

UNITED NATIONS

- Envisaged role & actual record.
- Specialised agencies of UN: Their aims & functions
- Need for UN reforms
- India & UN System
- India's role in UN peacekeeping
- India's demand for permanent seat in UN Security Council.

Introduction of UN

UN is an intⁿ organisation, should not be confused with world govt.

It is not sovereign like states. It does not make law & enforce law as states in domestic sphere.

It does provide a platform to the states for conflict prevention & negotiations.

It does contribute in converting the jungle of intⁿ politics into zoo.

Term United Nations was coined by the then US President Roosevelt in a declaration by United Nations [26 countries fighting against axis powers]. In 1945, 50 countries met at San Francisco to draw UN Charter. UN Charter was signed by 50 countries present at San Francisco. India was one of the founding member.

Poland is also treated as original member, the 51st nation, which signed it later.

UN Charter came into force on 24 Oct 1945 when it was ratified by P5 countries & the majority of ^{signatory} states.

Philosophy of UN

To establish peace & it is believed that peace is not just an absence of war & there is a strong interdependence betn peace, human rights & development.

Preamble of UN

Objectives given in preamble

- To save succeeding generations from scourge of war.
- Reaffirm faith in fundamental human rights & human dignity.
- Strengthen conditions under which justice prevails and respect for int'l law can be maintained.
- Promote social progress, better standards of life in the interest of larger freedom.

Purpose of UN

- Art 1 of UN Charter tells about the purpose of UN
- Maintenance of int'l peace & security by
by (a) taking effective collective action for prevention & removal of threats to peace.

(b) Suppression of acts of aggression & other breaches of peace.

(c) Settlement of dispute in accordance to the principles of justice & intⁿ law.

- Develop friendly relations among nations
- Achieve intⁿ cooperation in economic, cultural, humanitarian issues
- Centre for harmonising the actions of nations in achieving common ends.

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Principles on which UN is based

- 1- Sovereign equality of all member states
- 2- Refrain from use of force or threat to use of force.
- 3- Respecting territorial integrity and political independence.
- 4- Member states will settle their differences not by threat of force but in a peaceful manner.
- 5- Members to give every assistance to UN so that it can take necessary preventive & enforcement measures.
- 6- Ensure that those who are not members of UN also act in accordance to the principles of UN Charter.
- *7- Nothing authorises UN to interfere in domestic affairs Art 2(7)
- 8- Obligation that all ~~nations~~ members in accordance to the principles of UN Charter.

Membership of UN

- Membership is granted by General Assembly on the recommendations of Security Council.
- It has to be passed by 2/3 majority & consent of all P5 nations.

Amendment of UN Charter.

- Art 108 deals with amendment. Amendment requires support from 2/3 members of General Assembly. These 2/3 should include P5. It ^{has} to be ratified nationally [by individual ~~nations~~ states' procedures]

Very difficult to amend.
That is why UN Charter has been revised
only twice upto now.

Principle

Organs of UN

(1) General Assembly

- All members of UN are represented here based on principle of sovereign equality.
- Each country has 1 vote, though they can send at max 5 representatives.

Function of General Assembly

- It can consider any matter within the scope of the Charter or related to any other organ of UN.

Precondition: Any matter under consideration of Security Council shall not be deliberated so long it is under Security Council's consideration.

Special areas ^{where} ~~it~~ General Assembly has to deliberate are.

- The general principles of cooperation & maintenance of Intⁿ peace & security
- Regulation of armaments & governing disarmament.
- It is general Assembly's function to invite & promote studies for intⁿ cooperation, development of intⁿ law
- ~~Any~~ It can consider any matter brought before it by member state dealing with intⁿ peace & security.

- It may call attention of Security Council towards the situations which are likely to endanger intⁿ peace.
- It can make its recommendations for peaceful settlement of any dispute.

Powers of General Assembly

- It can only make recommendations but has no power on its own on enforcement
- Approval of UN's budget & deciding the contribution of each member.
- Budget of UN Specialised agencies.
- ~~It~~ To receive annual report from other organs of UN
- Appointment of UN Secretary General.

System of voting in UN General Assembly

- 2 types of voting take place
- By special majority
- 2/3rd of members
- These conditions are enumerated.
- Recommendations of measures related to maintenance of peace & security.
- Election of non permanent members of Security Council, members of other UN organs.
- Entry of new member
- Suspension of membership

- expulsion of any member
- budget
- any other matter that members decide that to take decision by 2/3rd majority.

For rest matters, simple majority.

(2) UN Security Council (UNSC)

Nucleus of the UN system.

Main body for advancement of UN principles / purposes.

This is the only body of UN which has teeth to bite.

Membership of UNSC

- In 1945, 5 permanent members and 6 non-permanent members. Total UN membership was 51.
- In 1963, expansion took place & 4 new non-permanent members added.
- Strength of Gen Assembly at that time = 113.
- Present strength of General Assembly = 193.

There is need to rationalise the proportion of members in UNGA & UNSC.

Non-permanent members

2 yr terms

2/3rd elected by 2/3rd majority of Gen. Assembly.

India served as non-permanent member 7 times (14 yrs)

veto - USSR demand.
League of Nation - failure
Hence including USSR was necessary.

veto reform:
need to prove that before
vetoing that the matter is
affecting their national
interest

Advantage of Permanent member.

- Symbolic : Certificate of great power status by intⁿ community.
- Permanent members have veto power
- Veto power means organisation can't be used against permanent members.
- Permanent members enjoy double veto.

Procedure in UNSC

Two types

1. Substantive

2. Procedural

1. For substantive issues, affirmative vote of 9 nations is needed & out of these 9, P5 should agree.

2. Procedural matters can be passed with the consent of any 9 members.

P5 will decide which matter is procedural

& which matter is substantive, P5 will decide. } double veto

- They have role in appointment of members of other UN bodies.

Functions of UNSC

- Main responsibility : Maintenance of intⁿ peace.

It is expected that UNSC shall take prompt & effective action & that is why size is kept small.

India

2- While discharging their duties they have to act in accordance to principles & purposes of UN

Chapter 6 & 7 deals with specific powers

Ind-Pak Military observers group.

of UNSC to discharge its duties

UNSC can take peaceful methods under Chapter 6. Peaceful methods include negotiation, mediation, arbitration, referring matter to Intⁿ Court of Justice (ICJ), investigation of dispute, give recommendation for pacific resolution of disputes to parties.

Chapter 7 deals with punitive actions which UNSC can take

- Provisional measures (warning)
- Complete / Partial interruption of diplomatic, economic relations.
- embargo on rail, sea, road
- etc

Art 42 says that if UNSC is assured that above methods are inadequate or would be inadequate it can take action by air, land & sea forces. It can call members to provide armed forces, Any other assistance, facilities, passages [country can't deny]

Charter expects UNSC to plan its operation in consultation with military staff committee

Peace keeping is an extra constitutional (Charter) function of UNSC. It is not explicitly mentioned in the 'Charter but can be derived by liberal interpretation of UN Charter & prime responsibility of UNSC towards maintenance of intⁿ peace.

Collective Security
is
peacekeeping.

have realistic view of UN

non-permanent membership.
immediate re-election not permitted

UNSC is the only body that can authorize peacekeeping operations.

(3) Economic & Social Council (EcoSoc)

Presently 54 members elected by General Assembly.

Term of members is 3 yrs

Eligible for immediate re-election.

successful
work of UN

Function:

- Coordination of UN's economic, social, cultural, educational, human rights related objective.
- works with UN special agencies, commissions etc.

(4) Trusteeship Council

Role was administration of territories either voluntarily placed under it or mandate territories of league of nations or territories taken up from enemy state

Its mission is accomplished, no more function.

Proposal:
Administration
of Kashmir
to trusteeship
council for
15 yrs & then
a referendum

(Antarctica
High seas)

(5) Int'l Court of Justice (ICJ)

Successor of Permanent Court of Int'l justice under league of nations.

All members of UN are *ipso facto* [just because they are members] members of ICJ.

Even non-members can accept the jurisdiction of ICJ

Each member undertakes that it will comply with the decision of ICJ.

Permanent Court of Arbitration - Binding decisions are binding.

- Its decisions are only recommendatory. However if UNSC wants it can enforce its decision.

Total no. of Judges = 15

9yr term for each judge.

It also has an advisory function to General Assembly, UNSC & any other UN body.

- Only states can approach to ICJ.

(6) UN Secretariat

Role of Secretary General

To represent UN & take care of administrative aspects.

Envisaged role of UN & actual record of UN

- UN was supposed to be the central pillar of the new world order. It was expected that UN has potential to transform the nature of relations among states in qualitative manner.
- UN aims have been to save the succeeding generations from the scourge of war
- To promote intⁿ cooperation
- Maintain intⁿ peace
- Provide platform for pacific settlement of disputes.

Peacekeeping not solution defense permission required
collective security solution offensive no permission.
UNSC can only authorise peacekeeping.

The idea is to give a better world to our coming generations.

UN viewed peace, not just absence of war. Hence respect for human rights, protection of human rights & social & economic dev. were the other roles of UN.

Assessment of the role

UN shall be completing 70th yrs of its existence in 2015. So it is a right time to take the stock of state of UN, its achievement & failures. & to decide the future course of action.

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If we look at UN, we can say that it had partial success. UN could not play its expected role as envisaged in the Charter. Today UN suffers from the crisis of legitimacy. In most of the situations, it does not take actions. In the situations it takes actions, actions become controversial.

According to Shashi Tharoor, UN is a mirror of our society. It can't be more perfect than us. UN will succeed if we want UN to succeed. Failure of UN is our failure & primarily the failure of those who have been given responsibility to make UN a success.

To quote former US President Truman, "UN is a creation of member states. It is malleable to their wish. If they wish

body will succeed otherwise it will become the relic of past. If we fail to fulfil our duties towards UN we will be betraying all those who lost their lives & made such sacrifices that we are here to create this body."

Evaluation of role of UN. w.r.t world peace.

- UN had limited success because of East-West conflict, Except in case of Korea, collective security action could not be operationalised. In case of Korea, it could happen ~~B~~ first because USSR was absent from UNSC meetings & later on by an extraordinary measure like 'Uniting for Peace Resolution' Gatt.
- Collective security could not be operationalised in Arab-Israeli war, Indo-Pak war, Indo-China war, Iran-Iraq war.
- However is not a completely last decades UN invented peacekeeping operations to keep itself relevant.

UN military observer group for India & Pakistan and UN Truce supervising [Arab-Israeli war] Organisation were one of the earliest peacekeeping operations.

- After the end of Cold War, UN took first successful & truly collective action against Iraq invasion on Kuwait. But after that no collective security action could be taken.

Demand for UN Peacekeeping Operations increased in post Cold War scenario but in changed context. Traditional Peacekeeping was in interstate conflicts & now Peacekeeping is to be in intrastate conflicts. UN record in above context had been extremely controversial.

- UN Charter does not permit UN intervention in domestic affairs of the state
- Peacekeepers lacked necessary mandate & expertise in handling intrastate conflict situations.
- Peacekeepers were expected not only to ensure ceasefire but to contribute in peacebuilding & reconstruction efforts.

Peacekeeping became very challenging task.

- UN did take action through ~~to~~ UNSC under responsibility to protect doctrine in case of Libya. However the manner in which it was implemented had stopped all possibilities of UN taking similar action in case of Syria.

Above analysis show that UN needs structural & functional reforms to meet the challenges of 21st century.

~~Intro~~

Wort. Development

- Can be considered as comparatively successful & less controversial area.

But since the end of Cold War its role has been hijacked by other platforms. Now WTO is the main platform to discuss development rather than UN.

- Its role has also been hijacked by IMF & WB. UN

UN achievements towards Millennium Development Goals are far from satisfactory.

W.r.t. Human Rights

It continues to be the weak area of commitment & also politicised area where UN actions have generated controversies, UN bodies seem to be ineffective.

- Some cosmetic changes happened in this area. Like UN Commission on Human Rights has been replaced by UN Human Rights Council.

To sum up it can be said that we are not living in a better world even in the presence of UN. This brings ^{us} to the question of relevance of UN.

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Whether we need less UN, more UN or no UN?

There is disappointment with performance of UN, but no one can deny this that today we need more UN than less UN.

Security environment at present is more complex & threatening than it was in 1945.

In 1945, only nations were threat to other nations & maybe collective security was sufficient. But now, there are non-state actors, problems like

Climate Change which may threaten not simply national security but global security, human security. No nation today, even the single superpower can manage these threats on its own. Hence need

global governance to address security & development, UN is one such platform.

Nations are repeating the same mistakes which resulted into failure of League of nations, that is manipulating multilateral institutions for narrow national interest.

However, UN to fulfil the necessary responsibilities needs reforms both structural & functional. There has been demand for UN reforms since 70s.

However we have not seen any revision in UN Charter.

Meaning of Reform:

When there is a consistent call for reforms, it means there are some problems in the system. The very purpose of reform is to change it for better. The guiding themes of UN reforms today are

- it should become reflective of the present political & economic realities.
- it should become representative to gain legitimacy for its actions.
- it has to become more democratic & inclusive.
- it has to become more effective & productive and thus relevant.

Prominent/Urgent areas of reforms:

- UN's role towards peace & security
That is a core concern of UN & the 2 areas of urgent reform are
 - Reform of UNSC
 - Reform of UN Peace Keeping Operations.

Reform of UNSC

Areas of reform

- Membership reforms
 - Veto reforms
 - Reform of working of UNSC
- India's perspective on reforms

Membership reform

- Why membership reform?

↑ military India > UK, France

No. of UN members have increased.

- The present configuration of P5 countries do not represent geopolitical reality of our times. UK & France can't be considered as the military powers.

- Europe, the smallest continent is overrepresented with 3 countries as permanent members.

- Asia is underrepresented.

- Latin America & Africa have no representation.

- Now EU has common foreign & security policy & the seat of Br UK & France ^{should} be given to EU.

Logic to support member increasing members.

- Realist logic:

- It should reflect present power equation.

- Liberal Idealist perspective:

- It should be representative of the people.

- Pragmatic logic

- Much of UN actions are focused on 3rd world countries. If countries from global south like India, Brazil will be there, it will enhance the legitimacy of the decisions.

- Since the beginning UNEC has been polarised betⁿ P3 & P2. These countries can act as moderators & in bridge building.

Argument against

- Just like existing P5 countries are using their position for narrow national interest other nations will also pursue the same.

Indian values.
UNHRC

India always gone for enlightened national interest.
specially w.r.t. third world countries. colonisation, apartheid.

India doctrine.
Pujari doctrine ↓

- It may impact the efficiency.
However above arguments can't be accepted because, increasing no. of
Ecosoc to 54 or strength of Human Rights Council (47)

In

In case of India it can be said that Indian actions have been guided by enlightened national interest. We have never found incompatibility betⁿ national interest & internationalism. India has been at the forefront of taking forward the agenda of developing countries. e.g. against colonialism, racialism, for development & disarmament. Country's foreign policy is certainly influenced by its history & culture. Indian culture had always had cosmopolitan approach.

Problems ^{curt.} with membership reforms

- There is a problem w.r.t. which country to be inducted on behalf of Latin America, Africa & Asia.
- Opposition to India comes from Pakistan. According to Pakistan, India is not the regional leader, it can be a regional heavyweight. India does not have good relations with its neighbours. Making India a permanent member will deteriorate security environment & making our neighbours more insecure.

- Still there is no consensus as to which country from Africa
Nigeria, Ethiopia, Egypt, South Africa
- Similarly no consensus w.r.t. Latin America
Brazil, Argentina.
- w.r.t. every country, there is an opposition to it.
- At present there are 2 coalitions
G4 ~~and~~ (Jap, Ger, Brazil, India) vs
Coffee Club which opposes all G4 members
(Pakistan, Italy, Argentina) (regional rivals)
- There is also a demand for representation from muslim world but religion can't be a criteria for membership.
- Now even small Island states also demand their representation.
- Another group L-69 Group ^(42 developing countries) representing developing countries have come into existence. India is member of L-69 group.

Veto Reforms

- Veto has been a bigger problem. Even when there were 51 countries, veto system was opposed by majority of countries.
- There is a diff. of opinion w.r.t. veto powers.

China's position :

- May accept expansion in numbers but
- would not support new permanent members with veto power.

G4 countries

They will not ask for veto for 15 yrs.

African Union

Ezulwini consensus

No membership expansion without veto.

Kofi Annan's formula

Formula A:

Total strength to be 24

No veto power.

Formula A:

6 permanent members + 3 Non permanent members.

G4 + 2 (Afr. Union)

Formula B:

8 semi permanent members + 1 non permanent member

for 4 yrs term

other

^ Veto reforms in general.

- Regarding veto it is suggested that nations should be restricted to use veto only for those situations where they find their vital national interest threatened.

- Use can't be permitted for preventing a country from getting membership of UN & when majority of the members support

- General Assembly should have explicit powers

to over~~wright~~^{ride} veto.

Indian Credentials

- Population
- Functioning Democracy
- One of the leading contributor to Peace Keeping Operations since beginning.
- Economic heavyweight
- India's role in strengthening int'l law and UN.
- 2nd largest contributor to UN Democracy Fund after USA.
- Leader of global South.
- Military & technological achievements.
- Nuclear Power

India's strategy

- In last few years, India made membership in UN as one of the foremost foreign policy agenda
- India already has a leadership status in the third world
- In recent years, it has improved its relations with countries of west.
- (Almost all P5 countries support India's candidature.)
- India has been working with G4 coalition
- India is also working with L69 group.
- At present G4 are negotiating with C10 (Committee of 10 members from Afr. Union)
- India has served as a non permanent member for 7 times.
- India got overwhelming support for its candidature

India may have gone alone &

in the last term & now in reelection to Human Rights Council.

- India is contributing to the development of South through platform of IBSA & has started focusing on development partnership with countries of South.

Brief overview of reform efforts so far

- Earliest initiative for reform was taken by India in 1979.
- After Gulf War, Germany & Japan initiated the agenda of reform. USA was quick to support their candidature. Both are US allies & both are leading contributors to UN budget. USA was looking for burden sharing.
- India was quick to oppose US approach to reform. India held that E. sect is not for sale that highest price can get it, we need to evolve a proper criteria for membership & country's commitment to UN, its contribution to Peace Keeping should be considered.
- India put forward agenda in General Assembly for reform in 1992 with NAM countries. Japan also co-sponsored it.
- By this time, Brazil also emerged as a candidate.
- G4 group had emerged. Though some analysts feel that India should have gone alone.
- Once G4 was formed, Pakistan quickly formed Coffee Club to oppose G4 & had

env. + trade
west

US agenda - alienate develop India from developing
env. + dev. countries.
India's focus
should be.

brought Uniting for Consensus Resolution.

Uniting for Consensus resolution means any expansion only with consensus not by majority.

G4 wants majority.

- G4 agreed to leave the demand for veto.
- African Union passed Ezulwini Consensus & demanded veto.
- L69 group emerged.

Approach of India should be.

- Ramchandra Guha

We should come out of the race of superstardom & focus on internal development

- Kishor Manubhai

India is behaving like Sisyphus, pushing an immense ^{boulder} ~~boulder~~ up a hill only to watch it roll down. The story of UN reform is one cunning move underlining the other cunning moves of other countries.

- Prof. Ramesh Thakur.

India should adopt noncooperation with UN & let other countries realise the value of its contributions

- India should focus on IBSA, SAARC, BRICS, NAM & most importantly on maintaining internal economic growth.

Peace Keeping reforms

Significance of Peace Keeping reforms

- In the absence of consensus in UNSC, UN could contribute to peace only in the form of Peace Keeping operations.
- Blue Helmets have become the most visible face of UN.
- Though UN Military Observer Group for India & Pakistan and UN Truce Organisation in context of Arab-Israeli war are listed as earliest peace keeping operations by UN dept on Peace-Keeping. But Peace Keeping operations formally started in context of Suez Crisis & the then UN Secretary General Dag Hammarskjöld is responsible for formalisation of Peace Keeping Operations (PKO).
- Betⁿ 1945 to 1980, there were 18 PKO.
- Since end of Cold War there have been more than 40 PKO.
- India participated in around 43 such operations, contributed around 1,60,000 troops. India also contributed in Civilian, medical & reconstruction fields.

Principles of Peace Keeping Operations

3 pillars of PKO

- With the consent of the parties.
- Use of force only in self defence
- Observe neutrality

PKO are normally demanded by Secretary General,

authorised by UNSC.

- UNSC is expected to go for proper consultation with troop contributing countries, but not followed in practice. It is one of the areas of reforms demanded by India.

2nd Peace Keeping at present

- PK today have become multidimensional. Peace Keepers are expected to maintain peace & security, facilitate political reconciliation, protect civilians, involve in rebuilding efforts, conduct of elections.

At present it is not possible to get the consent of all warring parties / factions. The casualties of peacekeepers is increasing because of non-state actors.

- In this context some reforms are being proposed.

- Developed countries are reluctant to send peacekeepers.

- From India's point of view, better training is

- required for peacekeepers. There should be greater allocation of funds.

- India does not support the idea of so called robust PK advocated by some western countries.

- India proposed zero-tolerance approach in case of sexual abuse by peacekeepers.

- It is suggested that UNSC should decide PKO within 30 days or max. 90 days to avoid tragedies due to delays.

- There should be sound exit policy for peacekeepers.

- Peacekeepers should maintain high standard of conduct & discipline.

India not being on UNSC is a laughable matter.

India has started centre in New Delhi for training peacekeepers.

- more than 160 Indian peacekeepers sacrificed their lives.
- India has also been awarded Shikola award

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Other areas of reform

-1) General Assembly

In this context, there is nothing much to reform as such in the structure of General Assembly, but reform is needed to improve the pattern of working betⁿ

UNSC & General Assembly. UNSC should go for greater & effective consultation with General Assembly & should respect the mandate of Gen. Assembly.

- Gen. Assembly should have dominant role in developmental & wider security concerns & agenda should not be hijacked by UNSC.

Eco Soc

The basic problem is existence of multiple agencies, commissions & bodies and duplications of works. Hence streamlining is required.

Trusteeship Council

Presently it does not have any task. Either it can be abolished or it can be given administration of global commons like high seas, space, Antarctica, etc.

Secretariat

It requires administrative reformy.

increasing transparency, accountability & greater representation of developing countries in recruitment.

UN Finances

- There should be strong penalties against defaulters.
- UN can be given power to impose taxes to generate resources like Tobin Tax (Intⁿ financial transactions), Carbon Tax, etc.
- For long there is a proposal that UN can have a standing Police force, so that peacekeeping operations can be executed without delay.
- Some of the provisions of UN Charter have become outdated & needs to be amended eg the mention of enemy states needs to be removed.

Re: Amendment of Art 2(7)

UN Charter reflects the approach of Westphalian world order, does not permit UN intervention in domestic affairs.

Since the end of Cold War, there has been increase in Civil Conflicts & UN has to intervene in domestic situations.

Presently it is done through General Assembly Resolutions known as

'Responsibility to protect'. So Charter needs to be suitably amended.

Rwanda
Bosnia.

Responsibility to Protect concept (P2P)

Context of R2P

In Post-Cold War situations, there has been Civil Wars, which necessitates intervention by into community.

Historical reasons

UN actions were delayed in Rwandan Civil War & later on in Yugoslavian crisis, resulting into disgrace for UN.

Why action was delayed?

- Art 2(7)

- 1965 UN General Assembly resolution

- No state or group of states have right to intervene directly / indirectly for any reason whatsoever in internal / external affairs of the state.

- Any form of intervention will be considered as attack on cultural, political, economic personality of the state.

- No state shall organise or assist or tolerate any subversive or armed activities aimed at violent overthrow of the govt. in any other state.

- No state can use any measure to coerce other state to gain advantage of any kind from that State.

- In 2000, after crisis in Yugoslavia in 1999, govt. of Canada sponsored a Commission to understand the responsibility of intⁿ community.

Views of the Commission

- Reinterpretation of the concept of sovereignty & defining sovereignty as responsibility.
- Sovereignty is not immunity from intⁿ community.
- Sovereignty is the intⁿ responsibility given to the state. Within a particular territory prime responsibility for security & well being is of state.
- In a situation where state is unable to perform its responsibility, either because it lacks capacity or it intends to exploit its own people, it is responsibility of intⁿ community.

Support of above argument

- It comes from 1948 Convention on Prevention & Punishment of Crime of Genocide.

UN Secretary General Kofi Annan had setup a high level panel to determine the criteria for the legitimate use of R2P doctrine. This high panel gave 3 pillars of the doctrine which have to be followed.

- Seriousness of the threat.
- Military option as a last option.
- Response by intⁿ community has to be proportionate.

UN World Summit in 2005 accepted R2P Doctrine. It had added 2 more features.

- To be applied only when there is a manifest failure on the part of the state. (state made no attempt at all)

- Timely & decisive action need to be taken

- R2P was first used in case of ^(Sudan) Darfur crisis in 2006.

- Libya in ~~2001~~ 2011

- South Sudan, Yemen

- It was proposed to be used against Syria in 2012 but vetoed by Russia & China.

- Used in 2013 in Central African Republic

Doctrine developments after Libya

- After the criticism by Intⁿ community,

R2P doctrine was modified in light of

Brazilian proposal. Brazil proposed

"Responsibility while Protection" (RWP)

RWP features

- There is a diff betⁿ Collective Security & Collective Responsibility.

- Use of force can be authorised only by UNSC or in exceptional situations by General Assembly.

- Any use of force has to be in conformity with intⁿ law, humanitarian law & intⁿ law dealing with Armed forces in conflict

- Use of force only after all other options have been exhausted.

Vienna
Hague
Convention

- Before the use of force, there should be comprehensive & judicious assessment of the cost of military action.
- Objective has to be clear & can't go beyond the mandate.
- Clear guidelines wrt. the operationalisation of the Doctrine.
- UNSC has to ensure that the mandate is observed & punish those who go against the mandate.