

## **UN Charter, Chapter VI**

### **Pacific Settlement of Disputes**

#### Article 33

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

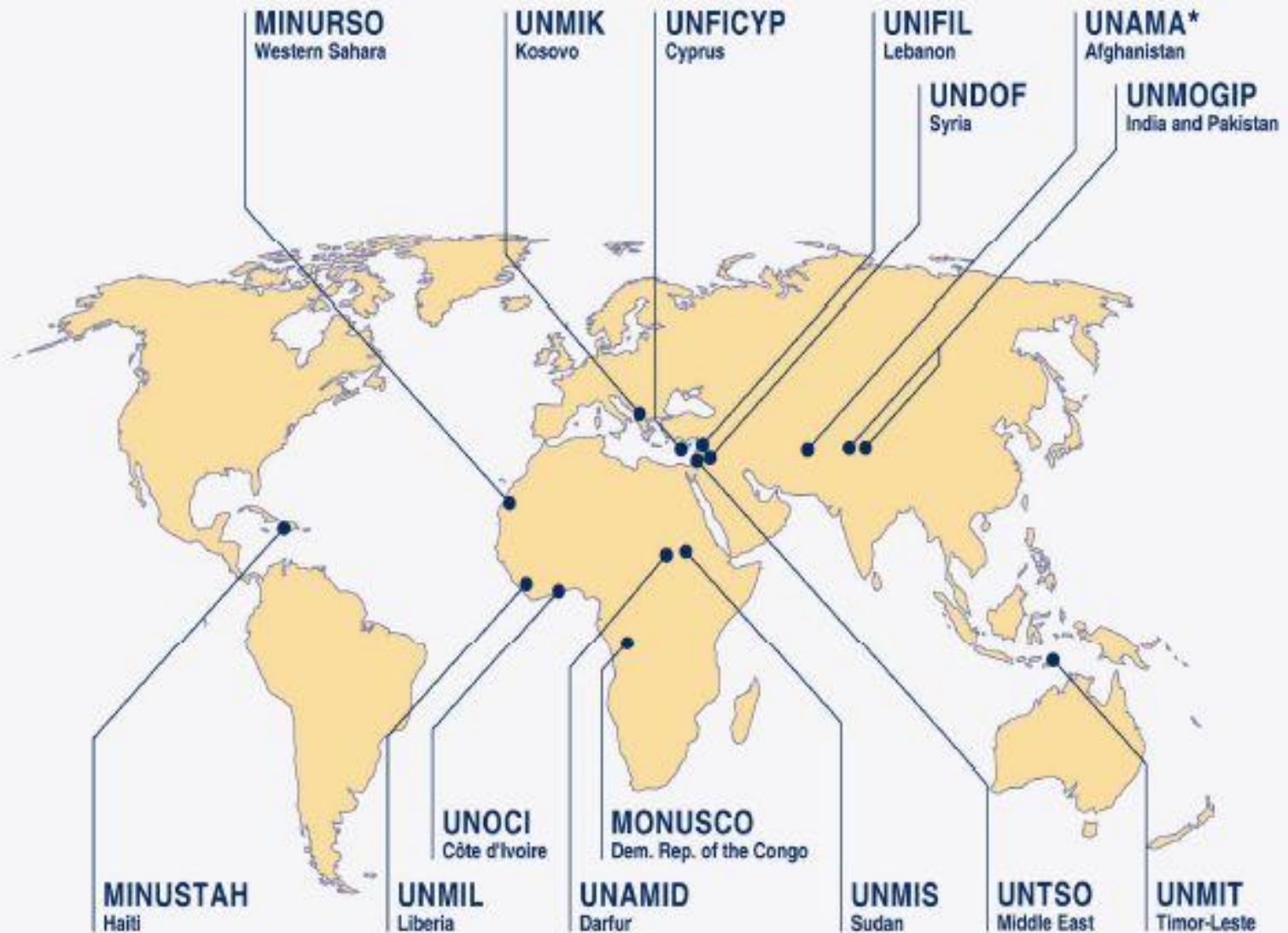
#### Article 36

The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

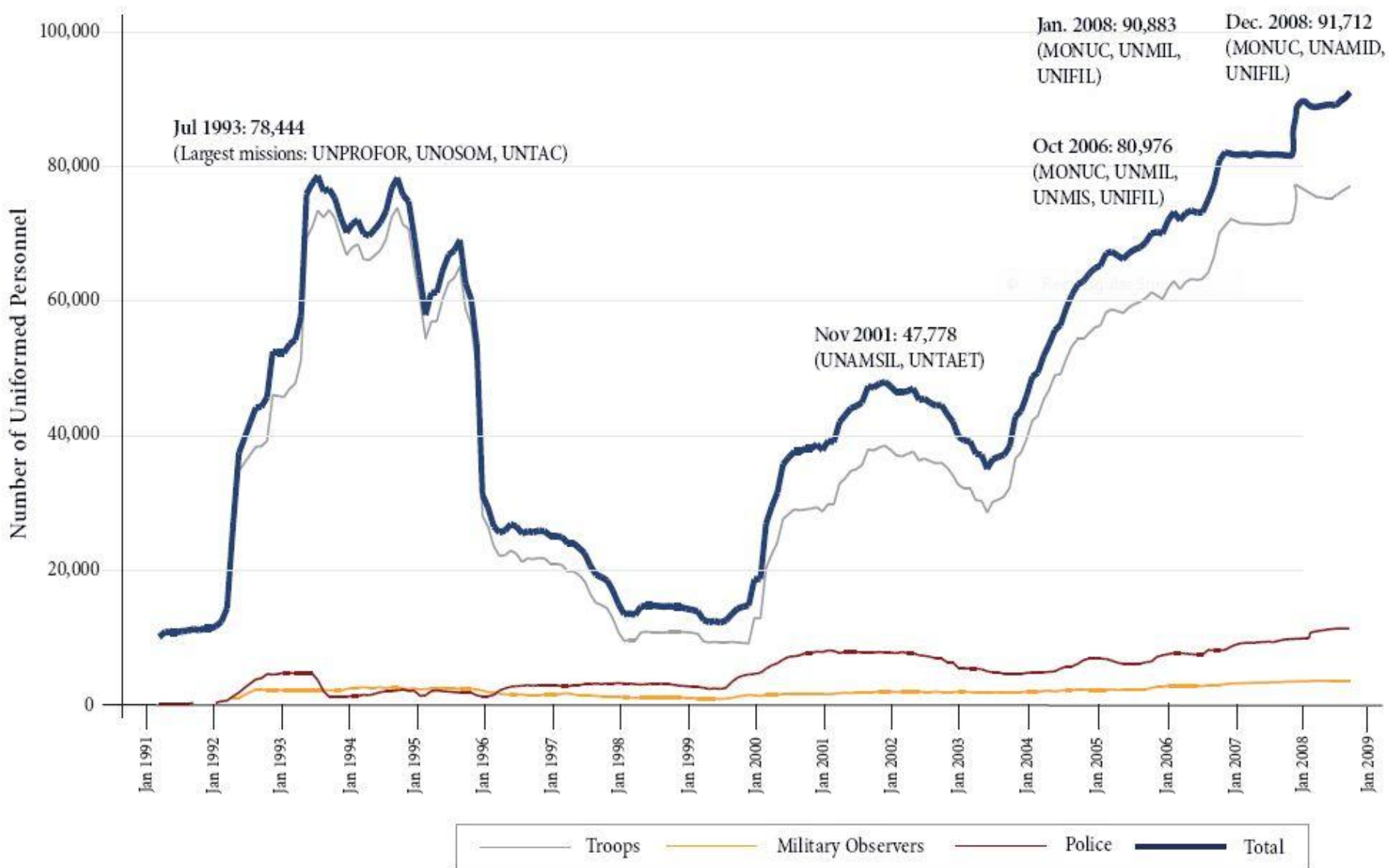
#### Article 37

Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

# MISSIONS ADMINISTERED BY THE DEPARTMENT OF PEACEKEEPING OPERATIONS



# Uniformed Personnel in UN Peacekeeping: 1991- present



# Security Council Reform

High-level Panel of Threats, Challenges, and Change (2004)

## Model A

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	Permanent		Nonpermanent		<i>Total</i>
	<i>total</i>	<i>veto</i>	<i>2-year</i>	<i>4-year</i>	
<b>Africa</b>	2	0	4		6
<b>Asia/Pacific</b>	3	1	3		6
<b>Europe</b>	4	3	2		6
<b>Americas</b>	2	1	4		6
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## Model B

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	Permanent		Nonpermanent		<i>Total</i>
	<i>total</i>	<i>veto</i>	<i>2-year</i>	<i>4-year</i>	
<b>Africa</b>	0	0	4	2	6
<b>Asia/Pacific</b>	1	1	3	2	6
<b>Europe</b>	3	3	1	2	6
<b>Americas</b>	1	1	3	2	6
					24

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## **UN Charter, Chapter VII**

Action with Respect to Threats to the Peace,  
Breaches of the Peace, and Acts of Aggression

### Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

### Article 40

In order to prevent an aggravation of the situation, the Security Council may... call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable.

### 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, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

### League Covenant, Article 15.8

Should any Member of the League resort to war in disregard of its covenants ,... it shall, *ipso facto*, be deemed to have committed an act of war against all other Members of the League.... It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

### UN Charter, Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

### 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, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

### Article 47

There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.... The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of 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... until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## **Responsibility to Protect (R2P)**

### Resolution 1970 (Libya 2011)

- Expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians...
- Deploring the gross and systematic violation of human rights... and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government...
- Welcoming the condemnation by the Arab League [and others] of the serious violations of human rights and international humanitarian law...
- Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity...
- Recalling the Libyan authorities' responsibility to protect its population...

## *Referral to the ICC*

- Decides to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court...
- Decides that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor...

## *Enforcement Action*

- Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41...
  - Decides that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya... of arms and related materiel of all types...
  - Calls upon all States, in particular States neighboring the Libyan Arab Jamahiriya, to inspect... all cargo to and from the Libyan Arab Jamahiriya... if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited...

## Resolution 1973 (Libya 2011)

- 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...

### *Enforcement Action*

- 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...

## *Security Council Authority for Humanitarian Intervention?*

### World Summit Outcome (2005)

- Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity...
- The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations...
- We are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations...

### Resolution 1674 (2006)

- Reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity...

## Resolution 1933 (Côte d'Ivoire 2010)

- Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation...
- Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region...

### *Enforcement Action*

- Decides that, in order to support the parties to implement the Ouagadougou Political Agreement more effectively, UNOCI shall have the following mandate ...to protect, without prejudice to the primary responsibility of the Ivorian authorities, civilians under imminent threat of physical violence...

## Resolution 1975 (Côte d'Ivoire 2011)

- Condemning the serious abuses and violations of international law in Côte d'Ivoire, including humanitarian, human rights and refugee law, reaffirming the primary responsibility of each State to protect civilians and reiterating 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 Côte d'Ivoire continues to constitute a threat to international peace and security...
- Recalls its authorization and stresses its full support given to the UNOCI, while impartially implementing its mandate, to use all necessary means to carry out its mandate to protect civilians under imminent threat of physical violence...