies Quarterly*, 18(7): 59–80.

Rajan, M.S. (1996), *United Nations at Fifty and Beyond*, New Delhi: Lancers Books

Roberts, A. (1993), "Humanitarian War: Military Intervention and Human Rights", *International Affairs*, London, 69(3).

Schachter, O. (1963), "The Relation of Law, Politics and Action in the United Nations", *R.C.A.D.I.*, 32(7).

Shirkey, Z. C. (2016), "Joining by number: Military intervention in Civil Wars", *Civil Wars*, 18(4):17–43.

Szasz, P. C. (1993), "Role of the United Nations in Internal Conflicts", *Journal of International & Contemporary Law*, 13(6).

Thompson, A. (2018), "Coercion through IOs: The Security Council and the logic of information transmission", *International Organization*, 60(1): 8–34.

Valek, P. (2005), "Is unilateral humanitarian intervention compatible with the U.N. Charter?", *Michigan Journal of International Law*, 26(4): 23-55.